



# 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, October 24, 2016

7:00 PM

Council Chamber

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### ROLL CALL

#### ROLL CALL

**Present:** 7 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, President Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and Councilor Joel Sipress

### PLEDGE OF ALLEGIANCE

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### PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

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1. [16-137](#) Closing time for specific parks

**Indexes:**

**Attachments:** [Closing Time for Specific Parks](#)

2. [16-139](#) Minnesota Power written acceptance of terms and conditions of 16-061-O

**Indexes:**

**Attachments:** [MN Power Acceptance \(16-061-O\)](#)

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

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

3. [16-134](#) Library Board Meeting Minutes

**Indexes:**

**Attachments:** [08-23-2016 Library Board Meeting Minutes](#)

4. [16-135](#) DEDA Meeting Minutes

**Indexes:**

**Attachments:** [08-24-2016 DEDA Meeting Minutes](#)

5. [16-136](#) HRA Meeting Minutes

**Indexes:**

**Attachments:** [08-30-2016 HRA Meeting Minutes](#)

6. [16-138](#) DPUC Meeting Minutes

**Indexes:**

**Attachments:** [09-20-2016 DPUC 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

## 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)

7.     [16-0723R](#)     RESOLUTION DETERMINING NOT TO REASSESS PARCEL FOR  
                          CANCELED DEMOLITION ASSESSMENT IN THE AMOUNT OF \$5,413.

**Indexes:**

**Attachments:**   [Exhibit A - Public Hearing Minutes](#)

**This Resolution was adopted unanimously.**

## BY COUNCILOR HOBBS (PURCHASING &amp; LICENSING)

## BY COUNCILOR HOBBS (PURCHASING &amp; LICENSING)

8.     [16-0742R](#)     RESOLUTION AUTHORIZING AN AMENDMENT TO CONTRACT 22091  
                          WITH VENTURE FUELS FOR THE PURCHASE AND DELIVERY OF  
                          COAL TO DULUTH ENERGY SYSTEMS FOR 2017 FOR AN  
                          ESTIMATED COST OF \$2,524,480 AND A NEW ESTIMATED  
                          CONTRACT TOTAL OF \$9,939,385.

**Indexes:**

**Attachments:**   [Amendment 1](#)

**This Resolution was adopted unanimously.**

9.     [16-0752R](#)     RESOLUTION APPROVING ISSUANCE OF AN ON SALE WINE  
                          LICENSE AND ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR

LICENSE TO OMC SMOKE HOUSE, OMC, LLC, 1909 W SUPERIOR STREET.

**This Resolution was adopted unanimously.**

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

**Abstain:** 1 - Hansen

10. [16-0753R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO CHURCHES UNITED IN MINISTRY.

**This Resolution was adopted unanimously.**

11. [16-0754R](#) RESOLUTION APPROVING ISSUANCE OF ON SALE INTOXICATING LIQUOR, ON SALE SUNDAY INTOXICATING LIQUOR, 2:00 A.M. BEVERAGE LICENSE FOR THE PERIOD ENDING AUGUST 31, 2017, LUCKYS 13 PUB-DULUTH MILLER HILL MALL, LLC/LUCKY U II, LLC.

**This Resolution was adopted unanimously.**

**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)

12. [16-0769R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF RAY KLOSOWSKI TO THE SEAWAY PORT AUTHORITY OF DULUTH.

**This Resolution was adopted unanimously.**

13. [16-0770R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF PATRICIA STOLEE TO THE ALCOHOL, GAMBLING AND TOBACCO

## COMMISSION, REPLACING JOHN SERRE

**This Resolution was adopted unanimously.**

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14.     [16-0756R](#)     RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 241 WEST ARROWHEAD ROAD (SUSAN YUNIS).

**Indexes:**

**Attachments:**   [Attachment 1](#)

**This Resolution was adopted unanimously.**

15.     [16-0757R](#)     RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 712 SOUTH 63RD AVENUE WEST (CONSTANCE MOELLER).

**Indexes:**

**Attachments:**   [Attachment 1](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

16.     [16-0758R](#)     RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C22890 WITH EVER-GREEN ENERGY FOR ADDITIONAL DESIGN SERVICES IN THE AMOUNT OF \$39,000.00 RESULTING IN A NEW CONTRACT TOTAL OF \$138,457.00.

**Indexes:**

**Attachments:**   [Exhibit A.pdf](#)

**This Resolution was adopted unanimously.**

17.     [16-0759R](#)     RESOLUTION AUTHORIZING THE 2012 ROAD AND BRIDGE DISASTER RELIEF BOND GRANT 1026874 AND ACCEPTING A

GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND  
FOR ENGINEERING AND CONSTRUCTION OF BRIDGE NO. L8500 IN  
THE AMOUNT OF \$51,038.93.

**Indexes:**

**Attachments:** [16-0759R Letter](#)  
[MAP 16-0759r](#)  
[Agreement 16-0759](#)

**This Resolution was adopted unanimously.**

18. [16-0760R](#) RESOLUTION AUTHORIZING ASSESSMENT AGREEMENT WITH  
THERESA AND DARRIN SEVERANCE FOR A WATER MAIN  
EXTENSION IN MAXWELL AVENUE AND AMENDING ORDERING IN  
RESOLUTION NO. 16-0638. INCREASING THE AUTHORIZED AMOUNT  
THEREOF.

**Indexes:**

**Attachments:** [Exhibit A 16-0760](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

19. [16-0755R](#) RESOLUTION APPROVING LEASE AGREEMENT WITH THE DULUTH  
TRANSIT AUTHORITY OF DULUTH FOR LEASED SPACE FOR THE  
DULUTH POLICE DEPARTMENT AT A COST OF \$2,400 PER YEAR  
FOR A TERM OF FIVE YEARS AND AN OPTION TO RENEW FOR  
ADDITIONAL TERMS.

**Indexes:**

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

**This Resolution was adopted unanimously.**

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

20. [16-0768R](#) RESOLUTION OF SUPPORT FOR THE CITY OF DULUTH'S PRELIMINARY THREE-YEAR COMMITMENT TO PROVIDE FUNDING TO THE DULUTH AREA FAMILY YMCA FOR THE TRUE NORTH AMERICORPS PROGRAM TO PROVIDE YOUTH DEVELOPMENT PROGRAMMING FOR A MAXIMUM ANNUAL AMOUNT NOT TO EXCEED \$120,000, AND A TOTAL AMOUNT NOT TO EXCEED \$360,000.

**Indexes:**

**Attachments:** [2017-2020 True North AmeriCorps Program Proposal](#)

**This Resolution was adopted unanimously.**

END OF CONSENT AGENDA

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BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

21. [16-0695R](#) RESOLUTION GRANTING APPROVAL TO DESIGNATE RILEY ROAD PROPERTY AS A CITY PARK, AND NAMING THE SITE JEAN DULUTH DOG PARK.

**Indexes:**

**Attachments:** [Exhibit A-East Duluth Dog Park Naming Letter](#)

**This Resolution was adopted unanimously.**

22. [16-0767R](#) RESOLUTION AUTHORIZING A GRANT TO THE ARROWHEAD ZOOLOGICAL SOCIETY, INC. IN THE AMOUNT OF \$200,000 AND AUTHORIZING A ONE YEAR EXTENSION OF A LINE OF CREDIT PROMISSORY NOTE.

**This Resolution was adopted unanimously.**

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

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BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

23.     [16-065-O](#)     AN ORDINANCE AMENDING ORDINANCE 10473 TO LIMIT THE AMOUNT OF THE FRANCHISE FEE ASSESSED TO ANY MINNESOTA POWER CUSTOMER PURSUANT TO THE FRANCHISE TO AN AMOUNT NOT TO EXCEED \$420,000 PER YEAR.

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

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS