



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, April 13, 2020

7:00 PM

Council Chamber

NOTICE: The Duluth City Council will be holding its April 9, 2020 Agenda Session and April 13, 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

PUBLIC HEARING - RESOLUTION APPROVING DULUTH TRANSIT AUTHORITY'S TEMPORARY SETTING A NO COST FARE FOR ALL ROUTES DUE TO COVID-19.

1. [20-030](#) SUPPORTING DOCUMENTATION: RESOLUTION APPROVING DULUTH TRANSIT AUTHORITY'S TEMPORARY SETTING A NO COST FARE FOR ALL ROUTES DUE TO COVID-19.

[Indexes:](#)

Attachments: [Duluth City Council Update, 4-13-20](#)
[Ratify Free Fares During COVID-19 Emergency Adoption 03-25-20](#)
[No. 313](#)

APPROVAL OF MINUTES

2. [20-027](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [March 19, 2020 - City Council Meeting](#)
[March 23, 2020 - City Council Meeting](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

3. [20-031](#) EMERGENCY PURCHASE - ZMC HOTELS

Indexes:

Attachments: [Emergency Purchase - ZMC Hotels](#)

This Informational Report was received.

REPORTS OF BOARDS AND COMMISSIONS

4. [20-025](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

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

This Board or Commission Report was received.

5. [20-026](#) RESOLUTION NO. 20PUC-001
RESOLUTION OF THE DULUTH PUBLIC UTILITIES COMMISSION
APPROVING THE INTENT TO ESTABLISH A SIX-YEAR PLAN FOR
STORMWATER RATES TO FUND NECESSARY CAPITAL
IMPROVEMENTS TO THE CITY STORMWATER SYSTEM.

Indexes:

Attachments: [20PUC-001 Stormwater Rate Plan](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

2020 BUSINESS AWARD - Vikre Distillery**OPPORTUNITY FOR CITIZENS TO BE HEARD****CONSENT AGENDA****BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

6. [20-0309R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE SUB-RECIPIENT FUNDING AGREEMENT WITH ISD 709 ADULT BASIC EDUCATION TO PROVIDE ADDITIONAL TRAINING SERVICES NECESSARY TO PREPARE CERTIFIED NURSING ASSISTANTS, AND INCREASING THE CONTRACT AMOUNT BY \$8,318.41 FOR A NEW CONTRACT AMOUNT NOT TO EXCEED \$71,918.41.

Indexes:

Attachments: [P2P 2018 - Sub-recipient Agreement - ISD709 ABE mod 1](#)
[Exhibit D - P2P 2018 Budget Narrative mod 1](#)
[Exhibit E - ISD #708 ABE Budget - P2P mod 1](#)

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

7. [20-0310R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE MINNESOTA HOUSING FINANCE AGENCY RELATED TO THE LOW INCOME HOUSING TAX CREDIT PROGRAM FOR THE YEAR 2021

Indexes:

Attachments: [Exhibit A JPA](#)

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

8. [20-0316R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$5,000 GRANT FROM THE MINNEAPOLIS FOUNDATION TO RAISE AWARENESS AND INCREASE PARTICIPATION IN THE 2020 CENSUS.

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

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

9. [20-0318R](#) RESOLUTION RENEWING DECLARATION OF LOCAL HEALTH

EMERGENCY FOR PURPOSES OF DULUTH CITY CODE SECTION 17-7 AND MINNESOTA STATUTES SECTIONS 12.29, 365.27 AND 13D.021.

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

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

10. [20-0247R](#) RESOLUTION AUTHORIZING A FIFTY-FOUR MONTH LEASE AGREEMENT WITH CATERPILLAR FINANCIAL SERVICES CORPORATION FOR 20 MOTOR GRADERS FOR A TOTAL LEASE AMOUNT NOT TO EXCEED \$1,645,790.40.

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

11. [20-0289R](#) RESOLUTION AWARDED A CONTRACT TO JMF CONSTRUCTION, INC. FOR THE 2020 CITYWIDE PATCH AND SIDEWALK PROJECT IN THE AMOUNT OF \$342,462.77.

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

12. [20-0311R](#) RESOLUTION AUTHORIZING LONG TERM AGREEMENT WITH St. LUKE'S HOSPITAL OF DULUTH TO SUPPLY SAID HOSPITAL WITH THERMAL ENERGY THROUGH THE DES.

Indexes:

Attachments: [Attachment A](#)

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

13. [20-0312R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE CITY OF RICE LAKE FOR PAVING A PORTION OF AUSTIN STREET IN THE AMOUNT OF UP TO \$20,000.

Indexes:

Attachments: [Exhibit A](#)

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

14. [20-0314R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWO 2020 MACK AT GRANITE 64FR TANDEM AXLE CAB AND CHASSIS FROM NUSS

TRUCK & EQUIPMENT IN THE AMOUNT OF \$191,124, AND THE PURCHASE AND INSTALLATION OF TANDEM DUMP BODY PACKAGES TO OUTFIT EACH TRUCK FROM CRYSTEEL TRUCK EQUIPMENT IN THE AMOUNT OF \$86,441.82 FOR A TOTAL AMOUNT OF \$277,565.82.

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

15. [20-0315R](#) RESOLUTION AUTHORIZING A SOLE SOURCE PURCHASE OF WATER METER PARTS FROM BADGER METER, INC., IN THE AMOUNT OF \$109,505.

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

16. [20-0317R](#) RESOLUTION AMENDING CONTRACT L30221 WITH MSA PROFESSIONAL SERVICES, INC. TO PROVIDE ENGINEERING SERVICES FOR THE MIDDLE BOOSTER STATION IMPROVEMENT PROJECT, TO INCREASE THE AMOUNT BY \$14,825 FOR A NEW TOTAL OF \$163,403.60.

Indexes:

Attachments: [20-0317R Exhibit A](#)

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

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

17. [20-0287R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$33,910.00 GRANT AWARD FROM THE STATE OF MINNESOTA DEPARTMENT OF PUBLIC SAFETY OFFICE OF JUSTICE PROGRAMS FOR THE PROJECT ENTITLED "2020 PROJECT SAFE NEIGHBORHOODS".

Indexes:

Attachments: [Exhibit A PSN Budget](#)
[Exhibit B PSN Grant Agreement](#)

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

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

18. [20-0313R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DIXON STUDIOS, LLC FOR LAKE SUPERIOR ZOO BROWN BEAR EXHIBIT WORK

SCOPE 3B ARTIFICIAL ROCKWORK FOR AN AMOUNT NOT TO EXCEED \$436,524.

This Resolution was adopted unanimously.
Absent: Councilor Russ

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

19. [20-0308R](#) RESOLUTION APPROVING DULUTH TRANSIT AUTHORITY'S TEMPORARY SETTING A NO COST FARE FOR ALL ROUTES DUE TO COVID-19.

Indexes:

Attachments: [Motion to Amend - Anderson \(Passed 8-1-0 Councilor Russ Absent\)](#)

This Resolution was adopted unanimously.
Absent: Councilor Russ

ORDINANCES TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

20. [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 adopted as amended.
Absent: Councilor Russ

- [20-016-O \(B\)](#) AN ORDINANCE AMENDING SECTIONS 50-20.5.G 8, AND 50-37.10.E, TO AMEND STANDARDS RELATED TO ACCESSORY HOME SHARES AND TO INCREASE THE NUMBER OF ALLOWABLE VACATION RENTAL PERMITS

Indexes:

Attachments: [20-016-O \(Original Copy\)](#)

This Ordinance was returned to Administration.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

21. [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 adopted unanimously.
Absent:Councilor Russ

22. [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 adopted unanimously.
Absent:Councilor Russ

23. [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](#)

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

Councilor Forsman abstained, stating employer conflict.

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

Absent: 1 - Russ

Abstain: 1 - Councilor Forsman

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

24. [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 adopted unanimously.

Absent: Councilor Russ

25. [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 adopted unanimously.

Absent: Councilor Russ

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

