



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, February 26, 2018

7:00 PM

Council Chamber

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. [18-037](#) February 12th, 2018 - Duluth City Council Meeting

Indexes:

Attachments: [February 12th 2018 Council Meeting](#)

This Minutes was received.

REPORTS FROM THE ADMINISTRATION

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REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

- 2. [18-044](#) State of MN - Audit Report - Spirit Mountain Recreation Area Authority

Indexes:

Attachments: [State of Minnesota - Audit Report - Spirit Mountain Recreation Area Authority](#)

This Informational Report was received.

REPORTS OF BOARDS AND COMMISSIONS

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- 3. [18-042](#) Library Board Meeting Minutes

Indexes:

Attachments: [11.28.17 Library Board Meeting Minutes](#)

This Board or Commission Report was received.

- 4. [18-043](#) DEDA Meeting Minutes

Indexes:

Attachments: [11.29.17 - DEDA Meeting Minutes](#)

This Board or Commission Report was received.

- 5. [18-045](#) 18PUC-002: RESOLUTION ESTABLISHING A NATURAL GAS RATE FOR MUNICIPAL ENERGY RESALE INTERRUPTIBLE LARGE VOLUME EFFECTIVE WITH METER READINGS AFTER MARCH 14, 2018

Indexes:

Attachments: [18PUC - 002 Resolution Establishing a Natural Gas Rate](#)

This Board or Commission Report was received.

- 6. [18-046](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [01162018 DPUC gas transport rate public hearing minutes](#)
[01162018 DPUC meeting minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

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REPORTS OF COUNCIL OPEN ISSUES

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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CONSENT AGENDA

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BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 7. [18-0154R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2019 FREIGHTLINER CAB AND CHASSIS FROM I-STATE TRUCK IN THE AMOUNT OF \$85,974.65, AND THE PURCHASE AND INSTALLATION OF PLOW EQUIPMENT TO OUTFIT THE TRUCK FROM CRYSTEEL TRUCK EQUIPMENT IN THE AMOUNT OF \$78,237.00 FOR A TOTAL AMOUNT OF \$164,211.65.

This Resolution was adopted unanimously.

- 8. [18-0155R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM HOSPITALITY ASSOCIATES, LLC, (ACES ON 1ST), 113 WEST

SUPERIOR STREET TO EVOL, LLC (ACES ON 1ST), SAME ADDRESS.

Indexes:

Attachments: [EVOL](#)

This Resolution was adopted unanimously.

9. [18-0156R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO DOVETAIL CAFÉ & MARKET PLACE, LLC, (DOVETAIL CAFÉ & MARKETPLACE), 1917 WEST SUPERIOR STREET.

Indexes:

Attachments: [DOVETAIL-02022018094846](#)

This Resolution was adopted unanimously.

10. [18-0165R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) 2019 FREIGHTLINER CABS AND CHASSIS FROM I-STATE TRUCK CENTER IN THE AMOUNT OF \$126,590.16.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

11. [18-0158R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF PATRICIA STERNER TO THE COMMUNITY DEVELOPMENT COMMITTEE.

Indexes:

Attachments: [Patricia Sterner Application](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [18-0153R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BARR ENGINEERING

COMPANY INCREASING THE CONTRACT AMOUNT BY \$62,500 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED THE AMOUNT OF \$100,000.

Indexes:

Attachments: [2018 BARR Engineering PSA Amendment](#)

This Resolution was adopted unanimously.

13. [18-0163R](#) RESOLUTION VACATING NINA STREET SOUTH OF QUINCE STREET, RETAINING A PEDESTRIAN AND UTILITY EASEMENT OVER THE CENTER 30 FEET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

14. [18-0161R](#) RESOLUTION ESTABLISHING A 2018 DULUTH DISTINGUISHED ARTIST AWARD TO BE BESTOWED ON DULUTH ARTISTS BY MEMBERS OF THE CITY COUNCIL.

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

15. [18-0168R](#) RESOLUTION AUTHORIZING AN APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A PERMANENT HIGHWAY/ROAD EASEMENT ACROSS STATE LAND IN THE RIVERSIDE NEIGHBORHOOD FOR \$2,000 AND ADDITIONAL FEES, IF REQUIRED.

Indexes:

Attachments: [Exhibit 1](#)

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

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

Nay: 2 - Councilor Anderson and Councilor Van Nett

16. [18-0175R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH WESTWOOD PROFESSIONAL SERVICES, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE PRELIMINARY ENGINEERING FOR THE KAYAK BAY ROAD PROJECT IN AN AMOUNT NOT TO EXCEED \$93,260.

Indexes:

Attachments: [18-0175R Map](#)
[18-0175R Exhibit A](#)

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

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

Nay: 1 - Councilor Anderson

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

17. [18-0099R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH ARROWHEAD YOUTH SOCCER ASSOCIATION FOR USE OF OFFICE SPACE IN THE WHEELER FIELDHOUSE FOR ITS OPERATIONAL HEADQUARTERS.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

18. [18-0157R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$1,489.71 DONATION FROM THE GREATER DOWNTOWN COUNCIL AND THE CANAL PARK BUSINESS ASSOCIATION FOR LAKEWALK REPAIR AND RESTORATION.

This Resolution was adopted unanimously.

19. [18-0160R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF AWARDED, ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES FEDERAL RECREATIONAL TRAIL PROGRAM GRANT OF UP TO \$150,000 FOR WAYFINDING ON THE CROSS CITY TRAIL.

Indexes:

Attachments: [Exhibit A sample agreement](#)

This Resolution was adopted unanimously.

20. [18-0162R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF AWARDED, ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES FEDERAL RECREATIONAL TRAIL PROGRAM GRANT OF UP TO \$150,000 FOR CROSS COUNTRY SKI TRAIL CONSTRUCTION AT GRAND AVENUE NORDIC CENTER.

Indexes:

Attachments: [Exhibit A sample agreement](#)

This Resolution was adopted unanimously.

21. [18-0164R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE LOWER SPIRIT MOUNTAIN RIVERFRONT PARK SITE PLAN; DEDICATING THE PROPERTY AS A PARK AND NAMING THE SITE SPIRIT LANDING.

Indexes:

Attachments: [Exhibit A site plan](#)

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

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

Nay: 2 - Councilor Anderson and Councilor Van Nett

22. [18-0166R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE LOWER CHESTER PARK MINI MASTER PLAN.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

- 23. [18-0152R](#) RESOLUTION AMENDING A CONTRACT WITH EVER-GREEN ENERGY, INC. TO PROVIDE ADDITIONAL DESIGN AND CONSTRUCTION INSPECTION SERVICES NECESSARY FOR THE CONVERSION OF THE EXISTING DULUTH ENERGY STEAM SYSTEM TO A HOT WATER SYSTEM, TO INCREASE THE AMOUNT BY \$741,063 FOR A NEW TOTAL OF \$1,187,635.

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

- 24. [18-0159R](#) RESOLUTION AMENDING A CONTRACT WITH LHB, INC. TO PROVIDE PROFESSIONAL ENGINEERING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE SUPERIOR STREET RECONSTRUCTION PROJECT, TO INCREASE THE AMOUNT BY \$719,143 FOR A NEW TOTAL OF \$2,352,817.

Indexes:

Attachments: [PESA LHB Amendment 1 Request](#)
[18-0159R Map](#)

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

- 25. [18-0167R](#) RESOLUTION APPROVING FORM OF HOT WATER SERVICE AGREEMENT BY EGE FOR SALE OF ENERGY TO DULUTH ENERGY SYSTEM CUSTOMERS.

Indexes:

Attachments: [Exhibit A - 18-0167](#)

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

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)

- 26. [18-006-O](#) AN ORDINANCE DESIGNATING THE LEIF ERIKSON STAGE IN LEIF ERIKSON PARK AS A DULUTH HERITAGE PRESERVATION LANDMARK.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

- 27. [18-007-O](#) ORDINANCE AMENDING THE BUDGET OF THE CITY OF DULUTH FOR 2018 BY INCREASING THE BUDGET BY \$40,000 TO FINANCE THE TENANT LANDLORD CONNECTION PROGRAM.

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

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and Hansen

Abstain: 1 - President Hobbs

COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS

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