



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, June 26, 2017

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

Present: 6 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, President Noah Hobbs, Councilor Em Westerlund and Councilor Joel Sipress
Absent: 1 - Councilor Barb Russ

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

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1. [17-105](#) June 8 & 12, 2017 City Council Meeting Minutes

Indexes:

Attachments: [June 8, 2017 - Special Council Meeting](#)
[June 12, 2017 - Council Meeting](#)

These minutes were approved.

REPORTS FROM THE ADMINISTRATION

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REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

2. [17-106](#) 5-5-2017 Alcohol, Gambling & Tobacco Commission Meeting Minutes

Indexes:

Attachments: [5-5-2017 Alcohol, Gambling & Tobacco Commission Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

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REPORTS OF COUNCIL OPEN ISSUES

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Distinguished Artist Award - Kaylee Matuszak

OPPORTUNITY FOR CITIZENS TO BE HEARD

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RESOLUTIONS TABLED

RESOLUTIONS TABLED

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

3. [17-0451R](#) RESOLUTION ESTABLISHING A RED TAPE TASK FORCE.
(REPLACEMENT)

This Resolution was adopted unanimously.

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

4. [17-0463R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR ASSESSMENTS LEVIED AGAINST PROPERTY WITH REGARD TO PROPERTY VIOLATIONS DURING PERIOD OF APRIL 1, 2016, TO APRIL 1, 2017.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

5. [17-0464R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT SOLID WASTE COLLECTION FEES DURING PERIOD OF MARCH 1, 2016, TO JUNE 1, 2017.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

6. [17-0465R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT UTILITY FEES DURING THE PERIOD OF JANUARY 1, 2016, TO DECEMBER 31, 2016.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

7. [17-0466R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF PRIOR CANCELED ASSESSMENTS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

8. [17-0475R](#) RESOLUTION DETERMINING NOT TO REASSESS PARCEL FOR CANCELED DEMOLITION ASSESSMENT IN THE AMOUNT OF \$2,749.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

9. [17-0373R](#) RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2017, TO REVISE RENTAL HOUSING LICENSING FEES.

This Resolution was adopted unanimously.

10. [17-0460R](#) RESOLUTION AUTHORIZING A SERVICE AGREEMENT WITH WETLAND HABITAT RESTORATIONS FOR NATIVE PLANT RESTORATION AND REMOVAL OF INVASIVE SPECIES ON THE WESTERN WATERFRONT TRAIL FOR AN AMOUNT NOT TO EXCEED \$165,400.

Indexes:

Attachments: [Exhibit A](#)

[Map](#)

This Resolution was adopted unanimously.

11. [17-0488R](#) RESOLUTION AUTHORIZING THE PURCHASE OF THREE (3) 2018 FREIGHTLINER CABS AND CHASSIS FROM I-STATE TRUCK CENTER, INC. IN THE AMOUNT OF \$253,600.20.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

12. [17-0489R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TKDA FOR ADDITIONAL ENGINEERING SERVICES FOR THE STEWART CREEK BRIDGE AND CLYDE CONNECTOR TRAIL RESTORATION PROJECTS AS PART OF THE DWP TRAIL IMPROVEMENT IN THE AMOUNT OF \$14,389 AND NEW TOTAL CONTRACT NOT TO EXCEED \$76,889.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

13. [17-0481R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF VEHICLE MAINTENANCE TECHNICIAN, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:Attachments: [Vehicle Maintenance Technician](#)

This Resolution was adopted unanimously.

14. [17-0482R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF EQUIPMENT MAINTENANCE SPECIALIST, INCLUDING A TITLE CHANGE TO VEHICLE REPAIR SPECIALIST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:Attachments: [Vehicle Repair Specialist](#)
[Equipment Maintenance Specialist \(strikeout\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [17-0472R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 11 B EAST FOURTH STREET (NIKKI OLSON).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

16. [17-0473R](#) RESOLUTION AUTHORIZING THE ST. LOUIS COUNTY HOUSING AND REDEVELOPMENT AUTHORITY (HRA) TO INVEST FUNDS IN THE CITY OF DULUTH FOR THE GARFIELD SQUARE AND GATEWAY TOWER AFFORDABLE HOUSING PROJECTS.

This Resolution was adopted unanimously.

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

17. [17-0490R](#) RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF RONALD GARY GUSTAFSON VS CITY OF DULUTH IN THE AMOUNT OF \$22,500 AND PURSUANT TO THE TERMS OF THE MEDIATED SETTLEMENT AGREEMENT.

Indexes:

Attachments: [June 15, 2017 Mediated Settlement Agreement - Gufstafson v. City of Duluth, St. Louis County, Itasca County](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

18. [17-0433R](#) RESOLUTION AUTHORIZING AN AGENCY AGREEMENT BETWEEN THE CITY AND MNDOT FOR FEDERAL PARTICIPATION IN ADVANCE CONSTRUCTION FOR THE WEST SKYLINE PARKWAY STONE

MASONRY RETAINING WALL PROJECT.

Indexes:

Attachments: [17-0433R Exhibit A](#)
[14-0433R Map](#)

This Resolution was adopted unanimously.

19. [17-0458R](#) RESOLUTION AUTHORIZING A MASTER PARTNERSHIP AGREEMENT WITH MNDOT TO COOPERATIVELY PROVIDE ROADWORK SERVICES.

Indexes:

Attachments: [17-0458R Exhibit 1](#)

This Resolution was adopted unanimously.

20. [17-0478R](#) RESOLUTION AWARDED A CONTRACT TO ULLAND BROTHERS, INC. FOR THE WATER STREET SHARED USE PATH PROJECT IN THE AMOUNT OF \$304,632.38.

Indexes:

Attachments: [17-0478R Map](#)

This Resolution was adopted unanimously.

21. [17-0483R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR UTILITY PURPOSES FROM THE WICK LLC OVER PROPERTY LOCATED AT EAST SUPERIOR STREET AND FIFTH AVENUE AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1](#)
[Exhibit 2](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

22. [17-0459R](#) RESOLUTION AUTHORIZING AGREEMENT WITH DIVERSION

SOLUTIONS, LLC, FOR ADMINISTRATION OF THE DRIVING DIVERSION PILOT PROGRAM FOR AN ADDITIONAL TWO YEAR PERIOD AT NO COST TO CITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

23. [17-0467R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$5,000 GRANT FROM TARGET CORPORATION TO FUND THE BLUE SANTA/SHOP WITH A COP PROGRAM.

This Resolution was adopted unanimously.

24. [17-0476R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY FIRE MARSHAL DIVISION TO CONDUCT PUBLIC SCHOOL CODE INSPECTIONS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

25. [17-0477R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MINNESOTA BOARD OF FIREFIGHTER TRAINING AND EDUCATION IN THE AMOUNT OF \$27,000 FOR THE PURPOSE OF SUPPORTING FIRE DEPARTMENT PERSONNEL TRAINING AND ESTABLISHING A DEDICATED ACCOUNT FOR THE GRANTS.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

26. [17-0484R](#) RESOLUTION AUTHORIZING AN EXCLUSIVE USE PERMIT AGREEMENT WITH BENTLEYVILLE TOUR OF LIGHTS, INC., FOR THE PRODUCTION, PROMOTION, AND MANAGEMENT OF THE

BENTLEYVILLE TOUR OF LIGHTS IN BAYFRONT FESTIVAL PARK FOR
THE 2017 HOLIDAY SEASON.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

27. [17-0485R](#) RESOLUTION AUTHORIZING LEASE AGREEMENT WITH SYDNEY
JOHNSON FOR RESIDENTIAL DWELLING UNIT LOCATED WITHIN THE
DULUTH HEIGHTS COMMUNITY CLUB.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

28. [17-0486R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT FOR PUBLIC
RECREATIONAL TRAIL PURPOSES WITH INDEPENDENT SCHOOL
DISTRICT NO. 709 OVER PROPERTY NEAR LINCOLN PARK MIDDLE
SCHOOL AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

This Resolution was adopted unanimously.

29. [17-0487R](#) RESOLUTION AUTHORIZING THE EXECUTION AND FILING OF A
DECLARATION OF RESTRICTIVE COVENANT FOR CHESTER CREEK
WITHIN CHESTER PARK.

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

30. [17-0374R](#) RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING
LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR
2017, TO REVISE VACANT BUILDING REGISTRATION FEES.

This Resolution was tabled.

31. [17-0375R](#) RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING
LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR
2017, TO ESTABLISH TENT, CANOPY, AND TEMPORARY MEMBRANE
STRUCTURE PERMIT FEES.

This Resolution was tabled.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

32. [17-0474R](#) RESOLUTION ACCEPTING \$201,400 FROM THE KNIGHT CITIES
CHALLENGE FUND FROM THE JOHN S. AND JAMES L. KNIGHT
FOUNDATION FOR THE MAKING CANAL PARK POP
DEMONSTRATION PROJECT.

This Resolution was adopted unanimously.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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MOTION TO RECONSIDER: Ordinance 17-028-O

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33. AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY BETWEEN ANCHOR STREET AND PARK PLACE AND BETWEEN SOUTH BOUNDARY AVENUE AND TERMINAL AVENUE FROM R-1 TO MU-N.

Indexes:

Attachments: [17-028-O](#)

A motion was made to reconsider Ordinance 17-028

Passes 7 - 1

Yays - Councilors Anderson, Filipovich, Fosle, Hansen, Hanson, Hobbs and President Sipress

Nays - Councilor Westerlund

A motion was made to table Ordinance 17-028:

Fails 4-4

Yays - Councilors Filipovich, Fosle, Hansen and Hobbs.

Nays - Councilors Anderson, Hanson, Westerlund and President Sipress

NOTE: Rezoning Ordinances requires 6 votes for passage.

This Ordinance failed by the following vote:

Yea: 5 - Councilor Filipovich, Councilor Fosle, Hansen, President Hobbs and Councilor Westerlund

Nay: 3 - Councilor Anderson, Hanson and Councilor Sipress

Absent: 1 - Councilor Russ

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

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BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

34. [17-024-O](#) AN ORDINANCE ESTABLISHING SECTION 21.8 OF THE DULUTH CITY CODE RELATED TO TENTS AND CANOPIES

Indexes:

Attachments: [2015 Minnesota Fire Code - CHAPTER 31- TENTS AND OTHER MEMBRANE STRUCTURES](#)

This Ordinance was read for the first time.

35. [17-034-O](#) AN ORDINANCE AMENDING SECTION 10-3 RELATED TO VACANT BUILDING REGISTRATION REQUIREMENTS

Indexes:

Attachments: [Motion To Amend: Filipovich - Passed \(6-1\)](#)

[Motion To Amend: Sipress - Passed \(8-1\)](#)

[17-034-O \(Original\)](#)

[17-034-O \(Original #2\)](#)

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

Meeting adjourned at 8:02 p.m.