



# 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, February 22, 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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### APPROVAL OF MINUTES

#### APPROVAL OF MINUTES

1. [16-020](#) August and September 2015

**Indexes:**

**Attachments:** [OPS 8.10.2015 \(1\)](#)  
[OPS 8.14.2015 \(1\)](#)  
[OPS 8.31.2015 \(1\)](#)  
[OPS 9.14.2015 \(1\)](#)  
[OPS 9.17.2015 \(1\)](#)  
[OPS 9.28.2015 \(1\)](#)

**This Minutes was received.**

## PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

### PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

2. [16-021](#) Communications regarding Lake Superior Zoo/Fairmount Park Site Plan

**Indexes:**

**Attachments:** [Elizabeth Donley Communication \(Zoo\)](#)  
[Jerry Fredrickson Communication \(Zoo\)](#)  
[Richard Paulson Communication \(Zoo\)](#)

**This Petition/Other Communication was received.**

## REPORTS FROM THE ADMINISTRATION

### REPORTS FROM THE ADMINISTRATION

## REPORTS FROM OTHER OFFICERS

### REPORTS FROM OTHER OFFICERS

3. [16-022](#) Clerk application to conduct excluded bingo by St. Elizabeth's Catholic Church on March 20, 2016

**This Other Officers Report was received.**

4. [16-026](#) Spirit Mountain Rec. Area Authority Audit

**This Other Officers Report was received.**

5. [16-027](#) Clerk application for exempt permit submitted to the Minnesota gambling control board.

**Indexes:**

**Attachments:** [Holy Family Church Gambling Permit](#)  
[St Luke's Foundation Gambling Permit](#)

**This Other Officers Report was received.**

6. [16-028](#) Vacation Dwelling Unit Moratorium

**Indexes:**

**Attachments:** [Public Meeting Comments 1 21 2016](#)  
[Public Meeting Comments 10 15 2015](#)  
[VDRHS PC CC Report](#)

**This Other Officers Report was received.**

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

7. [16-023](#) DPUC Meeting Minutes & Recommendations

**Indexes:**

**Attachments:** [01192016 DPUC meeting minutes](#)  
[16PUC-002 with recommended unofficial ordinance](#)  
[16PUC-003 recommending alternative stormwater mgmt approved 02162016](#)

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

8. [16-024](#) DAA Meeting Minutes

**Indexes:**

**Attachments:** [DAA January 19, 2016 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

Councilor Anderson presented the Duluth City Council February 2016 Duluth Distinguished Artists award to Angie Frank.

Ms. Frank thanked the council for this honor.

## OPPORTUNITY FOR CITIZENS TO BE HEARD

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Lynne Pickart commented on her continued concern about the icy sidewalks.

Justin Anderson expressed his concerns about the need for more information about where the political caucuses are being held.

Jesse Peterson commented on the difficulty on participating in the political party caucus process.

## MOTIONS AND RESOLUTIONS

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## CONSENT AGENDA

## CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

9.        [16-0104R](#)        RESOLUTION AUTHORIZING THE PURCHASE OF TECHRETE, PRIMER, SEALANT, MASTIC, AND THE RENTAL OF A PATCHER TRAILER, FROM BROCK WHITE COMPANY FOR A TOTAL AMOUNT OF \$123,680.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

10.       [16-0119R](#)       RESOLUTION AUTHORIZING THE FIRST AMENDMENT TO CONTRACT 22447 WITH CHRISTINE PENNEY FOR PROFESSIONAL SERVICES FOR ADDITIONAL GRANT RESEARCH AND WRITING SERVICES FOR

AN AMENDED CONTRACT TOTAL NOT TO EXCEED \$109,400.

Indexes:

Attachments: [Exhibit A](#)  
[Exhibit A-1](#)

This Resolution was adopted unanimously.

11. [16-0120R](#) RESOLUTION AUTHORIZING A CONTRACT WITH WETLAND HABITAT RESTORATIONS FOR THE REMOVAL OF INVASIVE SPECIES FROM THE WESTERN WATERFRONT TRAIL CORRIDOR IN THE AMOUNT OF \$179,501.

Indexes:

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

This Resolution was adopted unanimously.

12. [16-0129R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH PRAIRIE RESTORATIONS, INC. FOR THE IMPLEMENTATION OF A PORTION OF PHASE ONE OF THE HARTLEY MINI MASTER PLAN FOR AN AMOUNT NOT TO EXCEED \$65,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

13. [16-0112R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF BUILDINGS & GROUNDS MAINTENANCE SUPERVISOR, INCLUDING A TITLE CHANGE TO PARKS & GROUNDS MAINTENANCE SUPERVISOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Buildings & Grounds Maintenance Supervisor Strikeout](#)  
[Parks & Grounds Maintenance Supervisor](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [16-0095R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH PERKINS+WILL FOR THE WESTERN PORT AREA NEIGHBORHOOD PLAN FOR AN AMOUNT NOT TO EXCEED \$185,075.

Indexes:

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

**This Resolution was adopted unanimously.**

15. [16-0098R](#) RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) RELATING TO PARTICIPATION BY DEDA IN THE CITY OF DULUTH SELF INSURANCE FUND PROGRAM FOR 2016.

Indexes:

Attachments: [DEDA-City Self Insurance Program](#)

**This Resolution was adopted unanimously.**

16. [16-0099R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) TO INSURE CERTAIN DEDA PROPERTY UNDER THE CITY'S PROPERTY AND BOILER INSURANCE POLICIES.

Indexes:

Attachments: [DEDA-City Property & Boiler Insurance Agreement \(2\)](#)

**This Resolution was adopted unanimously.**

17. [16-0121R](#) RESOLUTION VACATING THE 30 FOOT WIDE RIGHT OF WAY LYING SOUTHERLY AND ADJACENT TO BLOCK 3, HYDE PARK (JOHN F. AND KRISTINE CURTIS).

Indexes:

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

**This Resolution was adopted unanimously.**

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

18. [16-0116R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR

PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR A DECK GRATING ASSESSMENT, SIDEWALK ASSESSMENT AND REPAINTING DESIGN AND PLANS FOR THE DULUTH AERIAL LIFT BRIDGE IN AN AMOUNT NOT TO EXCEED \$78,578.

Indexes:

Attachments: [16-0116R Map](#)  
[16-0116R PESA](#)

**This Resolution was adopted unanimously.**

19. [16-0118R](#) RESOLUTION AWARDING A CONTRACT TO MINNESOTA PIPE & EQUIPMENT, INC. FOR THE PURCHASE OF DUCTILE IRON WATER MAIN PIPE FOR ST. LOUIS COUNTY'S CSAH 9 STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$300,609.

**This Resolution was adopted unanimously.**

20. [16-0130R](#) RESOLUTION AUTHORIZING LICENSE AGREEMENT WITH BNSFRR TO AUTHORIZE CONSTRUCTION OF WATER MAIN AND CASING UNDER RAILROAD RIGHT-OF-WAY AT 59TH AVE. W.

Indexes:

Attachments: [Exhibit A - 16-0130R](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

21. [16-0122R](#) RESOLUTION RENEWING CODERED SERVICE AGREEMENT (AGREEMENT NO. 22025) AND RENEWING THE WEATHER WARNING SERVICE ADDENDUM (AGREEMENT NO. 22026) WITH EMERGENCY COMMUNICATIONS NETWORK LLC, FOR A TOTAL COST OF \$29,500.

**This Resolution was adopted unanimously.**

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

22. [16-0080R](#) RESOLUTION AUTHORIZING THE TWO YEAR RENEWAL OF AGREEMENT 22326 WITH DULUTH AREA FAMILY YMCA TO PROVIDE

AFTER SCHOOL PROGRAMMING AND SUMMER YOUTH PROGRAMMING AT VARIOUS LOCATIONS FOR A MAXIMUM ANNUAL FEE NOT TO EXCEED \$150,000, AND A TOTAL AGREEMENT AMOUNT NOT TO EXCEED \$412,500.

**Indexes:**

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

**This Resolution was adopted unanimously.**

23. [16-0114R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES (MN DNR) FEDERAL RECREATIONAL TRAIL PROGRAM TO CONSTRUCT A MULTI-USE TRAIL ALONG THE PROPOSED DWP RAIL BED TRAIL FROM SPIRIT MOUNTAIN TO STEWART CREEK.

**Indexes:**

**Attachments:** [EXHIBIT A - 16-0114R](#)

[EXHIBIT B - 16-0114R](#)

**This Resolution was adopted unanimously.**

24. [16-0115R](#) RESOLUTION AUTHORIZING APPLICATION TO A MINNESOTA DEPARTMENT OF NATURAL RESOURCES FEDERAL RECREATIONAL TRAIL PROGRAM GRANT TO CONSTRUCT A MULTI-USE TRAIL (THE CLYDE CONNECTOR TRAIL) CONNECTING SMITHVILLE, THE MUNGER TRAIL, THE DWP TRAIL AND WEST SKYLINE PARKWAY.

**Indexes:**

**Attachments:** [EXHIBIT B - 16-0115R](#)

[EXHIBIT A - 16-0115R](#)

**This Resolution was adopted unanimously.**

25. [16-0125R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE LINCOLN PARK MINI-MASTER PLAN.

**Indexes:**

**Attachments:** [EXHIBIT A - 16-0125R](#)

**This Resolution was adopted unanimously.**

26. [16-0133R](#) RESOLUTION AUTHORIZING THREE YEAR LEASE AGREEMENT WITH THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, DULUTH BRANCH, FOR USE OF SPACE IN THE WASHINGTON RECREATION CENTER.



Indexes:

Attachments: [NAACP lease 2016-02-16 \(council copy\)](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

27. [16-0124R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ART SCHOOL AT 810 WEST THIRD STREET, FORMER ST. PETER'S CHURCH (JEFFREY T. LARSON).

Indexes:

Attachments: [Attachment 1](#)

A motion was made by Councilor Russ that this Resolution be tabled and a second was made by Councilor E. Hansen. The motion to table this Resolution carried unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

28. [16-0117R](#) RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR CONSTRUCTION OF THE LOWELL TO LAKEWALK TRAIL PHASE 1 (NOW KNOWN AS CAMPUS CONNECTOR) IN THE AMOUNT OF \$777,773.75.

Indexes:

Attachments: [16-0117R Map](#)  
[16-0117R Cross Section](#)

This Resolution was adopted unanimously.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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ORDINANCES TABLED

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BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

29.     [16-002-O](#)     AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-N, AND MU-N AND MU-B TO MU-C FOR PROPERTY ALONG THE NORTH AND SOUTH SIDES OF LONDON ROAD.

Indexes:

Attachments:   [Attachment 1](#)

[Attachment 2](#)

A motion was made, seconded and carried unanimously to remove the ordinance from the table.

A motion was made that this Ordinance be adopted. The motion carried unanimously.

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)

30.     [16-011-O](#)     ORDINANCE DESIGNATING THE FORMER ST. PETER'S CHURCH, 810 WEST THIRD STREET, AS A DULUTH HISTORIC LANDMARK (JEFFREY T. LARSON).

Indexes:

Attachments:   [Attachment 1](#)

[Attachment 2](#)

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)

31. [16-006-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF THE CURRENT ZONE DISTRICT; RESIDENTIAL-TRADITIONAL (R-1) TO RESIDENTIAL-URBAN (R-2), AND MIXED USE-NEIGHBORHOOD (MU-N) AND INDUSTRIAL-GENERAL (I-G) TO MIXED USE-NEIGHBORHOOD (MU-N).

**Indexes:**

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

[Attachment 2](#)

**This Ordinance was adopted unanimously.**

32. [16-009-O](#) AN ORDINANCE AMENDING CHAPTER 6, ARTICLE VII, OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO NONDOMESTIC ANIMALS.

Motion was made, seconded and unanimously carried to suspend the rules to hear a speaker on the ordinance.

Kris Kapsner expressed support for the ordinance.

**This Ordinance was adopted as follows;**

**Yea:** 7 - Councilor Anderson, Hansen, Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

**Nay:** 2 - Councilor Fosle and President Hobbs

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

33. [16-007-O](#) AN ORDINANCE ADOPTING SPECIAL PROCEDURES PERTAINING TO TERMINATION OF NATURAL GAS SERVICE DURING THE COLD WEATHER RULE PERIOD, AMENDING ARTICLE XV OF CHAPTER 48 OF THE DULUTH CITY CODE, 1959, AS AMENDED TO ADD A NEW SECTION 48-239.1.

**This Ordinance was adopted unanimously.**

34. [16-008-O](#) AN ORDINANCE MODIFYING THE TERMS OF PUBLIC UTILITY COMMISSIONERS TO EXCLUDE PARTIAL TERMS FROM TERM LIMITATIONS, AMENDING SECTION 2-184 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

**This Ordinance was adopted unanimously.**

**COUNCILOR QUESTIONS AND COMMENTS**

COUNCILOR QUESTIONS AND COMMENTS

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

COUNCILOR PREVIEW OF UPCOMING BUSINESS

**This was approved.**

**Meeting Adjourned at 7:52 p.m.**