



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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, January 25, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Vice Chair Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-009](#) Park Point Marina appeal citizen communications

Attachments: [FW Park Point Marina Appeal](#)

[FW Appeal of Planning Commission Decision for Park Point Marina Inn](#)

[FW Park Point Marina Inn request for variance](#)

[FW PL16-005 Park Point Marina Hotel](#)

[Attachment 1 of 2](#)

[Attachment 2 of 2](#)

[Duluth City Council - re Park Point Marina Inn](#)

[FW Plea to uphold the Planning Commission Decision](#)

[FW Uphold Plan Commission Decision](#)

[FW Uphold the Planning Commission Decision](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

- 2. [16-010](#) Acting Mayor communication

This Reports from the Administration was received.

REPORTS OF BOARDS AND COMMISSIONS

- 3. [16-011](#) Duluth airport authority meeting minutes

Attachments: [DAA Meeting Minutes](#)

This Minutes was received.

- 4. [16-012](#) Duluth public utilites commission meeting minutes

Attachments: [11172015 DPUC clean water surcharge public hearing minutes](#)
[11172015 DPUC meeting minutes](#)
[11172015 DPUC stormwater rate public hearing minutes](#)
[16PUC-001 with recommended unofficial ordinance](#)

This Minutes was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

- 5. [16-0023R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH CR-BUILDING PERFORMANCE SPECIALISTS, INC., FOR PROFESSIONAL SERVICES IN THE CONTINUED IMPLEMENTATION OF A CITYWIDE ASSET MANAGEMENT SYSTEM FOR AN AMOUNT NOT TO EXCEED \$80,000.

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

This Resolution was adopted unanimously.

6. [16-0045R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO THE MINNESOTA BALLET (CELEBRITY DANCE CHALLENGE), 1215 RICE LAKE ROAD.
This Resolution was adopted unanimously.
7. [16-0046R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE LICENSE PREMISES OF THE ON SALE INTOXICATING LIQUOR LICENSE AND AN APPLICATION FOR AN ON SALE DANCING LICENSE OF HISTORIC UNION DEPOT, INC. (SLC HERITAGE & ARTS CENTER), 506 WEST MICHIGAN STREET.
This Resolution was adopted unanimously.
8. [16-0049R](#) RESOLUTION APPROVING THE TRANSFER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF CITY WINE & LIQUOR STORE, INC. (WAREHOUSE LIQUOR STORE), 104 WEST CENTRAL ENTRANCE, TRANSFERRED TO 27 LIQUORS, LLC (27 LIQUOR), 2700 WEST MICHIGAN STREET.
This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

9. [16-0047R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JENNIFER JULSRUD TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, REPLACING ROBERT REICHART.
Attachments: [J. Julsrud Application](#)
This Resolution was adopted unanimously.
10. [16-0050R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF COUNCILORS ZACK FILIPOVICH, ELISSA HANSEN AND THE REAPPOINTMENT OF JAY FOSLE TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.
This Resolution was adopted unanimously.
11. [16-0057R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF MANAGER, MAINTENANCE & SUPPLY SERVICES, INCLUDING A TITLE CHANGE TO MANAGER, FLEET SERVICES, AND SPECIFYING CONTRACT BENEFITS FOR SAME.
Attachments: [Manager, Maintenance & Supply Services \(Strikeout\)](#)
[Manager, Fleet Services](#)
This Resolution was adopted unanimously.

12. [16-0060R](#) RESOLUTION APPOINTING COUNCILOR EM WESTERLUND TO THE DULUTH PUBLIC UTILITIES COMMISSION.

This Resolution was adopted unanimously.

13. [16-0061R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF COUNCILOR HOWIE HANSON TO THE DULUTH PARKING COMMISSION.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [16-0044R](#) RESOLUTION AUTHORIZING A FUNDING AGREEMENT WITH KENWOOD VILLAGE, LLC, RELATED TO IMPROVEMENTS TO CLEVELAND STREET.

Attachments: [Exhibit A - 16-0044R](#)

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

15. [16-0036R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH TO ST. LOUIS COUNTY, MINNESOTA FOR THE INSTALLATION OF A DRY POND.

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

16. [16-0077R](#) RESOLUTION ESTABLISHING A 2016 DULUTH DISTINGUISHED ARTIST AWARD TO BE BESTOWED ON DULUTH ARTISTS BY MEMBERS OF THE CITY COUNCIL.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

17. [16-0004R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SRF, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN ENGINEERING FOR THE ARROWHEAD/KENWOOD AND WEST CLEVELAND STREET SIGNAL IMPROVEMENTS IN THE AMOUNT OF \$118,217.

Attachments: [16-0004R Aerial Photo](#)

This Resolution was adopted unanimously.

18. [16-0022R](#) RESOLUTION AUTHORIZING STREAM RESTORATION WORK ON CHESTER CREEK WITHIN CHESTER BOWL BY THE SOUTH ST LOUIS COUNTY SOIL AND WATER CONSERVATION DISTRICT (SWCD).

Attachments: [Attachment A -Deed declaration \(16-0022R\)](#)
[Exhibit A \(16-0022R\)](#)

This Resolution was adopted unanimously.

19. [16-0058R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE THE DESIGN FOR THE SUPERIOR STREET RECONSTRUCTION PROJECT IN THE AMOUNT NOT TO EXCEED \$1,633,674.00.

Attachments: [Exhibit A - Resolution Map \(16-0058R\)](#)
[Exhibit B - LHB Cost Proposal \(16-0058R\)](#)
[Exhibit C - LHB Proposal \(16-0058R\)](#)

This Resolution was adopted unanimously.

20. [16-0059R](#) RESOLUTION AUTHORIZING A REQUEST TO MNDOT TO PROVIDE PERMITTED ACCESS TO TRUNK HIGHWAY 23 AT RIVERSIDE DRIVE.

Attachments: [Exhibit A \(16-0059R\)](#)

This Resolution was adopted unanimously.

21. [16-0064R](#) RESOLUTION AWARDED A CONTRACT TO PCI ROADS, LLC FOR THE REHABILITATION AND RELINE OF BREWERY CREEK STORM SEWER SECTIONS 29 AND 31 IN THE AMOUNT OF \$743,150.

Attachments: [16-0064R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

22. [16-0012R](#) RESOLUTION AUTHORIZING PAYMENT TO ST. LOUIS COUNTY FOR SHARED ACCESS TO SHIELD MAINTENANCE SOFTWARE AND SERVICES ASSOCIATED WITH NEMESIS (NORTHEASTERN MINNESOTA ENFORCEMENT SAFETY INFORMATION SYSTEM) DURING 2016 FOR A TOTAL AMOUNT OF \$110,441.25.

This Resolution was adopted unanimously.

23. [16-0051R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$125,000 GRANT AWARD FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY TO FUND A SEX TRAFFICKING INVESTIGATOR FOR TWO YEARS AND AUTHORIZING EXECUTION OF GRANT AGREEMENT.

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

24. [16-0052R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO GIVE TO OFFICER KOPP A RETIRED POLICE CANINE NAMED MALAKAI.

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

25. [16-0072R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A DECLARATION OF RESTRICTIVE COVENANT FOR CHAMBERS GROVE PARK.

Attachments: [EXHIBIT A](#)

This Resolution was adopted unanimously.

26. [16-0073R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF TWO UTILITY EASEMENTS FOR PROPERTY BELOW SPIRIT MOUNTAIN WITH THE SPIRIT VALLEY LAND COMPANY, LLC FOR THE SPIRIT MOUNTAIN WATER LINE PROJECT AT NO COST TO THE CITY.

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

This Resolution was adopted unanimously.

27. [16-0074R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE IRVING PARK MINI-MASTER PLAN.

Attachments: [EXHIBIT A - 16-0074R](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

28. [16-0076R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND CITY OF DULUTH SUPERVISORY ASSOCIATION FOR THE YEARS 2015-2017.

Attachments: [Exhibit A - Reopener Final 2015-2017 CDSA CBA \(Clean\)](#)
[Reopener Final 2015-2017 CDSA CBA \(Changed Marked\)](#)
[TA - initialled redlined reopener CBA](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

29. [16-0063R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF WAYNE PARSON AS CHIEF FINANCIAL OFFICER FOR THE CITY OF DULUTH.

This Resolution was adopted as follows:

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

Nay: 1 - Councilor Fosle

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

30. [16-0065R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO DENY PARK POINT MARINA INN AND SUITES, LLC A VARIANCE FROM THE MIXED USE WATERFRONT DEVELOPMENT STANDARDS AT 1003 MINNESOTA AVENUE.

Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)
[Attachment 5](#)
[Attachment 6](#)
[Attachment 7](#)

Motion was made, seconded and unanimously carried to remove resolution from the agenda.

31. [16-0066R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO DENY PARK POINT MARINA INN AND SUITES, LLC A VARIANCE FROM THE MIXED USE WATERFRONT DEVELOPMENT STANDARDS AT 1003 MINNESOTA AVENUE.

Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)
[Attachment 5](#)
[Attachment 6](#)
[Attachment 7](#)

Motion was made, seconded and unanimously carried to remove resolution from the agenda.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

32. [16-0053R](#) RESOLUTION AWARDED A PURCHASE FROM THUNDER BAY CHEMICALS, LTD., FOR THE PURCHASE AND DELIVERY OF 125,400 GALLONS OF LIQUID ALUMINUM SULFATE IN YEAR 2016 FOR \$125,826.36.

Attachments: [Exhibit A](#)

This Resolution was adopted as follows:

- Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Vice Chair Sipress, Councilor Westerlund and President Filipovich
Nay: 1 - Councilor Fosle

33. [16-0054R](#) RESOLUTION AUTHORIZING A PURCHASE FROM HAWKINS FOR THE PURCHASE AND DELIVERY OF 85,000 GALLONS OF LIQUID CAUSTIC SODA IN YEAR 2016 FOR A TOTAL OF \$144,075.

Attachments: [Exhibit A](#)

This Resolution was adopted as follows:

- Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Vice Chair Sipress, Councilor Westerlund and President Filipovich
Nay: 1 - Councilor Fosle

34. [16-0084R](#) RESOLUTION AWARDING A CONTRACT TO LAKEHEAD CONSTRUCTORS, INC. FOR THE REPLACEMENT OF THE OPERATING ROPES ON THE AERIAL LIFT BRIDGE IN THE AMOUNT OF \$190,963.

Attachments: [16-0084R Map](#)

This Resolution was adopted unanimously.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

35. [16-002-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-N, AND MU-N AND MU-B TO MU-C FOR PROPERTY ALONG THE NORTH AND SOUTH SIDES OF LONDON ROAD.

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

This Ordinance was read for the first time.

36. [16-003-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM I-W TO MU-W FOR PROPERTY ALONG THE WEST SIDE OF MINNESOTA AVENUE AND ST. LOUIS AVENUE.

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

This Ordinance was read for the first time.

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

37. [16-005-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH TO ST. LOUIS COUNTY, MINNESOTA FOR NOMINAL CONSIDERATION.

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

This Resolution was read for the first time.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

38. [16-004-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION, REARRANGEMENT AND/OR EXPANSION OF THE CURRENT ZONE DISTRICTS; PARK AND OPEN SPACE (P-1), RESIDENTIAL-TRADITIONAL (R-1), RESIDENTIAL-URBAN (R-2), MIXED USE- BUSINESS (MU-B), MIXED USE-NEIGHBORHOOD (MU-N), INDUSTRIAL-GENERAL (I-G), FORM DISTRICT 5 (F-5) MID-RISE COMMUNITY SHOPPING AND OFFICE, AND RECLASSIFICATION OF LAND TO MIXED USE-COMMERCIAL (MU-C).

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

This Ordinance was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

39. [16-001-O](#) AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XXIII OF THE DULUTH CITY CODE, 1959, AS AMENDED, CHANGING THE NAME OF THE TREE COMMISSION TO THE URBAN FOREST COMMISSION.

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

Meeting was adjourned at 7:26 p.m.