



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, December 20, 2021

7:00 PM

Council Chamber

NOTICE: The Duluth City Council will be holding the December 16, 2021 Agenda Session and December 20, 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: 7 - Councilor Gary Anderson, Vice President Janet Kennedy, Councilor Derek Medved, Councilor Roz Randorf, Councilor Terese Tomanek, President Arik Forsman and Councilor Renee Van Nett

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

1. [21-119](#) Public Hearing: American Rescue Plan Act funding - New Burnham LLC.

Indexes:

Attachments: [NOPH City Council Burnham ARPA Funding](#)

This Public Hearing was held.

APPROVAL OF MINUTES

2. [21-114](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2021-12-13, Minutes](#)

A motion was made by Councilor Randorf to approve the Minutes. The motion was seconded by Councilor Tomanek. The motion passed unanimously. This Minutes were approved unanimously.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

3. [21-115](#) Library Board Meeting Minutes

Indexes:

Attachments: [October 2021 - Library Board Minutes](#)

This Board or Commission Report was received.

4. [21-116](#) Commission on Disabilities Meeting Minutes

Indexes:

Attachments: [October 2021 - Commission on Disabilities Minutes](#)

This Board or Commission Report was received.

5. [21-117](#) Human Rights Commission Meeting Minutes

Indexes:

Attachments: [October 2021 - HRC Minutes](#)

This Board or Commission Report was received.

6. [21-118](#) Citizen Review Board Meeting Minutes

Indexes:

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

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

Kenneth Buehler, Tony Cuneo, Janelle Long, Cameron Krueger, spoke in support of Tourism Tax Funding

Judy Gibbs spoke in regard to her concern regarding the Omicron Variant and request for a city-wide mask mandate

CONSENT AGENDA

A motion was made by Councilor Anderson to pass the Consent Agenda. The motion was seconded by Councilor Kennedy. The motion passed with a vote of 8-1 (Nay: Councilor Medved)

BY COUNCILOR MEDVED (FINANCE)

7. [21-0879R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL FOR TECHNOLOGY DRIVE IMPROVEMENTS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

Nay: Councilor Medved

8. [21-0947R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DULUTH-SUPERIOR PUBLIC ACCESS COMMUNITY TELEVISION, INC., FOR COMMUNITY ACCESS CABLECASTING, TRAINING, PRODUCTION AND ADMINISTRATION SERVICES IN 2022 IN THE NET AMOUNT OF \$182,000.

Indexes:

Attachments: [2022 PACTV Lease and Professional Services Agreement](#)

This Resolution was adopted.

Nay: Councilor Medved

9. [21-0984R](#) RESOLUTION ADOPTING THE 2022 FEE SCHEDULE FOR LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted.

Nay: Councilor Medved

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

- 10. [21-0981R](#) RESOLUTION AWARDING A CONTRACT TO HOLIDAY STATIONSTORES FOR SERVICE STATION FUELS FOR 2022 FOR AN AMOUNT NOT TO EXCEED \$1,060,000.

**This Resolution was adopted.
Nay: Councilor Medved**

- 11. [21-0982R](#) RESOLUTION AUTHORIZING AN ANNUAL CONTRACT FOR ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS, SUPPLIES AND LABOR FOR 2022 FROM ZIEGLER, INC. FOR AN AMOUNT NOT TO EXCEED \$250,000.

**This Resolution was adopted.
Nay: Councilor Medved**

- 12. [21-0983R](#) RESOLUTION AUTHORIZING AN ANNUAL CONTRACT FOR ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS, SUPPLIES AND LABOR FOR 2022 FROM MID-STATE TRUCK SERVICE, INC. FOR AN AMOUNT NOT TO EXCEED \$185,000.

**This Resolution was adopted.
Nay: Councilor Medved**

BY COUNCILOR KENNEDY (PERSONNEL)

- 13. [21-0985R](#) RESOLUTION CONFIRMING THE INTERIM CHARTER APPOINTMENT OF GREGORY GUERRERO AS DIRECTOR, PUBLIC WORKS & UTILITIES FOR THE CITY OF DULUTH FOR THE DURATION OF THE ABSENCE OF PUBLIC WORKS & UTILITIES DIRECTOR, JAMES BENNING.

**This Resolution was adopted.
Nay: Councilor Medved**

- 14. [21-0992R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF TERESE TOMANEK TO THE DULUTH PARKING COMMISSION.

**This Resolution was adopted.
Nay: Councilor Medved**

- 15. [21-0993R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ROZ RANDORF

TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH,
REPLACING JOEL SIPRESS.

This Resolution was adopted.

Nay: Councilor Medved

16. [21-1003R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF KAYLEE GRUNSETH TO THE DULUTH NONBINARY, QUEER, TRANS, TWO SPIRIT, LESBIAN, GAY, BISEXUAL, INTERSEX AND ASEXUAL COMMISSION (NQT2SLGBIA).

This Resolution was adopted.

Nay: Councilor Medved

17. [21-1007R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF LYNN NEPHEW TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH.

This Resolution was adopted.

Nay: Councilor Medved

BY COUNCILOR TOMANEK (INTERGOVERNMENTAL RELATIONS)

18. [21-0995R](#) RESOLUTION AMENDING RESOLUTION 21-0832R, ADOPTED AS AMENDED ON NOVEMBER 8, 2021, TO DISTRIBUTE AN ADDITIONAL \$30,000 TO VARIOUS COMMUNITY ORGANIZATIONS.

This Resolution was adopted.

Nay: Councilor Medved

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

19. [21-0920R](#) RESOLUTION AUTHORIZING AGREEMENT WITH 14 DEGREE PROPERTIES LLC IN RELATION TO THE VACATION OF A PORTION OF 19TH AVENUE WEST AND USE OF THE PROPERTY FOR COMMUNITY PURPOSES

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted.

Nay: Councilor Medved

20. [21-0991R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE 2019 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM DULUTH

ENERGY EFFICIENCY GRANT AGREEMENT WITH ECOLIBRIUM3

Indexes:

Attachments: [Exhibit A amendment](#)

This Resolution was adopted.
Nay: Councilor Medved

21. [21-1004R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO EVALUATE OPTIONS FOR THE CREATION OF SHARED STREETS IN DULUTH, MINNESOTA.

Indexes:

Attachments: [Pedestrian Safety Guide and Countermeasure Selection System.pdf](#)

This Resolution was adopted.
Nay: Councilor Medved

22. [21-1005R](#) RESOLUTION APPROVING AMERICAN RESCUE PLAN ACT AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND NEW BURNHAM LLC FOR THE DEVELOPMENT OF THE BURNHAM APARTMENTS PROJECT

Indexes:

Attachments: [Exhibit A ARPA Agreement](#)

This Resolution was adopted.
Nay: Councilor Medved

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

23. [21-0940R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR THE 2022 CHIP SEAL PROJECT AT VARIOUS LOCATIONS IN THE CITY OF DULUTH.

Indexes:

Attachments: [21-0940R Exhibit A](#)

This Resolution was adopted.
Nay: Councilor Medved

24. [21-0948R](#) RESOLUTION AUTHORIZING AN INCREASE TO AGREEMENT L 30144 WITH FRONTIER ENERGY, INC. FOR PROFESSIONAL SERVICES RELATING TO PUBLIC WORKS AND UTILITIES COMMERCIAL AND INDUSTRIAL CONSERVATION IMPROVEMENT PROGRAM IN THE AMOUNT OF \$10,500 FOR A NEW TOTAL NOT TO EXCEED \$84,000.

This Resolution was adopted.
Nay: Councilor Medved

25. [21-0949R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 6,600 TONS OF ROAD SALT FROM MORTON SALT, INC. IN THE AMOUNT OF \$382,995.

This Resolution was adopted.
Nay: Councilor Medved

26. [21-0956R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA POLLUTION CONTROL AGENCY CLIMATE RESILIENCY PROGRAM FOR FUNDS TO DEVELOP A STORMWATER MANAGEMENT PLAN.

This Resolution was adopted.
Nay: Councilor Medved

27. [21-0960R](#) RESOLUTION AMENDING A CONTRACT WITH MSA PROFESSIONAL SERVICES, INC. TO PROVIDE PROFESSIONAL ENGINEERING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE RIVERWEST DRIVE CONSTRUCTION PROJECT, TO INCREASE THE AMOUNT BY \$48,746.00 FOR A NEW TOTAL OF \$253,246.25.

Indexes:

Attachments: [21-0960 Amendment](#)
[21-0960R Map](#)

This Resolution was adopted.
Nay: Councilor Medved

28. [21-0961R](#) RESOLUTION AMENDING RESOLUTION 21-0832R, ADOPTED AS AMENDED ON NOVEMBER 8, 2021, TO ADD \$30,000 TO TOURISM EVENTS SUPPORT GENERAL FUND.

This Resolution was adopted.
Nay: Councilor Medved

29. [21-0974R](#) RESOLUTION APPROVING DULUTH ENERGY SYSTEM'S THERMAL ENERGY HOT WATER RATE FOR EASTERN CANAL PARK.

This Resolution was adopted.
Nay: Councilor Medved

30. [21-0975R](#) RESOLUTION AUTHORIZING THE PURCHASE OF WATER METERS FROM BADGER METERS, INC. IN THE AMOUNT OF \$646,010.00

This Resolution was adopted.

Nay: Councilor Medved

31. [21-0979R](#) RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF WATER PLANT FILTER ACTUATORS FROM VESSCO, INC. IN THE AMOUNT OF \$56,741.16

This Resolution was adopted.

Nay: Councilor Medved

32. [21-0989R](#) RESOLUTION AWARDED A CONTRACT TO UNIVAR USA INC. FOR THE PURCHASE AND DELIVERY OF 1,023,155 POUNDS OF LIQUID CAUSTIC SODA IN YEAR 2022 FOR A TOTAL COST OF \$251,440.34.

This Resolution was adopted.

Nay: Councilor Medved

33. [21-0994R](#) RESOLUTION AUTHORIZING AN INCREASE TO A MASTER SERVICES AGREEMENT WITH AMERICAN ENGINEERING TESTING IN THE AMOUNT OF \$2,000 FOR GEOTECHNICAL AND MATERIALS TESTING SERVICES, FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$52,000.

This Resolution was adopted.

Nay: Councilor Medved

BY COUNCILOR ANDERSON (PUBLIC SAFETY)

34. [21-0844R](#) RESOLUTION AUTHORIZING A THREE-YEAR PURCHASE AGREEMENT WITH M & T FIRE AND SAFETY INC. FOR STRUCTURAL FIREFIGHTING TURNOUT GEAR IN THE ESTIMATED AMOUNT OF \$228,000.

This Resolution was adopted.

Nay: Councilor Medved

35. [21-0944R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA IN THE AMOUNT OF \$200,984 FOR HAZMAT EQUIPMENT AND FURTHER AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF MINNESOTA.

Indexes:

Attachments: [21-0944R Exhibit A](#)

[21-0944R Exhibit B](#)

This Resolution was adopted.

Nay: Councilor Medved

36. [21-0977R](#) 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: [Document A](#)

This Resolution was adopted.

Nay: Councilor Medved

37. [21-0978R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) IN THE AMOUNT OF \$45,000 TO PURCHASE AN ACCREDITATION MANAGEMENT PROGRAM THROUGH POWERDMS, INC. TO SUPPORT THE POLICE DEPARTMENT'S CALEA ACCREDITATION PROCESS AND FURTHER AUTHORIZING THE EXECUTION OF A SOFTWARE SERVICE AGREEMENT WITH POWERDMS, INC. FOR THREE YEARS AT A TOTAL COST OF \$39,699.18.

Indexes:

Attachments: [Document A](#)

[Document B](#)

This Resolution was adopted.

Nay: Councilor Medved

38. [21-0990R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A CONSOLIDATED VIDEO SOLUTION FOR POLICE BODY CAMERAS, VEHICLE CAMERAS AND INTERVIEW ROOM CAMERAS INCLUDING EQUIPMENT, SOFTWARE, STORAGE, MAINTENANCE AND SUPPORT FROM AXON ENTERPRISES FOR A FIVE-YEAR PERIOD BEGINNING IN 2022 FOR AN AMOUNT NOT TO EXCEED \$2,394,833.32

This Resolution was adopted.

Nay: Councilor Medved

39. [21-1001R](#) RESOLUTION AUTHORIZING PARTICIPATION IN NATIONAL PRESCRIPTION OPIOID SETTLEMENT.

Indexes:

Attachments: [Ex. A](#)

[Minnesota State-Subdivision Agreement \(12-8-21 Final\)](#)

This Resolution was adopted.

Nay: Councilor Medved

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

40. [21-0946R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO CONTRACT L30533 WITH EMPLOYEE STRATEGIES, INC. FOR CONTINUED CONSULTATION SERVICES AT THE MAIN LIBRARY FOR AN INCREASE OF \$58,500 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$110,095.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted.

Nay: Councilor Medved

41. [21-0976R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A CONSERVATION PARTNERS LEGACY GRANT PROGRAM METRO GRANT FOR FY2022 FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$250,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

Nay: Councilor Medved

42. [21-0986R](#) RESOLUTION AUTHORIZING A TEN-YEAR LEASE AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION, FOR THE USE OF CERTAIN HIGHWAY PROPERTY IN CONNECTION WITH KEENE CREEK PARK, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted.

Nay: Councilor Medved

43. [21-0987R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR PUBLIC RECREATIONAL, WALKWAY AND TRAIL PURPOSES FROM THE LEDGES ON LAKE SUPERIOR HOMEOWNERS' ASSOCIATION, INC. UNDER, OVER, UPON, ACROSS AND ALONG REAL PROPERTY LOCATED IN THE ENDION NEIGHBORHOOD, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted.
Nay: Councilor Medved

- 44. [21-0988R](#) RESOLUTION AUTHORIZING A DEVELOPMENT AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY REGARDING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE LESTER PARK NEIGHBORHOOD.

Indexes:

Attachments: [Exhibit 1-Resolution re DA](#)

This Resolution was adopted.
Nay: Councilor Medved

END OF CONSENT AGENDA

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

BY COUNCILOR MEDVED (FINANCE)

- 45. [21-057-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2022 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

Indexes:

Attachments: [Motion to Amend: #1 \(21-057-O\) - Passed Unanimously.](#)
[Motion to Amend: #2 \(21-057-O\) - Passed Unanimously](#)

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

- 46. [21-058-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2022.

A motion was made by Councilor Medved to pass this Ordinance. The motion was seconded by Vice President Forsman. The motion passed unanimously. Councilor Anderson abstains due to employer conflict. The Ordinance passed unanimously. Abstains: Councilor Anderson stating employer conflict

- 47. [21-061-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY

TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2022.

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

48. [21-068-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2022.

Indexes:

Attachments: [Exhibit A](#)

[Motion to Amend: #1 \(21-068-O\) - Withdrawn](#)

[Motion to Amend: #2 \(21-068-O\) - Passed Unanimously.](#)

[Motion to Amend: #3 \(21-068-O\) - Passed Unanimously](#)

[Motion to Amend: #4 \(21-068-O\) - Passed Unanimously](#)

[Motion to Amend: #5 \(21-068-O\) - Passed Unanimously](#)

A motion was made by Councilor Medved to pass this Ordinance. The motion was seconded by Councilor Kennedy. The motion passed unanimously. This Ordinance was adopted as amended unanimously.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

49. [21-070-O](#) AN ORDINANCE AUTHORIZING THE RELEASE OF A RESTRICTIVE COVENANT REGARDING A DETACHED ACCESSORY STRUCTURE ASSOCIATED WITH PROPERTY AT 422 NORTH 19TH AND A HALF AVENUE WEST

Indexes:

Attachments: [Exhibit A restrictive covenant](#)

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

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

50. [21-069-O](#) AN ORDINANCE PURSUANT TO 1955 MINN. LAWS, CHAPTER 82, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE LESTER PARK NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR NOMINAL CONSIDERATION.

Indexes:

- Attachments:** [Exhibit A-Legal Description](#)
[Exhibit B-Map](#)
[Exhibit C-Letter of Conformity](#)
[Exhibit D- SLC EMV](#)

A motion was made by Councilor Tomanke to pass this Ordinance. The motion was seconded by Councilor Kennedy. The motion passed unanimously. This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

NOMINATION OF OFFICERS

A motion was made by Councilor Anderson to nominate Vice President Forsman for President.

A motion was made by President Van Nett to nominate Councilor Kennedy for Vice President.

A motion was made by Councilor Medved to thank Councilors Filipovich and Sipress for the eight years of service on the Duluth City Council.

All motions passed unanimously.

ATTEST:
CHELSEA J. HELMER, City Clerk

Passed: December 20, 2021
Approved: December 21, 2021
EMILY LARSON, Mayor