



# 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, September 25, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

#### ROLL CALL

**Present:** 7 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, President Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and Councilor Joel Sipress

#### PLEDGE OF ALLEGIANCE

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

#### APPROVAL OF MINUTES

1. [17-144](#) September 11 & 14 2017 City Council Meeting Minutes

**Indexes:**

**Attachments:** [September 11 - City Council Meeting](#)  
[September 14 - Special 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. [17-145](#) Building Appeal Board Meeting Minutes

**Indexes:**

**Attachments:** [7-12-17 Building Appeal Board Meeting Minutes](#)  
[8-9-17 Building Appeal Board Meeting Minutes](#)

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

3. [17-146](#) Housing Redevelopment Authority Meeting Minutes

**Indexes:**

**Attachments:** [7-25-17 Housing Redevelopment Authority Meeting Minutes](#)

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

4. [17-147](#) Duluth Economic Development Authority Meeting Minutes

**Indexes:**

**Attachments:** [7-26-17 Duluth Economic Development Authority Meeting Minutes](#)

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

5. [17-148](#) Parking Commission Meeting Minutes

**Indexes:**

**Attachments:** [8-4-17 Parking Commission Meeting Minutes](#)

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

6. [17-151](#) Resolution No. 17PUC-004: RESOLUTION ESTABLISHING WATER RATES EFFECTIVE WITH METER READINGS AFTER DECEMBER 21, 2017; SUPERSEDING ALL PRIOR INCONSISTENT OR CONFLICTING RATES AS OF JANUARY 1, 2018.

Indexes:

Attachments: [17PUC-004](#)

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

7. [17-152](#) Resolution No. 17PUC-005: RESOLUTION APPROVING AND RECOMMENDING 2018 UTILITY BUDGET.

Indexes:

Attachments: [17PUC-005](#)

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

8. [17-153](#) Resolution No. 17PUC-006: RESOLUTION ESTABLISHING FEES FOR VARIOUS UTILITY – RELATED SERVICES

Indexes:

Attachments: [17PUC-006](#)

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

9. [17-154](#) Resolution No. 17PUC-007: RESOLUTION AMENDING ARTICLE V SECTION 5 SUBSECTION (b) OF THE BYLAWS CLARIFYING HEARING REQUIREMENTS.

Indexes:

Attachments: [17PUC-007](#)

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

10. [17-155](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [08152017 DPUC 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 HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

11. [17-0652R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2018.

Indexes:

Attachments: [Motion to Amend - Filipovich.Sipress \(Passes 5-4\)](#)

[Motion to Amend - Hobbs.Hansen \(Passes 7-2\)](#)

**This Resolution was adopted as amended.**

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

**Nay:** 2 - Councilor Fosle and Hanson

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

12. [17-0687R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH MICROSOFT VIA ITS RESELLER, SOFTWARE HOUSE

INTERNATIONAL (SHI), FOR THE PURCHASE AND MAINTENANCE OF ENTERPRISE-WIDE SOFTWARE LICENSING IN THE ANNUAL AMOUNT OF \$249,460.88 FOR A TOTAL AMOUNT OF \$748,382.64.

**Indexes:**

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

**This Resolution was adopted unanimously.**

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

13. [17-0681R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF SENIOR PROGRAMMER ANALYST.

**Indexes:**

**Attachments:** [Senior Programmer Analyst](#)  
[Senior Programmer Analyst \(strikeout\)](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [17-0675R](#) RESOLUTION VACATING 0.40 FEET OF THE GARFIELD AVENUE RIGHT OF WAY TO ACCOMMODATE AN EXISTING BUILDING AT 728 GARFIELD AVENUE.

**Indexes:**

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

**This Resolution was adopted unanimously.**

15. [17-0677R](#) RESOLUTION VACATING AN APPROXIMATELY 320 FOOT UTILITY EASEMENT AT 618 HOVLAND LANE.

**Indexes:**

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

**This Resolution was adopted unanimously.**

16. [17-0695R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO DEVELOPMENT AGREEMENT WITH CAPSTONE LLC MODIFYING BONDING REQUIREMENTS.

**This Resolution was adopted unanimously.**

BY COUNCILOR FILIPOVICH (INTERGOVERNMENTAL RELATIONS)

BY COUNCILOR FILIPOVICH (INTERGOVERNMENTAL RELATIONS)

17. [17-0696R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FAIR HOUSING ENFORCEMENT AND ACCEPTING \$17,000 IN COOPERATIVE AGREEMENT FUNDING.

**Indexes:**

**Attachments:** [FY 2017 FHAP Funding](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

18. [17-0670R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ISD 709 AUTHORIZING CITY TO SELL ISD 709 SALT AND SAND FOR ICE AND SNOW TREATMENT.

**Indexes:**

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

**This Resolution was adopted unanimously.**

19. [17-0680R](#) RESOLUTION AWARDDING A CONTRACT TO REDSTONE

CONSTRUCTION, LLC FOR THE AERIAL LIFT BRIDGE DECK REHABILITATION PROJECT IN THE AMOUNT OF \$295,975.

**Indexes:**

**Attachments:** [17-0680R Map](#)

This Resolution was adopted unanimously.

20. [17-0682R](#) RESOLUTION ACCEPTING DEDICATION OF A UTILITY EASEMENT FROM ASPENWOOD CONDOMINIUMS OF DULUTH, INC.

**Indexes:**

**Attachments:** [17-0682R Exhibit 1](#)

[17-0682R Exhibit A](#)

[17-0682R Supplemental Map](#)

This Resolution was adopted unanimously.

21. [17-0684R](#) RESOLUTION ACCEPTING DEDICATION OF A UTILITY EASEMENT FROM LIFT BRIDGE PARTNERS, LLC.

**Indexes:**

**Attachments:** [17-0684R Attachment 1](#)

[17-0684R Exhibit 1](#)

This Resolution was adopted unanimously.

22. [17-0685R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR UTILITY PURPOSES FROM ONE ROOF COMMUNITY HOUSING AT NO COST TO THE CITY.

**Indexes:**

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

This Resolution was adopted unanimously.

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Hansen, Hanson, Councilor Russ, Councilor Westerlund and Councilor Sipress

**Abstain:** 1 - President Hobbs

23. [17-0688R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR ROADWAY AND UTILITY PURPOSES FROM SPIRIT BAY DEVELOPMENT COMPANY OVER PROPERTY ABUTTING SPIRIT COVE DRIVE AT NO

COST TO THE CITY.

**Indexes:**

**Attachments:** [Exhibit 1-Dev Co](#)  
[Exhibit 2](#)

This Resolution was adopted unanimously.

24. [17-0689R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR ROADWAY AND UTILITY PURPOSES FROM ROBERT D. LARSON AND SALLY J. LARSON OVER PROPERTY ABUTTING SPIRIT COVE DRIVE AT NO COST TO THE CITY.

**Indexes:**

**Attachments:** [Exhibit 1-Larson](#)  
[Exhibit 2](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

25. [17-0672R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$246,775 FOR THE 2018 TOWARDS ZERO DEATHS PROJECT.

**Indexes:**

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

This Resolution was adopted unanimously.

26. [17-0673R](#) 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.

**Indexes:**

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

This Resolution was adopted unanimously.



27. [17-0693R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE STATE OF MINNESOTA HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION FOR CONTINUED PROVISION OF HAZARDOUS MATERIALS CHEMICAL ASSESSMENT TEAM SERVICES THROUGH SEPTEMBER 30, 2022 IN THE AMOUNT NOT TO EXCEED \$60,000 PER EACH TWELVE-MONTH PERIOD OF THE CONTRACT.

Indexes:

Attachments: [HSEM-Duluth CAT Team PT 131757 PO 3-50284](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

28. [17-0686R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH AREA FAMILY YMCA TO PROVIDE YOUTH DEVELOPMENT PROGRAMMING FOR A MAXIMUM ANNUAL AMOUNT NOT TO EXCEED \$120,000, AND A TOTAL AMOUNT NOT TO EXCEED \$360,000.

Indexes:

Attachments: [EXHIBIT A: Grant Agreement with signature page](#)

This Resolution was adopted unanimously.

29. [17-0690R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR PUBLIC MULTI-USE TRAIL PURPOSES FROM LOWER MILLER HILL APTS., L.P. OVER PROPERTY NEAR CENTRAL ENTRANCE AND PECAN AVENUE AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

INTRODUCTION AND CONSIDERATION OF ORDINANCES

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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 HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

31.     [17-051-O](#)     AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR 2017 BY INCREASING THE BUDGET BY \$415,000 FOR A PROJECTED INCREASE IN OVERTIME IN THE FIRE DEPARTMENT AND TO FINANCE THE TENANT LANDLORD CONNECTION PROGRAM.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

32.     [17-046-O](#)     AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR APPROXIMATELY TWELVE PARKING SPACES IN THE PLATTED STREET RIGHT OF WAY OF EAST RED WING STREET.

**Indexes:**

**Attachments:**   [Attachment 1](#)

[Attachment 2](#)

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

33.     [17-047-O](#)     AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY WEST OF HIGHWAY 53, BETWEEN PIEDMONT AVENUE AND WEST 9TH STREET, FROM MU-N TO R-1.

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

This Ordinance was read for the first time.

34. [17-048-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT APPROXIMATELY THE 1200 BLOCK OF SOUTH RIDGE ROAD, FROM RR-1 TO R-1.

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

This Ordinance was read for the first time.

35. [17-049-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN APPROXIMATELY 1,475 FOOT PRIVATE SEWER LINE IN THE PLATTED STREET RIGHT OF WAY OF 110TH AVENUE WEST.

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

This Ordinance was read for the first time.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

36. [17-050-O](#) ORDINANCE AUTHORIZING THE DULUTH AIRPORT AUTHORITY TO ACCEPT FEDERAL AND STATE OF MINNESOTA GRANTS FOR IMPROVEMENTS TO THE DULUTH INTERNATIONAL AIRPORT ("DIA") AND SKYHARBOR AIRPORT INCLUDING RETROACTIVE ACCEPTANCE OF GRANTS FOR WORK RELATED TO RUNWAY RECONSTRUCTION AT THE DIA, AND TO EXECUTE GRANT DOCUMENTS ON BEHALF OF THE CITY.

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)

37. [17-044-O](#) AN ORDINANCE DESIGNATING THE LINCOLN PARK PAVILION AT 501 N 25TH AVENUE WEST AS A DULUTH HERITAGE PRESERVATION LANDMARK.

Indexes:

Attachments: [Attachment 1](#)

**This Ordinance was adopted unanimously.**

38. [17-045-O](#) AN ORDINANCE AMENDING CHAPTER 50, SECTION 50-37.1 G, OF THE CITY CODE TO CLARIFY THAT THE 12 MONTH APPLICATION LIMITATION DOES NOT APPLY TO CITY INITIATED PLANNING OR ZONING PROPOSALS.

**This Ordinance was adopted.**

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

**Nay:** 1 - Councilor Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

Meeting adjourned at 8:30 p.m.