



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, January 9, 2017

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

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

Councilor Anderson moved to suspend the rules to consider resolution 17-0016. Motion was seconded and unanimously carried.

Resolution 17-0016 passed 7:1:1

Yea: Councilors Anderson, Hansen, Hobbs, Westerlund, Filipovich and President Sipress

Nay: Councilor Fosle

Absent: Councilor Russ

President Filipovich announced that the election of City Council President and Vice President would now take place.

1st Ballot:

Hobbs – Councilors Filipovich, Fosle, E. Hansen and Hobbs -4

Sipress – Councilors Anderson, H. Hanson, Sipress and Westerlund – 4

2nd Ballot:

Hobbs – Councilors Fosle, H. Hanson and Hobbs – 3

Sipress – Councilors Anderson, Filipovich, E. Hansen, Sipress and Westerlund – 5

Motion was made, seconded and unanimously carried to elect Councilor Sipress as City Council President for 2017.

Motion was made, seconded and unanimously carried to elect Councilor E. Hansen as City Council Vice President for 2017.

PLEDGE OF ALLEGIANCE

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REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

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1. [17-013](#) License Application - One Day Dance Permit: Sacred Heart Music Center

Indexes:

Attachments: [License Application - Sacred Heart Music Center](#)

This Petition/Other Communication was received.

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

2. [17-007](#) Duluth Airport Authority Meeting Minutes

Indexes:

Attachments: [10-18-2016 Duluth Airport Authority Meeting Minutes](#)

This Board or Commission Report was received.

3. [17-008](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [10-26-2016 Duluth Transit Authority Meeting Minutes](#)

This Board or Commission Report was received.

4. [17-009](#) Parking Commission Meeting Minutes

Indexes:

Attachments: [11-4-2016 Parking Commission 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 RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

5. [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.

This Resolution was adopted unanimously.

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

6. [17-0011R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SPIRIT MOUNTAIN RECREATION AREA AUTHORITY FOR 2017 IN THE AMOUNT OF \$200,000 FOR OPERATING ASSISTANCE AND \$145,700 FOR ADVENTURE PARK LEASE PAYMENTS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

7. [17-0012R](#) RESOLUTION AUTHORIZING ADDENDUM TO CONTRACT NO. 21809 TO ACKNOWLEDGE TYLER TECHNOLOGIES INC. AS SUCCESSOR TO NEW WORLD SYSTEMS CORPORATION.

Indexes:

Attachments: [Exhibit A 17-0012](#)

This Resolution was adopted unanimously.

8. [17-0013R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF DULUTH AND VISIT DULUTH FOR ADDITIONAL MARKETING SERVICES IN 2017 IN THE AMOUNT OF \$100,000 FOR A NEW TOTAL NOT TO EXCEED \$1,900,000.

Indexes:

Attachments: [Attachment A 17-0013R](#)
[Attachment B 17-0013R](#)

This Resolution was adopted unanimously.

9. [17-0017R](#) RESOLUTION AUTHORIZING JOINT POWERS AGREEMENT WITH THE NATIONAL JOINT POWERS ALLIANCE FOR PURCHASING OF GOODS AND SERVICES.

Indexes:

Attachments: [17-0017R Exhibit A](#)

This Resolution was adopted unanimously.

10. [17-0043R](#) RESOLUTION AMENDING RESOLUTION 16-0836R, AUTHORIZING AN INTERFUND LOAN TO PARTIALLY FINANCE THE REHABILITATION OF THE MINNESOTA SLIP BRIDGE, INCREASING THE INTERFUND LOAN BY \$200,000 FOR A NEW TOTAL NOT TO EXCEED \$2,200,000.

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

11. [17-0028R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM MIDI ENTERPRISES, INC (MIDI RESTAURANT), 600 EAST SUPERIOR STREET TO AVI, LLC (BOAT CLUB RESTAURANT AND BAR), SAME ADDRESS.

Indexes:

Attachments: [AVI LICENSE TRANSFER FROM MIDI](#)

This Resolution was adopted unanimously.

12. [17-0029R](#) RESOLUTION AUTHORIZING FUNDS FOR THE FINAL QUARTER OF A FIVE YEAR CONTRACT WITH HOLIDAY STATIONSTORES FOR THE PURCHASE AND DELIVERY OF SERVICE STATION FUELS THROUGH MARCH 31, 2017 FOR AN AMOUNT NOT TO EXCEED \$206,250.

This Resolution was adopted unanimously.

13. [17-0048R](#) RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO IRVING COMMUNITY ASSOCIATION

Indexes:

Attachments: [PREMISE PERMIT-01042017110459](#)

This Resolution was adopted unanimously.

14. [17-0050R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR GARY NEW DULUTH COMMUNITY CLUB.

Indexes:

Attachments: [AGT Rabbit Hunt Alpine](#)

This Resolution was adopted unanimously.

15. [17-0051R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR SUPERIOR SPARTAN MENTORING CLUB INC.

Indexes:

Attachments: [SPARTANS MENTORING CLUB](#)

This Resolution was adopted unanimously.

16. [17-0052R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR DULUTH AIRMEN FOUNDATION, INC.

Indexes:

Attachments: [DULUTH AIRMEN-12272016130223](#)

This Resolution was adopted unanimously.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

17. [17-0025R](#) RESOLUTION AUTHORIZING EXTENSION OF CURRENT CABLE FRANCHISE AGREEMENT WITH CHARTER COMMUNICATIONS THROUGH JULY 1, 2017.

This Resolution was adopted unanimously.

18. [17-0042R](#) RESOLUTION SETTING THE CITY OF DULUTH'S PRIORITIES FOR THE 2017 LEGISLATIVE SESSION.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

19. [17-0002R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY NO. 14 (BOUNDARY AVENUE).

Indexes:

Attachments: [17-0002R Map](#)

This Resolution was adopted unanimously.

20. [17-0003R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH OUT THERE ADVERTISING, INC. FOR THE PURCHASE OF PUBLIC AWARENESS ADVERTISING SERVICES FOR PUBLIC WORKS AND UTILITIES FOR A CONTRACT TOTAL NOT TO EXCEED \$209,100.00.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

21. [17-0018R](#) RESOLUTION AMENDING A CONTRACT WITH LHB, INC. TO PROVIDE STRUCTURAL DESIGN AND CONSTRUCTION INSPECTION SERVICES FOR THE MINNESOTA SLIP PEDESTRIAN BRIDGE

RETROFIT PROJECT, TO INCREASE THE AMOUNT BY \$278,565 FOR A NEW TOTAL OF \$608,033.

Indexes:

Attachments: [17-0018R Cost Proposal](#)

[17-0018R Map](#)

This Resolution was adopted unanimously.

22. [17-0019R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY NO. 32 (ARROWHEAD ROAD).

Indexes:

Attachments: [17-0019R Plans](#)

This Resolution was adopted unanimously.

23. [17-0033R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A QUIT CLAIM DEED FROM THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION, FOR REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD FOR HIGHWAY PURPOSES, WHICH PROPERTY IS NO LONGER NEEDED BY THE STATE.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

24. [17-0045R](#) RESOLUTION SUPPORTING ST. LOUIS COUNTY'S LANDLORD INCENTIVES PROGRAM PROPOSAL AND THE SALVATION ARMY'S GRANT APPLICATION FOR LANDLORD RISK MITIGATION FUNDS.

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

25. [17-0020R](#) 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 2017 FOR A TOTAL AMOUNT OF \$110,441.25.

This Resolution was adopted unanimously.

26. [17-0026R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE A SUBSCRIPTION AND TERMS OF SERVICE AGREEMENT WITH SECURONET LLC TO PROVIDE ACCESS TO VIDEO CAMERA SURVEILLANCE NETWORK SERVICES AT A COST OF \$10,000 PER YEAR.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted unanimously.

27. [17-0027R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$6,849 GRANT FROM THE MINNESOTA HORSE COUNCIL TO FUND TRAINING FOR THE MOUNTED PATROL UNIT PART-TIME RIDER PROGRAM.

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

28. [17-0034R](#) RESOLUTION AUTHORIZING A FIFTY (50) YEAR AGREEMENT WITH DULUTH GRADUATE MEDICAL EDUCATION COUNCIL, INC. FOR LEASE OF SPACE AT 330 NORTH 8TH AVENUE EAST FOR THE OPERATION OF ITS FAMILY MEDICINE CLINIC AND MEDICAL RESIDENCY PROGRAM.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

Yea: 7 - Councilor Anderson, Councilor Fosle, Hanson, President Hobbs, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Absent: 1 - Councilor Russ

Abstain: 1 - Hansen

29. [17-0037R](#) RESOLUTION AUTHORIZING APPLICATION FOR GRANT FUNDING FROM THE ENVIRONMENTAL PROTECTION AGENCY TO CONDUCT AN 18-MONTH STUDY AND PUBLIC REVIEW OF THE POSSIBILITY OF DESIGNATING A SAINT LOUIS RIVER NATURAL AREA.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

30. [17-0006R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH HISTORIC UNION DEPOT, INC., IN THE AMOUNT OF \$226,800.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted

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

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Russ

31. [17-0007R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH GREAT LAKES AQUARIUM IN THE AMOUNT OF \$372,500.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted

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

Nay: 2 - Councilor Fosle and Hanson

Absent: 1 - Councilor Russ

- 32.** [17-0008R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH DULUTH SISTER CITIES INTERNATIONAL, INC., IN THE AMOUNT OF \$40,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted

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

Nay: 2 - Councilor Fosle and President Hobbs

Absent: 1 - Councilor Russ

- 33.** [17-0009R](#) RESOLUTION APPROVING BUDGET AND COST SHARING FORMULA OF MINNEAPOLIS-DULUTH/SUPERIOR AND PASSENGER RAIL ALLIANCE AND AUTHORIZING PAYMENT OF CITY'S COST SHARE OF \$8,970.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted

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

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Russ

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

- 34.** [17-0036R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO

CONTRACT 22491 WITH HOISINGTON KOEGLER GROUP, INC., FOR AN EXTENSION AND ADDITIONAL SERVICES IN THE AMOUNT OF \$3,200 FOR THE CROSS CITY TRAIL MASTER PLAN, FOR A TOTAL AMOUNT NOT TO EXCEED \$55,000.

Indexes:

Attachments: [Exhibit A to Resolution.pdf](#)

Resolution was returned to Administration.

This Resolution was withdrawn.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

35. [17-0016R](#) RESOLUTION ESTABLISHING CITY COUNCIL PROCEDURE FOR ELECTING THE CITY COUNCIL PRESIDENT AND VICE-PRESIDENT ON JANUARY 9, 2017.

This Resolution was adopted

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

36. [17-0035R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2017 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES, AND AUTHORIZING REPROGRAMMING OF \$100,232.47 IN 2013, 2014, AND 2015 CDBG FUNDS AND TRANSFERRING TO 2017 CDBG PROJECTS.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

37. [17-0004R](#) RESOLUTION AWARDED A CONTRACT TO UNIVAR USA, INC., FOR THE PURCHASE AND DELIVERY OF 125,400 GALLONS OF LIQUID ALUMINUM SULFATE IN YEAR 2017 FOR A TOTAL COST OF \$124,710.30.

Indexes:Attachments: [Exhibit A](#)**This Resolution was adopted**

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

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Russ

38. [17-0005R](#) RESOLUTION AWARDDING A CONTRACT TO UNIVAR USA INC. FOR THE PURCHASE AND DELIVERY OF 70,000 GALLONS OF LIQUID CAUSTIC SODA IN YEAR 2017 FOR A TOTAL COST OF \$133,861.

Indexes:Attachments: [Exhibit A](#)**This Resolution was adopted**

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

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Russ

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)

39. [17-002-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR PRIVATE GAS AND ELECTRIC UNDERGROUND SERVICE LINES IN THE PLATTED STREET RIGHT OF WAY OF RALSTON DRIVE.

Indexes:

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

This Ordinance was read for the first time.

40. [17-003-O](#) AN ORDINANCE AMENDING THE APPROVED REGULATING PLAN FOR RAMSEY VILLAGE TO ALLOW FOR FOUR UNIT RESIDENTIAL STRUCTURES NORTH OF RAMSEY STREET AND BETWEEN NORTH 53RD AND NORTH 54TH AVENUE WEST.

Indexes:

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

This Ordinance was read for the first time.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

41. [17-001-O](#) AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY ON RICES POINT TO THE DULUTH SEAWAY PORT AUTHORITY FOR \$102,747.75.

Indexes:

Attachments: [Exhibit A 17-001 O](#)

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)

42. [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 adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

Meeting adjourned at 8:20 p.m.