



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, September 26, 2016

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

Present: 5 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress and Councilor Zack Filipovich
Absent: 2 - President Noah Hobbs and Councilor Em Westerlund

PLEDGE OF ALLEGIANCE

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REPORTS OF BOARDS AND COMMISSIONS

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1. [16-127](#) DPUC Meeting Minutes

Indexes:

Attachments: [08162016 DPUC meeting minutes](#)

This Board or Commission Report was received.

2. [16-128](#) Duluth Public Utilities Commission Resolution
NO. 16PUC-008

Indexes:

Attachments: [16PUC-008 recommending 2017 utility budget approved 09202016
with cash projections](#)

This Board or Commission Report was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

3. [16-125](#) Clerk application for exempt permit to the Minnesota
gambling control board from Rotary Club of Duluth on February 23, 2017
(raffle).

Indexes:

Attachments: [ROTARY-09162016102938](#)

This Other Officers Report was received.

4. [16-126](#) Clerk application for exempt permit to the Minnesota
gambling control board from the Lincoln Park Business Group of Duluth on
November 17, 2016 (Bingo and Raffle).

Indexes:

Attachments: [LINCOLN PARK RAFFLE-EXEMPT](#)

This Other Officers 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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RESOLUTIONS TABLED

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BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

5. [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](#)

This Resolution was adopted.

Yea: 5 - Councilor Anderson, Hansen, Councilor Russ, Councilor Sipress and Councilor Filipovich

Nay: 2 - Councilor Fosle and Hanson

Absent: 2 - President Hobbs and Councilor Westerlund

MOTIONS AND RESOLUTIONS

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

6. [16-0706R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2017.

This Resolution was adopted unanimously.

7. [16-0713R](#) RESOLUTION APPROVING CITY MEMBERSHIP IN THE COALITION OF GREATER MINNESOTA CITIES FOR 2016 IN THE AMOUNT OF \$76,301.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

8. [16-0685R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A CROSS COUNTRY SKI TRAIL ASSISTANCE PROGRAM GRANT AGREEMENT FOR YEAR 2016-2017 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$11,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

9. [16-0704R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C22524 WITH TKDA FOR ADDITIONAL TRAIL DESIGN SERVICES FOR THE WESTERN WATERFRONT TRAIL REHABILITATION PROJECT FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$11,652, AND A NEW CONTRACT TOTAL NOT TO EXCEED \$45,204.

Indexes:

Attachments: [16-0704R Letter](#)
[Amendment 2](#)

This Resolution was adopted unanimously.

10. [16-0710R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR CIRCLE OF HOPE.

Indexes:Attachments: [60 Day waiver](#)

This Resolution was adopted unanimously.

11. [16-0714R](#) RESOLUTION AUTHORIZING A CONTRACT WITH LIPE BROTHERS CONSTRUCTION, INC. FOR THE CONSTRUCTION OF A BRINE TANK FOUNDATION AND BUILDING FOR AN AMOUNT NOT TO EXCEED \$114,000.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [16-0657R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ONE ROOF COMMUNITY HOUSING FOR THE TENANT LANDLORD CONNECTION IN THE AMOUNT OF \$40,000.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

13. [16-0688R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR DRAINAGE PURPOSES NEAR NORTH 40TH AVENUE EAST AND JAY STREET FROM ANDREW AND AMY LIKAR AT NO COST TO THE CITY.

Indexes:Attachments: [16-0688R Exhibit A](#)
[16-0688R Attachment 1](#)

This Resolution was adopted unanimously.

14. [16-0694R](#) RESOLUTION AMENDING CONTRACT 22217 WITH LHB, INC. TO

PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR CONGDON BOULEVARD SLOPE REPAIR, TO INCREASE THE AMOUNT BY \$23,778 FOR A NEW TOTAL OF \$140,918.

Indexes:

Attachments: [16-0694 Change Order](#)
[16-0694 Map](#)

This Resolution was adopted unanimously.

15. [16-0696R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO AGREEMENT NO. 22798 WITH ST. LOUIS COUNTY FOR THE ARROWHEAD ROAD/KENWOOD AVENUE AND WEST CLEVELAND STREET IMPROVEMENTS IN THE AMOUNT OF \$75,000 FOR A NEW TOTAL OF \$210,000.

Indexes:

Attachments: [16-0696R Map](#)
[16-0696R Amendment](#)

This Resolution was adopted unanimously.

16. [16-0702R](#) RESOLUTION AMENDING RESOLUTION 15-0226R FOR A CONTRACT 22508 WITH HOME MENDERS, INC., FOR CONGDON BOULEVARD SLOPE REPAIRS, INCREASING THE AMOUNT BY \$1,131,418 FOR A NEW TOTAL OF \$2,420,000.23.

Indexes:

Attachments: [16-0702 Map](#)

This Resolution was adopted unanimously.

17. [16-0712R](#) RESOLUTION AMENDING RESOLUTION 16-0386R FOR A CONTRACT WITH JMF CONSTRUCTION, INC., FOR THE 2016 PATCH AND SIDEWALK PROJECT, INCREASING THE AMOUNT BY \$67,000 FOR A NEW TOTAL OF \$188,545.

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

18. [16-0664R](#) RESOLUTION AUTHORIZING MUTUAL AID AGREEMENT WITH SUPERIOR FOR EMERGENCY FIRE RESPONSE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

19. [16-0697R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$110,622.96 GRANT AWARD FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY TO FUND A DWI POLICE OFFICER FOR ONE YEAR AND AUTHORIZING EXECUTION OF GRANT AGREEMENT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

20. [16-0700R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$251,025 FOR THE 2017 TOWARDS ZERO DEATHS PROJECT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

21. [16-0665R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$48,269 INDOOR AIR QUALITY GRANT FOR THE ESSENTIA HEALTH DULUTH HERITAGE CENTER.

Indexes:

Attachments: [Exhibit A- James Metzen Mighty Ducks Grant application](#)
[Exhibit B-Grant Agreement Draft](#)

This Resolution was adopted unanimously.

22. [16-0701R](#) RESOLUTION AUTHORIZING THE CITY OF DULUTH TO STATE ITS SUPPORT OF THE STEWARDSHIP NETWORK IN APPLYING TO THE NATIONAL FISH AND WILDLIFE FOUNDATION FOR A PULLING TOGETHER INITIATIVE INVASIVE WEED REMOVAL GRANT.

Indexes:

Attachments: [Exhibit A-Preproposal](#)

This Resolution was adopted unanimously.

23. [16-0703R](#) RESOLUTION RATIFYING CHANGE ORDER # 1 AND AUTHORIZING CHANGE ORDER #2 TO CONTRACT C22935 WITH SYLVESTER TUB GRINDING, INC. FOR THE TUB GRINDING OF STORM DEBRIS FOR A TOTAL CONTRACT AMOUNT OF \$140,000.

This Resolution was adopted unanimously.

24. [16-0705R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22638 WITH HOISINGTON KOEGLER GROUP, INC., FOR THE DEVELOPMENT OF A ST. LOUIS RIVER ESTUARY NATIONAL WATER TRAIL MASTER PLAN AND NATIONAL PARKS SERVICE APPLICATION, AN INCREASE OF \$11,000 FOR AN AMOUNT NOT TO EXCEED \$66,820.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

25. [16-0707R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH COMMUNITY ACTION DULUTH FOR USE OF REAL PROPERTY IN THE KENWOOD NEIGHBORHOOD TO OPERATE A COMMUNITY GARDEN THROUGH ITS SEEDS OF SUCCESS PROGRAM.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

26. [16-0709R](#) RESOLUTION AUTHORIZING EXECUTION OF A SHORT TERM LICENSE AGREEMENT WITH UNITED STATES STEEL CORPORATION FOR USE OF ITS PROPERTY TO INVESTIGATE POSSIBLE FUTURE WESTERN WATERFRONT TRAIL ALIGNMENTS.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

27. [16-0715R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH DULUTH COMMUNITY GARDEN PROGRAM FOR USE OF MULTIPLE, VACANT REAL PROPERTIES TO OPERATE ITS COMMUNITY GARDEN PROGRAM.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

28. [16-0716R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR PUBLIC RECREATIONAL, WALKWAY, AND TRAIL PURPOSES FROM AFTENRO SOCIETY OVER PROPERTY NEAR CHESTER PARK AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

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BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

29. [16-0718R](#) RESOLUTION AUTHORIZING A DONATION AGREEMENT BETWEEN THE CITY, MINNESOTA POWER, ENBRIDGE ENERGY, AND HUNT ELECTRIC CORPORATION ACCEPTING A PROJECT DONATION VALUED AT \$378,000 FOR CONSTRUCTION OF A 54kW SOLAR CARPORT AND ELECTRIC VEHICLE CHARGING STATION ON CITY

PROPERTY (THE ENDION LOT).

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

30. [16-0720R](#) RESOLUTION APPROVING APPOINTMENTS TO THE EARNED SICK AND SAFE TIME TASK FORCE.

Indexes:

Attachments: [Exhibit A - 16-0720 ESST Task Force](#)

This Resolution was adopted.

Yea: 5 - Councilor Anderson, Hansen, Councilor Russ, Councilor Sipress and Councilor Filipovich

Nay: 2 - Councilor Fosle and Hanson

Absent: 2 - President Hobbs and Councilor Westerlund

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

31. [16-0708R](#) RESOLUTION AMENDING RESOLUTION 16-0153 TO ADD FUNDS TO PROVIDE PROPERTY INSURANCE COVERAGE FOR DULUTH STEAM DISTRICT NO.1'S PROPERTY AND EQUIPMENT TO THE CITY'S POLICY AT A COST OF \$6,641.

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

32. [16-0693R](#) RESOLUTION AUTHORIZING THE CITY OF DULUTH TO STATE ITS SUPPORT FOR THE DEVELOPMENT AND IMPLEMENTATION OF U.S BICYCLE ROUTE 41.

Indexes:

Attachments: [Exhibit A-Bike Route Map North](#)
[Exhibit B-Bike Route Map South](#)

This Resolution was adopted unanimously.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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The following entitled ordinances are to be read for the second time:

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BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

- 33.** [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 adopted.

Yea: 6 - Councilor Anderson, Hansen, Hanson, Councilor Russ, Councilor Sipress and Councilor Filipovich

Nay: 1 - Councilor Fosle

Absent: 2 - President Hobbs and Councilor Westerlund

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

- 34.** [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 adopted.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

35. [16-052-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN
REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD TO THE
DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR NOMINAL
CONSIDERATION. (REPLACEMENT)

Indexes:

Attachments: [Exhibit A](#)
 [Exhibit B](#)
 [Exhibit C](#)
 [Original 16-052-O](#)

This Ordinance was adopted.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS