



# 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, April 27, 2020

7:00 PM

Council Chamber

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*NOTICE: The Duluth City Council will be holding its April 23, 2020 Agenda Session and April 27, 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](mailto: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

### APPROVAL OF MINUTES

1. [20-032](#) Meeting Minutes of the Duluth City Council

**Indexes:**

**Attachments:** [April 13, 2020 - Council Meeting](#)

These Minutes were approved.

## REPORTS FROM THE ADMINISTRATION

[20-033](#) COVID - 19 Budget Implications Presentation

Indexes:

Attachments: [COVID-19 Budget Implications FINAL](#)

## REPORTS FROM OTHER OFFICERS

## REPORTS OF COUNCIL COMMITTEES

## REPORTS OF COUNCIL OPEN ISSUES

## OPPORTUNITY FOR CITIZENS TO BE HEARD

Carmen Sharp spoke in regard to library technician layoffs. Shawn Weintz spoke in regard to supporting small businesses. Kevin Malmquist spoke in regard to budget decisions. John Hill spoke in regards to the budget and lay-offs.

[20-034](#) Citizen Written Comment

Indexes:

Attachments: [2020-04-27, Citizen Written Comments](#)

## CONSENT AGENDA

### BY COUNCILOR KENNEDY (PERSONNEL)

- [20-0342R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MEREDITH ANDERSON AND BRANDON HARTUNG TO THE HERITAGE PRESERVATION COMMISSION.

This Resolution was adopted unanimously.

- [20-0344R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF BRIAN FREDRICKSON TO THE NATURAL RESOURCES COMMISSION.

This Resolution was adopted unanimously.

### (PLANNING & ECONOMIC DEVELOPMENT)

4. [20-0329R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH CIRRUS DESIGN CORPORATION FOR TEMPORARY CLOSURE OF AIRPORT APPROACH ROAD.

**Indexes:**

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

**This Resolution was adopted unanimously.**

5. [20-0353R](#) RESOLUTION AUTHORIZING THAT PROPER CITY OFFICIALS DISCHARGE \$69,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT LOAN DEBT OWED BY CENTER CITY WINDWOOD PARTNERS, LP.

**This Resolution was adopted unanimously.**

6. [20-0369R](#) RESOLUTION AUTHORIZING THAT PROPER CITY OFFICIALS DISCHARGE \$53,364 IN HOME PROGRAM LOAN DEBT OWED BY CENTER CITY WINDWOOD PARTNERS, LP.

**This Resolution was adopted unanimously.**

7. [20-0375R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO LAKE AVENUE PLAZA DEVELOPMENT AGREEMENT WITH MINNESOTA POWER FOR THE OPERATION AND MAINTENANCE OF THE EAST AND WEST PLAZAS IN DOWNTOWN DULUTH.

**Indexes:**

**Attachments:** [Exhibit 1-First Amendment](#)

**This Resolution was adopted.  
Councilor Forsman abstains stating employer conflict.**

8. [20-0380R](#) RESOLUTION REPLACING RESOLUTION NO. 19-0423 VACATING ALL OF THE SKYWALK EASEMENTS AFFECTING MINNESOTA POWER'S BUILDING LOCATED AT 30 WEST SUPERIOR STREET IN DOWNTOWN DULUTH.

**Indexes:**

**Attachments:** [Exhibit 1-Skywalk Resolution](#)  
[Exhibit 2-Skywalk vacation resolution final](#)  
[Exhibit 3-Aerial Map](#)  
[Exhibit 4-Skywalk Vacation Resolution](#)

**This Resolution was adopted.  
Councilor Forsman abstains stating employer conflict.**

9. [20-0391R](#) RESOLUTION APPROVING DEDA RESOLUTION 20D-41 AUTHORIZING AN AGREEMENT WITH THE NORTHEAST ENTREPRENEUR FUND, INC. TO IMPLEMENT THE DULUTH SMALL BUSINESS EMERGENCY FUND IN THE AMOUNT OF \$443,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

10. [20-0392R](#) RESOLUTION APPROVING DEDA RESOLUTION 20D-42 AUTHORIZING A GRANT AGREEMENT WITH THE NORTHEAST ENTREPRENEUR FUND, INC. TO IMPLEMENT A COVID-19 EMERGENCY LOAN PROGRAM IN THE AMOUNT OF \$125,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

11. [20-0294R](#) RESOLUTION AWARDDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, INC. FOR THE SECOND STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$7,888,777.

Indexes:

Attachments: [20-0294R Map](#)

This Resolution was adopted unanimously.

12. [20-0295R](#) RESOLUTION AWARDDING A CONTRACT TO ULLAND BROTHERS, INC. FOR THE 2020 STREET PRESERVATION PROJECT IN THE AMOUNT OF \$2,787,576.76.

Indexes:

Attachments: [20-0295R Maps](#)

This Resolution was adopted unanimously.

13. [20-0327R](#) RESOLUTION AUTHORIZING SUBSTITUTION OF REVISED SCHEDULE "I" TO MNDOT AGREEMENT NO. 1036093 FOR STATE PROJECT 6982-331, INCREASING THE CITY'S SHARE OF COSTS IN THE AMOUNT OF \$37,577.38 FOR A NEW TOTAL OF \$141,037.70.

Indexes:

**Attachments:** [20-0327R Map](#)  
[20-0327R Exhibit A](#)

This Resolution was adopted unanimously.

14. [20-0338R](#) RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF ACTUATORS FROM VESSCO, INC. IN THE AMOUNT OF \$68,049.40

This Resolution was adopted unanimously.

15. [20-0339R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH NORDEX USA, INC. RELATING TO MODIFICATIONS TO THE INTERSECTION OF GARFIELD AVENUE AND WEST SUPERIOR STREET.

**Indexes:**

**Attachments:** [20-0339R Exhibit A](#)

This Resolution was adopted unanimously.

16. [20-0351R](#) RESOLUTION AMENDING CONTRACT L30164 WITH MSA PROFESSIONAL SERVICES, INC., TO PROVIDE CONSTRUCTION SURVEYING, CONSTRUCTION ADMINISTRATION AND INSPECTION FOR THE LIFT STATION 15 RELOCATION PROJECT, TO INCREASE THE AMOUNT BY \$404,185 FOR A NEW TOTAL OF \$570,992.

**Indexes:**

**Attachments:** [19-0351R Attachment 1](#)  
[20-0351R Map](#)

This Resolution was adopted unanimously.

17. [20-0377R](#) 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.

**Indexes:**

**Attachments:** [Exhibit 1-Street Easement](#)  
[Exhibit 2-Street Easement](#)

This Resolution was adopted.  
Councilor Forsman abstains stating employer conflict.

18. [20-0378R](#) 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:** [Steam Easement-Exhibit 1](#)  
[Steam Easement-Exhibit 2](#)

This Resolution was adopted.  
Councilor Forsman abstains stating employer conflict.

19. [20-0379R](#) 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 1-Storm Easement](#)  
[Storm Easement-Exhibit 2](#)

This Resolution was adopted.  
Councilor Forsman abstains stating employer conflict.

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

20. [20-0345R](#) RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH LEXISNEXIS RISK SOLUTIONS FOR AN ONLINE SUBSCRIPTION TO THE ACCURINT VIRTUAL CRIME CENTER FOR AN INITIAL TERM OF THREE YEARS AT AN ANNUAL COST OF \$17,800 TOGETHER WITH AN ANNUAL INCREASE OF 2 PERCENT PER YEAR.

**Indexes:**

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

This Resolution was adopted unanimously.

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

22. [20-0370R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30228 WITH KRAUS ANDERSON CONSTRUCTION COMPANY FOR CONSTRUCTION MANAGER SERVICES FOR THE ZOO BEAR COUNTRY EXHIBIT RENOVATION FOR AN AMOUNT NOT TO EXCEED \$85,800.

**Indexes:**

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

This Resolution was adopted unanimously.

23. [20-0372R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO LEASE AGREEMENT WITH THE HILLS YOUTH AND FAMILY SERVICES, FOR USE OF SPACE IN THE WASHINGTON RECREATION CENTER.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

24. [20-0376R](#) 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-Plaza vacation resolution](#)

[Exhibit 2-East Plaza](#)

[Exhibit 3-West Plaza](#)

[Exhibit 4-Plaza Resolution](#)

[Exhibit 5-Plaza Vacation Resolution](#)

This Resolution was adopted.

Councilor Forsman abstains stating employer conflict.

**END OF CONSENT AGENDA**

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

21. [20-0346R](#) RESOLUTION AUTHORIZING A CONTRACT WITH A PLUS CONTRACTORS FOR SITE IMPROVEMENTS AT MERRITT PARK FOR AN AMOUNT NOT TO EXCEED \$189,669.

This Resolution was adopted unanimously.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**