



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, August 17, 2020

7:00 PM

Council Chamber

NOTICE: *The Duluth City Council will be holding the August 13, 2020 Agenda Session and August 17, 2020 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: 9 - Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Janet Kennedy, Councilor Derek Medved, Councilor Roz Randorf, Councilor Joel Sipress, Councilor Terese Tomanek, Vice President Renee Van Nett and President Gary Anderson

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [20-048](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [July 20, 2020 - City Council Meeting](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [20-052](#) Office of the State Auditor: Management and Compliance Report of the Duluth Economic Development Authority.

Indexes:

Attachments: [Office of the State Auditor: DEDA](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

3. [20-049](#) Library Board Meeting Minutes

Indexes:

Attachments: [June 2020 - Library Board Minutes](#)

This Board or Commission Report was received.

4. [20-050](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [June 2020 - DPUC Minutes](#)

This Board or Commission Report was received.

5. [20-051](#) Planning Commission Meeting Minutes

Indexes:

Attachments: [June 2020 - Planning Commission Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

6. [20-0624R](#) RESOLUTION APPROVING RENEWAL AND ISSUANCE OF ON SALE INTOXICATING LIQUOR, ON SALE THEATER LICENSES, ON SALE SUNDAY INTOXICATING LIQUOR, ADDITIONAL BAR, ON SALE DANCING, 2:00 A.M. BEVERAGE LICENSE AND LATE HOUR ENTERTAINMENT LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2020, AND ENDING AUGUST 31, 2021.

Indexes:

Attachments: [ATTACHMENT A](#)

This Resolution was adopted unanimously.

7. [20-0625R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM WADSWORTH OLD CHICAGO TO NEW OWNER OLD CHICAGO TAPROOM II, LLC, 327 LAKE AVENUE SOUTH

Indexes:

Attachments: [ATTACHMENT A](#)

This Resolution was adopted unanimously.

8. [20-0627R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM OSAKA DULUTH INC. (OSAKA SUSHI HIBACHI STEAKHOUSE TO HOMU TEPPANYAKI DULUTH LLC (OSAKA SUSHI HIBACHI STEAKHOUSE, 5115 BURNING TREE ROAD #309

Indexes:

Attachments: [ATTACHMENT A](#)

This Resolution was adopted unanimously.

9. [20-0628R](#) RESOLUTION APPROVING THE ISSUANCE OF AN ON SALE WINE BED & BREAKFAST LICENSE TO THE MERRYWEATHER INN, 2316 EAST FIRST STREET

Indexes:

Attachments: [ATTACHMENT A](#)

This Resolution was adopted unanimously.

10. [20-0644R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF SHANTY BOTTLE SHOP, 1231 EAST 4TH STREET, DULUTH, MINNESOTA 55805.

Indexes:

Attachments: [Report to Council - Shanty Bottle Shop](#)
[Notice of Hearing - Shanty Bottle Shop](#)

This Resolution was adopted unanimously.

11. [20-0646R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF UNIVERSITY LIQUOR, 1603 WOODLAND AVENUE, DULUTH, MINNESOTA 55803.

Indexes:

Attachments: [20200810 Report to council - University Liquor](#)
[20200228 Notice of Hearing - Duluth Hillside Investment, LLC dba University Liquor](#)

This Resolution was adopted unanimously.

12. [20-0648R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF FITGER'S WINE CELLAR, 600 EAST SUPERIOR STREET, #213, DULUTH, MINNESOTA 55803.

Indexes:

Attachments: [20200810 Report to council - Fitger's Wine Cellar](#)
[20200228 Notice of Hearing](#)

This Resolution was adopted unanimously.

13. [20-0649R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF SUPER ONE LIQUOR, 210 NORTH CENTRAL AVENUE, DULUTH, MINNESOTA 55807.

Indexes:

Attachments: [20200810 Report to council - Super One Liquor](#)
[20200228 Notice of Hearing](#)

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

14. [20-0608R](#) RESOLUTION GRANTING A RENEWAL OF AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1026 NORTH 10TH AVENUE EAST (EVE AND WAYNE GRAVES).

Indexes:

Attachments: [Staff Report & Attachments](#)

This Resolution was adopted unanimously.

15. [20-0629R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO AN

AGREEMENT WITH THE DULUTH HOUSING AND REDEVELOPMENT AUTHORITY WHEREBY CITY OFFICIALS ACCEPT \$17,500 TO PROVIDE ADDITIONAL SUPPORT TO THE TENANT LANDLORD CONNECTION PROGRAM OPERATED BY ONE ROOF COMMUNITY HOUSING AND TO ENTER INTO AN AGREEMENT WITH ONE ROOF COMMUNITY HOUSING TO OPERATE THE TENANT LANDLORD CONNECTION IN THE AMOUNT OF \$57,500.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

16. [20-0632R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM SENIOR SERVICE AMERICA, INC., IN AN AMOUNT OF \$75,248 FOR THE PURPOSE OF PROVIDING COMMUNITY SERVICE OPPORTUNITIES TO OLDER ADULTS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

17. [20-0634R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 120 EAST SUPERIOR STREET, FLOOR 3 (COOL & KOCON REAL ESTATE HOLDING LLC) LOCATED IN THE F-7 DOWNTOWN SHOPPING FORM DISTRICT.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

18. [20-0633R](#) RESOLUTION RENEWING DECLARATION OF LOCAL HEALTH EMERGENCY FOR PURPOSES OF DULUTH CITY CODE SECTION 17-7 AND MINNESOTA STATUTES SECTION 13D.021.

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

19. [20-0613R](#) RESOLUTION AMENDING MNDOT AGREEMENT NO. 1036438 FOR SANITARY SEWER LIFT STATION 15 RELOCATION IN MICHIGAN STREET NEAR INTERSTATE HIGHWAY 35 IN THE CITY OF DULUTH,

TO INCREASE THE AMOUNT BY \$9,568.12 FOR A NEW TOTAL OF \$5,554,885.12.

Indexes:

Attachments: [20-0613R Amendment](#)

[20-0613R Map](#)

This Resolution was adopted unanimously.

20. [20-0631R](#) RESOLUTION ADOPTING AMENDED GUIDELINES FOR THE COMMERCIAL/INDUSTRIAL ENERGY CONSERVATION PROGRAM.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

21. [20-0643R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) TO DEMOLISH AND REMOVE A RAILROAD BRIDGE LOCATED ON DEDA'S PROPERTY OVER 37TH AVENUE WEST NEAR ONEOTA STREET IN WEST DULUTH, AT A COST TO BE REIMBURSED BY DEDA.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

22. [20-0612R](#) RESOLUTION APPROVING AGREEMENT WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH FOR SERVICES AND FUNDING OF ONE PUBLIC HOUSING COMMUNITY BASED POLICE OFFICER FOR THREE YEARS AND ACCEPTING \$90,000 ANNUALLY TO FUND SAID POSITION.

Indexes:

Attachments: [Document A-HRA Contract Final](#)

[Exhibit A-2020 Job Specification Final](#)

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

23. [20-0604R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DIRT INC. FOR GREEN INFRASTRUCTURE IMPROVEMENTS AT PIEDMONT PARK FOR AN AMOUNT NOT TO EXCEED \$168,401.25.

This Resolution was adopted unanimously.

24. [20-0607R](#) RESOLUTION AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH USEPA ACCEPTING A \$900,000 GREAT LAKES RESTORATION INITIATIVE GRANT 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 1](#)
[Exhibit 2](#)

This Resolution was adopted unanimously.

25. [20-0617R](#) RESOLUTION ADOPTING GUIDELINES FOR SELECTION OF TAX FORFEIT OPEN SPACE PARCELS FOR CITY OWNERSHIP AND PROTECTION.

Indexes:

Attachments: [Exhibit 1 - 7-1-2020 FINAL Tax Forfeit Land Parcel Selection Guidelines w appendices.pdf](#)
[Exhibit 2- Public Lands Project Area Map](#)
[Exhibit 3 - 070620 - Staff Memo to PC Tax Forfeit Lands.pdf](#)

This Resolution was adopted unanimously.

27. [20-0635R](#) RESOLUTION AUTHORIZING A THREE-YEAR LICENSE AGREEMENT WITH THE STEWARDSHIP NETWORK FOR THE USE OF SPACE AT CITY HALL.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

28. [20-0636R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH AREA FAMILY Y.M.C.A. FOR THE OPERATION AND MANAGEMENT OF THE CITY'S PARK POINT BEACH HOUSE AND RECREATION AREA DURING THE 2020 OPERATING SEASON.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

26. [20-0620R](#) RESOLUTION AUTHORIZING FIRST AMENDMENT TO AGREEMENT AMENDING LINE OF CREDIT PROMISSORY NOTE FOR THE ARROWHEAD ZOOLOGICAL SOCIETY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

BY COUNCILOR MEDVED (FINANCE)

29. [20-045-O](#) AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF TAXABLE GENERAL OBLIGATION STEAM UTILITY REVENUE BONDS OF THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$11,000,000 UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

This Ordinance was read for the first time.

30. [20-046-O](#) AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION BONDS (LAKEWALK RESTORATION) OF THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$4,500,000 UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND LEVYING TAXES FOR THE PAYMENT THEREOF.

This Ordinance was read for the first time.

COUNCILOR QUESTIONS AND COMMENTS**COUNCILOR PREVIEW OF UPCOMING BUSINESS**