



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, February 25, 2019

7:00 PM

Council Chamber

ROLL CALL

Present: Councilors Anderson, Filipovich, Forsman, Russ, Sipress, Westerlund, Van Nett and President Hobbs
Absent: Councilor Fosle.

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

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1. [19-031](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [February 11, 2019](#)

These Minutes were 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. [19-032](#) Duluth Entertainment & Convention Center Board Meeting Minutes

Indexes:

Attachments: [Entertainment Convention Center Board 11-27-18](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

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REPORTS OF COUNCIL OPEN ISSUES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

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CONSENT AGENDA

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BY COUNCILOR ANDERSON (FINANCE)

BY COUNCILOR ANDERSON (FINANCE)

- 3. [19-0102R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY TO INSURE CERTAIN DULUTH AIRPORT AUTHORITY PROPERTY AND EQUIPMENT UNDER THE CITY'S PROPERTY AND BOILER INSURANCE POLICIES.

Indexes:

Attachments: [Exhibit A.](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

4. [19-0123R](#) RESOLUTION AUTHORIZING A CONTRACT WITH HARTFORD FIRE INSURANCE COMPANY FOR PROPERTY INSURANCE AT THE COST NOT TO EXCEED \$168,592 TO BE PAID TO MARSH & McLENNAN AGENCY LLC, AGENT FOR HARTFORD FIRE INSURANCE COMPANY.

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

5. [19-0116R](#) RESOLUTION APPROVING THE ISSUANCE OF LAWFUL GAMBLING PREMISE PERMIT TO IRVING COMMUNITY ASSOCIATION - LETICA'S IRON MUG

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

6. [19-0121R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR DUCKS UNLIMITED AND AAD SHRINERS.

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

BY COUNCILOR FORSMAN (PERSONNEL)

BY COUNCILOR FORSMAN (PERSONNEL)

7. [19-0130R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF PAUL TYNJALA TO THE ALCOHOL, GAMBLING AND TOBACCO COMMISSION,

REPLACING RYAN STAUBER.

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

8. [19-0137R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF NANCY STUBENVOLL TO THE DULUTH LEGACY ENDOWMENT FUND ADVISORY BOARD.

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

9. [19-0060R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY TO INSURE PROPERTY UNDER THE CITY'S PROPERTY AND BOILER INSURANCE POLICIES.

Indexes:

Attachments: [2.12.2019 City Property Boiler Insurance Agree. \(2\)](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

10. [19-0122R](#) RESOLUTION 2020 CENSUS PARTNERSHIP AND CREATION OF THE 2020 CITY OF DULUTH, MINNESOTA, COMPLETE COUNT COMMITTEE.

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

11. [19-0134R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1003 AND 1005 LAKE AVENUE SOUTH (ISLAND TWIN HOMES, LLC).

Indexes:

Attachments: [Attachment 1](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

12. [19-0089R](#) RESOLUTION AMENDING RESOLUTION 18-0839R DESIGNATING POLLING PLACES FOR THE AUGUST 13, 2019 MUNICIPAL AND SCHOOL BOARD PRIMARY ELECTION, AND THE NOVEMBER 5, 2019, MUNICIPAL AND SCHOOL BOARD GENERAL ELECTION.

Indexes:

Attachments: [POLLING PLACE LIST](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

13. [19-0115R](#) RESOLUTION AUTHORIZING APPLICATION TO THE LOCAL ROAD IMPROVEMENT PROGRAM TO RECONSTRUCT LAKE AVENUE FROM THE AERIAL LIFT BRIDGE TO S 13TH STREET.

Indexes:

Attachments: [19-0115R-Map](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

14. [19-0117R](#) RESOLUTION AUTHORIZING COOPERATIVE AGREEMENT WITH WLSSD PERTAINING TO THE RECONSTRUCTION OF DECKER ROAD.

Indexes:

Attachments: [19-0117 Ex. A](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

15. [19-0119R](#) RESOLUTION ACCEPTING A TEMPORARY EASEMENT FOR

CONSTRUCTION PURPOSES IN VACATED NELSON STREET FROM
GOODWILL INDUSTRIES VOCATIONAL ENTERPRISES, INC.

Indexes:

Attachments: [19-0119R Attachment 1](#)
[19-0119R Exhibit A \(Map\)](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

16. [19-0120R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM WASHINGTON REALTY LLC OVER, UNDER, AND ACROSS PROPERTY LOCATED AT THE INTERSECTION RAILROAD STREET AND GARFIELD AVENUE, AT NO COST TO THE CITY.

Indexes:

Attachments: [19-0120 Exhibit A \(Map\)](#)
[19-0120R Exhibit 1](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

17. [19-0126R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR SLOPES AND FILLS PURPOSES FROM THE TRUSTEES OF THE W & J FAMILY TRUST OVER, UNDER, AND ACROSS PROPERTY LOCATED AT THE INTERSECTION OF EAST FOURTH STREET AND HAWTHORNE ROAD, AT NO COST TO THE CITY.

Indexes:

Attachments: [19-0126R Exhibit 1](#)
[19-0126R Exhibit A](#)
[19-0126R Exhibit B \(Map\)](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

18. [19-0127R](#) RESOLUTION AUTHORIZING AN INCREASE TO A FIVE-YEAR MASTER SERVICES AGREEMENT WITH LHB, INC., FOR PROFESSIONAL SURVEY AND FIELD DATA COLLECTION SERVICES FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$160,000.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

19. [19-0136R](#) RESOLUTION AUTHORIZING AN INCREASE TO PURCHASE ORDER 2018-00000093 TO LOGSTOR FOR PRE-INSULATED PIPE, FITTINGS, VALVES AND ACCESSORIES FOR SUPERIOR STREET HOT WATER PROJECT PHASE 1 AND 2 IN THE AMOUNT OF \$166,282.33 AND A NEW TOTAL AMOUNT OF \$656,261.86.

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

20. [19-0112R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT AWARD FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$6,473.50 FOR THE PURPOSE OF PURCHASING A GEAR WASHER/EXTRACTOR FOR THE FIRE DEPARTMENT.

Indexes:

Attachments: [Exhibit A - Grant Award Letter](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

21. [19-0124R](#) RESOLUTION AUTHORIZING A CONTRACT WITH BERRY DUNN MCNEIL & PARKER, LLC DBA BERRYDUNN, FOR PROFESSIONAL SERVICES IN CONDUCTING AN ORGANIZATIONAL ASSESSMENT OF THE DULUTH POLICE DEPARTMENT FOR AN AMOUNT NOT TO EXCEED \$88,148.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

22. [19-0071R](#) RESOLUTION AUTHORIZING THREE-YEAR AGREEMENT WITH THE PARK POINT COMMUNITY CLUB FOR THE USE AND MAINTENANCE OF LAFAYETTE SQUARE.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.
Councilor Fosle: Absent.

23. [19-0090R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C22416 WITH FOSTER JACOBS AND JOHNSON FOR ADDITIONAL DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE GRAND AVENUE NORDIC CENTER SKI TRAIL PROJECT FOR AN INCREASE OF \$11,900 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$72,505.

Indexes:

Attachments: [Amendment 5 to C22416 FJJ 1.25.19](#)

This Resolution was adopted unanimously.
Councilor Fosle: Absent.

24. [19-0100R](#) RESOLUTION AUTHORIZING THE EXECUTION AND FILING OF A DECLARATION OF RESTRICTIVE COVENANT FOR A PORTION OF SARGENT CREEK.

Indexes:

Attachments: [Exhibit 1.pdf](#)
[Exhibit 2.pdf](#)

This Resolution was adopted unanimously.
Councilor Fosle: Absent.

25. [19-0113R](#) RESOLUTION AUTHORIZING THE CITY OF DULUTH TO EXECUTE AN AGREEMENT WITH NORTHERN BEDROCK HISTORIC PRESERVATION CORPS, PROVIDING FOR THE RESTORATION OF HISTORIC ROCK WALLS AT HARRISON PARK AND, RESOURCES PERMITTING, LINCOLN PARK IN THE AMOUNT OF \$11,000.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

- 26. [19-0125R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A FEDERAL RECREATIONAL TRAIL PROGRAM GRANT OF UP TO \$150,000 FOR REHABILITATION OF THE FAIRMONT SNOWMOBILE TRAIL.

Indexes:

Attachments: [Exhibit A Fairmont Map](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

- 27. [19-0133R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A FEDERAL RECREATIONAL TRAIL EQUIPMENT PROGRAM GRANT OF UP TO \$150,000 FOR SNOWMAKING EQUIPMENT FOR THE GRAND AVENUE NORDIC CENTER AT SPIRIT MOUNTAIN.

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

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:

- 28. [19-0131R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE A PLANNING REVIEW FOR RECONSTRUCTION OF A PARKING DECK TO INCLUDE AN AMBULANCE GARAGE AND RELOCATED HELIPAD BY ST. LUKE'S HOSPITAL AT 1012 EAST SECOND STREET.

Indexes:

- Attachments:** [Attachment A](#)
[Attachment B](#)
[Attachment C](#)

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

Yea: 5 - President Anderson, Councilor Filipovich, Councilor Russ, Councilor Van Nett and Hobbs

Nay: 2 - Westerlund and Councilor Sipress

Absent: 1 - Fosle

- 29.** [19-0132R](#) RESOLUTION REVERSING THE PLANNING COMMISSION’S DECISION TO APPROVE A PLANNING REVIEW FOR RECONSTRUCTION OF A PARKING DECK TO INCLUDE AN AMBULANCE GARAGE AND RELOCATED HELIPAD BY ST. LUKE’S HOSPITAL AT 1012 EAST SECOND STREET.

Indexes:

- Attachments:** [Attachment A](#)
[Attachment B](#)
[Attachment C](#)

This Resolution was Returned to Administration.

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 RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 30.** [19-007-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN EXISTING STRUCTURE IN THE PLATTED STREET RIGHT OF WAY OF 48TH AVENUE EAST.

Indexes:

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

This Ordinance was read for the first time.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

- 31. [19-008-O](#) ORDINANCE AMENDING CHAPTER 2, ARTICLE XXV, OF THE DULUTH CITY CODE BY DELETING IT IN ITS ENTIRETY AND SUBSTITUTING A NEW CHAPTER 2, ARTICLE XXV ESTABLISHING AN ENERGY PLAN COMMISSION.

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 WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

- 32. [19-005-O](#) AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XXIII, OF THE DULUTH CITY CODE CHANGING THE TITLE OF THE URBAN FOREST COMMISSION TO NATURAL RESOURCES COMMISSION AND EXPANDING THE ROLE OF THE NATURAL RESOURCES COMMISSION TO INCLUDE STEWARDSHIP OF ALL NATURAL RESOURCES ON CITY OWNED AND CITY MANAGED LAND.

This Ordinance was adopted unanimously.

Councilor Fosle: Absent

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS