



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, September 27, 2021

7:00 PM

Council Chamber

NOTICE: The Duluth City Council will be holding the September 23, 2021 Agenda Session and September 27, 2021 Council Meeting by other electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 pandemic. Some members of the City Council will be participating through video conference. Due to the COVID-19 pandemic, 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: 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Janet Kennedy, Councilor Derek Medved, Councilor Roz Randorf, Councilor Joel Sipress, Councilor Terese Tomanek, Vice President Arik Forsman and President Renee Van Nett

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [21-086](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2021-09-13, Minutes](#)

A motion was made by Councilor Anderson to approve the Minutes. The motion

was seconded by Councilor Medved.
The Minutes were approved unanimously.

PUBLIC HEARING

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

- 2. [21-087](#) Parks and Recreation Commission Meeting Minutes

Indexes:

Attachments: [August 2021 - Parks and Rec Minutes](#)

This Board or Commission Report was received.

- 3. [21-088](#) Commission on Disabilities Meeting Minutes

Indexes:

Attachments: [July 2021 - COD Minutes](#)

This Board or Commission Report was received.

- 4. [21-089](#) Citizen Review Board Meeting Minutes

Indexes:

Attachments: [July 2021 - CRB Minutes](#)

This Board or Commission Report was received.

- 5. [21-090](#) Human Rights Commission Meeting Minutes

Indexes:

Attachments: [May 2021 - HRC Minutes](#)
[June 2021 - HRC Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

Jill Keppers spoke in regard to tax levy support for the Duluth Housing Trust Fund. Allie Tibbets spoke in opposition to the expansion of the Lakewalk Medical Building. Jim Sandness spoke in support of Enger Park Golf Course renovation

and maintenance. Tim Allen spoke in opposition of closing Lester Park Golf Course.

RESOLUTIONS TABLED

BY COUNCILOR MEDVED (FINANCE)

6. [21-0720R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2022. (REPLACEMENT)

Indexes:

Attachments: [Exhibit A - 2022 Levy Property Tax](#)
[Motion to Amend \(#1\): Filipovich & Kennedy](#)
[Motion to Amend \(#2\): Van Nett, Forsman, Medved & Anderson](#)

A motion was made by Councilor Filipovich to remove this Resolution from the table. The motion was seconded by Vice President Forsman. The motion passed unanimously.

A motion was made by Councilor Filipovich to pass Motion to Amend #1. The motion was seconded by Councilor Kennedy. The motion passed unanimously.

A motion was made by Vice President Forsman to pass Motion to Amend #2. The motion was seconded by Councilor Anderson. The motion passed unanimously.

A motion was made by Councilor Kennedy to pass the Resolution. The motion was seconded by Councilor Tomanek.

The Resolution was adopted as amended unanimously.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

7. [21-0703R](#) RESOLUTION AUTHORIZING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DULUTH AND UNIQUE OPPORTUNITIES DULUTH, LLC, FOR THE DEVELOPMENT OF PROPERTY SOUTH OF ARROWHEAD ROAD AND EAST OF STANFORD AVENUE.

Indexes:

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

A motion was made by Councilor Filipovich to remove this Resolution from the table. The motion was seconded by Councilor Tomanek. The motion passed unanimously.

A motion was made by Vice President Forsman to pass the Resolution. The motion was seconded by Councilor Filipovich.

The Resolution was adopted unanimously.

CONSENT AGENDA

A motion was made by Councilor Filipovich to pass the Consent Agenda. The motion was seconded by Councilor Sipress. The Consent Agenda passed

unanimously.

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

8. [21-0727R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A NETWORK STORAGE ARRAY WITH FIVE YEARS OF MAINTENANCE SUPPORT AND PROFESSIONAL SERVICES FROM INSIGHT PUBLIC SECTOR IN THE AMOUNT OF \$236,065.43

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

9. [21-0734R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 325 LAKE AVENUE SOUTH, UNIT NUMBER 1302, LOCATED IN THE F-5 MID-RISE COMMUNITY SHOPPING AND OFFICE FORM DISTRICT (K & S NORMAN FAMILY LIMITED PARTNERSHIP).

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

10. [21-0742R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 216 WEST 6TH STREET LOCATED IN THE R-1 RESIDENTIAL-TRADITIONAL ZONE DISTRICT (DANIELLE THRALOW).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

11. [21-0744R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE PROFESSIONAL AND TECHNICAL SERVICES MASTER CONTRACT WITH THE STATE OF MINNESOTA, ACTING THROUGH ITS DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT, TO PROVIDE VOCATIONAL REHABILITATION PRE-EMPLOYMENT TRANSITION SERVICES TO INCREASE THE CONTRACT AMOUNT BY \$150,000 WITH THE TOTAL NOT TO EXCEED \$450,000, TO EXTEND THE CONTRACT END DATE TO JUNE 30, 2022, AND TO MODIFY THE SERVICES AND FEES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

12. [21-0745R](#) RESOLUTION VACATING THAT PORTION OF SEVENTH STREET LYING BETWEEN 20TH AND 21ST AVENUES EAST, RESERVING A UTILITY EASEMENT OVER THE SAME.

Indexes:

Attachments: [Exhibit 1-PL 21-143](#)

[Exhibit 2-PL 21-143](#)

This Resolution was adopted unanimously.

13. [21-0747R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT WITH CATALYST HOLDINGS LLC FOR THE SALE OF PROPERTY IN THE SPIRIT VALLEY NEIGHBORHOOD FOR \$5,000, PLUS AN ADMINISTRATIVE FEE OF \$500.

Indexes:

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

[Exhibit 2-Resolution.pdf](#)

[Exhibit 3-Resolution.pdf](#)

This Resolution was adopted unanimously.

14. [21-0749R](#) RESOLUTION VACATING STREET EASEMENTS IN THE SOUTHEAST QUARTER OF NORTHWEST QUARTER (SE1/4 OF NW1/4) AND NORTHEAST QUARTER OF SOUTHWEST QUARTER (NE1/4 OF SW1/4) SECTION 21, TOWNSHIP 50 NORTH, RANGE 14 WEST OF THE 4TH PRINCIPAL MERIDIAN AND ACCEPTING A STREET AND UTILITY EASEMENT IN THE DULUTH HEIGHTS NEIGHBORHOOD

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

[Exhibit 3](#)

[Exhibit 4](#)

This Resolution was adopted unanimously.

15. [21-0764R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO SUB-RECIPIENT AGREEMENTS WITH SOAR CAREER SOLUTIONS AND INDEPENDENT SCHOOL DISTRICT 709 ADULT BASIC EDUCATION, FOR EMPLOYMENT AND TRAINING SERVICES FUNDED THROUGH THE STATE OF MINNESOTA'S PATHWAYS TO PROSPERITY GRANT PROGRAM TO EXTEND THE TIME OF PERFORMANCE.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR TOMANEK (INTERGOVERNMENTAL RELATIONS)

16. [21-0740R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE DULUTH ENTERTAINMENT AND CONVENTION AUTHORITY FOR THE OPERATION AND MAINTENANCE OF THE NORTHWEST PASSAGE SKYWALK BRIDGE, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

17. [21-0741R](#) RESOLUTION AUTHORIZING A SUBSCRIBER AGREEMENT WITH ST. LOUIS COUNTY, MINNESOTA FOR THE USE OF CERTAIN ONLINE SOFTWARE TO ACCESS ELECTRONIC DATABASES OF REAL PROPERTY RECORDS AT THE COST OF \$80 PER LICENSE.

Indexes:

Attachments: [SLC Real Estate Database Agreement.pdf](#)

This Resolution was adopted unanimously.

18. [21-0743R](#) RESOLUTION AUTHORIZING A TWO-YEAR LICENSE AGREEMENT WITH STATE OF MINNESOTA, ACTING BY AND THROUGH THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES, TO UTILIZE CERTAIN CITY-OWNED PROPERTY TO PERFORM A WATERSHED STREAM RESTORATION PROJECT IN KINGSBURY CREEK.

Indexes:

Attachments: [License Agreement 2021-9-16 \(Legistar\).pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

19. [21-0750R](#) RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE AND INSTALLATION OF AN ABSORBER SOLUTION PUMP, AND PROVIDING NOTIFICATION OF EMERGENCY INVESTIGATIVE AND REPAIR SERVICES AND CHILLER PUMP RENTAL, FROM TRANE IN THE TOTAL AMOUNT OF \$240,348.53.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PUBLIC SAFETY)

20. [21-0685R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$125,125.00 GRANT AWARD FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY TO FUND A DWI POLICE OFFICER FOR TWELVE MONTHS AND AUTHORIZING EXECUTION OF GRANT AGREEMENT.

Indexes:

Attachments: [Document A - Grant Agreement](#)

This Resolution was adopted unanimously.

21. [21-0739R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$140,000 CRIME VICTIM SERVICES PROSECUTORIAL GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, TO FUND A VICTIM SERVICES POSITION IN THE CITY ATTORNEY'S OFFICE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

22. [21-0751R](#) RESOLUTION AUTHORIZING APPROVAL AND IMPLEMENTATION OF THE ENGER PARK GOLF COURSE RENOVATION PLAN.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

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

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

23. [21-040-O](#) AN ORDINANCE GRANTING NORTH SHORE PROPERTIES OF DULUTH, LLC, A CONCURRENT USE PERMIT FOR AN EXISTING BUILDING WITHIN THE PLATTED RIGHT OF WAY OF 54TH AVENUE EAST NEAR 5324 EAST SUPERIOR STREET.

Indexes:

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

This Ordinance was read for the first time.

24. [21-043-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE SPIRIT VALLEY NEIGHBORHOOD TO CATALYST HOLDINGS LLC FOR \$5,000, PLUS AN ADMINISTRATIVE FEE OF \$500.

Indexes:

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

This Ordinance was read for the first time.

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

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

25. [21-035-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY ON THE SOUTH SIDE OF LONDON ROAD BETWEEN 14TH AVENUE EAST AND 16TH AVENUE EAST FROM FORM DISTRICT 2 (F-2) TO MIXED USE-INSTITUTIONAL (MU-I).

Indexes:

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

A motion was made by Councilor Filipovich to pass this Ordinance. The motion was seconded by Councilor Sipress.
This Ordinance was adopted unanimously.

26. [21-036-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH EAST A CONCURRENT USE PERMIT FOR A PRIVATE STRUCTURE (PEDESTRIAN SKYWALK) OVER THE PLATTED RIGHT OF WAY OF FOURTH AVENUE EAST.

Indexes:

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

A motion was made by Councilor Filipovich to pass this Ordinance. The motion was seconded by Councilor Anderson.
This Ordinance was adopted unanimously.

27. [21-037-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH EAST A CONCURRENT USE PERMIT FOR A PRIVATE STRUCTURE (PORTION OF AN 800 STALL PARKING GARAGE) OVER THE PLATTED STREET RIGHT OF WAY OF EAST SECOND STREET ALLEY.

Indexes:

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

A motion was made by Councilor Filipovich to pass this Ordinance. The motion was seconded by Councilor Randorf. This Ordinance was adopted unanimously.

28. [21-038-O](#) AN ORDINANCE AMENDING SECTION 50-39, ENFORCEMENT AND PENALTIES.

Indexes:

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

A motion was made by Councilor Filipovich to pass this Ordinance. The motion was seconded by Councilor Anderson. This Ordinance was adopted unanimously.

29. [21-039-O](#) AN ORDINANCE AMENDING SECTION 50-15.4 AND 50-24.6 RELATED TO MIXED-USE INSTITUTIONAL (MU-I) DEVELOPMENTS.

Indexes:

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

A motion was made by Councilor Filipovich to pass this Ordinance. The motion was seconded by Vice President Forsman. This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

ATTEST:
CHELSEA J. HELMER, City Clerk

Passed: September 27, 2021
Approved: September 28, 2021
EMILY LARSON, Mayor