



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, July 17, 2017

7:00 PM

Council Chamber

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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APPROVAL OF MINUTES

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1. [17-118](#) July 10, 2017 City Council Meeting Minutes

Indexes:

Attachments: [July 10, 2017 - Council Meeting](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

2. [17-115](#) Application for Exempt Permit: Epilepsy Foundation of Minnesota & Northern Lights Foundation

Indexes:

Attachments: [Application for Exempt Permit - Epilepsy Foundation of Minnesota](#)
[Application for Exempt Permit - Northern Lights Foundation](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

3. [17-116](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [05-02-2017 - Civil Service Board Meeting Minutes](#)

This Board or Commission Report was received.

4. [17-117](#) Alcohol, Gambling & Tobacco Commission Meeting Minutes

Indexes:

Attachments: [06-07-2017 - Alcohol, Gambling & Tobacco Commission](#)

This Board or Commission Report was received.

DISTINGUISHED ARTIST AWARD - Cecilia Lieder

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

RESOLUTIONS TABLED

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

5. [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 remains on the table.

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

6. [17-0512R](#) RESOLUTION AUTHORIZING CABLE TELEVISION FRANCHISE
EXTENSION AGREEMENT WITH CHARTER COMMUNICATIONS
THROUGH DECEMBER 31, 2017.

Indexes:

Attachments: [Charter Communications Franchise Extension Agreement \(through
December 31, 2017\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

7. [17-0495R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THEIR ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

Attachments: [Attachment A MR D's](#)
[Attachment B Kom on Inn](#)
[Attachment C GRIZZLYS](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - Hansen

8. [17-0504R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DIRT, INC. FOR EQUESTRIAN TRAIL IMPROVEMENTS AT MAGNEY-SNIVELY NATURAL AREA FOR AN AMOUNT NOT TO EXCEED \$137,610.

This Resolution was adopted unanimously.

9. [17-0516R](#) RESOLUTION AUTHORIZING A CONTRACT WITH SUNRAM CONSTRUCTION, INC. FOR MILLER CREEK STREAMBANK RESTORATION FOR AN AMOUNT NOT TO EXCEED \$477,575.

This Resolution was adopted unanimously.

10. [17-0517R](#) RESOLUTION AUTHORIZING A CONTRACT WITH STACK BROTHERS MECHANICAL CONTRACTORS, INC. FOR A RESTROOM ADDITION TO LAFAYETTE COMMUNITY CENTER FOR AN AMOUNT NOT TO EXCEED \$239,000.

Indexes:

Attachments: [17-0517 \(Original\)](#)

This Resolution was tabled.

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

Nay: 2 - Councilor Fosle and President Hobbs

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

11. [17-0511R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF LAURA NESS TO THE SANITARY SEWER BOARD OF THE WESTERN LAKE SUPERIOR SANITARY DISTRICT

Indexes:

Attachments: [Laura Ness App](#)

This Resolution was adopted unanimously.

12. [17-0513R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF CHERISE PAYTON TO THE DULUTH CITIZEN REVIEW BOARD.

Indexes:

Attachments: [Payton App](#)

This Resolution was adopted unanimously.

13. [17-0522R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF FLEET ASSISTANT, INCLUDING A TITLE CHANGE TO FLEET SERVICES COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Fleet Services Coordinator](#)
[Fleet Assistant \(strikeout\)](#)

This Resolution was adopted unanimously.

14. [17-0523R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF FIREFIGHTER.

Indexes:

Attachments: [Job Description](#)
[Job Description \(Strikeout\)](#)

This Resolution was adopted unanimously.

15. [17-0524R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF PROJECT TECHNICIAN, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Project Technician](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

16. [17-0525R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE CODY NEIGHBORHOOD.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

17. [17-0510R](#) RESOLUTION CONSENTING TO ASSIGNMENT OF CITY CONTRACT NO. 22911 TO TWIN PORTS TESTING II, INC.

Indexes:

Attachments: [Attachment - 17-0510R](#)

This Resolution was adopted unanimously.

18. [17-0515R](#) RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE KENWOOD AVENUE MILL & OVERLAY AND LYONS STREET REALIGNMENT PROJECT IN

THE AMOUNT OF \$336,054.86.

Indexes:

Attachments: [17-0515R Map](#)

This Resolution was adopted unanimously.

19. [17-0518R](#) RESOLUTION AWARDING A CONTRACT TO UTILITY SYSTEMS OF AMERICA, INC. FOR THE 2017 BWSR SEDIMENT REDUCTION PROJECT IN THE AMOUNT OF \$416,149.

Indexes:

Attachments: [17-0518R Map](#)

This Resolution was adopted unanimously.

20. [17-0527R](#) RESOLUTION AUTHORIZING THE PURCHASE OF PRE-INSULATED PIPE, VALVES AND FITTINGS FOR THE STEAM PORTION OF THE SUPERIOR STREET RECONSTRUCTION PROJECT FROM URECON FOR AN ESTIMATED AMOUNT NOT TO EXCEED \$260,696.24.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

21. [17-0457R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$750,000 GREATER MINNESOTA REGIONAL PARK AND TRAIL COMMISSION GRANT FOR HARTLEY PARK MINI MASTER PLAN IMPLEMENTATION.

Indexes:

Attachments: [Exhibit A 2017 Park Legacy Contract Sample](#)

This Resolution was adopted unanimously.

22. [17-0519R](#) RESOLUTION AUTHORIZING A CONTRIBUTION OF UP TO \$7,500 FROM MINNESOTA TRAIL RIDERS ASSOCIATION ON BEHALF OF THE DULUTH AREA HORSE TRAIL ALLIANCE FOR EQUESTRIAN TRAIL IMPROVEMENTS IN MAGNEY-SNIVELY NATURAL AREA.

This Resolution was adopted unanimously.

23. [17-0521R](#) RESOLUTION AUTHORIZING A THREE-YEAR USE AGREEMENT WITH THE CONGDON PARK SOCCER CLUB FOR USE OF OLD MAIN PARK.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

24. [17-0528R](#) RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF NORMAN, ET AL. V. CITY OF DULUTH, ET AL. IN THE AMOUNT OF \$385,000 PURSUANT TO THE TERMS OF THE MEDIATED SETTLEMENT AGREEMENT.

Indexes:

Attachments: [RELEASE AND INDEMNITY AGREEMENT](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

25. [17-0520R](#) RESOLUTION REVERSING CONDEMNATION FOR HABITATION ORDER ISSUED FEBRUARY 21, 2017 BY CITY LIFE SAFETY OFFICE TO OWNER AND TENANT OF 120 WEST FIFTH STREET, UPPER UNIT

This Resolution was failed unanimously.

26. [17-0526R](#) RESOLUTION AFFIRMING BUILDING APPEAL BOARD'S DECISION TO DENY APPEAL OF CONDEMNATION FOR HUMAN HABITATION ORDER ISSUED FEBRUARY 21, 2017 BY CITY LIFE SAFETY OFFICE FOR 120 WEST FIFTH STREET, UPPER UNIT

This Resolution was adopted as amended.

ORDINANCES TABLED

ORDINANCES TABLED

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

27. [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 remains on the table.

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 WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

28. [17-030-O](#) AN ORDINANCE CREATING EXCEPTION TO TREE SERVICE LICENSING REQUIREMENT FOR CITY PROJECTS BEYOND THE CAPACITY OF ORDINARY LICENSEES, AMENDING ARTICLE IV OF CHAPTER 35 OF THE DULUTH CITY CODE.

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

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Meeting adjourned at 8:05 p.m.