



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]*

Tuesday, May 26, 2020

7:00 PM

Council Chamber

NOTICE: The Duluth City Council will be holding its May 21, 2020 Agenda Session and May 26, 2020 City Council Meeting by other electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 emergency. Some members of the City Council will be participating through video conference. Due to the COVID-19 emergency and the closure of City facilities, public comment will not be taken in person. However, members of the public can monitor the meeting and provide public comment on agenda items through WebEx Events. Visit <https://duluthmn.gov/live-meeting> to access the meeting. The public is also encouraged to submit written comment to council@duluthmn.gov prior to the meeting. Please include "Council Agenda" in the subject line, and include your name and address and the agenda item you are speaking to. Please note that all public comment is considered Public Data. The public is also encouraged to watch both meetings online at <https://duluthmn.gov/city-council/> (Select "Council Meeting Media") or by tuning into Public Access Television, Channel 180.

ROLL CALL

Present: 8 - Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Janet Kennedy, Councilor Derek Medved, Councilor Roz Randorf, Councilor Joel Sipress, Vice President Renee Van Nett and President Gary Anderson

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [20-037](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [May 11, 2020 Council Meeting](#)

These Minutes were approved

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

Janelle Soderlund, Christina Woods, Mary Hardy, Leann Littlewolf, Tony Hernandez, Katie Symons and Les Gibbs spoke in regard to the resolution 20-0390R

Kevin Skwira-Brown, Tara Sherpersky and Stephan Witherspoon spoke in regard to ordinance 20-033-O

RESOLUTIONS TABLED

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

2. [20-0390R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY AMERICAN INDIAN COMMUNITY HOUSING ORGANIZATION AND DOMINIUM TO THE STATE OF MINNESOTA FOR LOW INCOME HOUSING TAX CREDITS FOR THE INDIGENOUS RESILIENCY AFFORDABLE HOUSING PROJECT.

Indexes:

Attachments: [Exhibit A project location map](#)

This Resolution was tabled.

CONSENT AGENDA

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

3. [20-0448R](#) RESOLUTION AMENDING RESOLUTION 19-0793, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2020, TO PROVIDE A ONE-TIME REDUCTION IN CERTAIN LIQUOR LICENSING FEES DUE TO COVID-19.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

4. [20-0459R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE TO NEW OWNER DULUTH SALSA, LLC (MEXICO LINDO), 600 EAST SUPERIOR STREET

Indexes:

Attachments: [2020-05-19, Mexico Lindo Transfer App](#)

This Resolution was adopted unanimously.

5. [20-0460R](#) RESOLUTION APPROVING THE TRANSFER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF SUPER ONE LIQUOR, LLC (SUPER ONE LIQUOR) TO THE NEW ADDRESS AT 208 NORTH CENTRAL AVENUE.

Indexes:

Attachments: [2020-05-01, Super One Transfer App](#)

This Resolution was adopted unanimously.

BY COUNCILOR KENNEDY (PERSONNEL)

6. [20-0425R](#) RESOLUTION CONFIRMING THE REAPPOINTMENTS OF JULIE ZARUBA-FOUNTAINNE, HENRY BANKS AND JOSH SMERDON TO THE DULUTH TRANSIT AUTHORITY.

This Resolution was adopted unanimously.

7. [20-0455R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF THERESA O'HALLORAN-JOHNSON, ANTHONY REED-FUGLESTAD AND STEVEN WICK TO THE COMMUNITY DEVELOPMENT COMMITTEE.

This Resolution was adopted unanimously.

8. [20-0461R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF COUNCILOR DEREK MEDVED TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY REPLACING COUNCILOR BARB RUSS.

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

9. [20-0430R](#) RESOLUTION APPROVING THE REVISED 2020 ANNUAL ACTION PLAN AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME PROGRAM (HOME), AND EMERGENCY SOLUTIONS GRANT PROGRAM (ESG) PROGRAM FUNDS.

Indexes:

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

This Resolution was adopted unanimously.

10. [20-0431R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$51,293 FY 2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

Indexes:

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

This Resolution was adopted unanimously.

11. [20-0432R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$8,633 FY 2020 COMMUNITY HOME INVESTMENT PARTNERSHIP PROGRAM.

Indexes:

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

This Resolution was adopted unanimously.

12. [20-0433R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$8,060 FY 2020 EMERGENCY SOLUTIONS GRANT (ESG) PROGRAM.

Indexes:

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

This Resolution was adopted unanimously.

14. [20-0443R](#) RESOLUTION AUTHORIZING AMENDMENT TO THE 2015 ANNUAL ACTION PLAN BY REMOVING THE EMPLOYMENT SERVICES PROGRAM PROJECT AND REPROGRAMMING \$77,428 IN COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS FOR THE DECKER DWELLINGS PROJECT.

This Resolution was adopted unanimously.

15. [20-0445R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$15,768 GRANT FROM THE DULUTH LEGACY ENDOWMENT FUND.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

(INTERGOVERNMENTAL RELATIONS)

16. [20-0444R](#) RESOLUTION AUTHORIZING AN ELECTRONIC RECORDING AGREEMENT ST. LOUIS COUNTY, MINNESOTA FOR THE ELECTRONIC TRANSMISSION OF REAL PROPERTY DOCUMENTS.

Indexes:

Attachments: [Exhibit 1-Resolution.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

17. [20-0427R](#) RESOLUTION CONCURRING WITH COUNTY AWARD OF THE 2020 CHIP SEAL PROJECT.

This Resolution was adopted unanimously.

18. [20-0428R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30220 WITH LHB, INC. FOR ADDITIONAL ENGINEERING SERVICES FOR THE EAST SUPERIOR STREET RECONDITIONING PROJECT FOR AN INCREASE OF \$115,392 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$184,854.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

19. [20-0447R](#) RESOLUTION AUTHORIZING A CONTRACT WITH RRC CARLSON BROTHERS, INC. FOR THE INSTALLATION OF BUILDING ENERGY TRANSFER STATIONS FOR AN AMOUNT NOT TO EXCEED \$396,760.

This Resolution was adopted unanimously.

20. [20-0452R](#) RESOLUTION AWARING A CONTRACT TO ULLAND BROTHERS, INC. FOR THE EAST SUPERIOR STREET RECONDITIONING PROJECT

IN THE AMOUNT OF \$1,137,592.

Indexes:

Attachments: [20-0452R Map](#)

This Resolution was adopted unanimously.

21. [20-0454R](#) RESOLUTION AUTHORIZING A CONTRACT WITH PARSONS ELECTRIC LLC, FOR THE CONSTRUCTION OF THE DULUTH ENERGY SYSTEMS HOT WATER CONVERSION SYSTEM BALANCE OF PLANT ELECTRICAL UPGRADES IN AN AMOUNT NOT TO EXCEED \$572,966.

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

22. [20-0405R](#) RESOLUTION AUTHORIZING A CONTRACT WITH VEIT & COMPANY, INC. FOR SHORELINE REHABILITATION NEAR THE LAKEWOOD WATER TREATMENT PLANT FOR AN AMOUNT NOT TO EXCEED \$604,750.

This Resolution was adopted unanimously.

23. [20-0423R](#) RESOLUTION AUTHORIZING ACCEPTANCE AND EXECUTION OF A HOST SITE AGREEMENT WITH THE MINNESOTA POLLUTION CONTROL AGENCY FOR THE 2020-2021 PROGRAM YEAR GREENCORPS MEMBER.

Indexes:

Attachments: [Revised_CityofDuluth_GreenCorps2020_FINAL](#)

This Resolution was adopted unanimously.

24. [20-0442R](#) RESOLUTION AUTHORIZING THE EXECUTION AND FILING OF A NOTICE OF FUNDING RESTRICTIONS OVER REAL PROPERTY ADJACENT TO SKYLINE PARKWAY IN THE PIEDMONT HEIGHTS NEIGHBORHOOD.

Indexes:

Attachments: [Exhibit 1.pdf](#)
[Exhibit 2-Resolution.pdf](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR MEDVED (FINANCE)

25. [20-0453R](#) RESOLUTION APPROVING THE BUDGET FOR THE FISCAL YEAR MAY 1, 2020 TO APRIL 30, 2021 IN THE AMOUNT OF \$4,075,301 FOR THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

26. [20-0446R](#) RESOLUTION AUTHORIZING A CONTRACT WITH VEIT & COMPANY, INC. FOR CANAL PARK LAKEWALK AND SHORELINE RESTORATION FOR AN AMOUNT NOT TO EXCEED \$10,147,732.

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

Yea: 7 - Councilor Filipovich, Councilor Forsman, Councilor Kennedy, Councilor Randorf, Councilor Sipress, Vice President Van Nett and President Anderson

Nay: 1 - Councilor Medved

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

13. [20-0441R](#) RESOLUTION VACATING A PORTION OF PLATTED LAKE AVENUE AND ADJACENT LAND BETWEEN SUPERIOR STREET AND MICHIGAN STREET IN DOWNTOWN DULUTH.

Indexes:

Attachments: [Lake Avenue Vacation-Exhibit A.pdf](#)

[Lake Avenue Vacation-Exhibit B.pdf](#)

[Lake Avenue Vacation-Exhibit C.pdf](#)

[Lake Avenue Vacation-Exhibit D.pdf](#)

This Resolution was adopted unanimously.

Abstains: Councilor Forsman, stating employer conflict.

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

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

27. [20-039-O](#) AN ORDINANCE AMENDING CHAPTER 8 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING ALCOHOLIC BEVERAGES. (REPLACEMENT)

This Ordinance was read for the first time.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

28. [20-035-O](#) AN ORDINANCE GRANTING ST. LUKE'S HOSPITAL A CONCURRENT USE PERMIT FOR A PAVEMENT SNOWMELT SYSTEM IN THE PLATTED STREET RIGHT OF WAY OF EAST SECOND STREET NEAR 1012 EAST SECOND STREET.

Indexes:

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

This Ordinance was read for the first time.

29. [20-036-O](#) AN ORDINANCE GRANTING MARY DUBOIS AT 3322 MINNESOTA AVENUE A CONCURRENT USE PERMIT FOR A SHELTER IN THE PLATTED STREET RIGHT OF WAY OF SOUTH LAKE AVENUE.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

30. [20-037-O](#) AN ORDINANCE GRANTING MINNESOTA POWER, A DIVISION OF ALLETE, INC., A CONCURRENT USE PERMIT FOR A PARKING STRUCTURE IN THE PLATTED STREET RIGHT OF WAY OF SUPERIOR STREET.

Indexes:

Attachments: [CUP-Exhibit A.pdf](#)
[CUP-Exhibit B.pdf](#)
[CUP-Exhibit C.pdf](#)
[CUP-Exhibit D.pdf](#)

This Ordinance was read for the first time.

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

BY COUNCILOR KENNEDY (PERSONNEL)

31. [20-033-O](#) ORDINANCE AMENDING CHAPTER 2 OF THE DULUTH CITY CODE BY ADDING ARTICLE XXXVI ESTABLISHING A DULUTH AFRICAN HERITAGE COMMISSION.

This Ordinance was adopted unanimously.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

32. [20-034-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A PERMANENT EASEMENT TO THE STATE OF MINNESOTA FOR HIGHWAY RIGHT OF WAY PURPOSES, TOGETHER WITH A TEMPORARY EASEMENT FOR HIGHWAY PURPOSES, OVER REAL PROPERTY IN LINCOLN PARK FOR \$163,550.00.

Indexes:

Attachments: [Exhibit A-Ordinance.pdf](#)
[Exhibit B-Ordinance.pdf](#)
[Exhibit C-Ordinance.pdf](#)

This Ordinance was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

33. [20-032-O](#) ORDINANCE AMENDING SECTION 21-1 OF THE DULUTH CITY CODE TO ADOPT AND INCORPORATE THE 2020 AMENDMENTS TO THE MINNESOTA STATE FIRE CODE.

This Ordinance was adopted unanimously.

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

34. [20-031-O](#) AN ORDINANCE DEDICATING REAL PROPERTY AS PARK PROPERTY.

Indexes:

Attachments: [Exhibit A-Hartley Park Ordinance.pdf](#)
[Exhibit B-Hartley Park Ordinance.pdf](#)
[Exhibit C-Hartley Park Ordinance.pdf](#)
[Exhibit D-Hartley Park Ordinance.pdf](#)

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS