



# 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, April 23, 2018

7:00 PM

Council Chamber

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#### ROLL CALL

#### ROLL CALL

**Present:** 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, President Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and Councilor Renee Van Nett

#### PLEDGE OF ALLEGIANCE

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#### APPROVAL OF MINUTES

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1. [18-091](#) Duluth City Council Meeting Minutes - April 9th, 2018

**Indexes:**

**Attachments:** [City Council - April 9th](#)

**This Minutes were approved.**

#### REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

2. [18-084](#) Alcohol Gambling and Tobacco Commission Minutes

Indexes:

Attachments: [AGT April 2018 Minutes](#)

**This Board or Commission Report was received.**

3. [18-092](#) Duluth Public Utilities Commission 03/20/2018 meeting minutes

Indexes:

Attachments: [03/20/2018 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

Distinguished Artist Award - Shawna Gilmore

OPPORTUNITY FOR CITIZENS TO BE HEARD

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CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

- 4. [18-0208R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL FOR THE RECONSTRUCTION OF WHITTIER STREET BEGINNING AT CLAYMORE STREET AND ENDING APPROXIMATELY 750 FEET SOUTH OF CLAYMORE STREET.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

- 5. [18-0266R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE CITY'S STREET PRESERVATION PROJECT FOR 2017.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 6. [18-0340R](#) RESOLUTION AUTHORIZING A CONTRACT WITH INSIGHT PUBLIC SECTOR, INC. FOR THE PURCHASE OF PERSONAL COMPUTERS AND ACCESSORIES, IN ACCORDANCE WITH THE CITY'S FOUR-YEAR REPLACEMENT PLAN, IN THE AMOUNT OF \$215,402.97.

**This Resolution was adopted unanimously.**

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

- 7. [18-0304R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND LAW ENFORCEMENT LABOR SERVICES 363 FOR THE YEARS 2018-2020.

Indexes:

**Attachments:** [2018-2020 Duluth LELS 363 CBA \(Clean Final\)](#)  
[2018-2020 Duluth LELS 363 CBA \(Changes Marked \)](#)  
[Master](#)

**This Resolution was adopted unanimously.**

8. [18-0321R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF LAURA PERTTULA TO THE CIVIL SERVICE BOARD

**Indexes:**

**Attachments:** [Perttula](#)

**This Resolution was adopted unanimously.**

9. [18-0334R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF NATURAL RESOURCE COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**Indexes:**

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

**This Resolution was adopted unanimously.**

10. [18-0335R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SENIOR PARKS PLANNER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**Indexes:**

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

**This Resolution was adopted unanimously.**

11. [18-0336R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF ORGANIZATIONAL DEVELOPMENT SPECIALIST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**Indexes:**

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

This Resolution was adopted unanimously.

12. [18-0337R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF FORESTER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

13. [18-0339R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF LIBRARY TECHNICIAN.

Indexes:

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

This Resolution was adopted unanimously.

14. [18-0343R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DARIS NORDBY TO THE COMMUNITY DEVELOPMENT COMMITTEE REPLACING DEBRA BRANLEY.

Indexes:

Attachments: [Nordby Application](#)

This Resolution was adopted unanimously.

15. [18-0344R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JESSICA FORTNEY TO THE HERITAGE COMMISSION REPLACING DAVID WOODWARD.

Indexes:

Attachments: [Fourtney](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

16. [18-0317R](#) RESOLUTION AUTHORIZING THE BUILDING OFFICIAL TO ABATE A NUISANCE BY REMOVING A STRUCTURALLY UNSOUND BUILDING IN THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$25,000.

**This Resolution was adopted unanimously.**

17. [18-0319R](#) RESOLUTION RECOGNIZING INTERNATIONAL MIGRATORY BIRD DAY IN THE CITY OF DULUTH.

**Indexes:**

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

**This Resolution was adopted unanimously.**

18. [18-0322R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE MINNESOTA HOUSING FINANCE AGENCY (MINNESOTA HOUSING) RELATED TO THE LOW INCOME HOUSING TAX CREDIT PROGRAM.

**Indexes:**

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

[Attachment 2](#)

[Attachment 3](#)

**This Resolution was adopted unanimously.**

19. [18-0323R](#) RESOLUTION VACATING THE ENTIRE TEN-FOOT-WIDE UTILITY AND STREET EASEMENT WEST OF MISSOURI AVENUE AND SOUTH OF CHESTER WAY.

**Indexes:**

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

[Attachment 2](#)

**This Resolution was adopted unanimously.**

20. [18-0324R](#) RESOLUTION VACATING THE 15-FOOT-WIDE PLATTED ALLEY WEST OF MISSOURI AVENUE BETWEEN CHESTER WAY AND WEST COLLEGE STREET.

Indexes:

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

**This Resolution was adopted unanimously.**

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

21. [18-0287R](#) RESOLUTION ADOPTING AMENDED GUIDELINES FOR THE I&I PROGRAM.

Indexes:

- Attachments: [Exhibit A 18-0287R](#)

**This Resolution was adopted unanimously.**

22. [18-0288R](#) RESOLUTION AMENDING GUIDELINES FOR THE PRIVATE SEWER SERVICE GRANT PROGRAM.

Indexes:

- Attachments: [Exhibit A - 18-0288R](#)

**This Resolution was adopted unanimously.**

23. [18-0306R](#) RESOLUTION APPROVING SETTLEMENT IN THE AMOUNT OF \$18,000 TO AARON BOLDUC FOR DAMAGE, PERSONAL INJURY, AND ALL OTHER CLAIMS.

**This Resolution was adopted unanimously.**

24. [18-0307R](#) RESOLUTION APPROVING SETTLEMENT IN THE AMOUNT OF \$65,000 TO MELISSA BOLDUC FOR DAMAGE, PERSONAL INJURY, AND ALL OTHER CLAIMS.

**This Resolution was adopted unanimously.**

25. [18-0320R](#) RESOLUTION AWARDED A CONTRACT TO JMF CONSTRUCTION, INC. FOR THE 2018 CITYWIDE PATCH AND SIDEWALK PROJECT IN THE AMOUNT OF \$291,490.90.

**This Resolution was adopted unanimously.**

26. [18-0325R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN AND CONSTRUCTION ENGINEERING FOR THE WASECA INDUSTRIAL ROAD EXTENSION PROJECT IN THE AMOUNT OF \$264,095.

**Indexes:**

**Attachments:** [18-0325R Agreement](#)  
[18-0325R Cost Proposal](#)  
[18-0325R LHB Proposal](#)  
[18-0325R Map](#)

**This Resolution was adopted unanimously.**

27. [18-0326R](#) RESOLUTION AWARDED A CONTRACT TO MP TECHNOLOGIES, LLC FOR THE WOODLAND AVENUE GAS MAIN REPLACEMENT PROJECT IN THE AMOUNT OF \$804,610.

**Indexes:**

**Attachments:** [18-0326R Map](#)

**This Resolution was adopted unanimously.**

28. [18-0327R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30022 WITH TRC ENVIRONMENTAL CORPORATION FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE DULUTH LAKEWALK AND SHORELINE DAMAGE FOR AN INCREASE OF \$498,388 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$542,766.

**Indexes:**

**Attachments:** [Exhibit 1](#)

**This Resolution was adopted unanimously.**



29. [18-0330R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE SOUTH ST. LOUIS SOIL AND WATER CONSERVATION DISTRICT FOR A FLOOD RECOVERY PROJECT FOR A PORTION OF SARGENT CREEK AT NO COST TO THE CITY.

**Indexes:**

**Attachments:** [Exhibit 1](#)  
[Exhibit 2](#)

**This Resolution was adopted unanimously.**

30. [18-0331R](#) RESOLUTION AUTHORIZING THE EXECUTION AND RECORDING OF A DECLARATION OF RESTRICTIVE COVENANT FOR A PORTION OF SARGENT CREEK.

**Indexes:**

**Attachments:** [Exhibit 1](#)

**This Resolution was adopted unanimously.**

31. [18-0333R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO THE LEASE AGREEMENT WITH SPRINT SPECTRUM REALTY COMPANY, LLC FOR USE OF THE WOODLAND WATER TOWER FOR CELLULAR COMMUNICATIONS EQUIPMENT.

**Indexes:**

**Attachments:** [Exhibit 1](#)

**This Resolution was adopted unanimously.**

32. [18-0347R](#) RESOLUTION APPROVING SETTLEMENT AND RELEASE IN THE MATTERS OF LIBERTY MUTUAL FIRE INSURANCE COMPANY V. SUPERIOR CONSTRUCTION COMPANY, INC., ET AL., AND CITY OF DULUTH V. SUPERIOR CONSTRUCTION COMPANY, INC., AT NO COST TO THE CITY PURSUANT TO THE TERMS OF A MEDIATED SETTLEMENT AGREEMENT AND RELEASE.

**Indexes:**

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

**This Resolution was adopted unanimously.**

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

33. [18-0308R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICALS TO ACCEPT AN AMENDED GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF NATURAL RESOURCES, IN THE TOTAL AMOUNT OF \$400,000 FOR THE PURPOSE OF ACQUIRING 23 ACRES OF ISD 709 PROPERTY FOR THE PURPOSE OF HARTLEY PARK LAND ACQUISITION AND RESTORATION.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

34. [18-0328R](#) RESOLUTION AUTHORIZING A TWENTY-ONE-MONTH LICENSE AGREEMENT WITH COMMUNITY ACTION DULUTH FOR THE MANAGEMENT OF NON-NATIVE PHRAGMITES AUSTRALIS IN CERTAIN PORTIONS OF THE ST. LOUIS RIVER ESTUARY.

Indexes:

Attachments: [EXHIBIT 1](#)

This Resolution was adopted unanimously.

35. [18-0329R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH SPIRIT LAKE DEVELOPMENT, LLC FOR THE OPERATION AND MANAGEMENT OF THE INDIAN POINT PARK AND CAMPGROUND.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

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:

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

- 36. [18-0314R](#) RESOLUTION APPROVING THE BUDGET FOR THE FISCAL YEAR MAY 1, 2018 TO APRIL 30, 2019 IN THE AMOUNT OF \$6,174,678 FOR THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

**Indexes:**

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

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

- Yea:** 8 - Councilor Anderson, Councilor Filipovich, President Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and Hansen
- Nay:** 1 - Councilor Fosle

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

- 37. [18-0276R](#) RESOLUTION ADDING WASECA INDUSTRIAL ROAD FROM RALEIGH STREET TO 59TH AVENUE WEST AND ANDERSON ROAD FROM TH 194 (CENTRAL ENTRANCE) to TH 53 (TRINITY ROAD) TO THE MUNICIPAL STATE AID (MSA) SYSTEM.

**Indexes:**

**Attachments:** [18-0276R Exhibit A](#)  
[18-0276R Exhibit B](#)  
[18-0276R Exhibit C](#)

**This Resolution was adopted unanimously.**

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)

- 38. [18-015-O](#) AN ORDINANCE AMENDING SECTIONS 50-37.10.E, CRITERIA FOR

INTERIM USE PERMITS, TO INCREASE THE MAXIMUM NUMBER OF VACATION DWELLING UNITS THAT MAY BE PERMITTED.

Indexes:

Attachments: [18-014-O Original Ordinance](#)

**A motion was made that this Ordinance be tabled. The motion carried by the following vote:**

**Yea:** 7 - Councilor Anderson, Councilor Fosle, President Hobbs, Councilor Russ, Councilor Westerlund, Councilor Van Nett and Hansen

**Nay:** 2 - Councilor Filipovich and Councilor Sipress

39. [18-016-O](#) AN ORDINANCE AMENDING SECTIONS 50-37.10.E, CRITERIA FOR INTERIM USE PERMITS, TO LIMIT THE NUMBER OF PERMITS THAT ANY ONE PERSON OR ENTITY COULD HAVE TO THREE VACATION DWELLING UNIT PERMITS AND THREE ACCESSORY VACATION DWELLING UNIT PERMITS.

Indexes:

Attachments: [18-014-O Original Ordinance](#)

**This Ordinance was failed.**

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

40. [18-009-O](#) ORDINANCE ADDING A NEW CHAPTER 29E TO THE DULUTH CITY CODE ESTABLISHING MINIMUM STANDARDS FOR EARNED SICK AND SAFE TIME IN THE CITY OF DULUTH.

Indexes:

**Attachments:** [Motion To Amend - Sipress & Russ \(1\) - Removed](#)  
[Motion To Amend - Sipress & Russ \(2\) - Passed 8-1](#)  
[Motion To Amend - Filipovich - Removed](#)  
[Motion To Amend - Westerlund \(1\) - Passed 5-4](#)  
[Motion to Amend - Hobbs - Fail 3-6](#)  
[Motion to Amend - Hansen.Hobbs - Passed 8-1](#)  
[Motion to Amend - Filipovich \(2\) - Removed](#)  
[Motion to Amend - Hobbs\(2\) - Failed 4-5](#)  
[Motion to Amend - Sipress - Passed 8-0](#)  
[Motion to Amend - Anderson.Van Nett - Passed 5-3](#)  
[Motion to Amend - Sipress.Westerlund - Passed 7-1](#)  
[Motion to Amend - Sipress.Westerlund \(2\) - Passed 8-0](#)  
[Motion to Amend - Filipovich \(3\) - Passed 6-2](#)  
[Motion to Amend - Hobbs\(3\) - Passed 8-0](#)  
[Motion to Amend - Hobbs\(4\) - Passed 8-0](#)  
[Motion to Amend - Sipress.Hansen - Removed](#)  
[Motion to Amend - Anderson - Passed 5-4](#)  
[Motion to Amend - Hansen - Passed 6-3](#)  
[18-009-O Original](#)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

41. [18-017-O](#) ORDINANCE AMENDING CHAPTER 43 OF DULUTH CITY CODE TO CONFORM TO REQUIREMENTS OF WLSSD I & I ORDINANCE AND TO DELETE REFERENCES TO THE CONSENT DECREE, AMENDING SECTIONS 43-11.1, 43-31, 43-33.1 AND 43-31.2 AND BY REPEALING SECTION 43-34 OF THE CODE.

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

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

**Absent:** 1 - Councilor Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS