



# 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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Tuesday, November 13, 2018

7:00 PM

Council Chamber

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#### ROLL CALL

#### ROLL CALL

- Present:** 9 - Councilor Gary Anderson, Councilor Arik Forsman, Councilor Arik Forsman, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund, Councilor Renee Van Nett and President Noah Hobbs
- Absent:** 1 - Councilor Zack Filipovich

#### PLEDGE OF ALLEGIANCE

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#### APPROVAL OF MINUTES

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1. [18-223](#) Duluth City Council Meeting Minutes - October 22nd, 2018

**Indexes:**

**Attachments:** [City Council Meeting - October 22](#)

**These Minutes were approved.**

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

- 2. [18-224](#) HRA Meeting Minutes

Indexes:

Attachments: [HRA Meeting Minutes \(July\)](#)  
[HRA Meeting Minutes \(August\)](#)

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

- 3. [18-225](#) DPUC Meeting Minutes

Indexes:

Attachments: [DPUC - Meeting Minutes](#)

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

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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RESOLUTIONS TABLED

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BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

- 4. [18-0744R](#) RESOLUTION REQUESTING THAT THE ADMINISTRATION AMEND THE LAKE SUPERIOR ZOO/FAIRMONT PARK CONCEPT PLAN APPROVED BY RESOLUTION 16-0168 TO MAINTAIN THE 2016 FOOTPRINT OF THE LAKE SUPERIOR ZOO AND TO EXPLORE OPTIONS FOR CONNECTING TRAILS LOCATED AROUND THE ZOO.

**Indexes:**

**Attachments:** [Motion To Amend - Hobbs: Passed Unanimously.](#)

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

**Yea:** 7 - Councilor Anderson, Councilor Forsman, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Van Nett and President Hobbs

**Nay:** 1 - Councilor Westerlund

**Absent:** 1 - Councilor Filipovich

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

- 5. [18-0758R](#) RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ACCEPT GIFTS ON BEHALF OF THE CITY IN THE AMOUNT OF \$10,000 OR LESS.

**This Resolution was adopted unanimously.**

**Absent: Councilor Filipovich**

- 6. [18-0765R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND THE CITY OF DULUTH SUPERVISORY ASSOCIATION FOR THE YEARS 2018-2020.

**Indexes:**

**Attachments:** [2018 - 2020 CDSA Clean 11.5.2018](#)  
[2018 - 2020 CDSA Redlined 11.5.2018](#)

**This Resolution was adopted unanimously.  
Absent: Councilor Filipovich**

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

7. [18-0761R](#) RESOLUTION AUTHORIZING A THREE YEAR AGREEMENT WITH ENERGY INSIGHT, INC. FOR PROFESSIONAL SERVICES RELATING TO PUBLIC WORKS AND UTILITIES COMMERCIAL AND INDUSTRIAL CONSERVATION IMPROVEMENT PROGRAM FOR A TOTAL NOT TO EXCEED \$73,500.

**Indexes:**

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

**This Resolution was adopted unanimously.  
Absent: Councilor Filipovich**

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

8. [18-0759R](#) RESOLUTION ABOLISHING 11 OBSOLETE AND INACTIVE JOB CLASSIFICATIONS.

**Indexes:**

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

**This Resolution was adopted unanimously.  
Absent: Councilor Filipovich**

9. [18-0760R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF LATERAL POLICE OFFICER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**Indexes:**

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

**This Resolution was adopted unanimously.  
Absent: Councilor Filipovich**

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

10. [18-0750R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR UTILITY AND ACCESS PURPOSES FROM THE STATE OF MINNESOTA OVER, UNDER, AND ACROSS TAX-FORFEITED PROPERTY LOCATED NEAR THE INTERSECTION OF BECKS ROAD AND 108TH STREET FOR \$196.

**Indexes:**

**Attachments:** [Exhibit 1.pdf](#)

**This Resolution was adopted unanimously.  
Absent: Councilor Filipovich**

11. [18-0751R](#) RESOLUTION ACCEPTING PERMANENT UTILITY EASEMENT FROM FIRST LUTHERAN CHURCH OF DULUTH, MINNESOTA OVER PROPERTY NEAR SUPERIOR STREET 10TH AVENUE EAST AT NO COST TO THE CITY.

**Indexes:**

**Attachments:** [Exhibit 1.pdf](#)

**This Resolution was adopted unanimously.  
Absent: Councilor Filipovich**

12. [18-0754R](#) RESOLUTION DEDICATING TWO EASEMENTS FOR UTILITY PURPOSES ON PROPERTY NEAR AIRPORT ROAD AND VACATED VANDENBERG DRIVE.

**Indexes:**

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

[Exhibit B.pdf](#)

**This Resolution was adopted unanimously.  
Absent: Councilor Filipovich**

13. [18-0756R](#) RESOLUTION DEDICATING A DRAINAGE EASEMENT ON PROPERTY ADJACENT TO THE CROSS CITY TRAIL NEAR 73RD AVENUE WEST.

**Indexes:**

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

This Resolution was adopted unanimously.  
Absent: Councilor Filipovich

14. [18-0757R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT AND RIGHT OF WAY FOR ROAD OR TRAIL PURPOSES FROM THE STATE OF MINNESOTA OVER AND ACROSS A PORTION OF THE MUNGER TRAIL FOR \$13,615.20.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.  
Absent: Councilor Filipovich

15. [18-0762R](#) RESOLUTION ACCEPTING PERMANENT UTILITY EASEMENT FOR NATURAL GAS PURPOSES FROM WELLS FARGO BANK, NATIONAL ASSOCIATION, AS TRUSTEE OF THE WARREN F. MIELKE REVOCABLE TRUST OVER PROPERTY NEAR JEAN DULUTH ROAD AND PAINE FARM ROAD AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.  
Absent: Councilor Filipovich

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

16. [18-0743R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A TASK FORCE AGREEMENT BETWEEN THE DULUTH POLICE DEPARTMENT AND THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION (DEA) AND FURTHER AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT MONIES FROM THE DEA FOR OVERTIME EXPENSES INCURRED IN SUPPORT OF THE TASK FORCE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.  
Absent: Councilor Filipovich

17. [18-0745R](#) RESOLUTION AUTHORIZING A CONTRACT WITH TERRAZZO &

CONCRETE RESTORATION, INC. TO INSTALL A VEHICLE BARRIER ON THE LIBRARY/DEPOT UPPER LOT FOR AN AMOUNT NOT TO EXCEED \$124,490.

**This Resolution was adopted unanimously.  
Absent: Councilor Filipovich**

18. [18-0746R](#) RESOLUTION AUTHORIZING THE PURCHASE OF SIX (6) 2019 FORD INTERCEPTORS FROM FORD OF HIBBING IN THE AMOUNT OF \$180,680.52.

**This Resolution was adopted unanimously.  
Absent: Councilor Filipovich**

19. [18-0748R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION IN THE AMOUNT OF \$20,000 FOR THE PURPOSE OF MAINTAINING A LOCAL EMERGENCY MANAGEMENT PROGRAM.

**Indexes:**

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

**This Resolution was adopted unanimously.  
Absent: Councilor Filipovich**

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

20. [18-0719R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C22895 WITH AMI CONSULTING ENGINEERS FOR ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES FOR THE DECC SEAWALL PROJECT FOR AN INCREASE OF \$105,500.00 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$794,903.39.

**Indexes:**

**Attachments:** [Exhibit A for Resolution AMI Increase](#)

**This Resolution was adopted unanimously.  
Absent: Councilor Filipovich**

21. [18-0752R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A LAKE SUPERIOR COASTAL PROGRAM GRANT OF \$100,000 FOR STORMWATER IMPROVEMENTS AT PIEDMONT COMMUNITY RECREATION AREA.

**This Resolution was adopted unanimously.  
Absent: Councilor Filipovich**

22. [18-0753R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A LAKE SUPERIOR COASTAL PROGRAM GRANT OF \$50,000 FOR DEVELOPMENT OF A ST. LOUIS RIVER CORRIDOR NATURAL AND CULTURAL INTERPRETIVE PLAN.

**This Resolution was adopted unanimously.  
Absent: Councilor Filipovich**

23. [18-0755R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A STATE PARK ROAD ACCOUNT PROGRAM GRANT OF \$1,569,500 FOR RECONSTRUCTION OF THE BRIGHTON BEACH ROAD PROVIDING ACCESS TO LAKE SUPERIOR.

**This Resolution was adopted unanimously.  
Absent: Councilor Filipovich**

END OF CONSENT AGENDA

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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 RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

24. [18-053-O](#) AN ORDINANCE DESIGNATING THE LAKE SUPERIOR AND MISSISSIPPI RAILROAD AS A DULUTH HERITAGE PRESERVATION LANDMARK.

**Indexes:**

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

**A motion was made to return this Ordinance to Administration: Passed Unanimously.**

25. [18-054-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR SIX SMALL CELL WIRELESS FACILITIES ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY AROUND THE UNIVERSITY OF MINNESOTA, DULUTH CAMPUS.

**Indexes:**

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

**This Ordinance was tabled.**

26. [18-055-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR ONE SMALL CELL WIRELESS FACILITY ON A MINNESOTA POWER POLE IN THE PLATTED STREET RIGHT OF WAY NEAR 8551 GRAND AVENUE.

**Indexes:**

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

**This Ordinance was tabled.**

27. [18-056-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR THREE SMALL CELL WIRELESS FACILITIES ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 6001, 6002, AND 6025 EAST SUPERIOR STREET.

**Indexes:**

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

**This Ordinance was tabled.**

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS