



# 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]*

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Monday, June 25, 2018

7:00 PM

Council Chamber

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#### ROLL CALL

#### ROLL CALL

**Present:** 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund, Councilor Renee Van Nett and President Noah Hobbs

#### PLEDGE OF ALLEGIANCE

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

#### APPROVAL OF MINUTES

1. [18-139](#) June 11th, 2018 Duluth City Council Meeting Minutes

**Indexes:**

**Attachments:** [June 11 - Duluth City Council](#)

This Minutes was approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

2. [18-138](#) Office of the State Auditor - Management and Compliance Report

**Indexes:**

**Attachments:** [Office of the State Auditor - City of Duluth Management and Compliance Report](#)  
[Office of the State Auditor - Duluth Economic Development Authority](#)

**This Other Officers Report was received.**

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

3. [18-137](#) Duluth Seaway Port Authority Meeting Minutes

**Indexes:**

**Attachments:** [Duluth Seaway Port Authority February Meeting Minutes](#)  
[Duluth Seaway Port Authority March Meeting Minutes](#)

**This Board or Commission Report was received.**

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

RESOLUTIONS TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

4. [18-0240R](#) RESOLUTION ADOPTING THE IMAGINE DULUTH 2035 UPDATE TO THE COMPREHENSIVE PLAN OF THE CITY OF DULUTH.

**Indexes:**

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

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

[Attachment 5](#)

**This Resolution was adopted.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Hansen, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

**Nay:** 1 - Councilor Fosle

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

5. [18-0474R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR ASSESSMENTS LEVIED AGAINST PROPERTY WITH REGARD TO PROPERTY VIOLATIONS DURING PERIOD OF APRIL 1, 2017, TO APRIL 1, 2018.

**Indexes:**

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

**This Resolution was adopted unanimously.**

6. [18-0475R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT UTILITY FEES DURING THE PERIOD OF JANUARY 1,

2017, TO DECEMBER 31, 2017.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

7. [18-0476R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT SOLID WASTE COLLECTION FEES DURING PERIOD OF MARCH 1, 2017, TO JUNE 1, 2018.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

8. [18-0514R](#) RESOLUTION APPROVING AN AMENDED FORM OF PROJECT LABOR AGREEMENT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

9. [18-0515R](#) RESOLUTION ADOPTING AMENDED BUSINESS SUBSIDY CRITERIA SUPERSEDING PRIOR CRITERIA.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

10. [18-0516R](#) RESOLUTION AMENDING RESOLUTION 89-0323 ESTABLISHING THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY, ADDING REQUIREMENTS PERTAINING TO THE CITY BUSINESS SUBSIDY REQUIREMENTS AND THE USE OF PROJECT LABOR AGREEMENTS.

This Resolution was tabled.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

11. [18-0488R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWELVE MONTHS OF GPS/AVL SYSTEM USAGE FROM PRECISE MRM, LLC, IN THE AMOUNT OF \$123,750.

**This Resolution was adopted unanimously.**

12. [18-0518R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR THE WELCH CENTER, INC. d/b/a VALLEY YOUTH CENTER

**This Resolution was adopted unanimously.**

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

13. [18-0418R](#) RESOLUTION APPROVING APPOINTMENT OF JEFF ANDERSON TO THE DULUTH INTERNATIONAL AIRPORT JOINT ZONING BOARD

**This Resolution was adopted unanimously.**

14. [18-0477R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF TOM FURMAN AND DIANE NAUS TO THE COMMISSION ON DISABILITIES

**Indexes:**

**Attachments:** [D. Naus](#)  
[T. Furman](#)

**This Resolution was adopted unanimously.**

15. [18-0478R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF PRINCESS AWA-ADA KISOB AND AMY WILCOX TO THE DULUTH HUMAN RIGHTS COMMISSION.

**Indexes:**

**Attachments:** [A. Wilcox](#)  
[P. Kisob](#)

**This Resolution was adopted unanimously.**

16. [18-0505R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PARKING METER MONITOR, INCLUDING A TITLE CHANGE TO PARKING SERVICES AGENT, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**Indexes:**

**Attachments:** [Exhibit A - Parking Services Agent](#)  
[Parking Meter Monitor \(strikeout\)](#)

**This Resolution was adopted unanimously.**

17. [18-0517R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DENNIS JENSEN, TO THE DULUTH PARKING COMMISSION

**Indexes:**

**Attachments:** [Dennis Jensen App](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

20. [18-0482R](#) RESOLUTION AUTHORIZING AN EXTENTION OF THE LEASE WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY REGARDING CERTAIN PROPERTY AT THE DULUTH INTERNATIONAL AIRPORT RELATED TO CIRRUS DESIGN CORPORATION

**This Resolution was adopted unanimously.**

21. [18-0495R](#) RESOLUTION APPROVING THE REVISED 2018 ANNUAL ACTION PLAN AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME

PROGRAM (HOME), AND EMERGENCY SOLUTIONS GRANT PROGRAM (ESG) PROGRAM FUNDS.

**This Resolution was adopted unanimously.**

- 22. [18-0496R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$179,828 IN FY 2018 HUD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

**This Resolution was adopted unanimously.**

- 23. [18-0497R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$181,143 IN FY 2018 HUD HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM.

**This Resolution was adopted unanimously.**

- 24. [18-0498R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$2,842 FY 2018 EMERGENCY SOLUTION GRANT (ESG) PROGRAM.

**This Resolution was adopted unanimously.**

- 25. [18-0499R](#) RESOLUTION VACATING A 125 FEET SECTION OF A SIXTEEN-FOOT-WIDE PLATTED ALLEY BETWEEN WEST OF SOUTH 90TH AND 91ST AVENUE WEST.

**Indexes:**

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

**This Resolution was adopted unanimously.**

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

- 26. [18-0473R](#) RESOLUTION APPOINTING ELECTION JUDGES FOR THE AUGUST 14,

2018, STATE PRIMARY, AND THE NOVEMBER 6, 2018, GENERAL ELECTION.

Indexes:

Attachments: [Attachment A](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

27. [18-0479R](#) RESOLUTION AMENDING RESOLUTION 17-0372 TO CORRECT THE LEGAL DESCRIPTON FOR A STREET AND UTILITY EASEMENT FOR 107 W. REDWING STREET.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

28. [18-0485R](#) RESOLUTION APPROVING AMENDMENT NO. 2 TO CONTRACT WITH LHB, INC. TO PROVIDE ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE SUPERIOR STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$147,480 FOR A NEW TOTAL OF \$2,500,297.

Indexes:

Attachments: [18-0485R Exhibit A](#)

**This Resolution was adopted unanimously.**

29. [18-0487R](#) RESOLUTION AUTHORIZING A CONTRACT WITH CARLSON BROS INC. FOR THE INSTALLATION OF PHASE 1 SCOPE C BUILDING ENERGY TRANSFER STATIONS FOR AN AMOUNT NOT TO EXCEED \$135,770.

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Fosle, Hansen, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

**Abstain:** 1 - Councilor Filipovich

30. [18-0493R](#) RESOLUTION AWARDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE NINTH STREET/EIGHTH STREET RECONDITIONING PROJECT IN THE AMOUNT OF \$2,019,580.59.

**Indexes:**

**Attachments:** [18-0493R Map](#)

**This Resolution was adopted unanimously.**

31. [18-0503R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE EAST NINTH STREET/EAST EIGHTH STREET RECONDITIONING PROJECT FOR AN INCREASE OF \$194,500 AND A NEW TOTAL CONTRACT NOT TO EXCEED \$266,948.

**Indexes:**

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

**This Resolution was adopted unanimously.**

32. [18-0507R](#) RESOLUTION AUTHORIZING A TWENTY-YEAR LIMITED USE PERMIT AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION, FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF PHASE II OF THE CROSS CITY TRAIL WITHIN AN AREA OF THE RIGHT OF WAY OF TRUNK HIGHWAY 35, AT NO COST TO THE CITY.

**Indexes:**

**Attachments:** [Exhibit 2.pdf](#)

[Exhibit 1.pdf](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

33. [18-0504R](#) RESOLUTION AUTHORIZING THE PURCHASE OF SIX (6) 2018 FORD UTILITY INTERCEPTOR VEHICLES FROM FORD OF HIBBING IN THE

AMOUNT OF \$182,267.20.

**This Resolution was adopted unanimously.**

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

34. [18-0370R](#) RESOLUTION AUTHORIZING A CONTRACT WITH A PLUS LANDSCAPING FOR RIVERSIDE PARK SITE IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$105,000.

**This Resolution was adopted unanimously.**

35. [18-0463R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30063 WITH DIRT INC. FOR ADDITIONAL INFRASTRUCTURE REHABILITATION OF THE DWP TRAIL FOR AN INCREASE OF \$143,337.25 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$273,739.75.

**Indexes:**

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

**This Resolution was adopted unanimously.**

36. [18-0506R](#) RESOLUTION AUTHORIZING AN EXCLUSIVE USE PERMIT AGREEMENT WITH BENTLEYVILLE TOUR OF LIGHTS, INC., FOR THE PRODUCTION, PROMOTION, AND MANAGEMENT OF THE BENTLEYVILLE TOUR OF LIGHTS IN BAYFRONT FESTIVAL PARK FOR THE 2018 HOLIDAY SEASON.

**Indexes:**

**Attachments:** [Exhibit 1.pdf](#)

**This Resolution was adopted unanimously.**

37. [18-0508R](#) RESOLUTION AUTHORIZING A FIVE-YEAR LICENSE AGREEMENT WITH THE LAKE SUPERIOR CENTER AUTHORITY OVER PROPERTY ADJACENT TO BAYFRONT FESTIVAL PARK FOR PARK,

RECREATION, AND OTHER RELATED PURPOSES AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

**This Resolution was adopted unanimously.**

- 38. [18-0509R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO A JOINT POWERS AGREEMENT WITH THE MINNESOTA POLLUTION CONTROL AGENCY ACCEPTING A GRANT IN AN AMOUNT NO LESS THAN \$2,155,660 TO FUND A PORTION OF THE COST OF THE MINNESOTA SLIP SEAWALL REPAIR AND CLEANUP PROJECT.

Indexes:

Attachments: [Exhibit 1.pdf](#)

**This Resolution was adopted unanimously.**

END OF CONSENT AGENDA

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

The following entitled resolutions are also to be considered:

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 18. [18-0434R](#) RESOLUTION REQUESTING THE CITY ADMINISTRATION STUDY THE FEASIBILITY OF ESTABLISHING A HYGIENE FACILITY IN THE CITY FOR PEOPLE EXPERIENCING HOMELESSNESS.

**This Resolution was adopted unanimously.**

- 19. [18-0480R](#) RESOLUTION EXPRESSING THE COMMUNITY’S SUPPORT FOR PEOPLE EXPERIENCING HOMELESSNESS.

**This Resolution was adopted unanimously.**

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

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

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

39. [18-038-O](#) ORDINANCE AMENDING THE REQUIREMENTS FOR PROJECT LABOR AGREEMENTS, AMENDING SECTIONS 2-25, 2-26 AND 2-29 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

**This Ordinance was read for the first time.**

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

40. [18-026-O](#) AN ORDINANCE AMENDING SECTION 33-82 OF THE DULUTH CITY CODE RESCINDING RESTRICTION AGAINST CAMPING AND LODGING IN ONE'S VEHICLE.

**This Ordinance was read for the first time.**

41. [18-030-O](#) AN ORDINANCE REPEALING SECTION 34-31, CHAPTER 34, OF THE DULUTH CITY CODE RELATING TO BEGGING.

**This Ordinance was read for the first time.**

42. [18-031-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY ALONG WEST ARROWHEAD ROAD, BETWEEN SWAN LAKE ROAD AND NORTH ARLINGTON AVENUE, FROM RESIDENTIAL-URBAN (R-2) TO MIXED USE-PLANNED (MU-P).

**Indexes:**

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

**This Ordinance was read for the first time.**

43. [18-032-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN EXISTING BUILDING WALL, EXTERIOR BUILDING CLADDING AND EYEBROW IN THE PLATTED STREET RIGHT OF WAY OF EAST MICHIGAN STREET.

**Indexes:**

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

**This Ordinance was read for the first time.**

44. [18-033-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN EXISTING BUILDING WALL AND MANSARD ROOF OVERHANG IN THE PLATTED STREET RIGHT OF WAY OF EAST NINTH STREET.

**Indexes:**

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

**This Ordinance was read for the first time.**

45. [18-034-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN EXISTING BUILDING WALL AND FOUNDATION IN THE PLATTED STREET RIGHT OF WAY OF EAST SUPERIOR STREET.

**Indexes:**

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

**This Ordinance was read for the first time.**

46. [18-035-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR A SMALL WIRELESS TELECOMMUNICATION FACILITY ON CITY OF DULUTH UTILITY POLES IN THE PLATTED

STREET RIGHT OF WAY NEAR 250 CANAL PARK DRIVE AND 688 WEST RAILROAD STREET.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

- 47. [18-036-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR A SMALL WIRELESS TELECOMMUNICATION FACILITY ON A CITY OF DULUTH UTILITY POLE IN THE PLATTED STREET RIGHT OF WAY NEAR 2510 MAPLE GROVE ROAD.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

- 48. [18-037-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR A SMALL WIRELESS TELECOMMUNICATION FACILITY ON A CITY OF DULUTH UTILITY POLE IN THE PLATTED STREET RIGHT OF WAY NEAR 98 NORTH 6TH AVENUE WEST.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

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

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 49. [18-028-O](#) ORDINANCE AMENDING CHAPTER 10 OF THE DULUTH CITY CODE TO CONFORM TO THE MINNESOTA STATE BUILDING CODE.

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS