



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, October 11, 2021

7:00 PM

Council Chamber

NOTICE: The Duluth City Council will be holding the October 7, 2021 Agenda Session and October 11, 2021 Council Meeting by other electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 pandemic. Some members of the City Council will be participating through video conference. Due to the COVID-19 pandemic, 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 Gary Anderson, Councilor Zack Filipovich, Councilor Derek Medved, Councilor Roz Randorf, Councilor Joel Sipress, Councilor Terese Tomanek, Vice President Arik Forsman and President Renee Van Nett

Absent: 1 - Councilor Janet Kennedy

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [21-091](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2021-09-27, Minutes](#)

A motion was made by Councilor Medved to approve the Minutes. The motion was seconded by Councilor Tomanek. The Minutes were approved unanimously.
Absent: Councilor Kennedy

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [21-092](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [DTA \(6-24-21\)](#)
[DTA \(6-30-21\)](#)
[DTA \(7-13-21\)](#)
[DTA \(7-27-21\)](#)

This Board or Commission Report was received.

3. [21-093](#) Duluth Public Utilities Commission Resolutions & Meeting Minutes

Indexes:

Attachments: [21PUC-005](#)
[21PUC-006](#)
[August 2021 - DPUC Minutes](#)

This Board or Commission Report was received.

4. [21-094](#) Indigenous Commission Support for Resolution 21-0767R, Chair Sandman

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

Betty Green, Christina Woods, Babette Sandman, Kassie Helgerson, the Indigenous Commission and members of the Indigenous Community spoke in support of resolution 21-0767R.

CONSENT AGENDA

Councilor Randorf made a motion to pass the Consent Agenda. Vice President Forsman seconded the motion. The Consent Agenda passed unanimously.
Absent: Councilor Kennedy

BY COUNCILOR MEDVED (FINANCE)

5. [21-0781R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2021A, IN THE APPROXIMATE PRINCIPAL AMOUNT OF \$1,510,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDED THE SALE THEREOF.

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

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

6. [21-0782R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2021B, IN THE APPROXIMATE PRINCIPAL AMOUNT OF \$3,960,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDED THE SALE THEREOF.

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

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

7. [21-0783R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF TAXABLE GENERAL OBLIGATION TAX ABATEMENT REFUNDING BONDS, SERIES 2021C; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDED THE SALE THEREOF.

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

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

8. [21-0784R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF TAXABLE GENERAL OBLIGATION AIRPORT IMPROVEMENT REFUNDING BONDS, SERIES 2021D; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDING THE SALE THEREOF.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

[Exhibit D](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

BY COUNCILOR KENNEDY (PERSONNEL)

9. [21-0788R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF FINANCIAL SYSTEMS ADMINISTRATOR.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

10. [21-0765R](#) RESOLUTION AUTHORIZING FIRST AMENDMENTS TO THE SUB-RECIPIENT FUNDING AGREEMENTS WITH ARROWHEAD ECONOMIC OPPORTUNITY AGENCY ("AEOA") AND NORTHEAST MINNESOTA OFFICE OF JOB TRAINING ("NEMOJT") FOR EMPLOYMENT AND TRAINING SERVICES FOR DISLOCATED VERSO EMPLOYEES TO INCREASE THE FUNDING AMOUNTS BY \$21,640 FOR AEOA AND \$32,250 FOR NEMOJT AND TO EXTEND THE TERM OF THE AGREEMENTS TO JUNE 30, 2023.

Indexes:

Attachments: [Attachment A](#)

[Attachment B](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

11. [21-0768R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1033 SOUTH LAKE AVENUE LOCATED IN THE R-1 RESIDENTIAL-TRADITIONAL ZONE DISTRICT (SHANNON

GARDNER).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

Absent: Councilor Kennedy

12. [21-0769R](#) RESOLUTION VACATING PORTION OF THE ALLEY THAT LIES SOUTH OF LOT 11 AND NORTH OF LOTS 12 THROUGH 16 IN BLOCK 186, WEST DULUTH SEVENTH DIVISION.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

Absent: Councilor Kennedy

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

13. [21-0763R](#) RESOLUTION AUTHORIZING APPLICATION TO THE HAZARD MITIGATION ASSISTANCE PROGRAM THROUGH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION, TO PROVIDE BACKUP POWER TO THE CITY'S WATER TREATMENT PLANT.

This Resolution was adopted unanimously.

Absent: Councilor Kennedy

14. [21-0766R](#) RESOLUTION AUTHORIZING THE PURCHASE OF ITRON WATER ENCODER RECEIVER TRANSMITTERS (ERT) FOR AUTOMATIC WATER METER READING FROM UNITED SYSTEMS AND SOFTWARE, INC. IN THE AMOUNT OF \$1,920,000.00

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Kennedy

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

15. [21-0770R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH KFI ENGINEERS (KFI) FOR CITY HALL INDOOR AIR QUALITY CONTROL SYSTEM DESIGN FOR AN AMOUNT NOT TO EXCEED \$750,300.00.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

16. [21-0786R](#) RESOLUTION EXTENDING DURATION OF ENGER PARK AND LESTER PARK MANAGEMENT AGREEMENT WITH ANTARES GOLF, LLC TO YEAR 2022.

Indexes:

Attachments: [Third Amendment to Golf Course Management Agreement](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

17. [21-0787R](#) RESOLUTION AUTHORIZING A THREE-YEAR LICENSE AGREEMENT WITH COMPANIES TO CLASSROOMS, DULUTH FOR THE EXCLUSIVE USE OF THE GRANT RECREATION CENTER FOR OPERATION OF ITS SERVICES.

Indexes:

Attachments: [Exhibit 1-Resolution](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY PRESIDENT VAN NETT (COMMITTEE OF THE WHOLE)

18. [21-0767R](#) RESOLUTION ACKNOWLEDGING THE HARM AND ONGOING HISTORICAL AND INTERGENERATION TRAUMA EXPERIENCED BY AMERICAN INDIAN AND ALASKA NATIVE CHILDREN AND COMMUNITIES DUE TO THE UNITED STATES' INDIAN BOARDING SCHOOL POLICY; CALLING ON THE UNITED STATES CONGRESS TO COMMISSION A STUDY AND REPORT ON THE BOARDING SCHOOL POLICY; AND SUPPORTING EFFORTS OF RECONCILIATION IN ADDRESSING THE IMPACTS OF HISTORICAL TRAUMA, LANGUAGE AND CULTURAL LOSS, AND GENOCIDE.

A motion was made by Councilor Tomanek to adopt this Resolution. The motion was seconded by Vice President Forsman. The Resolution was passed

unanimously.
Absent: Councilor Kennedy

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

19. [21-0802R](#) RESOLUTION DENYING APPEAL OF SHEILA BENNETT OF STORMWATER FEE ON 108 BYLUND ROAD

A motion was made by Councilor Sipress to adopt this Resolution. The motion was seconded by Councilor Randorf. The Resolution was passed unanimously.
Absent: Councilor Kennedy

20. [21-0803R](#) RESOLUTION GRANTING APPEAL OF SHEILA BENNETT OF STORMWATER FEE ON 108 BYLUND ROAD

A motion was made by Councilor Sipress to deny this Resolution. The motion was seconded by Councilor Randorf. This Resolution failed unanimously.
Absent: Councilor Kennedy

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

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

21. [21-042-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR A PRIVATE UTILITY CONDUIT IN THE PLATTED STREET RIGHT OF WAY OF NORTH FIFTH AND SIXTH AVENUE WEST AND EAST FIFTH STREET.

Indexes:

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

This Ordinance was read for the first time.

22. [21-044-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 ONE NORTH SIXTH AVENUE WEST.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

23. [21-045-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 1032 EAST NINTH STREET.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

24. [21-046-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 2401 LONDON ROAD.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

25. [21-047-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 1439 NORTH EIGHTH AVENUE EAST.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

26. [21-048-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8, 50-20.3, 50-20.5, 50-35, 50-36.1, 50-37, 50-39.2, AND 50-41.1 RELATED TO STANDARDS FOR VACATION DWELLINGS AND THE CREATION OF A NEW PERMIT FOR VACATION DWELLING UNITS, LIMITED.

Indexes:

Attachments: [Attachment 1 50-19.8 Permitted Use](#)
[Attachment 2 50-20.3.U Vacation Dwelling](#)
[Attachment 3 50-20.5.G Accessory Home Share](#)
[Attachment 4 50-20.5.M Acc Vacation Dwelling](#)
[Attachment 5 50-20.5.N Acc Vacation Limited](#)
[Attachment 6 50-35 Summary Table](#)
[Attachment 7 50-36.1 City Council](#)
[Attachment 8 50-37.10 SUP IUP](#)
[Attachment 9 50-37.17 AHS and VDUL](#)
[Attachment 10 50-39.2 enforcement](#)
[Attachment 11 Definitions 50-41.1 A](#)
[Attachment 12 Staff Memo and Attachments](#)
[Attachment 13 Power Point Presentation](#)
[Attachment 14 Public Comments](#)

This Ordinance was read for the first time.

27. [21-049-O](#) AN ORDINANCE AMENDING CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED, DELETING EXISTING ARTICLE XXXII THEREFROM AND SUBSTITUTING A NEW ARTICLE XXXII THEREFORE ESTABLISHING A NEW HOUSING TRUST FUND AND AMENDING CHAPTER 20 OF SAID CODE BY AMENDING ARTICLE II THEREOF BY CREATING A NEW DIVISION 11, CREATING THE HOUSING TRUST FUND.

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)

28. [21-040-O](#) AN ORDINANCE GRANTING NORTH SHORE PROPERTIES OF DULUTH, LLC, A CONCURRENT USE PERMIT FOR AN EXISTING BUILDING WITHIN THE PLATTED RIGHT OF WAY OF 54TH AVENUE EAST NEAR 5324 EAST SUPERIOR STREET.

Indexes:

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

**A motion was made by Councilor Filipovich to adopt this Ordinance. The motion was seconded by Councilor Anderson. This Ordinance was adopted unanimously.
Absent: Councilor Kennedy**

29. [21-043-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE SPIRIT VALLEY NEIGHBORHOOD TO CATALYST HOLDINGS LLC FOR \$5,000, PLUS AN ADMINISTRATIVE FEE OF \$500.

Indexes:

Attachments: [Exhibit 1-Ordinance.pdf](#)
[Exhibit 2-Ordinance.pdf](#)

A motion was made by Councilor Filipovich to adopt this Ordinance. The motion was seconded by Councilor Randorf. This Ordinance was adopted unanimously.

Absent: Councilor Kennedy

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

ATTEST:

CHELSEA J. HELMER, City Clerk

Passed: October 11, 2021

Approved: October 12, 2021

EMILY LARSON, Mayor