



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, May 23, 2016

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

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

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

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1. [16-066](#) December 2015 Council Minutes

Indexes:

Attachments: [OPS 12.07.2015](#)

[OPS 12.14.2015](#)

This Minutes was received.

PUBLIC HEARING

PUBLIC HEARING

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. [16-063](#) Building Appeal Board Meeting Minutes

Indexes:

Attachments: [3-9-16 Building Appeal Board Meeting Minutes](#)

[4-13-16 Building Appeal Board Meeting Minutes](#)

This Board or Commission Report was received.

3. [16-064](#) AGT Meeting Minutes

Indexes:

Attachments: [5-11-16 AGT Special Meeting Minutes](#)

[4-6-16 AGT Meeting Minutes](#)

This Board or Commission Report was received.

4. [16-065](#) DEDA Special Meeting Minutes

Indexes:

Attachments: [4-6-16 DEDA Special Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

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OPPORTUNITY FOR CITIZENS TO BE HEARD

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

RESOLUTIONS TABLED

MOTIONS AND RESOLUTIONS

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CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

5. [16-0329R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF PRIOR CANCELED ASSESSMENTS.

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

6. [16-0321R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HOSPITALITY ASSOCIATES OF DULUTH, LLC (ACES ON FIRST) 113 WEST FIRST STREET

Indexes:

Attachments: [AGT Report To The Council 16-0321R](#)

This Resolution was adopted unanimously.

7. [16-0348R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE LIQUOR

LICENSE, DANCE LICENSE AND SUNDAY LIQUOR LICENSE TO
LEISURE HOSPITALITY OF MINNESOTA, LLC (PIER B RESORT & SILO
RESTAURANT) , 800 WEST RAILROAD STREET, DULUTH, MN 55802

Indexes:

Attachments: [PIER B Agenda attach 05-232016](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - Hansen

8. [16-0368R](#) RESOLUTION AUTHORIZING A CONTRACT WITH STACK BROS.
MECHANICAL CONTRACTORS, INC., TO MODIFY THE GAS BURNER
CONTROL SYSTEM FOR TWO BOILERS AT DULUTH ENERGY
SYSTEMS IN THE AMOUNT OF \$132,600.

Indexes:

Attachments: [Bid Tabulation](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - Councilor Filipovich

9. [16-0379R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH EVOLVING
SOLUTIONS, INC. FOR THE PURCHASE OF HARDWARE, FIVE YEARS
OF MAINTENANCE, AND PROFESSIONAL SERVICES FOR THE
CONFIGURATION OF AN UPGRADED NETAPP NETWORK DATA
STORAGE ARRAY IN THE AMOUNT OF \$197,495.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

10. [16-0370R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE
SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE
CLASSIFICATION OF NETWORK ADMINISTRATOR.

Indexes:

Attachments: [Network Administrator Final Draft.pdf](#)
[Network Administrator \(strikethrough\).pdf](#)

This Resolution was adopted unanimously.

11. [16-0400R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF SYSTEMS ADMINISTRATOR.

Indexes:

Attachments: [Systems Administrator \(strikethrough\)](#)
[Systems Administrator](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [16-0384R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$2,106 IN THE ALLOCATION OF HUD FUNDING FOR THE HOME PROGRAM FOR THE 2016 PROGRAM YEAR, WHICH WILL INCREASE THE HOUSING RESOURCE CONNECTION PROJECT FROM \$39,695 TO \$42,071. THIS INCREASE IS DUE TO AN INCREASE IN ALLOCATION FROM HUD.

This Resolution was adopted unanimously.

13. [16-0385R](#) RESOLUTION AUTHORIZING CONTRACTS WITH DULUTH HOUSING REDEVLEOPMENT AUTHORITY IN THE AMOUNTS OF \$20,000 IN CDBG FUNDS FOR THE COORDINATED ASSESSMENT PROJECT FROM THE 2015 CDBG PROGRAM YEAR AND \$12,000 FROM THE 2016 CDBG PROGRAM YEAR.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

14. [16-0359R](#) RESOLUTION AMENDING RESOLUTION 16-0157 SUBSTITUTING THE NAME OF THE CORRECT GRANTOR AND SUBSTITUTING A NEW EASEMENT AGREEMENT.

Indexes:

Attachments: [Exhibit A - Updated Easement](#)

This Resolution was adopted unanimously.

15. [16-0374R](#) RESOLUTION AMENDING RESOLUTION 13-0161R AUTHORIZING A MN/DOT PARTNERSHIP AGREEMENT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION, INCREASING THE AMOUNT OF THE CITY'S OBLIGATION BY \$13,755.46 FOR A NEW TOTAL OF \$115,113.12.

Indexes:

Attachments: [16-0374R Map](#)
[16-0374R Schedule I](#)

This Resolution was adopted unanimously.

16. [16-0386R](#) RESOLUTION AWARDED A CONTRACT TO JMF CONSTRUCTION, INC. FOR THE 2016 CITYWIDE PATCH AND SIDEWALK PROJECT IN THE AMOUNT OF \$121,545.

This Resolution was adopted unanimously.

17. [16-0388R](#) RESOLUTION AMENDING A CONTRACT WITH HANCO UTILITIES, INC. FOR CONSTRUCTION OF THE 2015 HIGH PRESSURE GAS MAINS AND SERVICES IN THE AMOUNT OF \$505,946.98 FOR A NEW TOTAL OF \$1,560,003.19.

This Resolution was adopted unanimously.

18. [16-0396R](#) RESOLUTION OF INTENT TO INSTALL A NEW GAS MAIN FROM HAINES ROAD TO 250 FEET WEST OF CENTERLINE OF WASHINGTON STREET.

Indexes:Attachments: [16-0396R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

19. [16-0331R](#) RESOLUTION AUTHORIZING SECOND AMENDMENT TO CITY CONTRACT NO. 21739 WITH THE STATE OF MINNESOTA HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION FOR CONTINUED PROVISION OF HAZARDOUS MATERIALS CHEMICAL ASSESSMENT TEAM SERVICES THROUGH SEPTEMBER 30, 2017, IN THE AMOUNT OF \$75,000 PLUS CERTAIN COSTS REIMBURSEMENTS FOR A TOTAL CONTRACT AMOUNT OF \$255,000.

Indexes:Attachments: [Exhibit A - Amendment 2](#)

This Resolution was adopted unanimously.

20. [16-0383R](#) RESOLUTION AUTHORIZING A PARKING MANAGEMENT AGREEMENT WITH INTERSTATE PARKING COMPANY OF MINNESOTA LLC FOR PARKING MANAGEMENT SERVICES RELATED TO THE 410 WEST 1ST STREET PUBLIC PARKING RAMP.

Indexes:Attachments: [Attachment - 410 W. 1st Street Parking Agree w. exhibits](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

21. [16-0387R](#) RESOLUTION AMENDING RESOLUTION 15-0831, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2016, TO AMEND THE ACCESSORY HOME SHARE FEE TO \$25 PER YEAR.

This Resolution was adopted unanimously.

22. [16-0390R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH AREA FAMILY YMCA FOR THE OPERATION AND MANAGEMENT OF THE CITY'S PARK POINT BEACH HOUSE AND RECREATION AREA DURING THE 2016 SUMMER SEASON.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

23. [16-0341R](#) RESOLUTION AUTHORIZING THE PURCHASE OF THREE (3) 2017 FREIGHTLINER CABS AND CHASSIS FROM I-STATE TRUCK IN THE AMOUNT OF \$250,946.67

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

24. [16-0342R](#) RESOLUTION AUTHORIZING A CONTRACT WITH CRYSTEEL TRUCK EQUIPMENT FOR THE PURCHASE AND INSTALLATION OF EQUIPMENT AND SUPPLIES TO FULLY OUTFIT THREE (3) 2017 FREIGHTLINER CABS/CHASSIS FOR SNOW REMOVAL AND SANDING IN THE AMOUNT OF \$290,677.58

This Resolution was adopted unanimously.

25. [16-0382R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH BARR ENGINEERING CO. FOR SURFACE AND GROUNDWATER MONITORING AT ENGER GOLF COURSE IN THE AMOUNT OF \$73,000.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

26. [16-0381R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY CENTER CITY HOUSING CORPORATION FOR THE AWARD OF LOW-INCOME HOUSING TAX CREDITS FOR GARFIELD SQUARE APARTMENTS.

This Resolution was tabled.

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

Nay: 1 - Councilor Russ

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

27. [16-0378R](#) RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE 2016 STREET PRESERVATION PROJECT IN THE AMOUNT OF \$342,286.77.

Indexes:Attachments: [16-0378R Map](#)

This Resolution was adopted unanimously.

28. [16-0380R](#) RESOLUTION AWARDED A CONTRACT TO JMF CONSTRUCTION, INC. FOR THE 2016 MANHOLE ADJUSTMENT AND BOLLARD INSTALLATION PROJECT IN THE AMOUNT OF \$167,500.

This Resolution was adopted unanimously.

29. [16-0391R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB INC. FOR

PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR A RETROFIT OF THE DULUTH MINNESOTA SLIP PEDESTRIAN BRIDGE IN THE AMOUNT NOT TO EXCEED \$329,468.00.

Indexes:

Attachments: [16-0391R Map](#)
[16-0391R Proposal](#)

This Resolution was adopted.

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

Nay: 2 - Councilor Fosle and Hanson

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

30. [16-0377R](#) RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$50,000 FROM THE PARKS FUND NEIGHBORHOOD GRANT PROGRAM.

Indexes:

Attachments: [Sample Grant Agreement](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - Councilor Filipovich

31. [16-0389R](#) RESOLUTION AUTHORIZING A THREE YEAR AGREEMENT WITH THE DULUTH SOFTBALL PLAYERS ASSOCIATION, INC. FOR THE OPERATION OF THE WHEELER FIELD SOFTBALL COMPLEX CONCESSIONS BUILDING.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted.

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

Nay: 1 - Hanson

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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ORDINANCES TABLED

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

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BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

32. [16-022-O](#) AN ORDINANCE AMENDING SECTIONS 50-20.3 COMMERCIAL USES AND 50-20.5 ACCESSORY USES, TO AMEND EXISTING STANDARDS FOR VACATION DWELLING UNITS AND ACCESSORY VACATION DWELLING UNITS.

Indexes:

Attachments: [Motion to Amend 16-022-O Hobbs.Filipovich - Passed](#)
 [Motion to Amend 16-022-O Sipress \(200ft\) - FAILED](#)
 [Motion to Amend 16-022-O Sipress \(parking\) - PASSED](#)
 [Motion to Amend 16-022-O Filipovich.Hansen 5.3.16 - FAILED](#)
 [Motion to Amend 16-022-O Sipress \(Permit Adjustment\) - PASSED](#)

This Ordinance was adopted.

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

Nay: 1 - Councilor Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS