



# 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 23, 2020

7:00 PM

Council Chamber

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*NOTICE: The Duluth City Council will be holding its March 19, 2020 Agenda Session and March 23, 2020 Committee and City Council Meeting by telephone or other electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 emergency. Some members of the City Council may participate by conference call. Due to the COVID-19 emergency and the closure of City facilities, public comment will not be taken at the meeting. However, public comment on agenda items is encouraged by submitting written comment to [council@duluthmn.gov](mailto:council@duluthmn.gov) prior to the meeting. Please include "Council Agenda" in the subject line, 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 encouraged to watch both meetings online at <https://duluthmn.gov/city-council/> 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. [20-022](#) Meeting Minutes of the Duluth City Council

**Indexes:**

**Attachments:** [March 9, 2020 - City Council Meeting](#)

These Minutes were approved.

**REPORTS FROM THE ADMINISTRATION**

2. [20-023](#) 2019 General Fund Reconciled Budget Report

*Indexes:*

*Attachments:* [General Fund Final Budget Adjustments 2019 \(002\)](#)

This Reports from the Administration was received.

**REPORTS FROM OTHER OFFICERS**

**REPORTS OF BOARDS AND COMMISSIONS**

3. [20-021](#) Parks and Recreation Commission Meeting Minutes

*Indexes:*

*Attachments:* [Parks and Rec Commission - February 2020](#)

This Board or Commission Report was received.

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD - WRITTEN COMMENT ONLY**

- [20-024](#) Citizens Written Comment

*Indexes:*

*Attachments:* [2020-03-23, Citizen Written Comments](#)

**CONSENT AGENDA**

**BY COUNCILOR MEDVED (FINANCE)**

4. [20-0253R](#) RESOLUTION AUTHORIZING A CONTRACT WITH HANOVER INSURANCE COMPANY FOR PROPERTY INSURANCE AT THE COST NOT TO EXCEED \$276,573 TO BE PAID TO MARSH & MCLENNAN AGENCY LLC, AGENT FOR HANOVER INSURANCE COMPANY.

This Resolution was adopted unanimously.  
Absent: Councilor Russ

5. [20-0254R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH

ECONOMIC DEVELOPMENT AUTHORITY TO INSURE THE MRO BUILDING UNDER THE CITY'S PROPERTY AND BOILER INSURANCE POLICIES.

**Indexes:**

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

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

6. [20-0259R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF PRIOR CANCELED ASSESSMENTS IN THE AMOUNT OF \$7,931.07.

**Indexes:**

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

[Exhibit B](#)

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

7. [20-0261R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY TO INSURE CERTAIN DULUTH AIRPORT AUTHORITY PROPERTY AND EQUIPMENT UNDER THE CITY'S PROPERTY AND BOILER INSURANCE POLICIES.

**Indexes:**

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

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

**BY COUNCILOR RANDORF (PURCHASING & LICENSING)**

8. [20-0250R](#) RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE AND SUNDAY LICENSE TO ARROWSTAR HOSPITALITY PARTNERS, LLC, (DULUTH GRILL), 118 S. 27TH AVENUE WEST

**Indexes:**

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

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

9. [20-0251R](#) RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE TO JADE FOUNTAIN, LLC (JADE FOUNTAIN), 305 NORTH CENTRAL AVENUE

**Indexes:**

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

This Resolution was adopted unanimously.  
Absent: Councilor Russ

10. [20-0252R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE TO NEW OWNER DULUTH HOTEL VENTURES, LLC (RADISSON HOTEL), 505 WEST SUPERIOR STREET

**Indexes:**

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

This Resolution was adopted unanimously.  
Absent: Councilor Russ

11. [20-0292R](#) RESOLUTION ISSUING A BREWERY OFF SALE LICENSE TO DUBH LINN, INC. (DUBH LINN IRISH BREW PUB), 109 WEST SUPERIOR STREET

**Indexes:**

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

This Resolution was adopted unanimously.  
Absent: Councilor Russ

#### **BY COUNCILOR KENNEDY (PERSONNEL)**

12. [20-0248R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF CARRIE RYAN TO THE DULUTH PUBLIC UTILITIES COMMISSION.

This Resolution was adopted unanimously.  
Absent: Councilor Russ

13. [20-0279R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MEMBERS TO CITY OF DULUTH BOARDS AND COMMISSIONS BY MAYOR LARSON.

This Resolution was adopted unanimously.  
Absent: Councilor Russ

#### **BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

14. [20-0268R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN DOWNTOWN DULUTH.

**Indexes:**

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

This Resolution was adopted unanimously.  
Councilor Forsman abstained due to employer relationship  
Absent: Councilor Russ

**BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)**

15. [20-0217R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR SANITARY SEWER LIFT STATION 15 RELOCATION IN MICHIGAN STREET NEAR INTERSTATE HIGHWAY 35 WITHIN THE CITY LIMITS AT AN ESTIMATED COST OF \$5,085,091.

**Indexes:**

**Attachments:** [20-0217R Map](#)  
[20-0217R Exhibit A](#)

This Resolution was adopted unanimously.  
Absent: Councilor Russ

16. [20-0218R](#) RESOLUTION AWARDED A CONTRACT TO RICE LAKE CONSTRUCTION GROUP FOR THE LIFT STATION 15 RELOCATION PROJECT IN THE AMOUNT OF \$4,618,600.

**Indexes:**

**Attachments:** [20-0218R Map](#)

This Resolution was adopted unanimously.  
Absent: Councilor Russ

17. [20-0246R](#) RESOLUTION RENEWING JOINT POWERS AGREEMENT C20604 WITH DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY FOR THE OPERATION OF MINNESOTA SLIP PEDESTRIAN DRAW BRIDGE DURING YEAR 2020 FOR AN AMOUNT NOT TO EXCEED \$42,169.

This Resolution was adopted unanimously.  
Absent: Councilor Russ

18. [20-0255R](#) RESOLUTION AWARDED A CONTRACT TO HUNT ELECTRIC CORPORATION FOR THE REPLACEMENT OF THE TRAFFIC SIGNAL AT THE INTERSECTION OF WOODLAND AVENUE, KENT ROAD AND EAST EIGHTH STREET IN THE AMOUNT OF \$461,086.25.

**Indexes:**

**Attachments:** [20-0255R Map](#)

This Resolution was adopted unanimously.  
Absent: Councilor Russ

19. [20-0258R](#) RESOLUTION AWARDDING A CONTRACT TO VEIT & CO., INC. FOR THE 2020 CITYWIDE CIPP SANITARY SEWER LINING PROJECT IN THE AMOUNT OF \$1,831,991.

This Resolution was adopted unanimously.  
Absent: Councilor Russ

20. [20-0271R](#) RESOLUTION AUTHORIZING WORK ORDER 5 TO THE MASTER PARTNERSHIP AGREEMENT WITH MNDOT TO REIMBURSE THE CITY OF DULUTH TO PROVIDE PROJECT MANAGEMENT FOR THE DESIGN OF STORM SEWER OUTFALL IMPROVEMENTS INTO LAKE SUPERIOR AT SECOND, THIRD AND FOURTH AVENUES EAST, UP TO \$200,782.

Indexes:

Attachments: [20-0271R Exhibit A](#)

This Resolution was adopted unanimously.  
Absent: Councilor Russ

21. [20-0276R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TRC ENVIRONMENTAL CORPORATION (TRC), TO PROVIDE PROFESSIONAL ENGINEERING SERVICES TO DESIGN IMPROVEMENTS TO MINNESOTA DEPARTMENT OF TRANSPORTATION (MNDOT) OUTFALLS 1 AND 2/3 FOR AN AMOUNT NOT TO EXCEED \$200,782.

Indexes:

Attachments: [Exhibit A for Resolution](#)

This Resolution was adopted unanimously.  
Absent: Councilor Russ

#### **BY COUNCILOR VAN NETT (PUBLIC SAFETY)**

22. [20-0265R](#) RESOLUTION AUTHORIZING THE PURCHASE OF NINE (9) 2020 FORD INTERCEPTORS FROM TENVOORDE MOTOR CO. IN THE AMOUNT OF \$313,928.04.

This Resolution was adopted unanimously.  
Absent: Councilor Russ

#### **BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)**

23. [20-0234R](#) RESOLUTION AUTHORIZING A CONSULTATION AGREEMENT WITH URBAN ECOSYSTEMS LANDSCAPE ARCHITECTS, FOR PROFESSIONAL CONSULTING SERVICES ON THE WAABIZHESHKANA CULTURAL INTERPRETION PLAN, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$100,000.

**Indexes:**

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

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

24. [20-0257R](#) RESOLUTION AUTHORIZING THE CITY TO ACCEPT A MN LAKE SUPERIOR COASTAL PROGRAM GRANT OF \$11,964 FOR SAFETY EQUIPMENT, SIGNAGE, FLAGS, AND A BILLBOARD FOR RIP CURRENT AWARENESS AT PARK POINT.

**Indexes:**

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

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

25. [20-0260R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO SIGN A LETTER OF COMMITMENT AND A HOST SITE AGREEMENT WITH LITERACY MINNESOTA AND THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR THE PLACEMENT OF A LITERACY LEADERSHIP AMERICORPS VISTA MEMBER TO SERVE AT THE DULUTH PUBLIC LIBRARY FOR THE 2020-2021 PROGRAM YEAR AT A COST OF \$5000.

**Indexes:**

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

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

26. [20-0262R](#) RESOLUTION AUTHORIZING A CONTRACT WITH GEOVERT FOR DWP TRAIL ROCK FALL MITIGATION FOR AN AMOUNT NOT TO EXCEED \$302,218.00.

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

27. [20-0267R](#) RESOLUTION AUTHORIZING A SECOND AMENDED AND RESTATED LEASE AGREEMENT WITH CRABBY OL' BILLS, INC. FOR OPERATION

OF ITS FOOD VENDING SERVICE IN CANAL PARK.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.  
Absent: Councilor Russ

28. [20-0273R](#) RESOLUTION AUTHORIZING THE FINAL DESIGNATION OF THE ST. LOUIS RIVER NATURAL AREA TO THE DULUTH NATURAL AREAS PROGRAM.

Indexes:

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

This Resolution was adopted unanimously.  
Absent: Councilor Russ

29. [20-0274R](#) RESOLUTION AUTHORIZING THE DESIGNATION OF THE HARTLEY NATURAL AREA TO THE DULUTH NATURAL AREAS PROGRAM.

Indexes:

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

This Resolution was adopted unanimously.  
Absent: Councilor Russ

30. [20-0275R](#) AUTHORIZING APPLICATION TO THE US ENVIRONMENTAL PROTECTION AGENCY GREAT LAKES RESTORATION INITIATIVE FOR GRANT FUNDING FOR ACQUISITION AND RESTORATION OF ECOLOGICALLY VALUABLE TAX FORFEIT PROPERTY ALONG THE ST. LOUIS RIVER AND DEVELOPMENT OF A CITYWIDE NATURAL RESOURCE MANAGEMENT PLAN.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.  
Absent: Councilor Russ

**END OF CONSENT AGENDA**



*The following entitled resolutions are also to be considered:*

**BY COUNCILOR RANDORF (PURCHASING & LICENSING)**

31. [20-0249R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF VARIOUS LICENSEES.

Indexes:

Attachments: [Attachment A](#)

[Attachment B](#)

This Resolution was returned to Administration.

**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

32. [20-0256R](#) RESOLUTION VACATING A SIXTEEN-FOOT-WIDE PLATTED ALLEY BETWEEN KINNEAR PLACE AND ELINOR STREET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

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 Medved, Councilor Randorf, Vice President Van Nett and President Anderson

**Nay:** 1 - Councilor Sipress

**Absent:** 1 - Russ

33. [20-0270R](#) RESOLUTION REPLACING RESOLUTION NO. 19-0424, VACATING PUBLIC PLAZA AREAS CREATED UNDER CERTAIN AGREEMENTS, AND ACCEPTING THE DEDICATION OF NEW PLAZA EASEMENTS.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was returned to Administration.  
Councilor Forsman abstained due to employer relationship

34. [20-0277R](#) RESOLUTION AUTHORIZING AN AMENDED AND RESTATED LAKE AVENUE PLAZA DEVELOPMENT AGREEMENT WITH MINNESOTA POWER FOR THE OPERATION AND MAINTENANCE OF THE EAST AND WEST PLAZAS IN DOWNTOWN DULUTH.

This Resolution was returned to Administration.

Councilor Forsman abstained due to employer relationship

35. [20-0278R](#) RESOLUTION ACCEPTING A PERPETUAL EASEMENT FOR STREET PURPOSES FROM MINNESOTA POWER A DIVISION OF ALLETE, INC., OVER, UNDER, AND ACROSS PROPERTY LOCATED IN DOWNTOWN DULUTH, AT NO COST TO THE CITY.

This Resolution was returned to Administration.

Councilor Forsman abstained due to employer relationship

36. [20-0288R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SMDC HEALTH SYSTEM FOR THE DESIGN AND CONSTRUCTION OF A PARKING RAMP AND SKYWALK IN THE REGIONAL EXCHANGE DISTRICT IN THE AMOUNT OF UP TO \$36,400,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Russ

#### BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

37. [20-0283R](#) RESOLUTION ACCEPTING A NON-EXCLUSIVE UTILITY EASEMENT FOR STORMWATER PURPOSES FROM MINNESOTA POWER, A DIVISION OF ALLETE, INC., ACROSS PROPERTY LOCATED IN DOWNTOWN DULUTH, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 2\\_LakePlazaStormwaterEasement.pdf](#)

This Resolution was returned to Administration.

Councilor Forsman abstained due to employer relationship

38. [20-0284R](#) RESOLUTION ACCEPTING A NON-EXCLUSIVE UTILITY EASEMENT FOR STEAM AND HOT WATER PURPOSES FROM MINNESOTA POWER, A DIVISION OF ALLETE, INC., ACROSS PROPERTY LOCATED IN DOWNTOWN DULUTH, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 2\\_LakePlazaSteamH2OEasement.pdf](#)

This Resolution was returned to Administration.

Councilor Forsman abstained due to employer relationship

39. [20-0293R](#) RESOLUTION REQUESTING THAT THE ADMINISTRATION NOT

ENFORCE ORDINANCE 10662 WITH REGARD TO THE FIVE CENT CHARGE FOR PLASTIC CARRY OUT BAGS UNTIL THE NEW EFFECTIVE DATE OF JULY 1, 2020. (REPLACEMENT)

**Indexes:**

**Attachments:** [Motion to Amend - Forsman.Medved.VanNett \(Passed: 8-0-1. Russ\)](#)

This Resolution was adopted as amended.

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

**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

40. [20-024-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 108 EAST 6TH STREET KNOWN AS NETTLETON SCHOOL IN ACCORDANCE TO THE FUTURE LAND USE.

**Indexes:**

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

This Ordinance was read for the first time.

41. [20-025-O](#) AN ORDINANCE GRANTING ONEIDA COMMERCIAL REAL ESTATE SERVICES A CONCURRENT USE PERMIT FOR A DECK AND ACCESSIBLE RAMP IN THE PLATTED STREET RIGHT OF WAY OF BUCHANAN STREET.

**Indexes:**

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

This Ordinance was read for the first time.

42. [20-027-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN DOWNTOWN DULUTH TO MINNESOTA POWER, A DIVISION OF ALLETE, INC., FOR NOMINAL CONSIDERATION.

**Indexes:**

- Attachments:** [Exhibit 1-Ordinance 4-3-2020](#)  
[Exhibit 2-Ordinance](#)  
[Exhibit 3-Ordinance 4-3-2020](#)  
[Exhibit 4-Ordinance 4-3-2020](#)  
[Exhibit 5-Ordinance 4-3-2020](#)  
[Exhibit 6-Ordinance 4-3-2020](#)  
[Exhibit 7-Ordinance 4-3-2020](#)  
[Exhibit 8-Ordinance](#)  
[Exhibit 9-Ordinance](#)  
[Exhibit 10-Ordinance](#)

This Ordinance was read for the first time.

43. [20-026-O](#) AN ORDINANCE DEDICATING A PERPETUAL EASEMENT FOR RIGHT-OF-WAY PURPOSES OVER CITY-OWNED PROPERTY IN DOWNTOWN DULUTH.

**Indexes:**

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

This Ordinance was read for the first time.

**BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)**

44. [20-028-O](#) ORDINANCE AMENDING SECTION 2 OF ORDINANCE 10662 TO CHANGE THE EFFECTIVE DATE OF THE ORDINANCE TO JULY 1, 2020. (AS AMENDED)

**Indexes:**

- Attachments:** [Motion to Amend: Forsman.Medved.VanNett \(Passed 8-0-1. Russ Absent\)](#)

This Ordinance was read for the first time.

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

**BY COUNCILOR RANDORF (PURCHASING & LICENSING)**

45. [20-022-O](#) ORDINANCE AMENDING CHAPTER 29, HOTELS, MOTELS AND MOTOR COURTS, REGARDING ACCESSORY HOME SHARE, ACCESSORY VACATION DWELLING UNIT AND VACATION DWELLING UNIT.

This Ordinance was adopted unanimously.  
Absent: Councilor Russ

**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

46. [20-016-O \(A\)](#) AN ORDINANCE AMENDING SECTIONS 50-20.3, 50-20.5, AND 50-37.10.E, TO AMEND STANDARDS RELATED TO VACATION DWELLINGS AND ACCESSORY HOME SHARES.

**Indexes:**

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

[Motion to Split 20-016-O Sipress, Kennedy, Randorf \(Passed: 8-1-0 Councilor Russ Absent\)](#)

This Ordinance was tabled.

**BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)**

47. [20-023-O](#) AN ORDINANCE DEDICATING A PERPETUAL EASEMENT FOR STREET PURPOSES OVER CITY-OWNED PROPERTY.

**Indexes:**

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

[Exhibit B.pdf](#)

[Exhibit C.pdf](#)

[Exhibit D-Ordinance.pdf](#)

This Ordinance was adopted unanimously.

Absent: Councilor Russ

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**