



# 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, September 12, 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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### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM THE ADMINISTRATION

### PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

#### PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-109](#) Polymet Communications

Indexes:

Attachments: [Polymet Communication - B. Doup](#)  
[Polymet Communication - C. Conrad](#)  
[Polymet Communication - E. Bong](#)  
[Polymet Communication - G. Olson](#)  
[Polymet Communication - Gilbert Law](#)  
[Polymet Communication - J. Studelska](#)  
[Polymet Communication C. Gordon](#)  
[Polymet Communication - Heron](#)  
[Polymet Communication - G. Benson](#)  
[Polymet Communication - A. Reierson](#)

**This communication was received.**

**2. [16-113](#) Polymet Communications #2**

Indexes:

Attachments: [Polymet Communication - B. Jeanetta](#)  
[Polymet Communication - B. Johnson](#)  
[Polymet Communication - D. Crotteau](#)  
[Polymet Communication - D. Gaddie](#)  
[Polymet Communication - D. Larson](#)  
[Polymet Communication - G. Patrick](#)  
[Polymet Communication - H. Seely](#)  
[Polymet Communication - J. Korthals](#)  
[Polymet Communication - K. Aagenes](#)  
[Polymet Communication - K. Zakovich](#)  
[Polymet Communication - L. deGrood](#)  
[Polymet Communication - M. Martinie](#)  
[Polymet Communication - N. Ojard](#)  
[Polymet Communication - P. Johnson](#)  
[Polymet Communication - S. Bradt](#)  
[Polymet Communication - S. Youngdahl](#)  
[Polymet Communication - T. Beddow](#)

**This communication was received.**

**3. [16-114](#) Polymet Communications #3**

Indexes:

Attachments: [Polymet Communication - B. Albiston](#)  
[Polymet Communication - C. Kivi](#)  
[Polymet Communication - D. Hoffman](#)  
[Polymet Communication - D. Reisenweber](#)  
[Polymet Communication - F. Onargo](#)  
[Polymet Communication - I. Murphy](#)  
[Polymet Communication - J. Daveau](#)  
[Polymet Communication - J. Vincent](#)  
[Polymet Communication - K. Hoffman](#)  
[Polymet Communication - K. Rasley](#)  
[Polymet Communication - M. Garramone](#)  
[Polymet Communication - M. Johnson](#)  
[Polymet Communication - M. Ness](#)  
[Polymet Communication - N. Nelson](#)  
[Polymet Communication - N. Norr](#)  
[Polymet Communication - P. Francisco](#)  
[Polymet Communication - Patrick](#)  
[Polymet Communication - S. Kappes](#)  
[Polymet Communication - V. Kanitz](#)  
[Polymet Communiation - L. Grauger](#)  
[Polymet Communiation - V. Coda](#)  
[Polymet Communication - A. Fisk](#)  
[Polymet Communication - G. Kohls \(2\)](#)  
[Polymet Communication - G. Kohls \(3\)](#)  
[Polymet Communication - G. Kohls](#)  
[Polymet Communication - K. Doran](#)  
[Polymet Communication - K. Ferg](#)  
[Polymet Communication - L. Fitzpatrick](#)  
[Polymet Communication - S. Timmer](#)  
[Polymet Petition](#)

**This communication was received.**

#### REPORTS FROM OTHER OFFICERS

#### REPORTS FROM OTHER OFFICERS

#### REPORTS OF BOARDS AND COMMISSIONS

#### REPORTS OF BOARDS AND COMMISSIONS

4. [16-106](#) DEDA Meeting Minutes

Indexes:

Attachments: [6-22-16 DEDA Meeting Minutes](#)

**This report of boards and commissions was received.**

5. [16-107](#) DTA Meeting Minutes

Indexes:

Attachments: [5-25-16 DTA Meeting Minutes](#)

**This report of boards and commissions was received.**

6. [16-108](#) Library Board Meeting Minutes

Indexes:

Attachments: [6-21-16 Library Board Meeting Minutes](#)

**This report of boards and commissions was received.**

7. [16-110](#) AGT Meeting Minutes

Indexes:

Attachments: [7-2016 AGT Meeting Minutes](#)

[8-2016 AGT Meeting Minutes](#)

**This report of boards and commissions was received.**

8. [16-111](#) HRA Meeting Minutes

Indexes:

Attachments: [8-3-16 HRA Meeting Minutes](#)

**This report of boards and commissions 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

## MOTIONS AND RESOLUTIONS

## MOTIONS AND RESOLUTIONS

## CONSENT AGENDA

## CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

9. [16-0659R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2017.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[mta 16-0659R Sipress](#)

**This Resolution was adopted.**

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

**Abstain:** 1 - President Hobbs

10. [16-0663R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2017.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

11. [16-0651R](#) RESOLUTION AUTHORIZING A PURCHASE FROM MOTOROLA SOLUTIONS OF TWO (2) RADIO CONTROLS STATIONS AND SIXTY (60) RADIOS IN THE AMOUNT OF \$179,096.50.

**This Resolution was adopted unanimously.**

12. [16-0654R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR MARCH OF DIMES FOUNDATION - MINNESOTA CHAPTER

**Indexes:**

**Attachments:** [MARCH OF DIMES RECOMMENDATION](#)

**This Resolution was adopted unanimously.**

13. [16-0674R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR CIRCLE OF HOPE.

**Indexes:**

**Attachments:** [CIRCLE OF HOPE](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

14. [16-0613R](#) RESOLUTION APPROVING APPOINTMENT OF STEVE GERADS AS CITY REPRESENTATIVE TO THE BOARD OF ADJUSTMENT FOR THE DULUTH INTERNATIONAL AIRPORT JOINT AIRPORT ZONING BOARD

**This Resolution was adopted unanimously.**

15. [16-0653R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MARK OSTHUS TO THE ALCOHOL, GAMBLING AND TOBACCO COMMISSION, REPLACING BRYN POLLARD

**Indexes:**

**Attachments:** [Mark Osthus AGT Board](#)

**This Resolution was adopted unanimously.**

16. [16-0679R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DEAN VOGTMAN TO THE PARKS AND RECREATION COMMISSION, REPLACING THOMAS ALBRIGHT

Indexes:

Attachments: [Dean Vogtman Redacted](#)

**This Resolution was adopted unanimously.**

17. [16-0680R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JOHN SCHMIDT TO THE PARKS AND RECREATION COMMISSION, REPLACING PATRICK CONTARDO

Indexes:

Attachments: [John Schmidt Redacted](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

18. [16-0662R](#) RESOLUTION ACCEPTING A CERTIFIED LOCAL GOVERNMENT GRANT OF \$15,600 FROM THE MINNESOTA STATE HISTORICAL SOCIETY AND APPROVING LOCAL MATCH OF \$5,000 AND \$5,400 OF IN-KIND SERVICES TO CONDUCT AN INTENSIVE SURVEY OF HISTORIC RESOURCES IN A PORTION OF THE LINCOLN PARK NEIGHBORHOOD.

Indexes:

Attachments: [Attachment 1](#)

**This Resolution was adopted unanimously.**

19. [16-0668R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO SUB-RECIPIENT FUNDING AGREEMENTS WITH SOAR CAREER SOLUTIONS, COMMUNITY ACTION DULUTH AND ISD 709 ADULT BASIC EDUCATION FOR EMPLOYMENT AND TRAINING SERVICES FUNDED THROUGH THE STATE OF MINNESOTA'S PATHWAYS TO PROSPERITY GRANT PROGRAM.

Indexes:

Attachments: [Attachment A - SOAR Sub Agreement](#)  
[Attachment B - CAD Sub Agreement](#)  
[Attachment C - ABE Sub Agreement](#)

**This Resolution was adopted unanimously.**

20. [16-0670R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH BARR ENGINEERING CO. RELATED TO THE FORMER FRANKLIN FOODS PRODUCTION FACILITY

Indexes:

Attachments: [Exhibit A Franklin Foods Production Facility BARR Prof Svcs Agmnt](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

21. [16-0655R](#) RESOLUTION AUTHORIZING AGREEMENT WITH WLSSD FOR SUPERIOR ST. SEWER LINING PROJECT.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

22. [16-0658R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ME GLOBAL, INC. FOR GAS TRANSPORTATION SERVICES.

Indexes:

Attachments: [Exhibit A - 16-0658](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

23. [16-0639R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE A MASTER SUBSCRIBER AGREEMENT WITH STATE OF MINNESOTA OFFICE OF STATE COURT ADMINISTRATION TO PROVIDE ACCESS

## TO THE NEW MINNESOTA GOVERNMENT ACCESS (MGA) SYSTEM.

Indexes:Attachments: [Document A](#)

**This Resolution was adopted unanimously.**

24. [16-0671R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY TO ALLOW THE DULUTH FIRE DEPARTMENT TO UTILIZE DEDA PROPERTY FOR PARKING DURING A TRAINING EXERCISE IN THE BAYFRONT AREA.

Indexes:Attachments: [Exhibit A - License Agreement](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

25. [16-0660R](#) RESOLUTION AUTHORIZING A TEN-YEAR AGREEMENT WITH DULUTH MARKET GARDENERS AND BERRY ASSOCIATION, INC. FOR LEASE OF SPACE AT 1324 E. THIRD STREET FOR ITS FARMERS' MARKET OPERATIONS.

Indexes:Attachments: [Exhibit 1](#)

**This Resolution was adopted unanimously.**

26. [16-0661R](#) RESOLUTION AUTHORIZING A THIRTEEN-MONTH LICENSE AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF MINNESOTA FOR USE OF SPACE ON PARK POINT FOR THE INSTALLATION AND MAINTENANCE OF A CAMERA AND RELATED EQUIPMENT TO MONITOR RIP CURRENTS.

Indexes:Attachments: [Exhibit 1](#)

**This Resolution was adopted unanimously.**

27. [16-0666R](#) RESOLUTION AUTHORIZING AN EXCLUSIVE USE PERMIT AGREEMENT WITH BENTLEYVILLE TOUR OF LIGHTS, INC., FOR THE PRODUCTION, PROMOTION, AND MANAGEMENT OF THE BENTLEYVILLE TOUR OF LIGHTS IN BAYFRONT FESTIVAL PARK FOR THE 2016 HOLIDAY SEASON. (REPLACEMENT)

Indexes:

Attachments: [Exhibit 1](#)

**This Resolution was adopted unanimously.**

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

28. [16-0672R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2017.

Indexes:

Attachments: [Tax and Fee Impact](#)

[Motion To Amend - Hobbs.Hansen.Russ - Passed](#)

[Motion to Amend - Filipovich.Sipress - Passed](#)

[Exhibit A - mta Filipovich.Sipress](#)

Motion To Amend by Hobbs.Hansen.Russ -

Yea: 8

Nays: 1 (Councilor Fosle)

**This Resolution was tabled.**

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

**Abstain:** 1 - President Hobbs

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

29. [16-0673R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MATTHEW CARTIER TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY, REPLACING MEGAN HASERODT

Indexes:

Attachments: [M. Cartier Application](#)

**This Resolution was adopted unanimously.**

30. [16-0681R](#) RESOLUTION CALLING FOR THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES TO SUBMIT ANY POLYMET PERMIT TO MINE APPLICATION TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR AN EVIDENTIARY HEARING IF ANY PARTY HAS ASKED FOR ONE IN COMPLIANCE WITH THE PERMIT TO MINE RULES PRIOR TO MAKING A DECISION ON THE APPLICATION.

**This Resolution failed by the following vote.**

**Yea:** 3 - Councilor Anderson, Councilor Sipress and Councilor Westerlund

**Nay:** 5 - Hansen, Hanson, President Hobbs, Councilor Russ and Councilor Filipovich

**Abstain:** 1 - Councilor Fosle

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

31. [16-0667R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO APPROVE AN AGREEMENT FOR MEMBERSHIP IN THE MINNEAPOLIS-DULUTH/SUPERIOR PASSENGER RAIL ALLIANCE AMENDING THE JOINT POWERS AGREEMENT TO INCLUDE THE CITY OF CAMBRIDGE AS A FULL VOTING MEMBER.

Indexes:

Attachments: [Exhibit A - 16-0667R](#)

**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

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

32. [16-0689R](#) RESOLUTION APPROVING THE APPOINTMENTS OF TERESE TOMANEK, STEPHAN WITHERSPOON, TODD GUSTAFSON, TONEY

BOEN, KATHERYN WAGER, ARIK FORSMAN, MARK SWANSON, ANGIE MILLER, MARY FAULKNER, LAURA WEINTRAUB AND BRENDA DENTON TO THE EARNED SICK AND SAFE TIME TASK FORCE.

**This Resolution was withdrawn.**

#### 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 HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

33. [16-061-O](#) AN ORDINANCE REPLACING ORDINANCE NO. 9223, FILE NO. 94-0042, AND GRANTING MINNESOTA POWER , A DIVISION OF ALLETE, INC., A FRANCHISE TO CONSTRUCT AND MAINTAIN AN ELECTRIC DISTRIBUTION SYSTEM WITHIN THE CITY

Indexes:

Attachments: [Sample Minnesota Power Bill \(Duluth Resident\)](#)

[Duluth City Ordinance No. 9223 - Minnesota Power Franchise Agreement \(19...](#)  
[Electric Utility Franchise Fee Overview](#)

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

34. [16-062-O](#) AN ORDINANCE TO FUND FROM THE GENERAL LEVY THE STREET SYSTEM MAINTENANCE UTILITY, AMENDING ARTICLE XIII OF CHAPTER 45 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

35. [16-057-O](#) AN ORDINANCE AMENDING CHAPTER 10 OF DULUTH CITY CODE TO CLARIFY NOTICE REQUIREMENTS FOR ORDERS CONCERNING DEMOLITION OF DAMAGED OR UNSAFE BUILDINGS.

**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)

36. [16-054-O](#) AN ORDINANCE AMENDING THE APPROVED REGULATING PLAN FOR RAMSEY VILLAGE TO ALLOW A MIXED USE RESIDENTIAL AND COMMERCIAL BUILDING AT 5103 RAMSEY STREET.

**Indexes:**

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

**This Ordinance was adopted unanimously.**

37. [16-055-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 TO R-2 FOR The PROPERTY AT 3727 WEST ARROWHEAD ROAD AND 3625 WEST ARROWHEAD ROAD.

**Indexes:**

**Attachments:** [Attachment 1](#)  
[Attachment 2](#)  
[Attachment 3](#)

**This Ordinance was adopted.**

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

**Nay:** 1 - Councilor Anderson

#### COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS