



# 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, July 18, 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

#### PLEDGE OF ALLEGIANCE

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

#### REPORTS FROM OTHER OFFICERS

#### 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

## RESOLUTIONS TABLED

## RESOLUTIONS TABLED

BY COUNCILOR HOBBS (PURCHASING &amp; LICENSING)

BY COUNCILOR HOBBS (PURCHASING &amp; LICENSING)

1. [16-0485R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LHB, INC. FOR MASTER PLANNING SERVICES FOR THE WESTERN WATERFRONT PARKS AND TRAIL FOR A TOTAL NOT TO EXCEED OF \$70,992.

Indexes:Attachments: [Exhibit A 7.12.16](#)

Motion was made to remove resolution from the table. The motion was seconded and carried unanimously.

**This Resolution was adopted unanimously.**

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

2. [16-0493R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF TODD FEDORA TO THE DULUTH AIRPORT AUTHORITY, REPLACING KENNETH J STROMQUIST.

Indexes:Attachments: [T. Fedora Application](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES &amp; AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES &amp; AUTHORITIES)

3. [16-0440R](#) RESOLUTION ADOPTING AN EMERALD ASH BORER (EAB) MANAGEMENT PLAN

Indexes:

Attachments: [EXHIBIT A - 16-0440R](#)

This Resolution remains on the table.

#### MOTIONS AND RESOLUTIONS

#### MOTIONS AND RESOLUTIONS

#### CONSENT AGENDA

#### CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

4. [16-0559R](#) RESOLUTION AUTHORIZING A MASTER SERVICES AGREEMENT WITH TWIN PORTS TESTING, INC. FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR A TOTAL ANNUAL AMOUNT NOT TO EXCEED \$50,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$100,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

5. [16-0567R](#) RESOLUTION APPROVING ISSUANCE OF A CONSUMPTION AND DISPLAY LICENSE AND APPROVING THE PERMANENT EXPANSION OF THE ON SALE 3.2 PERCENT MALT LIQUOR LICENSE OF PARK POINT MARINE INN & SUITES, LLC.

This Resolution was adopted.

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

**Abstain:** 1 - Hansen

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

6. [16-0562R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DARIS NORDBY TO THE HEADING HOME ST. LOUIS COUNTY'S GOVERNANCE BOARD, FILLING THE FORMERLY HOMELESS REPRESENTATIVE VACANCY.

Indexes:

Attachments: [D.Norby Application](#)

This Resolution was adopted unanimously.

7. [16-0565R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JESSICA STERLE TO THE DULUTH PARKING COMMISSION

Indexes:

Attachments: [J. Sterle](#)

This Resolution was adopted unanimously.

8. [16-0566R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MARK OSTHUS TO THE COMMUNITY DEVELOPMENT COMMITTEE

Indexes:

Attachments: [M. Osthus](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

9. [16-0553R](#) RESOLUTION AWARDED A PROFESSIONAL SERVICES CONTRACT TO ECOSIGN MOUNTAIN RESORT PLANNERS LTD FOR THE COMPLETION OF A MASTER PLAN UPDATE FOR THE SPIRIT MOUNTAIN RECREATION AREA FOR AN AMOUNT NOT TO EXCEED \$66,000.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

10. [16-0554R](#) RESOLUTION REPROGRAMMING FUNDS FROM THE 2011 PROGRAM YEAR IN THE AMOUNT OF \$51,944 AND \$4,787 FROM HOUSING REHABILITATION REVOLVING FUND.

This Resolution was adopted unanimously.

11. [16-0556R](#) RESOLUTION AUTHORIZING A TEN YEAR USE AND OPERATIONS AGREEMENT WITH DULUTH COMMUNITY GARDEN PROGRAM FOR THE CITY'S DENFELD VICTORY GARDEN AND EDIBLE FOREST.

Indexes:

Attachments: [Attachment 1](#)

[2015 10 02 EDIBLE FOREST AND CAD GARDENS COMBINED](#)

This Resolution was adopted unanimously.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

12. [16-0530R](#) RESOLUTION AMENDING RESOLUTION 16-0488 CHANGING THE 2016 ELECTION JUDGE COMPENSATION.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

13. [16-0546R](#) RESOLUTION AUTHORIZING A PERMANENT EASEMENT AGREEMENT WITH 725 IRVING, LLC REGARDING THE KENWOOD AND ARROWHEAD INTERSECTION.

Indexes:

Attachments: [Exhibit A](#)

[Permanent Attachment 1](#)

This Resolution was adopted unanimously.

14. [16-0547R](#) RESOLUTION AUTHORIZING A SURRENDER OF ACCESS AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH U.S. BANK NATIONAL ASSOCIATION AND WELLS FARGO BANK, NATIONAL ASSOCIATION, REGARDING THE KENWOOD AND ARROWHEAD INTERSECTION.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

15. [16-0549R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR UTILITY PURPOSES WITHIN THE BLUESTONE DEVELOPMENT AT NO COST TO THE CITY.

Indexes:

Attachments: [16-0549R Exhibit 1](#)

[16-0549R Exhibit A](#)

[16-0549R Exhibit B](#)

This Resolution was adopted unanimously.

16. [16-0550R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR UTILITY PURPOSES WITHIN THE BLUESTONE DEVELOPMENT AT NO COST TO THE CITY.

Indexes:

Attachments: [16-0550R Exhibit 1](#)

[16-0550R Exhibit A](#)

[16-0550R Exhibit B](#)

This Resolution was adopted unanimously.

17. [16-0551R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR UTILITY PURPOSES WITHIN THE BLUESTONE DEVELOPMENT AT NO COST TO THE CITY.

Indexes:

**Attachments:** [16-0551R Exhibit 1](#)  
[16-0551R Exhibit A](#)  
[16-0551R Exhibit B](#)

This Resolution was adopted unanimously.

18. [16-0552R](#) RESOLUTION AUTHORIZING A PERMANENT EASEMENT AGREEMENT WITH BARRINGTON WALDORF, LLC REGARDING THE KENWOOD AND ARROWHEAD INTERSECTION.

**Indexes:**

**Attachments:** [16-0552R Exhibit A](#)

This Resolution was adopted unanimously.

19. [16-0557R](#) RESOLUTION AUTHORIZING TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH BARRINGTON WALDORF, LLC REGARDING THE KENWOOD AND ARROWHEAD INTERSECTION.

**Indexes:**

**Attachments:** [16-0557R Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

20. [16-0548R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, COMMISSION OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, PROVIDING FOR THE CITY OF DULUTH POLICE DEPARTMENT TO CONTINUE PARTICIPATION IN THE MINNESOTA INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM.

**Indexes:**

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

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

21.     [16-0560R](#)     RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE FIVE (5) YEAR LEASE AGREEMENT WITH RPK BASEBALL, LLC AND NORTHWOODS LEAGUE, INC. FOR THE USE OF WADE STADIUM THROUGH 2020.

Indexes:

Attachments:   [Exhibit A](#)

**This Resolution was adopted unanimously.**

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

22.     [16-0563R](#)     RESOLUTION CONFIRMING THE APPOINTMENT OF HEATHER WRIGHT WENDEL TO THE PLANNING COMMISSION.

Indexes:

Attachments:   [H. Wright Wendel](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

23.     [16-0558R](#)     RESOLUTION AUTHORIZING DEVELOPMENT AGREEMENT WITH MH II APARTMENTS, INC. FOR DEVELOPMENT OF 72 RENTAL UNITS OF WORKFORCE HOUSING IN THE MILLER HILL AREA.

Indexes:

Attachments:   [Attachment 1](#)

**This Resolution was tabled.**

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)



BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

24. [16-0533R](#) RESOLUTION ESTABLISHING EARNED SICK AND SAFE TIME TASK FORCE.

**Indexes:**

**Attachments:** [Sipress.Westerlund Motion to Amend - Failed](#)  
[Hobbs.Russ Motion to Amend - Passed](#)  
[Westerlund.Sipress Motion to Amend - Passed](#)  
[16-0533R - Original](#)

Sipress/Westerlund Motion to Amend - Yays: 4 Nays: 5 (Fails)  
Hobbs/Russ Motion to Amend - Yays: 5 Nays: 4 (Passes)  
Westerlund Motion to Amend - Yays: 5 Nays: 4 (Passes)

**This Resolution was adopted as amended.**

**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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ORDINANCES TABLED

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BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

25. [16-030-O](#) AN ORDINANCE AMENDING SECTIONS 50-15.2 MIXED USE NEIGHBORHOOD (MU-N), 50-15.3 MIXED USE COMMERCIAL (MU-C), AND 50-15.5 MIXED USE BUSINESS PARK (MU-B).

**Indexes:**

**Attachments:** [Attachment 1](#)  
[Sipress.Russ mta 16-030-O](#)  
[Filipovich mta 16-030-O](#)  
[Sipress.Russ mta \(2\) 16-030-O](#)

**This Ordinance remains on the table.**

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)

26.     [16-048-O](#)     AN ORDINANCE GRANTING TO WASTE MANAGEMENT A CONCURRENT USE PERMIT FOR 50 FEET OF PLATTED UTILITY RIGHT OF WAY LOCATED IN THE PARCEL OF LOT 2, BLOCK 3 OF THE TWIN PORTS TRUCK CENTER DIVISION.

**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 ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

27.     [16-044-O](#)     ORDINANCE AMENDING CHAPTER 2, ARTICLE XIX, SECTION 2-107, OF THE DULUTH CITY CODE TO INCREASE THE NUMBER OF COMMISSIONERS ON THE DULUTH PUBLIC ARTS COMMISSION TO ELEVEN MEMBERS.

**This Ordinance was adopted.**

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

**Nay:**   1 -   President Hobbs

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

28.     [16-047-O](#)     ORDINANCE AMENDING CHAPTER 21, SECTIONS 21-1, 21-35 AND 21-38 OF THE DULUTH CITY CODE TO ADOPT AND INCORPORATE THE 2015 AMENDMENTS TO THE MINNESOTA STATE FIRE CODE, WHICH IS BASED ON THE 2012 INTERNATIONAL FIRE CODE, TO AMEND THE DEFINITION OF FIRE PROTECTION SYSTEM IN ACCORDANCE WITH THE STATE AND INTERNATIONAL FIRE CODES, AND TO REQUIRE THAT LICENSED FIRE PROTECTION CONTRACTORS, BUILDING OWNERS OR THEIR AGENTS SUBMIT ANNUAL FIRE PROTECTION SYSTEM INSPECTION AND TESTING REPORTS TO THE FIRE DEPARTMENT ELECTRONICALLY VIA A METHOD APPROVED BY THE FIRE MARSHAL.

**This Ordinance was adopted unanimously.**

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS