



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 7, 2015

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS - 7 PM - 2016 BUDGET AND LEVY.

PROPOSED CAPITAL IMPROVEMENT PLAN AMENDMENT.

PROPOSED ISSUANCE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS IN
AN AMOUNT NOT TO EXCEED \$1,400,000.

PUBLIC HEARINGS - 7 PM - 2016 BUDGET AND LEVY.

PROPOSED CAPITAL IMPROVEMENT PLAN AMENDMENT.

PROPOSED ISSUANCE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS IN
AN AMOUNT NOT TO EXCEED \$1,400,000.

Jerry Schlafer and Jim Halti expressed concerns about their property taxes.

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [15-095](#) COMMUNICATIONS REGARDING THE REPEAL OF THE LAKESIDE AND LESTER PARK LIQUOR BAN (15-0839R)

Indexes:

Attachments: [KELLY AND MICHAEL BOEDIGHEIMER COMMUNICATION](#)
[DAVE AND ANN KREAGER COMMUNICATION](#)
[ROSEMARIE MITCHELL COMMUNICATION](#)
[BEN & KATEY FORNEAR COMMUNICATION](#)
[ROSEMARIE AND DENNIS MITCHELL COMMUNICATION](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

2. [15-089](#) Library board minutes of October 27, 2015, meeting.

Indexes:

Attachments: [Minutes Library Board 2015 10 27](#)

This Board or Commission Report was received.

3. [15-090](#) Duluth economic development authority minutes of October 28, 2015, meeting.

Indexes:

Attachments: [10-28-15 Mtg Minutes](#)

This Board or Commission Report was received.

4. [15-091](#) Duluth public library board minutes of September 22, 2015, meeting.

Indexes:

Attachments: [Minutes Library Board 2015 09 22](#)

This Board or Commission Report was received.

5. [15-092](#) Duluth public utilities commission resolutions establishing stormwater rates (15PUC-008) and clean water surcharges (15PUC-009).

Indexes:

Attachments: [15PUC-008 stormwater rates approved 11172015](#)

[15PUC-009 clean water surcharge approved 11172015](#)

This Board or Commission Report was received.

6. [15-093](#) Duluth airport authority minutes of October 20, 2015, meeting.

Indexes:

Attachments: [10- October 20 2015](#)

This Board or Commission Report was received.

7. [15-094](#) Duluth public utilities commission minutes of October 20, 2015, meeting.

Indexes:

Attachments: [10202015 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

Jerry Schlafer comment about what he felt were the current raw deals from the president.

MOTIONS AND RESOLUTIONS

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

CONSENT AGENDA

COMMITTEE 1

COMMITTEE 1

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

8. [15-0816R](#) RESOLUTION AUTHORIZING A 60 MONTH CONTRACT WITH WASTE MANAGEMENT FOR GARBAGE/REFUSE REMOVAL AND RECYCLING PICKUP AT AN ESTIMATED \$9,600 PER MONTH FOR AN ESTIMATED \$115,200 PER YEAR, AND A TOTAL ESTIMATED CONTRACT AMOUNT OF \$576,000.

Indexes:Attachments: [Exhibit A](#)[Exhibit B](#)

This Resolution was adopted.

BY COUNCILOR GARDNER (PERSONNEL)

BY COUNCILOR GARDNER (PERSONNEL)

9. [15-0805R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF DEPUTY FIRE MARSHAL.

Indexes:Attachments: [Deputy Fire Marshal strikeout.pdf](#)[Deputy Fire Marshal](#)

This Resolution was adopted.

10. [15-0806R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF LIBRARIAN II.

Indexes:

Attachments: [Librarian II strikeout.pdf](#)
[Librarian II Final Draft.pdf](#)

This Resolution was adopted.

11. [15-0819R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF STREET MAINTENANCE SUPERVISOR.

Indexes:

Attachments: [Street Maintenance Supervisor strikeout](#)
[Street Maintenance Supervisor.pdf](#)

This Resolution was adopted.

12. [15-0835R](#) RESOLUTION ELECTING MEMBER TO THE BOARD OF MANAGERS OF THE DULUTH/NORTH SHORE SANITARY DISTRICT PURSUANT TO MINNESOTA STATUTES, SECTION 442A.14, SUBDIVISION 7.

This Resolution was adopted.

COMMITTEE 2

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

13. [15-0836R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH THE STATE OF MINNESOTA FOR PROFESSIONAL STAFFING SERVICES PROVIDING ASSISTANCE TO JOB SEEKERS AND EMPLOYERS AS PART OF THE MINNESOTA ADVANCED MANUFACTURING PARTNERSHIP LEARN, WORK, EARN PROJECT.

Indexes:

Attachments: [Attachment - 15-0836R](#)

This Resolution was adopted.

BY COUNCILOR KRUG (INTERGOVERNMENTAL RELATIONS)

BY COUNCILOR KRUG (INTERGOVERNMENTAL RELATIONS)

14. [15-0828R](#) 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 \$24,000 IN COOPERATIVE AGREEMENT FUNDING.

Indexes:

Attachments: [FY2015 FHAP Funding Guidance.pdf](#)

This Resolution was adopted.

BY PRESIDENT LARSON (COMMITTEE OF THE WHOLE)

BY PRESIDENT LARSON (COMMITTEE OF THE WHOLE)

15. [15-0838R](#) 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 2016 IN THE NET AMOUNT OF \$182,000.

Indexes:

Attachments: [Attachment - 15-0838R](#)

This Resolution was adopted.

COMMITTEE 3

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

16. [15-0809R](#) RESOLUTION EXTENDING THE CONTRACT WITH THE STATE OF MINNESOTA BOARD OF WATER AND SOIL RESOURCES (BWSR) FOR ONE YEAR FOR FLOOD DISASTER RECOVERY FUNDING FOR STREAM RESTORATION .

This Resolution was adopted.

17. [15-0815R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO MNDOT AGREEMENT NO. 03376 TO INCREASE THE AMOUNT OF LOCAL ROAD AND BRIDGE DISASTER RELIEF BY \$112,541.33 FOR A NEW TOTAL OF \$424,775.73.

Indexes:

Attachments: [15-0815R Amendment](#)

This Resolution was adopted.

18. [15-0837R](#) RESOLUTION AUTHORIZING THE 2012 ROAD AND BRIDGE DISASTER RELIEF BOND GRANT 1002126 AND ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR THE MILL AND OVERLAY OF 52ND AVENUE EAST FROM SUPERIOR STREET TO OAKLEY STREET IN THE AMOUNT OF \$221,502.53.

Indexes:

Attachments: [15-0837R Map](#)
 [15-0837R Agreement](#)

This Resolution was adopted.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

19. [15-0777R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$37,210 AND FURTHER AUTHORIZING EXECUTION OF GRANT AGREEMENT WITH ST. LOUIS COUNTY.

Indexes:

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

This Resolution was adopted.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

20. [15-0802R](#) RESOLUTION AUTHORIZING A CONTRACT WITH HAMMEL, GREEN, AND ABRAHAMSON, INC. FOR PROFESSIONAL DESIGN SERVICES FOR THE LAKE SUPERIOR ZOO AND FAIRMOUNT PARK REDESIGN IN AN AMOUNT NOT TO EXCEED \$128,400.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

[Exhibit D](#)

This Resolution was adopted.

21. [15-0803R](#) RESOLUTION ACCEPTING THE CONVEYANCE OF REAL PROPERTY FROM THE STATE OF MINNESOTA FOR PUBLIC PARK, BOULEVARD AND MUNICIPAL FOREST PURPOSES.

Indexes:

Attachments: [Elys Peak Exhibit A](#)

[Elys Peak Exhibit B](#)

This Resolution was adopted.

22. [15-0825R](#) RESOLUTION AUTHORIZING TWO PERMITS FROM MINNESOTA POWER FOR THE CONSTRUCTION, MAINTENANCE, AND USE OF A PUBLIC SNOWMOBILE TRAIL.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

This Resolution was adopted.

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:

COMMITTEE 1

COMMITTEE 1

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

23. [15-0811R](#) RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN AND STATING INTENT TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION 475.521.

This Resolution was tabled.

24. [15-0812R](#) RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, STATING THE INTENT TO ISSUE GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2016, AND APPROVING THE CAPITAL EQUIPMENT LIST ASSOCIATED WITH THE NOTES IN THE APPROXIMATE AMOUNT OF \$4,900,000.

Indexes:

Attachments: [Exhibit A](#)

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

Yea: 7 - Filipovich, Gardner, Hanson, Julsrud, Russ and Sipress

Nay: 1 - Fosle

Absent: 1 - Larson

25. [15-0813R](#) RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, TO REINSTATE A LOCAL BOARD OF APPEAL AND EQUALIZATION PURSUANT TO MINNESOTA STATUTE 274.014, SUBD. 3, PARAGRAPH C.

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

Yea: 7 - Filipovich, Gardner, Hanson, Julsrud, Russ and Sipress

Nay: 1 - Fosle

Absent: 1 - Larson

26. [15-0830R](#) RESOLUTION ESTABLISHING ANNUAL BONDING PLAN FOR 2016.

Indexes:

Attachments: [Exhibit A](#)

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

Yea: 7 - Filipovich, Gardner, Hanson, Julsrud, Krug, Russ and Sipress

Nay: 1 - Fosle

Absent: 1 - Larson

27. [15-0831R](#) RESOLUTION ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2016.

Indexes:

Attachments: [Exhibit A](#)

[Memo](#)

This Resolution was tabled.

28. [15-0833R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2016 TO DECEMBER 31, 2016, OPERATION BUDGET OF THE DULUTH AIRPORT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

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

Yea: 7 - Filipovich, Gardner, Hanson, Julsrud, Krug, Russ and Sipress

Nay: 1 - Fosle

Absent: 1 - Larson

29. [15-0834R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2016 TO DECEMBER 31, 2016, OPERATION BUDGET OF THE DULUTH TRANSIT AUTHORITY.

Indexes:Attachments: [Exhibit A](#)

This Resolution was tabled.

BY COUNCILOR GARDNER (PERSONNEL)

BY COUNCILOR GARDNER (PERSONNEL)

30. [15-0832R](#) RESOLUTION ADOPTING CITY CHARTER COMMISSION'S RECOMMENDATION FOR APPROPRIATE FEE PAID TO CITY COUNCIL MEMBERS FOR SERVICE ON THE CITY COUNCIL AND SETTING SAID FEE.

This Resolution was tabled.

31. [15-0843R](#) RESOLUTION AUTHORIZING PAY AND BENEFIT PLAN FOR THE MAYOR-APPOINTED COMMUNICATIONS AND POLICY OFFICER AND COMMUNITY RELATIONS OFFICER POSITIONS PURSUANT TO CHAPTER IV, SECTION 18, OF THE DULUTH HOME RULE CHARTER.

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

Yea: 7 - Filipovich, Gardner, Hanson, Julsrud, Russ and Sipress

Nay: 1 - Fosle

Absent: 1 - Larson

32. [15-0851R](#) RESOLUTION APPOINTING THE MAYORAL SALARY REVIEW COMMITTEE.

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

Yea: 7 - Filipovich, Gardner, Hanson, Julsrud, Russ and Sipress

Nay: 1 - Fosle

Absent: 1 - Larson

BY COUNCILOR KRUG (INTERGOVERNMENTAL RELATIONS)

BY COUNCILOR KRUG (INTERGOVERNMENTAL RELATIONS)

33. [15-0839R](#) RESOLUTION RECOMMENDING THAT THE CITY ADMINISTRATION INCLUDE THE REPEAL OF THE LAKESIDE AND LESTER PARK LIQUOR BAN IN THE CITY'S LEGISLATIVE AGENDA.

Indexes:

Attachments: [Exhibit A](#)

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

Nathan Windschill and Tim Allen spoke in opposition of the resolution.

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

Yea: 7 - Filipovich, Gardner, Hanson, Julsrud, Russ and Sipress

Nay: 1 - Fosle

Absent: 1 - Larson

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:

COMMITTEE 1

COMMITTEE 1

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

34. [15-096-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2016.

This Ordinance was read for the first time.

35. [15-099-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2016.

This Ordinance was read for the first time.

36. [15-100-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2016.

This Ordinance was read for the first time.

37. [15-101-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2016 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

This Ordinance was read for the first time.

COMMITTEE 2

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

38. [15-095-O](#) AN ORDINANCE CONFIRMING THE LEGAL DESCRIPTION FOR THE AREA SURROUNDING LOWER CONGDON PARK.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

39. [15-097-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY

OF DULUTH AS REFERENCED IN CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1, RR-1, R-2 AND F-6 TO P-1, FOR ARLINGTON ATHLETIC COMPLEX, CASCADE PARK, DULUTH HEIGHTS COMMUNITY RECREATION CENTER, HILL TOP PARK, JOLLYSTONE PARK, LILLIPUT PARK, AND STRICKLAND PARK

Indexes:

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

This Ordinance was read for the first time.

40. [15-098-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 TO RI, PROPERTY AT THE WEST END OF DEVONSHIRE STREET PARCEL ID# 010-2700-00050 (ST. LOUIS COUNTY TAX FORFEIT PROPERTY).

Indexes:

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

This Ordinance was read for the first time.

The following entitled ordinance is to be read for the second time:

The following entitled ordinance is to be read for the second time:

COMMITTEE 2

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

41. [15-0885R](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-B, PROPERTY AT 3125 WEST ARROWHEAD ROAD (MINNESOTA POWER).

Indexes:

Attachments: [Attachment A](#)
[Attachment B](#)

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

Yea: 8 - Filipovich, Fosle, Gardner, Hanson, Julsrud, Krug, Russ and Sipress

Absent: 1 - Larson

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS