



# 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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

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Monday, January 11, 2016

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Vice Chair Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

#### PLEDGE OF ALLEGIANCE

#### PUBLIC HEARING

#### PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-005](#) Appeal of planning commission decision

**Attachments:** [Park Point Marina Appeal](#)

This Petition/Other Communication was received.

#### REPORTS FROM THE ADMINISTRATION

Mayor Larson updated the council on current issues.

#### REPORTS FROM OTHER OFFICERS

2. [16-001](#) Clerk application for exempt permit submitted to the Minnesota gambling control board

**Attachments:** [Kraus Anderson raffle August 13 2016](#)  
[Ridgeview raffle April 16 2016](#)  
[Rocky Mountain Elk raffle March 31 2016](#)  
[St Louis and Carlton County Pheasants Forever raffle April 29 2016](#)  
[Twin Ports Walleye raffle June 4 2016](#)

This Other Officers Report was received.

## REPORTS OF BOARDS AND COMMISSIONS

3. [16-002](#) Civil service board minutes of November 17, 2015, meeting

**Attachments:** [11-17-15 Minutes Revised \(Approved 12-08-15\)](#)

This Board or Commission Report was received.

4. [16-003](#) Duluth airport authority minutes of November 17, 2015, meeting

**Attachments:** [11- November 17 2015](#)

This Board or Commission Report was received.

5. [16-004](#) Entertainment and convention center authority minutes of October 27, 2015, meeting

**Attachments:** [August 25 2015 DECC Board Meeting Minutes](#)  
[July 28 2015 DECC Board Meeting Minutes](#)  
[September 29 2015 DECC Board Meeting Minutes](#)

This Board or Commission Report was received.

## REPORTS OF COUNCIL COMMITTEES

## REPORTS OF COUNCIL OPEN ISSUES

## OPPORTUNITY FOR CITIZENS TO BE HEARD

**MOTIONS AND RESOLUTIONS****CONSENT AGENDA****BY COUNCILOR HOBBS (FINANCE)**

6. [16-0005R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND DULUTH POLICE UNION LOCAL 807 FOR THE YEARS 2015-2017.

Attachments: [Exhibit A - 2015-2017 Final Police CBA clean copy](#)  
[2015-2017 Final Police CBA redlined](#)

**This Resolution was adopted unanimously.**

7. [16-0017R](#) RESOLUTION AUTHORIZING ANNUAL BANKING SERVICES FOR 2016 WITH BMO HARRIS BANK, N.A., FOR AN ESTIMATED TOTAL OF \$100,000.

**This Resolution was adopted unanimously.**

8. [16-0027R](#) RESOLUTION APPROVING CITY MEMBERSHIP IN THE COALITION OF GREATER MINNESOTA CITIES FOR 2015 IN THE AMOUNT OF \$65,401.

**This Resolution was adopted unanimously.**

9. [16-0033R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH HISTORIC UNION DEPOT, INC., IN THE AMOUNT OF \$226,800.

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

10. [16-0041R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SPIRIT MOUNTAIN RECREATION AREA AUTHORITY FOR 2016 IN THE AMOUNT OF \$250,000 FOR OPERATING ASSISTANCE AND \$145,700 FOR ADVENTURE PARK LEASE PAYMENTS.

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

**BY COUNCILOR HANSON (PURCHASING & LICENSING)**

11. [16-0013R](#) RESOLUTION AUTHORIZING RENEWAL OF AN ANNUAL CONTRACT WITH HOLIDAY STATIONSTORES FOR THE PURCHASE AND DELIVERY OF SERVICE STATION FUELS DURING YEAR 2016 FOR AN AMOUNT NOT TO EXCEED \$900,000.  
**This Resolution was adopted unanimously.**
12. [16-0014R](#) RESOLUTION AUTHORIZING A PURCHASE FROM COMPASS MINERALS AMERICA FOR THE TAX-EXEMPT PURCHASE OF ROAD SALT FOR SPRING 2016 IN THE AMOUNT OF \$490,906.  
**This Resolution was adopted unanimously.**
13. [16-0015R](#) RESOLUTION AUTHORIZING THE PURCHASE FROM ZIEGLER, INC., FOR OEM PARTS AND LABOR AS NEEDED IN 2016, FOR AN ESTIMATED TOTAL AMOUNT OF \$110,000.  
**This Resolution was adopted unanimously.**
14. [16-0016R](#) RESOLUTION AUTHORIZING RENEWAL OF AN ANNUAL CONTRACT WITH INTER-CITY OIL COMPANY, INC., FOR THE PURCHASE AND DELIVERY OF BULK FUELS DURING YEAR 2016 FOR AN AMOUNT NOT TO EXCEED \$150,000.  
**This Resolution was adopted unanimously.**
15. [16-0031R](#) RESOLUTION AUTHORIZING A RENEWAL OF AN ANNUAL CONTRACT WITH DULUTH READY MIX FOR CLASS 5 GRAVEL, ¾-INCH CRUSHED WASHED ROCK, RIP-RAP, AND BEDDING SAND IN YEAR 2016, FOR AN ESTIMATED TOTAL OF \$172,990.  
**This Resolution was adopted unanimously.**

**BY COUNCILOR ANDERSON (PUBLIC WORKS & UTILITIES)**

16. [16-0002R](#) RESOLUTION AUTHORIZING AN AGREEMENT ACCEPTING AN EASEMENT FROM KWIK TRIP, INC.  
**Attachments:** [15-0002R Exhibit A](#)  
[15-0002R Exhibit B](#)  
**This Resolution was adopted unanimously.**

17. [16-0003R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SEH, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN ENGINEERING FOR THE CONGDON BOULEVARD RECLAMATION PROJECT IN THE AMOUNT OF \$87,000.

Attachments: [16-0003R Map](#)  
[16-0003R PESA](#)  
[16-0003R SEH Billable Rates](#)  
[16-0003R SEH Proposal](#)

**This Resolution was adopted unanimously.**

18. [16-0024R](#) RESOLUTION AUTHORIZING RENEWAL OF AN ANNUAL CONTRACT WITH INFOSEND, INC., FOR MAILING SERVICES AND POSTAGE DURING YEAR 2016 IN THE AMOUNT OF \$190,000.

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

19. [16-0035R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY 4 (RICE LAKE ROAD).

Attachments: [Exhibit A \(16-0035R\)](#)

**This Resolution was adopted unanimously.**

#### **BY COUNCILOR FOSLE (PUBLIC SAFETY)**

20. [16-0007R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$24,305 FOR THE PURCHASE OF TEN IN-SQUAD COMPUTERS.

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

21. [16-0008R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE, GREAT LAKES REGION, FOR REIMBURSEMENT OF INVESTIGATOR OVERTIME IN THE AMOUNT OF \$25,000.

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

22. [16-0028R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A DONATION FROM KWIK TRIP INC. IN THE AMOUNT OF \$2,000.

This Resolution was adopted unanimously.

23. [16-0029R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT AN AMENDED GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE TOTAL AMOUNT OF \$300,813 FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE THROUGH DECEMBER 31, 2016.

**Attachments:** [Revised Exhibit A](#)

This Resolution was adopted unanimously.

24. [16-0030R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE IN AN AMOUNT TOTALING \$1,011,096 AND FURTHER AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY AND PROGRAM TO AID VICTIMS OF SEXUAL ASSAULT FOR THEIR PARTICIPATION IN THE PROJECT ENTITLED "2015 SEXUAL ASSAULT KIT INITIATIVE PROJECT".

**Attachments:** [Exhibit C](#)

[Exhibit B](#)

[Exhibit A](#)

This Resolution was adopted unanimously.

25. [16-0032R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE LAKE SUPERIOR TRAFFIC ENFORCEMENT TEAM PARTNER AGENCIES FOR SERVICES UNDER A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY FOR THE 2016 TOWARD ZERO DEATHS PROJECT.

**Attachments:** [Exhibit C](#)

[Exhibit B](#)

[Exhibit A](#)

This Resolution was adopted unanimously.

26. [16-0039R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA IN AN AMOUNT NOT TO EXCEED \$450,000 AND FURTHER AUTHORIZING EXECUTION OF A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA.

Attachments: [Joint Powers Agreement 103539](#)

This Resolution was adopted unanimously.

## END OF CONSENT AGENDA

The following entitled resolutions are  
also to be considered:

### BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

27. [16-0043R](#) RESOLUTION SETTING THE CITY OF DULUTH'S PRIORITIES FOR THE 2016 LEGISLATIVE SESSION.

Motion was made, seconded and unanimously carried to suspend the rules to hear a speaker on the resolution.

Andrew Slade spoke in support of the issue of the bonding request for remediation of the highly contaminated slip in the harbor.

Councilor Hobbs moved to amend the resolution, which motion was seconded and unanimously carried.

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

**Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Vice Chair Sipress, Councilor Westerlund and President Filipovich

**Nay:** 1 - Councilor Fosle

### BY COUNCILOR HOBBS (FINANCE)

28. [16-0034R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH DULUTH SISTER CITIES INTERNATIONAL, INC., IN THE AMOUNT OF \$40,000.

Attachments: [Exhibit A](#)

Motion was made, seconded and unanimously carried to suspend the rules to hear a speaker on the resolution.

Tom Morgan representing Duluth Sister Cities updated the council on their organizations recent activities and requested their support for this resolution.

**This Resolution was adopted as follows:**

**Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Vice Chair Sipress, Councilor Westerlund and President Filipovich

**Nay:** 1 - Councilor Fosle

29. [16-0038R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH UMD FOR THE CONTINUED PROMOTION OF GLENSHEEN MANSION, IN THE AMOUNT OF \$50,000.

**Attachments:** [Exhibit A](#)

**This Resolution was adopted as follows:**

**Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Vice Chair Sipress, Councilor Westerlund and President Filipovich

**Nay:** 1 - Councilor Fosle

30. [16-0040R](#) RESOLUTION APPROVING BUDGET AND COST SHARING FORMULA OF MINNEAPOLIS-DULUTH/SUPERIOR AND PASSENGER RAIL ALLIANCE AND AUTHORIZING PAYMENT OF CITY'S COST SHARE OF \$9,750.

**Attachments:** [Exhibit A](#)

**This Resolution was adopted as follows:**

**Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Vice Chair Sipress, Councilor Westerlund and President Filipovich

**Nay:** 1 - Councilor Fosle

## **INTRODUCTION AND CONSIDERATION OF ORDINANCES**

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

**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**



31. [16-004-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION, REARRANGEMENT AND/OR EXPANSION OF THE CURRENT ZONE DISTRICTS; PARK AND OPEN SPACE (P-1), RESIDENTIAL-TRADITIONAL (R-1), RESIDENTIAL-URBAN (R-2), MIXED USE- BUSINESS (MU-B), MIXED USE-NEIGHBORHOOD (MU-N), INDUSTRIAL-GENERAL (I-G), FORM DISTRICT 5 (F-5) MID-RISE COMMUNITY SHOPPING AND OFFICE, AND RECLASSIFICATION OF LAND TO MIXED USE-COMMERCIAL (MU-C).

Attachments: [Attachment 1](#)  
[Attachment 2](#)

This Ordinance was read for the first time.

**BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)**

32. [16-001-O](#) AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XXIII OF THE DULUTH CITY CODE, 1959, AS AMENDED, CHANGING THE NAME OF THE TREE COMMISSION TO THE URBAN FOREST COMMISSION.

This Ordinance was read for the first time.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

The meeting was adjourned at 7:53 p.m.