



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, December 5, 2016

7:00 PM

Council Chamber

ROLL CALL

All councilors are present

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

Public Hearings

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

1. [16-168](#) Clerk Application for Exempt Permit
-Twin Ports Walleye Association
-MN Bluegrass & Old-Time Music Association

Indexes:

Attachments: [Application for Exempt Permit - MN Bluegrass](#)
[Application for Exempt Permit - Twin Ports Walleye Association](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

2. [16-166](#) DPUC Meeting Minutes

Indexes:

Attachments: [10-18-2016 DPUC Meeting Minutes](#)

This Board or Commission Report was received.

3. [16-167](#) Library Board Meeting Minutes

Indexes:

Attachments: [10-25-2016 Library Board 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)

4. [16-0857R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2017 TO DECEMBER 31, 2017 BUDGETS OF THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

5. [16-0870R](#) RESOLUTION DISTRIBUTING THE ESTIMATED 2017 HOTEL-MOTEL AND FOOD AND BEVERAGE TOURISM TAXES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

6. [16-0871R](#) RESOLUTION APPROVING THE ISSUANCE OF A 2017 MINNESOTA CURRENCY EXCHANGE LICENSE TO THE TITLE LOAN COMPANY, INC.

Indexes:

Attachments: [CURRENCY EXCHANGE-11282016155610](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

7. [16-0817R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE

CLASSIFICATION OF LIBRARY TECHNICIAN.

Indexes:

Attachments: [Library Technician](#)
[Library Technician \(strikeout\)](#)

This Resolution was adopted unanimously.

8. [16-0819R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF GAS PROJECT COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Gas Project Coordinator](#)

This Resolution was adopted unanimously.

9. [16-0820R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF FACILITY MAINTENANCE LEADWORKER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Facility Maintenance Leadworker](#)

This Resolution was adopted unanimously.

10. [16-0856R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF REVERAND GARY GOTTFRIED TO THE SAINT LOUIS COUNTY HEADING HOME GOVERNANCE BOARD

This Resolution was adopted unanimously.

11. [16-0859R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ABIGAIL MLINAR TO THE COMMUNITY DEVELOPMENT COMMITTEE

Indexes:

Attachments: [A. Mlinar](#)

This Resolution was adopted unanimously.

12. [16-0860R](#) THIS RESOLUTION CONFIRMS THE APPOINTMENT OF SANDY JOHNSON, MELISSA LA TOUR, AND ASHLEY KOLKA TO THE DULUTH PUBLIC ARTS COMMISSION.

Indexes:

Attachments: [S. Johnson](#)
[M. La Tour](#)
[A. Kolka](#)

This Resolution was adopted unanimously.

13. [16-0862R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MICHAEL MALONE AND STACEY DEROCHE TO THE HERITAGE PRESERVATION COMMISSION

Indexes:

Attachments: [M. Malone](#)
[S. DeRoche](#)

This Resolution was adopted unanimously.

14. [16-0864R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MARY OWEN AND LAWRENCE HEADY TO THE INDIGENOUS COMMITTEE.

Indexes:

Attachments: [M. Owen](#)
[L. Heady](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [16-0812R](#) RESOLUTION VACATING A UTILITY EASEMENT OVER PORTIONS OF VACATED SAINT LOUIS AVENUE AND TENTH STREET, AND A STREET EASEMENT OVER THE SOUTHEASTERLY 15 FEET OF LOTS 176 AND 175 INCLUDING ADJACENT SAINT LOUIS AVENUE, ALL IN UPPER DULUTH (LAKEHEAD HOTEL PARTNERS).

Indexes:

Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)

This Resolution was adopted unanimously.

16. [16-0847R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1421 EAST SUPERIOR STREET (MICHAEL SCHRAEPFER).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

17. [16-0848R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 350 MYGATT AVENUE (JULIANNA AND SRI MUTHU).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

18. [16-0802R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO CONTRACT C22747 WITH ENERGY INSIGHT, INC. FOR PROFESSIONAL SERVICES RELATING TO THE PUBLIC WORKS AND UTILITIES COMMERCIAL AND INDUSTRIAL CONSERVATION IMPROVEMENT PROGRAM FOR AN AMOUNT NOT TO EXCEED \$49,000 AND A NEW CONTRACT TOTAL NOT TO EXCEED \$70,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

19. [16-0805R](#) RESOLUTION AWARDED A CONTRACT TO LAKEHEAD

CONSTRUCTORS, INC. FOR THE MINNESOTA SLIP PEDESTRIAN BRIDGE REHABILITATION IN THE AMOUNT OF \$2,770,234.07.

Indexes:

Attachments: [16-0805R Map](#)

This Resolution was adopted unanimously.

20. [16-0806R](#) RESOLUTION TO RESCIND THE DESIGNATION AND ESTABLISHMENT AS ONE WAY STREETS THAT PART OF THE SEGMENT OF FIRST AVENUE WEST BETWEEN SUPERIOR STREET AND THIRD STREET, THE SEGMENT OF SECOND AVENUE WEST BETWEEN SUPERIOR STREET TO FOURTH STREET, AND THE SEGMENT OF THIRD AVENUE WEST BETWEEN SUPERIOR STREET AND FOURTH STREET.

Indexes:

Attachments: [16-0806R Existing Configuration Map](#)

[16-0806R Memo](#)

[16-0806R Phase 1 Map](#)

[16-0806R Phase 2 Map](#)

[16-0806R Phase 3 Map](#)

[16-0806R Project Overview Map](#)

This Resolution was adopted unanimously.

21. [16-0829R](#) RESOLUTION AUTHORIZING ANNUAL BANKING SERVICES FOR 2017 WITH BMO HARRIS BANK, N.A., FOR AN ESTIMATED TOTAL OF \$118,000.

This Resolution was adopted unanimously.

22. [16-0830R](#) RESOLUTION AUTHORIZING A PURCHASE FROM COMPASS MINERALS FOR THE TAX-EXEMPT PURCHASE OF ROAD SALT FOR SPRING 2017 IN THE AMOUNT OF \$472,240.

This Resolution was adopted unanimously.

23. [16-0835R](#) RESOLUTION APPROVING DULUTH STEAM DISTRICT NO. 1 THERMAL ENERGY HOT WATER RATE FOR EASTERN CANAL PARK.

This Resolution was adopted unanimously.

24. [16-0850R](#) RESOLUTION AUTHORIZING RENEWAL OF AN ANNUAL CONTRACT WITH INFOSEND, INC., FOR MAILING SERVICES AND POSTAGE DURING YEAR 2017 IN THE AMOUNT OF \$196,000.

Indexes:

Attachments: [Exhibit A for Resolution.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

25. [16-0837R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, IN AN AMOUNT TOTALING \$444,152 AND FURTHER AUTHORIZING AN AGREEMENT WITH PROGRAM TO AID VICTIMS OF SEXUAL ASSAULT FOR THEIR PARTICIPATION IN THE PROJECT ENTITLED "2016 SEXUAL ASSAULT KIT INITIATIVE PROJECT".

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - Councilor Westerlund

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

26. [16-0832R](#) RESOLUTION APPROVING THE DULUTH PUBLIC LIBRARY'S STRATEGIC PLAN FOR 2016-2020.

Indexes:

Attachments: [Exhibit A - Duluth Library Strategic Plan](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

27. [16-0836R](#) RESOLUTION ESTABLISHING AN INTERFUND LOAN NOT TO EXCEED \$2,000,000 TO PARTIALLY FINANCE THE REHABILITATION OF THE MINNESOTA SLIP BRIDGE.

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

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

Nay: 1 - Councilor Fosle

28. [16-0838R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO ALLOCATE \$500,000 FROM THE TOURISM TAX FUND TO PARTIALLY FINANCE THE REHABILITATION OF THE MINNESOTA SLIP BRIDGE.

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

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

Nay: 1 - Councilor Fosle

29. [16-0839R](#) RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN AND STATING INTENT TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION 475.521.

