



# 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, March 26, 2018

7:00 PM

Council Chamber

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#### ROLL CALL

#### ROLL CALL

**Present:** 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, President Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and Councilor Renee Van Nett

#### PLEDGE OF ALLEGIANCE

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

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1. [18-066](#) Duluth City Council Meeting Minutes - March 12, 2018

**Indexes:**

**Attachments:** [City Council Meeting - March 12](#)

This Minutes was approved.

## REPORTS FROM THE ADMINISTRATION

## REPORTS FROM THE ADMINISTRATION

2. [18-057](#) 2017 General Fund Reconciled Budget Report

**Indexes:**

**Attachments:** [General Fund Budget Adjustments 2017](#)

**This Reports from the Administration was received.**

## REPORTS FROM OTHER OFFICERS

## REPORTS FROM OTHER OFFICERS

3. [18-072](#) Exempt Permit Application

**Indexes:**

**Attachments:** [IRVING-03262018100825](#)

[WOMENS CARE CENTER-03262018100739](#)

**This Other Officers Report was received.**

## REPORTS OF BOARDS AND COMMISSIONS

## REPORTS OF BOARDS AND COMMISSIONS

4. [18-068](#) February 20, 2018 Duluth Public Utilities Commission Public Hearing

**Indexes:**

**Attachments:** [Duluth Public Utilities Commission Public Hearing](#)

**This Board or Commission Report was received.**

5. [18-067](#) February 20, 2018-Duluth Public Utilities Commission Minutes

**Indexes:**

**Attachments:** [February 20-Duluth Public Utilities Commission Minutes](#)

**This Board or Commission Report was received.**

- 6. [18-070](#) Duluth Transit Authority Financial Statement January 1, 2018

Indexes:

Attachments: [01 JAN 2018 Duluth Transit Financial Report](#)

This Board or Commission Report was received.

- 7. [18-071](#) Duluth Transit Authority Board of Directors Minutes January 31, 2018

Indexes:

Attachments: [Duluth Transit Authority Minutes \(01-31-18\)](#)

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

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

- 8. [18-0224R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY TO ADD BOILER INSURANCE TO THE COVERAGE PROVIDED TO THE DAA UNDER THE CITY'S INSURANCE POLICY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 9. [18-0193R](#) RESOLUTION APPROVING ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO THE DULUTH AIR SHOW WINGS FOUNDATION (KIA DRAG RACES AND CAR SHOW), 435 GARFIELD AVENUE

Indexes:

Attachments: [KIA DRAGS-02282018155709](#)

**This Resolution was adopted unanimously.**

- 10. [18-0216R](#) RESOLUTION AUTHORIZING A CONTRACT WITH KTM PAVING, INC. FOR IRVING PARK IMPROVEMENTS PHASE I FOR AN AMOUNT NOT TO EXCEED \$174,359.68.

**This Resolution was adopted unanimously.**

- 11. [18-0234R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A COMPLETE BUCKET TRUCK FROM ABM EQUIPMENT & SUPPLY, LLC IN THE AMOUNT OF \$197,821.

**This Resolution was adopted unanimously.**

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

- 12. [18-0223R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF ROBERT PRUSAK, TO THE DULUTH PUBLIC UTILITIES COMMISSION

**This Resolution was adopted unanimously.**

- 13. [18-0229R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF TJAARD BREEUWER AND AMANDA CROSBY (EX-OFFICIO COMMISSION ON DISABILITIES) TO THE PARKS AND RECREATION COMMISSION.

**This Resolution was adopted unanimously.**

- 14. [18-0243R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF KARIN SWOR

TO THE DULUTH PARKING COMMISSION.

**This Resolution was adopted unanimously.**

- 15. [18-0253R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CUSTOMER SERVICE LEADWORKER, INCLUDING A TITLE CHANGE TO CUSTOMER SERVICE COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**Indexes:**

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

**This Resolution was adopted unanimously.**

- 16. [18-0254R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF GAS PROJECT COORDINATOR.

**Indexes:**

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

**This Resolution was adopted unanimously.**

- 17. [18-0255R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF HUMAN RESOURCES SUPERVISOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**Indexes:**

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

**This Resolution was adopted unanimously.**

- 18. [18-0256R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF WATER CONVEYANCE SPECIALIST.

**Indexes:**

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

This Resolution was adopted unanimously.

19. [18-0257R](#) RESOLUTION APPROVING JOB SPECIFICATIONS FOR THE APPOINTED POSITION OF CITY CLERK, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**Indexes:**

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

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

20. [18-0217R](#) RESOLUTION AUTHORIZING ADOPTION OF THE AMENDED COMMUNITY DEVELOPMENT PROGRAM CITIZEN PARTICIPATION PLAN.

**Indexes:**

**Attachments:** [Attachment 1](#)

This Resolution was adopted unanimously.

21. [18-0225R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY TO INSURE PROPERTY UNDER THE CITY'S PROPERTY AND BOILER INSURANCE POLICIES.

**Indexes:**

**Attachments:** [18D-05 City Property & Boiler Ins Agreement 2018](#)

This Resolution was adopted unanimously.

22. [18-0227R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT FUNDS FROM ST. LOUIS COUNTY TO PROVIDE MINNESOTA FAMILY INVESTMENT PROGRAM AND DIVERSIONARY WORK PROGRAM EMPLOYMENT AND TRAINING SERVICES IN AN AMOUNT NOT LESS THAN \$943,380 FOR THE PERIOD JANUARY 1, 2018 THROUGH DECEMBER 31, 2018.

**Indexes:**

**Attachments:** [2018 MFIP DWP contract - City of Duluth 16294 unsigned](#)

This Resolution was adopted unanimously.

- 23. [18-0246R](#) RESOLUTION VACATING THE WESTERN SECTION OF SOUTH 18TH AVENUE WEST BETWEEN WEST MICHIGAN STREET AND LOWER MICHIGAN STREET, MAINTAINING A PEDESTRIAN AND UTILITY EASEMENT OVER THE WESTERN 36 FEET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

- 24. [18-0210R](#) RESOLUTION AUTHORIZING AN AGREEMENT FOR A TEMPORARY CONSTRUCTION AND ACCESS EASEMENT AGREEMENT AND CONSTRUCTION AGREEMENT FROM GATEWAY PROPERTIES, LLP.

Indexes:

Attachments: [Easement Agreement Signed by Gateway 3-7-18](#)

This Resolution was adopted unanimously.

- 25. [18-0228R](#) RESOLUTION AUTHORIZING AGREEMENT WITH TENASKA MARKETING VENTURES AND TENASKA GAS STORAGE, LLC, FOR ASSET MANAGEMENT SERVICES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 26. [18-0237R](#) RESOLUTION AWARDDING A CONTRACT TO HANCO UTILITIES, INC. FOR THE 2018 CITY WIDE GAS METER RELOCATION PROJECT IN THE AMOUNT OF \$393,480.

This Resolution was adopted unanimously.

- 27. [18-0238R](#) RESOLUTION AWARDDING A CONTRACT TO HANCO UTILITIES, INC.

FOR CONSTRUCTION OF THE 2018 HIGH PRESSURE GAS MAINS AND SERVICES AT VARIOUS LOCATIONS IN THE AMOUNT OF \$1,067,710.

**This Resolution was adopted unanimously.**

28. [18-0239R](#) RESOLUTION AMENDING RESOLUTION NO. 15-0248 INCREASING THE NUMBER OF AUTHORIZED AUDITS TO 1300 AND INCREASING THE FUNDING THEREFORE BY AN ADDITIONAL \$40,000.

**This Resolution was adopted unanimously.**

29. [18-0241R](#) RESOLUTION OF INTENT FOR CONSTRUCTION OF APPROXIMATELY 1000 FEET OF WATER MAIN AND SANITARY SEWER MAIN IN KAYAK BAY DRIVE BEGINNING AT GRAND AVENUE AND EXTENDING SOUTHERLY AND TO ASSESS THE COSTS THEREOF.

**Indexes:**

**Attachments:** [18-0241R Preliminary Plat](#)

**This Resolution was adopted unanimously.**

30. [18-0244R](#) RESOLUTION AUTHORIZING A SUPPLY AGREEMENT WITH ENSYN RENEWABLE FUELS CANADA, INC., TO SUPPLY RECYCLED FUEL OIL TO THE DULUTH ENERGY SYSTEMS FACILITIES.

**Indexes:**

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

**This Resolution was adopted unanimously.**

31. [18-0245R](#) RESOLUTION AUTHORIZING AN EQUIPMENT UTILIZATION AND SERVICE AGREEMENT WITH ENSYN RENEWABLE FUELS CANADA, INC., TO ALLOW USE OF RENEWABLE FUEL OIL AT THE DULUTH ENERGY SYSTEMS FACILITY.

**Indexes:**

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

**This Resolution was adopted unanimously.**



32. [18-0258R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ST. LOUIS COUNTY TO FUND CONSTRUCTION OF KAYAK BAY DRIVE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

33. [18-0263R](#) RESOLUTION AUTHORIZING AGREEMENT WITH SPIRIT VALLEY LAND COMPANY TO CONSTRUCT KAYAK BAY DRIVE AND UTILITIES AND PROVIDE FOR ASSESSMENT OF UTILITY COST.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

34. [18-0220R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF AWARDED, ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES REGIONAL TRAIL PROGRAM GRANT OF UP TO \$250,000 FOR RESTORATION OF SARGENT CREEK BRIDGE ON THE DULUTH WINNIPEG PACIFIC TRAIL SYSTEM.

Indexes:

Attachments: [Exhibit A sample grant agreement](#)

This Resolution was adopted unanimously.

35. [18-0221R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF AWARDED, ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES REGIONAL TRAIL PROGRAM GRANT OF UP TO \$250,000 FOR CROSS COUNTRY SKI TRAIL CONSTRUCTION AT GRAND AVENUE NORDIC CENTER.

Indexes:

Attachments: [Exhibit A sample grant agreement](#)

This Resolution was adopted unanimously.

- 36. [18-0222R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$150,000 MINNESOTA DEPARTMENT OF NATURAL RESOURCES OUTDOOR RECREATION GRANT TO IMPLEMENT PORTIONS OF THE WEST DULUTH SPORTS CORRIDOR MINI-MASTER PLAN PHASE I.

Indexes:

Attachments: [exhibit A grant agreement](#)

This Resolution was adopted unanimously.

- 37. [18-0235R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$150,000 MINNESOTA DEPARTMENT OF NATURAL RESOURCES OUTDOOR RECREATION GRANT TO IMPLEMENT PORTIONS OF THE LOWER CHESTER MINI-MASTER PLAN PHASE I.

Indexes:

Attachments: [exhibit A grant agreement](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

The following entitled resolutions are also to be considered:

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

- 38. [18-0260R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF SARAH WISDORF AND JASON CRAWFORD TO THE PLANNING COMMISSION REPLACING GARNER MOFFAT AND TERRY GUGGENBUEHL

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

39. [18-0248R](#) RESOLUTION AMENDING THE 2017 ANNUAL ACTION PLAN BY SUBSTANTIALLY CHANGING THE MULTI-FAMILY ACQUISITION PROJECT BY ONE ROOF COMMUNITY HOUSING.

**Indexes:**

**Attachments:** [Attachment 1](#)

**This Resolution was adopted.**

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and Hansen

**Nay:** 1 - Councilor Fosle

**Abstain:** 1 - President Hobbs

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

40. [18-0236R](#) RESOLUTION AFFIRMING DULUTH'S COMMITMENT TO ELIMINATING DISCRIMINATION AGAINST WOMEN AND GIRLS.

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

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and Hansen

**Nay:** 2 - Councilor Fosle and President Hobbs

41. [18-0250R](#) RESOLUTION AUTHORIZING AGREEMENT WITH DULUTH ART INSTITUTE, ASSN. FOR DISPLAY OF ART IN CITY HALL.

**Indexes:**

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

**This Resolution was adopted unanimously.**

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 RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

42. [18-011-O](#) AN ORDINANCE AMENDING SECTIONS 50-37.1.L, ADMINISTRATIVE ADJUSTMENTS, TO ALLOW FOR MORE FLEXIBILITY RELATED TO OFF-STREET PARKING REQUIREMENTS.

**Indexes:**

**Attachments:** [Attachment 1](#)

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

43. [18-012-O](#) AN ORDINANCE AMENDING SECTIONS 50-26, SCREENING, WALLS, AND FENCES.

**Indexes:**

**Attachments:** [Attachment 1](#)

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

44. [18-013-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, 50-20.3 COMMERCIAL USES, AND 50-40.6 DEFINITIONS.

**Indexes:**

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

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

45. [18-014-O](#) AN ORDINANCE AMENDING SECTIONS 50-37.10.E, CRITERIA FOR INTERIM USE PERMITS, TO INCREASE THE MAXIMUM NUMBER OF VACATION DWELLING UNITS THAT MAY BE PERMITTED.

**Indexes:**

**Attachments:** [Attachment 1](#)  
[MOTION TO SPLIT ORDINANCE 18-014. Sipress. Russ - Passed 8-1 \(Fosle: Nay\)](#)

**This Ordinance will remain at First Read**

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 PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

- 46. [18-009-O](#) ORDINANCE ADDING A NEW CHAPTER 29E TO THE DULUTH CITY CODE ESTABLISHING MINIMUM STANDARDS FOR EARNED SICK AND SAFE TIME IN THE CITY OF DULUTH.

**Indexes:**

- Attachments:**
- [Motion To Amend - Sipress & Russ \(1\) - Removed](#)
  - [Motion To Amend - Sipress & Russ \(2\) - Passed 8-1](#)
  - [Motion To Amend - Filipovich - Removed](#)
  - [Motion To Amend - Westerlund \(1\) - Passed 5-4](#)
  - [Motion to Amend - Hobbs - Fail 3-6](#)
  - [Motion to Amend - Hansen.Hobbs - Passed 8-1](#)
  - [Motion to Amend - Filipovich \(2\) - Removed](#)
  - [Motion to Amend - Hobbs\(2\) - Failed 4-5](#)
  - [Motion to Amend - Sipress - Passed 8-0](#)
  - [Motion to Amend - Anderson.Van Nett - Passed 5-3](#)
  - [Motion to Amend - Sipress.Westerlund - Passed 7-1](#)
  - [Motion to Amend - Sipress.Westerlund \(2\) - Passed 8-0](#)
  - [Motion to Amend - Filipovich \(3\) - Passed 6-2](#)
  - [Motion to Amend - Hobbs\(3\) - Passed 8-0](#)
  - [Motion to Amend - Hobbs\(4\) - Passed 8-0](#)
  - [Motion to Amend - Sipress.Hansen - Removed](#)
  - [Motion to Amend - Anderson - Passed 5-4](#)
  - [Motion to Amend - Hansen - Passed 6-3](#)
  - [18-009-O Original](#)

This Ordinance gets sent back to First Read

**This Ordinance was sent back to First Read**

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

- 47. [18-008-O](#) AN ORDINANCE AMENDING AND EXTENDING CABLE TELEVISION

FRANCHISE AGREEMENT WITH CC VIII OPERATING, LLC, D/B/A  
CHARTER COMMUNICATIONS FOR TERM OF TEN YEARS.

**Indexes:**

**Attachments:** [Certified Copy of Ordinance No. 9775](#)

[CHARTER FRANCHISE AGREEMENT-03092018092702](#)

**This Ordinance was adopted unanimously.**

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS