



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, December 12, 2016

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

Present: 6 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and Councilor Zack Filipovich
Absent: 1 - President Noah Hobbs

PLEDGE OF ALLEGIANCE

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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

1. [16-171](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [9-28-16 DTA Meeting Minutes](#)

This Board or Commission Report was received.

2. [16-172](#) Housing and Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [10-25-16 HRA Meeting Minutes](#)

This Board or Commission Report was received.

3. [16-174](#) Duluth Entertainment Convention Center Board Meeting Minutes

Indexes:

Attachments: [7-26-16 DECC Meeting Minutes](#)

[8-30-16 DECC Meeting Minutes](#)

[9-27-16 DECC Meeting Minutes](#)

This Board or Commission Report was received.

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

4. [16-173](#) Minnesota Power written acceptance of terms and conditions of 16-065-O

Indexes:

Attachments: [November 22, 2016 Correspondence from Minnesota Power Accepting Ordinance 16-066-O](#)

This Petition/Other Communication 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

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

5. [16-0840R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE WINE LICENSE AND ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO THE KING OF CREAMS, LLC, 502 E 4TH STREET.

Indexes:

Attachments: [BEER LICENSE THE KING OF CREAMS](#)
 [WINE LICENSE THE KING OF CREAMS](#)

This Resolution was adopted unanimously.

6. [16-0841R](#) RESOLUTION APPROVING ISSUANCE OF TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO ST. JAMES CATHOLIC CHURCH (ST.JAMES), 715 N 57TH AVE WEST

Indexes:

Attachments: [ST JAMES TEMPORARY LICENSE APPLICATION](#)

This Resolution was adopted unanimously.

7. [16-0906R](#) RESOLUTION AUTHORIZING A CONTRACT WITH TASER INTERNATIONAL FOR THE PURCHASE OF SIXTY (60) TASERS AND ACCESSORIES IN THE AMOUNT OF \$112,760.45.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

8. [16-0873R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF PROPERTY & EVIDENCE TECHNICIAN - SEXUAL ASSAULT KIT INITIATIVE (SAKI), AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Property & Evidence Technician - SAKI](#)

This Resolution was adopted unanimously.

9. [16-0888R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CUSTOMER RELATIONS SUPERVISOR, INCLUDING A TITLE CHANGE TO UTILITY CUSTOMER SERVICE SUPERVISOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Utility Customer Service Supervisor](#)
[Customer Relations Supervisor \(strikeout\).pdf](#)

This Resolution was adopted unanimously.

10. [16-0889R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF MANAGER, CUSTOMER SERVICE.

Indexes:

Attachments: [Manager, Customer Service](#)
[Manager, Customer Service \(strikeout\)](#)

This Resolution was adopted unanimously.

11. [16-0892R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF MANAGER, UTILITY OPERATIONS.

Indexes:

Attachments: [Manager, Utility Operations](#)
[Manager, Utility Operations \(strikeout\)](#)

This Resolution was adopted unanimously.

12. [16-0893R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CHIEF GAS CONTROLLER, INCLUDING A TITLE CHANGE TO GAS CONTROL SUPERVISOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Gas Control Supervisor](#)
[Chief Gas Controller \(strikeout\)](#)

This Resolution was adopted unanimously.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

13. [16-0909R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DULUTH-SUPERIOR PUBLIC ACCESS COMMUNITY TELEVISION, INC., FOR COMMUNITY ACCESS CABLECASTING, TRAINING, PRODUCTION AND ADMINISTRATION SERVICES IN 2017 IN THE NET AMOUNT OF \$182,000.

Indexes:

Attachments: [Exhibit A - 16-0909R](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [16-0875R](#) RESOLUTION VACATING A PLATTED STREET EASEMENT FOR VANDENBERG DRIVE NORTH AND SOUTH OF AIRPORT ROAD, AND A PLATTED ALLEY EASEMENT SOUTH OF AIRPORT ROAD, AND RETENTION OF PUBLIC UTILITY EASEMENTS.

Indexes:

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

This Resolution was adopted unanimously.

15. [16-0876R](#) RESOLUTION DEDICATING AND ACCEPTING A PUBLIC UTILITY EASEMENT ON CITY-OWNED PROPERTY ADJACENT TO AIRPORT ROAD.

Indexes:

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

This Resolution was adopted unanimously.

16. [16-0878R](#) RESOLUTION REPROGRAMMING \$3,679 IN HOME FUNDS FROM RESOLUTION 09-0756R, APPROVED DECEMBER 21, 2009, TO FY 2015 HOMEOWNER REHAB PROJECT.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

17. [16-0879R](#) RESOLUTION AUTHORIZING THE DIRECTOR OF PLANNING AND CONSTRUCTION SERVICES TO SIGN AN AGREEMENT CONSENTING TO A MNDOT DRAINAGE EASEMENT IMPACTING A CITY CONSERVATION EASEMENT.

Indexes:

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

This Resolution was adopted unanimously.

18. [16-0881R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) RELATING TO PARTICIPATION BY DEDA IN THE CITY OF DULUTH SELF-INSURANCE FUND PROGRAM FOR 2017.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

19. [16-0908R](#) RESOLUTION RESCINDING AND REPLACING RESOLUTION 16-0812 VACATING A UTILITY EASEMENT OVER PORTIONS OF VACATED SAINT LOUIS AVENUE AND TENTH STREET, AND A STREET EASEMENT OVER THE SOUTHEASTERLY 15 FEET OF LOTS 176 AND 175 INCLUDING ADJACENT SAINT LOUIS AVENUE, ALL IN UPPER DULUTH (LAKEHEAD HOTEL PARTNERS).

Indexes:

Attachments: [Attachment to 16-0908](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

20. [16-0834R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION ALTERNATIVES FUNDING FOR RESTORATION OF THE HISTORIC STONE RETAINING WALL AT BARDON'S PEAK OVERLOOK.

Indexes:

Attachments: [16-0834R Map](#)
[Application \(16-834R\)](#)

This Resolution was adopted unanimously.

21. [16-0880R](#) RESOLUTION AWARDED A CONTRACT TO SWANSON & YOUNGDALE, INC. FOR THE 2016-2017 PAINTING OF TRAFFIC CONTROL SIGNAL SYSTEMS PROJECT IN THE AMOUNT OF \$118,207.

Indexes:

Attachments: [16-0880R Maps](#)

This Resolution was adopted unanimously.

22. [16-0882R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN ST. LOUIS COUNTY, THE CITY OF DULUTH AND THE CITY OF PROCTOR TO

COMPLETE A SURFACE REHABILITATION PROJECT WITHIN THE CITIES OF DULUTH AND PROCTOR.

Indexes:

Attachments: [Exhibit A](#)

[Boundary Map \(16-0882R\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

23. [16-0899R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE TOTAL AMOUNT OF \$410,000 FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE THROUGH DECEMBER 31, 2017.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

24. [16-0833R](#) RESOLUTION ADOPTING AN EMERALD ASH BORER (EAB) MANAGEMENT PLAN.

Indexes:

Attachments: [Exhibit A-FINAL EAB Plan 11 29 16](#)

This Resolution was adopted unanimously.

25. [16-0910R](#) RESOLUTION APPROVING THE PURCHASE BY THE DULUTH TRANSIT AUTHORITY OF A MEMBERSHIP INTEREST IN MICHIGAN STREET TRANSIT CENTER, LLC.

Indexes:

Attachments: [Attachment - Map of MichiganStTransitCenter BL](#)

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

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

Absent: 1 - President Hobbs

Abstain: 1 - Hanson

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

26. [16-0895R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CONFLUENCE FOR MANAGEMENT AND MASTER PLANNING SERVICES FOR THE DULUTH TRAVERSE TRAIL SYSTEM FOR A TOTAL NOT TO EXCEED OF \$62,912.

Indexes:

Attachments: [Exhibit A](#)

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

Yea: 7 - Councilor Anderson, Hansen, Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - President Hobbs

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

27. [16-0890R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF STREET MAINTENANCE MANAGER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Street Maintenance Manager](#)

This Resolution was adopted unanimously.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

28. [16-0907R](#) RESOLUTION ENDORSING A MODIFICATION TO THE COUNCIL'S FIVE YEAR PHASE-OUT OF THE STREET LIGHTING FEE PLAN APPROVED BY RESOLUTION 14-0611 TO DEFER A PORTION OF THE 2017 SCHEDULED REDUCTION TO THE STREET LIGHTING FEE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

29. [16-0884R](#) RESOLUTION APPROVING THE 2017 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.

Yea: 7 - Councilor Anderson, Hansen, Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - President Hobbs

30. [16-0885R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2017 PROGRAM YEAR, AUTH-ORIZING AGREEMENTS WITH APPROPRIATE AGENCIES, AND AUTHORIZING REPROGRAMMING OF \$100,232.47 IN 2013, 2014, AND 2015 CDBG FUNDS AND TRANSFERRING TO 2017 CDBG PROJECTS.

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

Yea: 7 - Councilor Anderson, Hansen, Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - President Hobbs

- 31.** [16-0886R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD HOME FUNDS FOR THE 2017 PROGRAM YEAR, AUTHORIZING CONTRACTS, AND AUTHORIZING REPROGRAMMING OF \$62,473.00 IN 2014 AND 2015 HOME FUNDS AND TRANSFERRING TO 2017 HOME PROJECTS.

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

Yea: 7 - Councilor Anderson, Hansen, Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - President Hobbs

- 32.** [16-0887R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD EMERGENCY SOLUTIONS GRANTS PROGRAM (ESG) FUNDING FOR THE 2017 PROGRAM YEAR, AUTHORIZING CONTRACTS, AND AUTHORIZING REPROGRAMMING OF \$4,332.78 IN 2014 ESG FUNDS AND TRANSFERRING TO 2017 ESG PROJECTS.

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

Yea: 7 - Councilor Anderson, Hansen, Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - President Hobbs

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 RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

33. [16-077-O](#) AN ORDINANCE ADOPTING THE U.S. ENVIRONMENTAL PROTECTION AGENCY ("EPA") BROWNFIELD REVOLVING LOAN FUND PROGRAM GUIDELINES.

Indexes:

Attachments: [Exhibit A](#)
 [BRLF Process Diagram](#)

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 HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

34. [16-071-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2017.

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

Yea: 7 - Councilor Anderson, Hansen, Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - President Hobbs

35. [16-072-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2017.

Indexes:

Attachments: [Hobbs Motion To Amend - WITHDRAWN \(12/5/16\)](#)

A motion was made that this Ordinance be adopted. The motion carried by the

following vote:

Yea: 7 - Councilor Anderson, Hansen, Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - President Hobbs

36. [16-073-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2017.

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

Yea: 6 - Councilor Anderson, Hansen, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - President Hobbs

Abstain: 1 - Hanson

37. [16-075-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2017 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

Indexes:

Attachments: [Hobbs Motion To Amend - WITHDRAWN \(12/5/16\)](#)

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

Yea: 7 - Councilor Anderson, Hansen, Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - President Hobbs

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

38. [16-074-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF

PROPERTY ALONG WEST ARROWHEAD ROAD FROM RR-1 TO R-2,
AND FOR PROPERTY ALONG WEST MARBLE STREET FROM RR-1
TO R-1.

Indexes:

Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)

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

Yea: 5 - Councilor Fosle, Hansen, Councilor Russ, Councilor Sipress and Councilor Filipovich

Nay: 3 - Councilor Anderson, Hanson and Councilor Westerlund

Absent: 1 - President Hobbs

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS