



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Draft

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 23, 2021

7:00 PM

Council Chamber

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. [21-071](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2021-08-12, Minutes](#)

A motion was made by Councilor Medved to approve the Minutes. The motion was seconded by Vice President Forsman. The Minutes were approved unanimously.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [21-072](#) Housing and Redevelopment Authority Meeting Minutes

Indexes:

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

This Board or Commission Report was received.

3. [21-073](#) Indigenous Commission Meeting Minutes

Indexes:

- Attachments:** [May 2021 - Indigenous Commission Minutes](#)

This Board or Commission Report was received.

4. [21-074](#) Library Board Meeting Minutes

Indexes:

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

This Board or Commission Report was received.

5. [21-075](#) Parks and Recreation Commission Meeting Minutes

Indexes:

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

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

Kristi Stokes, Blair Powless, Classie Dudley and Henry Banks spoke in regard to 21-0672R, Social Worker for GDC

RESOLUTIONS TABLED

BY COUNCILOR MEDVED (FINANCE)

6. [21-0616R \(B\)](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO NEGOTIATE A CONTRACT FOR TOURISM AND PROMOTION FOR 2022, WITH OPTIONS FOR 2023 & 2024

This Resolution remains on the table.

CONSENT AGENDA

A motion was made by Councilor Anderson to pass the Consent Agenda. The motion was seconded by Councilor Randorf. The Consent Agenda passes unanimously.

BY COUNCILOR KENNEDY (PERSONNEL)

7. [21-0631R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF MEMBERS TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

This Resolution was adopted unanimously.

8. [21-0643R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF NICK FADZIEWICZ TO THE DULUTH LEGACY ENDOWMENT FUND ADVISORY BOARD.

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

9. [21-0622R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DULUTH LEGACY ENDOWMENT FUND IN THE AMOUNT OF \$12,832. (REPLACEMENT)

Indexes:

Attachments: [Exhibit A](#)
[Exhibit A-2](#)

This Resolution was adopted unanimously.

10. [21-0623R](#) RESOLUTION AUTHORIZING THE MODIFICATION OF A 2020 COUNCIL RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF A PORTION OF 108TH AVENUE WEST.

Indexes:

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

This Resolution was adopted unanimously.

11. [21-0625R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 5723 GRAND AVENUE, LOCATED IN THE F-3 MID-RISE COMMUNITY SHOPPING FORM DISTRICT, UNIT 1 (STEVE BECKS).

Indexes:

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

This Resolution was adopted unanimously.

12. [21-0626R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 5723 GRAND AVENUE, LOCATED IN THE F-3 MID-RISE COMMUNITY SHOPPING FORM DISTRICT, UNIT 2 (STEVE BECKS).

Indexes:

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

This Resolution was adopted unanimously.

13. [21-0628R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE SPIRIT VALLEY NEIGHBORHOOD.

Indexes:

Attachments: [Exhibit B-Letter of Conformity.pdf](#)
[Exhibit A-Map for Resolution of Intent to Sell.pdf](#)

This Resolution was adopted unanimously.

14. [21-0634R](#) RESOLUTION AUTHORIZING A CONTRACT WITH VEIT & COMPANY, INC. FOR DPD IMPOUND LOT CONSTRUCTION AT 125 NORTH 40TH AVENUE WEST FOR AN AMOUNT NOT TO EXCEED \$238,734.20.

This Resolution was adopted unanimously.

15. [21-0636R](#) RESOLUTION RESCINDING RESOLUTION #20-080R AUTHORIZING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT, SUBJECT TO CONDITIONS.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

16. [21-0641R](#) RESOLUTION AUTHORIZING ASSIGNMENT OF TWO AGREEMENTS

WITH THE HILLS YOUTH AND FAMILY SERVICES TO LIFE HOUSE IN THE TOTAL AMOUNT OF \$91,517 TO PROVIDE YOUTH SERVICES.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

17. [21-0642R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO ALLOCATE FUNDS FROM THE VACANT BUILDING REGISTRATION FUND IN AN AMOUNT NOT TO EXCEED \$75,000 TO ASSIST THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH TO PROVIDE FOR REMOVAL OF A STRUCTURALLY UNSOUND BUILDING IN THE CITY OF DULUTH. (REPLACEMENT)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

18. [21-0619R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH THE FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA FOR PROFESSIONAL ARCHAEOLOGICAL FIELD MONITORING SERVICES FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.

Indexes:

Attachments: [21-0619R Exhibit A](#)

This Resolution was adopted unanimously.

19. [21-0629R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH DULUTH ARCHAEOLOGY CENTER, L.L.C., FOR PROFESSIONAL ARCHAEOLOGICAL AND HISTORICAL SERVICES FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PUBLIC SAFETY)

20. [21-0620R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF AN AWARD FROM THE MINNESOTA BOARD OF FIREFIGHTER TRAINING AND EDUCATION TOTALING \$33,069.30 FOR THE PURPOSE OF REIMBURSING FIRE DEPARTMENT TRAINING EXPENSES.

This Resolution was adopted unanimously.

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

- 21. [21-0630R](#) RESOLUTION AUTHORIZING A CONTRACT WITH VEIT & COMPANY, INC. FOR WHEELER SPORTS COMPLEX PHASE II IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$371,660.

This Resolution was adopted unanimously.

- 22. [21-0632R](#) RESOLUTION AUTHORIZING A CONTRACT WITH RACHEL CONTRACTING, LLC FOR LAKEWALK SHORELINE REHABILITATION PHASE IV FOR AN AMOUNT NOT TO EXCEED \$3,631,917.20

This Resolution was adopted unanimously.

- 23. [21-0635R](#) RESOLUTION AUTHORIZING AN EXCLUSIVE USE PERMIT AGREEMENT WITH BENTLEYVILLE TOUR OF LIGHTS, INC., FOR THE PRODUCTION, PROMOTION, AND MANAGEMENT OF THE BENTLEYVILLE TOUR OF LIGHTS IN BAYFRONT FESTIVAL PARK FOR THE 2021 HOLIDAY SEASON.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR MEDVED (FINANCE)

- 24. [21-0627R](#) RESOLUTION AUTHORIZING A SERVICES AGREEMENT WITH THE GREATER DOWNTOWN COUNCIL TO PROVIDE A SOCIAL SERVICE OUTREACH PROFESSIONAL AT A COST NOT TO EXCEED \$100,000 PER YEAR FOR A TERM OF THREE YEARS.

Indexes:

Attachments: [Document A](#)

A motion was made by Councilor Medved to table this Resolution. The motion

was seconded by Councilor Sipress. The motion passed by the following vote:

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Medved, Councilor Sipress, Councilor Tomanek, Vice President Forsman and President Van Nett

Nay: 2 - Councilor Kennedy and Councilor Randorf

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

25. [21-0433R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR CONSTRUCTION OF A ROUNDABOUT AT THE INTERSECTION OF CSAH 37 (SNIVELY ROAD) AND GLENWOOD STREET, AND MILL AND OVERLAY OF CSAH 9 (WOODLAND AVENUE), ARROWHEAD ROAD AND SNIVELY ROAD IN AN AMOUNT NOT TO EXCEED \$2,373,806.

Indexes:

Attachments: [21-0433R Map](#)
[21-0433R Exhibit A](#)

A motion was made by Councilor Sipress to return this Resolution to Administration. The motion was seconded by Councilor Filipovich. This Resolution was withdrawn and returned to Administration unanimously.

ORDINANCES TABLED

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

26. [21-025-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY located at the east end of Vassar Street and an adjacent parcel to the north FROM RURAL RESIDENTIAL 1 (RR-1) TO RESIDENTIAL-TRADITIONAL (R-1).

Indexes:

Attachments: [Attachment 1](#)
[Attachment 2](#)
[Motion to Amend: \(7/19/2021\) Passed 7 - 2 \(Nays: Councilors Kennedy and Medved\)](#)
[Motion to Amend: \(8/23/2021\) Passed Unanimously.](#)

A motion was made by Councilor Filipovich to remove this Ordinance from the table. The motion was seconded by Councilor Sipress. This Ordinance was removed from the table unanimously.

A motion was made to pass the Motion to Amend by Councilor Filipovich. The motion was seconded by Councilor Sipress. The Motion to Amend passes unanimously.

27. [21-026-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY

OF DULUTH TO RECLASSIFY PROPERTY AT 6920 GRAND AVENUE FROM RESIDENTIAL-TRADITIONAL (R-1) TO MIXED USE-NEIGHBORHOOD (MU-N).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

A motion was made by Councilor Filipovich to remove this Ordinance from the table. The motion was seconded by Councilor Kennedy. The Ordinance was removed from the table unanimously.

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

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

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

28. [21-031-O](#) AN ORDINANCE AMENDING THE CONCEPT PLAN FOR THE RAMSEY VILLAGE NEIGHBORHOOD AFFECTING SEVEN LOTS NORTH OF RAMSEY STREET AND EAST OF NORTH 51ST AVENUE WEST TO ALLOW BUILDING TYPE IV, TOWNHOMES, AND BUILDING TYPE VIII, MIXED USE COMMERCIAL AND RESIDENTIAL.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

29. [21-032-O](#) AN ORDINANCE GRANTING SAC WIRELESS A CONCURRENT USE PERMIT FOR A SMALL CELL WIRELESS FACILITY ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 1801 EAST SECOND STREET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

30. [21-033-O](#) AN ORDINANCE GRANTING SAC WIRELESS A CONCURRENT USE PERMIT FOR A SMALL CELL WIRELESS FACILITY ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 651 EAST FIFTH STREET.

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

This Ordinance was read for the first time.

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

31. [21-034-O](#) ORDINANCE AMENDING DULUTH CITY CODE SECTIONS 35-12 THROUGH 35-25 REGARDING PUBLIC GOLF COURSES.

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)**

32. [21-027-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY LOCATED AT 4731 GLADSTONE STREET FROM RESIDENTIAL-TRADITIONAL (R-1) TO LOW-RISE NEIGHBORHOOD MIX (F-2).

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

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

33. [21-029-O](#) AN ORDINANCE GRANTING MARK KURILLA AT 2102 MINNESOTA AVENUE A CONCURRENT USE PERMIT FOR CONSTRUCTING A RETAINING WALL WITHIN THE PLATTED RIGHT OF WAY FOR 21ST STREET AND LAKE AVENUE.

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

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

34. [21-030-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD TO NORTHERN AQ LLC FOR \$1.00.

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

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

35. [21-028-O](#) AN ORDINANCE AMENDING SECTION 43-10 OF THE DULUTH CITY CODE, 1959, AS AMENDED AUTHORIZING THE DIRECTOR OF PUBLIC WORKS AND UTILITIES TO EXECUTE CERTAIN DOCUMENTS PERTAINING TO THE WLSSD.

Indexes:

Attachments: [Attachment](#)

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

Abstains: Councilor Filipovich, stating work conflict

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS