



City of Duluth

Unofficial Actions

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, January 27, 2020

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Janet Kennedy, Councilor Derek Medved, Councilor Roz Randorf, Councilor Barb Russ, Councilor Joel Sipress, Councilor Renee Van Nett and President Gary Anderson

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [20-004](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [January 13, 2020 - City Council Meeting](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [20-005](#) MN Lawful Gambling: Application for Exempt Permits

Indexes:

Attachments: [St. James Church](#)

This Other Officers Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

Hamilton Smith spoke regarding high water on Park Point.
Bryan Bongy, Toni Lanzillo, and Bill Mittlefelt spoke regarding climate.
Guy Heide spoke regarding the Campus Connector Trail.
Mitchell Diers spoke regarding Earned Sick and Safe Time.

RESOLUTIONS TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

3. [19-0890R](#) RESOLUTION CONDITIONALLY APPROVING DEDA RESOLUTION 19D-48 AUTHORIZING AN AGREEMENT WITH RACHEL CONTRACTING, LLC FOR DEMOLITION OF THE PASTORET TERRACE BUILDING IN THE AMOUNT OF \$148,683.

Indexes:

Attachments: [19D-48-Construction Agreement Complete-Pastoret Terrace](#)
[19D-48 Resolution Authorizing Demolition of Pastoret Terrace](#)
[FINAL APPROVAL OF SECTION 138 BY SHPO - 2018-2473 12-20-19](#)
[121819 Pastoret Draft Suitable Course of Action Plan SHPO FINAL FINAL](#)

This Resolution was returned to Administration.

4. [20-0015R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1329 MINNESOTA AVENUE (KATE HORVATH AND JOE WICKLUND).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

5. [20-0017R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 5802 LONDON ROAD (DEAN AND CARIN JABLONSKY).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

6. [20-0023R](#) RESOLUTION SUPPORTING ADDITIONAL LEGISLATIVE PRIORITIES FOR THE 2020 LEGISLATIVE SESSION.

Indexes:

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

[Motion to Amend - Anderson 2 \(Passed 9-0\)](#)

[Motion to Amend - Anderson 3 \(Passed 9-0\)](#)

[Motion to Amend - Anderson 4 \(Passed Unanimously\)](#)

[Motion to Amend - Randorf \(Passed Unanimously\)](#)

[Motion to Amend - Sipress \(Passed Unanimously\)](#)

This Resolution was adopted as amended unanimously.

CONSENT AGENDA

BY COUNCILOR MEDVED (FINANCE)

7. [20-0049R](#) RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, AMENDING RESOLUTION 19-0808R ADOPTED DECEMBER 9, 2019, MODIFYING THE CAPITAL EQUIPMENT LIST ASSOCIATED WITH THE PROPOSED CAPITAL EQUIPMENT NOTES.

This Resolution was adopted unanimously.

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

- 8. [20-0050R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR GARY NEW DULUTH COMMUNITY CLUB.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

BY COUNCILOR KENNEDY (PERSONNEL)

- 9. [20-0047R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DEREK MEDVED TO THE DULUTH PARKING COMMISSION.

This Resolution was adopted unanimously.

- 10. [20-0048R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ROZ RANDORF TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 11. [20-0039R](#) RESOLUTION AUTHORIZING THE CITY OF DULUTH TO APPLY FOR AND RECEIVE A MINNESOTA INVESTMENT FUND LOAN AWARD ON BEHALF OF VERSO CORPORATION AND TO CONDITIONALLY COMMIT \$242,000 IN ECONOMIC DEVELOPMENT FUNDS AS LOCAL MATCH. (REPLACEMENT)

This Resolution was adopted unanimously.

- 12. [20-0052R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1520 MINNESOTA AVENUE (WILLIAM MICHELS).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

- 13. [20-0053R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 20 NORTH 12TH AVENUE EAST UNIT #1 (NORTH SHORE LAND COMPANY, LLC).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

- 14. [20-0054R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 20 NORTH 12TH AVENUE EAST UNIT #2 (NORTH SHORE LAND COMPANY, LLC).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

- 15. [20-0057R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 20 NORTH 12TH AVENUE EAST UNIT #3 (NORTH SHORE LAND COMPANY, LLC).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

- 16. [20-0058R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 20 NORTH 12TH AVENUE EAST UNIT #4 (NORTH SHORE LAND COMPANY, LLC).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

- 17. [20-0073R](#) RESOLUTION APPROVING THE 2020-2024 CONSOLIDATED PLAN AND 2020 ANNUAL ACTION PLAN AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME PROGRAM (HOME), AND EMERGENCY SOLUTIONS GRANT PROGRAM (ESG) PROGRAM FUNDS.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

18. [20-0074R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2020 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

19. [20-0075R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD HOME INVESTMENT PARTNERSHIP FUNDS FOR THE 2020 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

20. [20-0076R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD EMERGENCY SOLUTIONS GRANTS PROGRAM (ESG) FUNDING FOR THE 2020 PROGRAM YEAR, AUTHORIZING CONTRACTS, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

21. [20-0085R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE LESTER PARK NEIGHBORHOOD.

Indexes:

Attachments: [Exhibit A-Resolution of Intent.pdf](#)
[Exhibit B_010-2840-01060 Lot 2 Block 14.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

22. [20-0045R](#) RESOLUTION AUTHORIZING A THREE YEAR AGREEMENT WITH NORTHERN ENERGETICS LLC FOR HOME ENERGY AUDITS AND CONSERVATION SERVICES AS PART OF THE HOME ENERGY ANALYSIS PROGRAM (HEAP) FOR A TOTAL CONTRACT NOT TO EXCEED \$349,020.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

23. [20-0046R](#) RESOLUTION AUTHORIZING A THREE YEAR AGREEMENT WITH ECOLIBRIUM3 FOR HOME ENERGY AUDITS AND CONSERVATION SERVICES AS PART OF THE HOME ENERGY ANALYSIS PROGRAM (HEAP) FOR A TOTAL CONTRACT NOT TO EXCEED \$149,580.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

24. [20-0051R](#) RESOLUTION AUTHORIZING A REQUEST TO MNDOT TO PROVIDE ADVANCE FUNDING AND AUTHORIZING PAYMENTS FROM SUBSEQUENT ACCRUALS TO THE CITY'S MUNICIPAL STATE AID CONSTRUCTION ACCOUNT FOR VARIOUS CITY PROJECTS IN THE AMOUNT OF \$4,000,000.

This Resolution was adopted unanimously.

25. [20-0079R](#) RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A GRANT FROM THE MINNESOTA LAKE SUPERIOR COASTAL PROGRAM IN THE AMOUNT OF \$5,110 FOR A PROJECT TITLED CITY OF DULUTH TRASH COLLECTION BEST MANAGEMENT PRACTICES.

Indexes:

Attachments: [20-0079R Map 1](#)

[20-0079R Map 2](#)

This Resolution was adopted unanimously.

26. [20-0088R](#) RESOLUTION AUTHORIZING THE PURCHASE OF PRE-INSULATED PIPE, FITTINGS, VALVES AND ACCESSORIES FOR THE SUPERIOR STREET PHASE 3 AND THE 4TH AVENUE PORTION OF THE REGIONAL EXCHANGE DISTRICT STEAM TO HOT WATER CONVERSION PROJECTS FROM GF URECON LTD IN THE AMOUNT OF \$674,777.09.

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

27. [20-0041R](#) RESOLUTION AUTHORIZING ACCEPTANCE TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A CONSERVATION PARTNERS LEGACY GRANT OF \$400,000 FOR THE PURPOSE OF SKYLINE PARKWAY LAND ACQUISITION.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

28. [20-0042R](#) RESOLUTION AUTHORIZING ACCEPTANCE TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A CONSERVATION PARTNERS LEGACY GRANT OF \$30,385 FOR THE PURPOSE OF RESTORING RIPARIAN UPLANDS ON AMITY AND KINGSBURY CREEKS.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

29. [20-0044R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CHRISTINE PENNEY FOR GRANT WRITING AND RESEARCH SERVICES FOR A TOTAL CONTRACT NOT TO EXCEED \$50,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

30. [20-005-O](#) AN ORDINANCE AMENDING ORDINANCE 9417 DESIGNATING THE FORMER LESTER PARK BRANCH LIBRARY AS A DULUTH HERITAGE PRESERVATION LANDMARK.

Indexes:

Attachments: [Exhibit A-Ordinance re Historical Designation.pdf](#)
[Exhibit B-Site Plan \(Ordinance\).pdf](#)

This Ordinance was read for the first time.

31. [20-007-O](#) AN ORDINANCE AUTHORIZING THE RELEASE OF A RESTRICTIVE COVENANT REGARDING A REVERSION CLAUSE OF PROPERTY ALREADY CONVEYED TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

Indexes:

Attachments: [Exhibit A-Ordinance re Release.pdf](#)

This Ordinance was read for the first time.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

32. [20-006-O](#) AN ORDINANCE DEDICATING A PERPETUAL EASEMENT FOR UTILITY PURPOSES OVER CITY-OWNED PROPERTY.

Indexes:

Attachments: [Tioga_54th Easement Exhibit 20200121.pdf](#)

This Ordinance was read for the first time.

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

33. [20-004-O](#) AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XVII, SECTIONS 2-95 AND 2-96, OF THE DULUTH CITY CODE TO REDUCE THE MEMBERSHIP OF THE COMMISSION ON DISABILITIES FROM 17 TO NINE, MAKE THE QUALIFYING CRITERIA TO BE A MEMBER OF THE COMMISSION LESS RESTRICTIVE, AND UPDATE THE DUTIES OF THE COMMISSION.

This Ordinance was read for the first time.

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

BY COUNCILOR FILIPOVICH (INTERGOVERNMENTAL RELATIONS)

34. [20-003-O](#) ORDINANCE AMENDING SECTION 29E-2 AND SECTION 29E-3 OF THE DULUTH CITY CODE TO CLARIFY THAT BY PARTICIPATING IN A MULTI-EMPLOYER PLAN AN EMPLOYER OF CONSTRUCTION INDUSTRY EMPLOYEES MAY MEET THE EARNED SICK AND SAFE TIME REQUIREMENTS IN CHAPTER 29E.

Sponsors: Sipress and Filipovich

This Ordinance was adopted unanimously.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

35. [20-001-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD TO THE STATE OF MINNESOTA AT NO COST.

Indexes:

Attachments: [Exhibit A-Legal Description.pdf](#)

[Exhibit B-Map.pdf](#)

[Exhibit C-Letter of Conformity](#)

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS