



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Final

City Council

MISSION STATEMENT: *The mission of the Duluth City Council is to develop effective public policy rooted in citizen involvement that results in excellent municipal services and creates a thriving community prepared for the challenges of the future.*

TOOLS OF CIVILITY: *The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility provide increased opportunities for civil discourse leading to positive resolutions for the issues that face our city. We know that when we have civility, we get civic engagement, and because we can't make each other civil and we can only work on ourselves, we state that today I will: pay attention, listen, be inclusive, not gossip, show respect, seek common ground, repair damaged relationships, use constructive language, and take responsibility. [Approved by the council on May 14, 2018]*

Monday, August 13, 2018

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

- Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Arik Forsman, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Noah Hobbs
- Absent:** 1 - Councilor Renee Van Nett

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

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1. [18-173](#) Duluth City Council Meeting Minutes: July 16th, 2018

Indexes:

Attachments: [July 19 2018 - City Council Meeting](#)

This Minutes was approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

2. [18-167](#) Community Development Meeting Minutes

Indexes:

Attachments: [Community Development Committee June Meeting Minutes](#)

This Board or Commission Report was received.

3. [18-168](#) Duluth Indigenous Commission Meeting Minutes

Indexes:

Attachments: [Duluth Indigenous Commission May Meeting Minutes](#)

This Board or Commission Report was received.

4. [18-169](#) Duluth Parking Commission Resolutions

Indexes:

Attachments: [Duluth Parking Commission May 2018 Resolutions](#)

[Duluth Parking Commission July 2018 Resolutions](#)

This Board or Commission Report was received.

5. [18-170](#) Heritage Preservation Commission Meeting Minutes

Indexes:

Attachments: [Heritage Preservation Commission May Meeting Minutes](#)

This Board or Commission Report was received.

- 6. [18-171](#) Planning Commission Meeting Minutes

Indexes:

Attachments: [Planning Commission June Meeting Minutes](#)

This Board or Commission Report was received.

- 7. [18-172](#) Spirit Mountain Recreation Area Authority Meeting Minutes

Indexes:

Attachments: [Spirit Mountain Recreation Area Authority June Meeting Minutes](#)
[Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

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REPORTS OF COUNCIL OPEN ISSUES

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Distinguished Artist Award - Kim Montgomery Randolph

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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CONSENT AGENDA

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BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

- 9. [18-0587R](#) RESOLUTION AUTHORIZING A JOINT POWERS AGREEMENT WITH THE HOUSTON GALVESTON AREA COUNCIL FOR THE

PROCUREMENT OF GOODS AND SERVICES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

10. [18-0527R](#) RESOLUTION APPROVING THE ISSUANCE OF OFF AND ON SALE INTOXICATING LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2018, AND ENDING AUGUST 31, 2019.

Indexes:

Attachments: [2018 Renewal List](#)

This Resolution was adopted unanimously.

11. [18-0572R](#) RESOLUTION APPROVING ISSUANCE OF TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH SUPERIOR PRIDE (DULUTH SUPERIOR PRIDE FESTIVAL), BAYFRONT PARK.

Indexes:

Attachments: [Duluth Superior Pride](#)

This Resolution was adopted unanimously.

12. [18-0574R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO DOVETAIL CAFÉ & MARKET PLACE, LLC, (DOVETAIL CAFÉ & MARKETPLACE), 1917 WEST SUPERIOR STREET.

Indexes:

Attachments: [Dovetail](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

- 13. [18-0571R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF ERIC VIKEN TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

This Resolution was adopted.

- 14. [18-0592R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ELENA FOSHAY AS DIRECTOR, WORKFORCE DEVELOPMENT FOR THE CITY OF DULUTH.

This Resolution was adopted unanimously.

- 15. [18-0600R](#) RESOLUTION APPOINTING COUNCILOR ARIK FORSMAN TO THE DULUTH PUBLIC UTILITIES COMMISSION.

This Resolution was adopted unanimously.

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Hobbs

Absent: 1 - Councilor Van Nett

Abstain: 1 - Councilor Forsman

- 16. [18-0601R](#) RESOLUTION APPROVING JOB SPECIFICATIONS FOR THE APPOINTED DEPARTMENT HEAD POSITION OF DIRECTOR, WORKFORCE DEVELOPMENT, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 17. [18-0579R](#) RESOLUTION ENTERING INTO AN AGREEMENT WITH AND ACCEPTING \$225,819 IN FEDERAL FUNDING FROM SENIOR

SERVICE AMERICA, INC. TO OPERATE THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM.

Indexes:

Attachments: [SCSEP Sponsor Agreement 7-1-2018 to 6-30-2019](#)

This Resolution was adopted unanimously.

18. [18-0585R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR USE OF THE PARKING LOT AT 504 CANAL PARK DRIVE FOR TEMPORARY IMAGINE CANAL PARK ACTIVITIES AT NO COST TO THE CITY.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

19. [18-0523R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY 9 (WOODLAND AVENUE, CALVARY ROAD AND ARNOLD ROAD).

Indexes:

Attachments: [18-0523R Maps](#)

This Resolution was adopted unanimously.

20. [18-0575R](#) RESOLUTION AMENDING A CONTRACT WITH JMF CONSTRUCTION, INC. FOR THE 2018 CITYWIDE PATCH AND SIDEWALK PROJECT TO INCREASE THE AMOUNT BY \$111,642.70 FOR A NEW TOTAL OF \$587,791.70.

Indexes:

Attachments: [18-0575R Change Order](#)

This Resolution was adopted unanimously.

21. [18-0586R](#) RESOLUTION AMENDING RESOLUTION 18-0060 APPROPRIATING AN ADDITIONAL \$190,000 TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR COOPERATIVE CONSTRUCTION AGREEMENT NO. 1029895.

Indexes:

Attachments: [18-0586R Map](#)

This Resolution was adopted unanimously.

22. [18-0589R](#) RESOLUTION AUTHORIZING A CONTRACT WITH KRAUS-ANDERSON CONSTRUCTION COMPANY FOR THE SALT SHED INSTALLATION AT LUND TOOLHOUSE FOR AN AMOUNT NOT TO EXCEED \$298,800.00.

Indexes:

Attachments: [Exhibit A - Project Summary Form - Lund Salt Shed](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

23. [18-0569R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A REGION 2 ARROWHEAD REGION EMERGENCY MANAGEMENT ASSOCIATION HOMELAND SECURITY AND EMERGENCY MANAGEMENT MUTUAL AID AGREEMENT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

24. [18-0570R](#) RESOLUTION AUTHORIZING THE CITY TO SERVE AS FISCAL AGENT FOR AND ACCEPT REIMBURSEMENT MONIES ON BEHALF OF THE LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE, SAID REIMBURSEMENT MONIES TO BE PAID UNDER THE MINNESOTA ANTI-HEROIN TASK FORCE PROGRAM FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

25. [18-0573R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF \$102,273.00 FOR THE PURCHASE OF FITNESS EQUIPMENT FOR THE FIRE DEPARTMENT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

26. [18-0582R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$39,828 AND FURTHER AUTHORIZING EXECUTION OF GRANT AGREEMENT WITH ST. LOUIS COUNTY.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

27. [18-0583R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$109,783 GRANT AWARD FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY TO FUND A DWI POLICE OFFICER FOR ONE YEAR AND AUTHORIZING EXECUTION OF GRANT AGREEMENT.

Indexes:

Attachments: [Exhibit B](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

28. [18-0567R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$1,308,946 GREATER MINNESOTA REGIONAL

PARK AND TRAIL COMMISSION GRANT FOR HARTLEY PARK MINI
MASTER PLAN IMPLEMENTATION.

Indexes:

Attachments: [exhibit A contract sample](#)

This Resolution was adopted unanimously.

29. [18-0568R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$2,156,680 GREATER MINNESOTA REGIONAL PARK AND TRAIL COMMISSION GRANT FOR DULUTH TRAVERSE MINI MASTER PLAN IMPLEMENTATION.

Indexes:

Attachments: [exhibit A contract sample](#)

This Resolution was adopted unanimously.

30. [18-0576R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A CD3 WATERLESS CLEANING SYSTEM FROM WILDLIFE FOREVER FOR THE PURPOSE OF INSTALLATION AT MUNGER LANDING TO REDUCE THE SPREAD OF AQUATIC INVASIVE SPECIES.

Indexes:

Attachments: [Exhibit B Site Location](#)

This Resolution was adopted unanimously.

31. [18-0577R](#) RESOLUTION AUTHORIZING APPLICATION FOR A GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A MANAGING ASH FOR EMERALD ASH BORER IN COMMUNITY FORESTS GRANT IN THE AMOUNT OF \$30,000 TO COMPLETE AN ASH TREE INVENTORY.

This Resolution was adopted unanimously.

32. [18-0580R](#) RESOLUTION AUTHORIZING AN AMENDED AND RESTATED LICENSE AGREEMENT WITH PARK HILL CEMETERY ASSOCIATION FOR UTILIZATION OF EXISTING AND FUTURE MULTI-USE AND HIKING TRAILS, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

- 33. [18-0581R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TKDA FOR THE DESIGN OF A NEW HVAC SYSTEM AT CITY CENTER WEST FOR AN AMOUNT NOT TO EXCEED \$50,500.

Indexes:

Attachments: [Exhibit A for CCW HVAC resolution](#)

This Resolution was adopted unanimously.

- 34. [18-0584R](#) RESOLUTION AUTHORIZING APPLICATION TO THE NATIONAL FISH AND WILDLIFE FOUNDATION FOR A NATIONAL COASTAL RESILIENCE FUND GRANT OF \$3,000,000 FOR LAKEWALK AND SHORELINE STORM DAMAGE REPAIR.

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

- 8. [18-0553R](#) RESOLUTION MAKING AVAILABLE \$250,000 OF 2018 TOURISM TAX FUNDS PREVIOUSLY ASSIGNED TO FINANCE REHABILITATION OF THE MINNESOTA SLIP BRIDGE AND REAPPROPRIATING THAT \$250,000 TO FINANCE ADDITIONAL COSTS ASSOCIATED WITH THE WILLIAM A. IRVIN TOW PROJECT.

A motion was made that this Resolution be adopted The motion carried by the following vote:

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Hobbs

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Van Nett

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

- 35. [18-0590R](#) RESOLUTION AUTHORIZING A CONTRACT WITH WREN WORKS, LLC FOR THE TEMPORARY RELOCATION OF THE WILLIAM A. IRVIN FOR AN AMOUNT NOT TO EXCEED \$656,968.00.

Indexes:

Attachments: [Exhibit A - Contract Draft 6-26-18](#)

A motion was made that this Resolution be adopted The motion carried by the following vote:

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Hobbs

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Van Nett

The following entitled ordinances are to be read for the first time:

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BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

- 36. [18-043-O](#) AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION WATER UTILITY REVENUE BONDS OF THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$4,200,000 FOR THE IMPROVEMENT OF THE MUNICIPAL WATER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

This Ordinance was read for the first time.

COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS

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