A motion was made that this Resolution be adopted. The motion carried by the

following vote:

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

Nay: 1 - Councilor Fosle

30. [16-0842R](#) RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, STATING THE INTENT TO ISSUE GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2017, IN THE APPROXIMATE AMOUNT OF \$3,950,000 AND APPROVING THE CAPITAL EQUIPMENT LIST ASSOCIATED WITH THE NOTES.

Indexes:

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Councilor Fosle

31. [16-0846R](#) RESOLUTION ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2017.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Hobbs Motion To Amend - WITHDRAWN \(12/5/16\)](#)

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

Yea: 7 - Councilor Anderson, Hanson, President Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

Abstain: 1 - Hansen

32. [16-0852R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2017 TO DECEMBER 31, 2017, OPERATION BUDGET OF THE DULUTH TRANSIT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Councilor Fosle

Abstain: 1 - Hanson

33. [16-0854R](#) RESOLUTION ESTABLISHING ANNUAL BONDING PLAN FOR 2017.

Indexes:

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Councilor Fosle

34. [16-0858R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2017 TO DECEMBER 31, 2017, OPERATION BUDGET OF THE DULUTH AIRPORT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Councilor Fosle

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

35. [16-0818R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF UTILITY SERVICES HELPER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Utility Services Helper](#)

This Resolution was adopted unanimously.

36. [16-0866R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF CRUZ MENDOZA, ROGIER GREGOIRE, SANDRA VAN DEN BOSSE, CHARLES OBIJE, PATTI LARSEN, REBECCA DOMAGALA, ASHLEY NEENAN CHRISTINA WOODS AND ASHLEY GRIMM TO THE DULUTH HUMAN RIGHTS COMMISSION.

Indexes:

Attachments: [S. Van Den Bosse](#)

[C. Obije](#)

[C. Woods](#)

[R. Gregoire](#)

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

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

Nay: 1 - Councilor Fosle

37. [16-0874R](#) RESOLUTION SUPPORTING THE STANDING ROCK SIOUX TRIBE'S EFFORT TO PROTECT SACRED TRIBAL LANDS AND THE MISSOURI RIVER.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

Absent: 1 - Councilor Fosle

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

38. [16-0851R](#) RESOLUTION AUTHORIZING A CONTRACT WITH KTM PAVING, INC. FOR THE RECONSTRUCTION OF FOUR PARKING AREAS AT HARTLEY PARK FOR AN AMOUNT NOT TO EXCEED \$221,394.09.

This Resolution was adopted unanimously.

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

Absent: 2 - Councilor Fosle and President Hobbs

INTRODUCTION AND CONSIDERATION OF ORDINANCES

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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 HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

39. [16-071-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2017.

This Ordinance was read for the first time.

40. [16-072-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2017.

Indexes:

Attachments: [Hobbs Motion To Amend - WITHDRAWN \(12/5/16\)](#)

This Ordinance was read for the first time.

41. [16-073-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2017.

This Ordinance was read for the first time.

42. [16-075-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2017 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY

GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS
AND FOR OTHER PURPOSES.

Indexes:

Attachments: [Hobbs Motion To Amend - WITHDRAWN \(12/5/16\)](#)

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

43. [16-074-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY ALONG WEST ARROWHEAD ROAD FROM RR-1 TO R-2, AND FOR PROPERTY ALONG WEST MARBLE STREET FROM RR-1 TO R-1.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

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)

44. [16-069-O](#) AN ORDINANCE AMENDING CHAPTER 29C OF DULUTH CITY CODE UPDATING THE CITY'S HUMAN RIGHTS ORDINANCE BY CLARIFYING THE POWERS AND DUTIES OF THE COMMISSION AND HUMAN RIGHTS OFFICER, DECREASING THE SIZE OF THE HUMAN RIGHTS COMMISSION FROM 15 TO NINE MEMBERS, AND CORRECTING REFERENCES TO STATE STATUTES.

This Ordinance was adopted unanimously.

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

Absent: 1 - Councilor Fosle

- 45.** [16-070-O](#) AN ORDINANCE REPEALING ARTICLE XXIV OF CHAPTER 2 OF THE CITY CODE RELATING TO THE HUMAN RIGHTS COMMISSION.

This Ordinance was adopted unanimously.

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

Absent: 1 - Councilor Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS