



# 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]*

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Monday, November 21, 2016

7:00 PM

Council Chamber

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#### 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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#### PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

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1. [16-158](#) Application for Exempt Permit  
Application to Conduct Excluded Bingo

**Indexes:**

**Attachments:** [Application for Exempt Permit - Rotary Club of Duluth Harbortown MN USA](#)  
[Application to Conduct Excluded Bingo - St. Elizabeth's Catholic Church](#)

This Petition/Other Communication was received.

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. [16-156](#) DEDA Meeting Minutes

Indexes:

Attachments: [10-05-2016 DEDA Meeting Minutes](#)

This Board or Commission Report was received.

3. [16-157](#) Library Board Meeting Minutes

Indexes:

Attachments: [09-27-2016 Library Board Meeting Minutes](#)

This Board or Commission Report was received.

4. [16-159](#) 16PUC - 009  
DPUC resolution establishing 2017 fees

Indexes:

Attachments: [16PUC-009](#)

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

## CONSENT AGENDA

## CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

5. [16-0798R](#) RESOLUTION CALLING FOR THE PREPAYMENT AND REDEMPTION OF GENERAL OBLIGATION STREET IMPROVEMENT BONDS, SERIES 2008C OF THE CITY OF DULUTH, MINNESOTA.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR RUSS (PLANNING &amp; ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING &amp; ECONOMIC DEVELOPMENT)

6. [16-0788R](#) RESOLUTION VACATING ALL OF THE 10 FOOT WIDE EASEMENT THAT CROSSES OVER, UNDER, AND ACROSS LOT 1 AND LOT 2 OF BLOCK 1, TKO ADDITION OF THE RECORDED PLAT "MAPLE GROVE ACRE TRACTS"

Indexes:

Attachments: [attached exhibits](#)

**This Resolution was adopted unanimously.**

7. [16-0810R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A SUB-RECIPIENT FUNDING AGREEMENT WITH THE BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES ON BEHALF OF LAKE SUPERIOR COLLEGE FOR EMPLOYMENT AND TRAINING SERVICES FUNDED THROUGH THE STATE OF MINNESOTA'S PATHWAYS TO PROSPERITY GRANT

PROGRAM.

Indexes:

Attachments: [Exhibit A - LSC Agreement](#)

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

8. [16-0789R](#) 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 \$19,800 IN COOPERATIVE AGREEMENT FUNDING.

Indexes:

Attachments: [FY 2016 FHAP Funding](#)

This Resolution was adopted unanimously.

9. [16-0826R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO APPROVE AN AMENDED JOINT POWERS AGREEMENT ESTABLISHING THE MINNEAPOLIS-DULUTH/SUPERIOR PASSENGER RAIL ALLIANCE WHICH INCLUDES THE CITY OF SUPERIOR, WISCONSIN, AND SIMPLIFIES THE PROCESS FOR ADDING NEW MEMBERS TO THE ALLIANCE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

10. [16-0777R](#) RESOLUTION ORDERING THE IMPROVEMENT OF CONGDON BOULEVARD FROM BRIGHTON BEACH/HIGHWAY 61 TO MCQUADE ROAD.

Indexes:

**Attachments:** [Dave Hamilton Letter](#)  
[Public Hearing Sign In Sheet](#)  
[Public Hearing Minutes](#)  
[16-0777R Map](#)

**This Resolution was adopted unanimously.**

11. [16-0799R](#) RESOLUTION AUTHORIZING CONSENT TO MINNESOTA POWER EASEMENTS WITHIN THE BLUESTONE DEVELOPMENT.

**Indexes:**

**Attachments:** [16-0799R Exhibit 1](#)  
[16-0799R Exhibit 2](#)  
[16-0799R Exhibit 3](#)

**This Resolution was adopted unanimously.**

12. [16-0800R](#) RESOLUTION AUTHORIZING AGREEMENT WITH DEDA FOR SNOW STORAGE ON LOT D.

**Indexes:**

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

**This Resolution was adopted unanimously.**

13. [16-0801R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO MNDOT AGREEMENT NO. 04716 FOR REPAIR OF DAMAGE ON WEST FIRST STREET CAUSED BY THE JUNE 2012 RAIN EVENT.

**Indexes:**

**Attachments:** [16-0801R Amendment](#)

**This Resolution was adopted unanimously.**

14. [16-0803R](#) RESOLUTION AWARDED A CONTRACT TO OVERTON CHICAGO GEAR FOR THE PURCHASE OF TWO PARALLEL SHAFT REDUCERS FOR THE MINNESOTA SLIP PEDESTRIAN BRIDGE REHABILITATION PROJECT IN THE AMOUNT OF \$131,040

**Indexes:**

**Attachments:** [16-0803R Map](#)

This Resolution was adopted unanimously.

15. [16-0807R](#) RESOLUTION ACCEPTING THE CONVEYANCE OF AN EASEMENT FROM HAINES PROPERTIES, LLP FOR PUBLIC UTILITY PURPOSES.

Indexes:

Attachments: [16-0807R Attachment 1](#)

This Resolution was adopted unanimously.

16. [16-0808R](#) RESOLUTION ACCEPTING THE CONVEYANCE OF AN EASEMENT FROM ADVANTAGE EMBLEMS, INC. FOR PUBLIC UTILITY PURPOSES.

Indexes:

Attachments: [16-0808R Attachment 1](#)

This Resolution was adopted unanimously.

17. [16-0809R](#) RESOLUTION ACCEPTING THE CONVEYANCE OF AN EASEMENT FROM BILL & ELLEN, LLC FOR PUBLIC UTILITY PURPOSES.

Indexes:

Attachments: [16-0809R Attachment 1](#)

This Resolution was adopted unanimously.

18. [16-0815R](#) RESOLUTION AUTHORIZING A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH U.S. BANK NATIONAL ASSOCIATION RELATED TO A FOUNDATION DRAIN.

Indexes:

Attachments: [16-0815R 150746\\_Draintile-xx](#)

[16-0815R EXHIBIT A](#)

[16-0815R Exhibit B](#)

[16-0815R Exhibit E](#)

[16-0815R Agreement](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

19.     [16-0785R](#)     RESOLUTION AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, IN AN AMOUNT NOT TO EXCEED \$14,320 AND REIMBURSEMENT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$23,833 FOR THE PURCHASE OF BALLISTIC VESTS.

Indexes:

Attachments:   [Exhibit A](#)

**This Resolution was adopted unanimously.**

20.     [16-0804R](#)     RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, ALLOWING THE CITY OF DULUTH POLICE DEPARTMENT TO ACCESS THE MINNESOTA CRIMINAL JUSTICE DATA COMMUNICATIONS NETWORK SYSTEM FOR A PERIOD OF FIVE YEARS AT A COST OF \$46,200, AND FURTHER AUTHORIZING EXECUTION OF THE COURT DATA SERVICES SUBSCRIBER AMMENDMENT TO CJDN SUBSCRIBER AGREEMENT..

Indexes:

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

**This Resolution was adopted unanimously.**

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

21.     [16-0774R](#)     RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$39,100 FROM THE PARKS FUND NEIGHBORHOOD GRANT PROGRAM.

Indexes:

Attachments:   [Exhibit A Grant Agreement Fall2016](#)

**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

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

- 22.**     [16-0827R](#)     RESOLUTION ENDORSING THE CITY OF DULUTH ARTS AND CULTURE PLAN.

**Indexes:**

**Attachments:**   [Exhibit A](#)

**This Resolution was adopted unanimously.**

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

- 23.**     [16-0813R](#)     RESOLUTION APPROVING AGREEMENT WITH FRYBERGER, BUCHANAN, SMITH AND FREDERICK, P.A., FOR LEGISLATIVE SERVICES NOT TO EXCEED \$54,000.

**Indexes:**

**Attachments:**   [Exhibit A - Fryberger Agreement 2016](#)

**This Resolution was adopted.**

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

**Nay:** 1 - Councilor Fosle

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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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 ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

24.     [16-069-O](#)     AN ORDINANCE AMENDING CHAPTER 29C OF DULUTH CITY CODE UPDATING THE CITY'S HUMAN RIGHTS ORDINANCE BY CLARIFYING THE POWERS AND DUTIES OF THE COMMISSION AND HUMAN RIGHTS OFFICER, DECREASING THE SIZE OF THE HUMAN RIGHTS COMMISSION FROM 15 TO NINE MEMBERS, AND CORRECTING REFERENCES TO STATE STATUTES.

**This Ordinance was read for the first time.**

25.     [16-070-O](#)     AN ORDINANCE REPEALING ARTICLE XXIV OF CHAPTER 2 OF THE CITY CODE RELATING TO THE HUMAN RIGHTS COMMISSION.

**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)

26.     [16-068-O](#)     AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2016 BY INCREASING THE BUDGET BY \$700,000 FOR CALLING STREET IMPROVEMENT BONDS SERIES 2008C.

**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

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

27.     [16-067-O](#)     AN ORDINANCE AMENDING THE DEFINITION OF SIGNATURE IN THE DULUTH CITY CODE, 1959, TO ALLOW FOR ELECTRONIC SIGNATURES

**This Ordinance was adopted.**

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS