



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, March 9, 2020

7:00 PM

Council Chamber

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. [20-016](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [February 24, 2019 - City Council Meeting](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [20-019](#) Office of the State Auditor - Audit Report - Spirit Mountain Recreation Area Authority

Indexes:

Attachments: [spiritmountainrecreationareaauthorityfsm1_19_report](#)

This Informational Report was received.

REPORTS OF BOARDS AND COMMISSIONS

3. [20-017](#) Library Board Meeting Minutes

Indexes:

Attachments: [Library Board - January 2020](#)

This Board or Commission Report was received.

4. [20-018](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [DTA - December 2019](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

DISTINGUISHED ARTIST AWARD - Dudley Edmundson

OPPORTUNITY FOR CITIZENS TO BE HEARD

Josh Krum, Mary Owen, Troy Hanson and Kathleen Spencer spoke in regard to short term rentals.

CONSENT AGENDA

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

5. [20-0229R](#) RESOLUTION APPROVING AN EXCLUDED BINGO PERMIT TO SAINT LAWRENCE KNIGHTS OF COLUMBUS COUNCIL #6783.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

6. [20-0232R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR BOYS CLUB OF DULUTH.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

BY COUNCILOR KENNEDY (PERSONNEL)

7. [20-0192R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF MEMBERS TO CITY BOARDS AND COMMISSIONS BY MAYOR LARSON.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

8. [20-0208R](#) RESOLUTION VACATING STREET AND UTILITY EASEMENTS WITHIN BLOCKS 1, 2, AND 3 OF THE HARTLEY HILLS FOURTH ADDITION PLAT.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

9. [20-0214R](#) RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF LAKEHEAD BOAT BASIN, INC., ET AL. V. CITY OF DULUTH.

Indexes:

Attachments: [Settlement Agreement](#)

[Mediated Settlement Agreement](#)

[Landscape Plan](#)

This Resolution was adopted unanimously.

10. [20-0215R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT ANY POSSIBLE FUNDING FROM THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR PROVISION OF WORKFORCE INNOVATION AND OPPORTUNITY ACT TITLE I SERVICES, MINNESOTA YOUTH PROGRAM SERVICES AND OLDER AMERICAN PROGRAM SERVICES FOR THE PERIOD APRIL 1, 2020 - MARCH 31, 2025.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

11. [20-0230R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30159 WITH TKDA FOR ADDITIONAL PROFESSIONAL SERVICES FOR FAIRMOUNT SNOWMOBILE TRAIL UPDATES FOR AN INCREASE OF \$65,500 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$84,190.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

12. [20-0186R](#) RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF 20-INCH AVK BUTTERFLY VALVES FROM CORE & MAIN LP IN THE AMOUNT OF \$78,960.00

This Resolution was adopted unanimously.

13. [20-0193R](#) RESOLUTION AWARDDING A CONTRACT TO REDSTONE CONSTRUCTION, LLC FOR THE FAIRMONT STREET BRIDGE REPLACEMENT PROJECT IN THE AMOUNT OF \$1,061,688.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

14. [20-0212R](#) RESOLUTION AWARDDING A CONTRACT TO HANCO UTILITIES, INC. FOR CONSTRUCTION OF THE 2020 HIGH PRESSURE GAS MAINS AND SERVICES AT VARIOUS LOCATIONS IN THE AMOUNT OF \$1,431,375.

This Resolution was adopted unanimously.

15. [20-0213R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR THE RECONSTRUCTION OF BRIDGE L8156 AT FAIRMONT STREET OVER TISCHER CREEK IN THE AMOUNT OF \$746,517.

Indexes:

Attachments: [20-0213R Map](#)
[20-0213R Exhibit A](#)

This Resolution was adopted unanimously.

16. [20-0219R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR LIGHTING, EMERGENCY VEHICLE PREEMPTION, AND SIGNAL SYSTEM IMPROVEMENTS UPON, ALONG AND ADJACENT TO TRUNK HIGHWAY 35 (LAKE AVENUE) WITHIN THE CITY LIMITS UNDER STATE PROJECT 6982-331 AT AN ESTIMATED COST OF \$103,460.22.

Indexes:

Attachments: [20-0219R Map](#)
[20-0219R Exhibit A](#)

This Resolution was adopted unanimously.

17. [20-0220R](#) RESOLUTION CONCURRING WITH COUNTY AWARD OF THE RICE LAKE ROAD RECONSTRUCTION PROJECT.

Indexes:

Attachments: [20-0220R Map](#)

This Resolution was adopted unanimously.

18. [20-0227R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR UTILITY AND ACCESS PURPOSES FROM THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY OVER, UNDER, AND ACROSS PROPERTY LOCATED IN LINCOLN PARK NEIGHBORHOOD, AT NO COST TO THE CITY.

Indexes:

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

This Resolution was adopted unanimously.

19. [20-0231R](#) RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, INC FOR BITUMINOUS (HOT MIX BLACKTOP) FOR STREET MAINTENANCE ACTIVITIES IN 2020 FOR AN AMOUNT NOT TO EXCEED \$261,000.

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

20. [20-0171R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, ALLOWING THE CITY OF DULUTH POLICE DEPARTMENT TO INVESTIGATE AND PROSECUTE HUMAN TRAFFICKING AND SEXUAL EXPLOITATION OF CHILDREN AS PART OF THE MINNESOTA HUMAN TRAFFICKING INVESTIGATIONS TASK FORCE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

21. [20-0191R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 41 PORTABLE RADIOS FROM MOTOROLA SOLUTIONS IN THE AMOUNT OF \$190,124.75

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

22. [20-0209R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL DESIGN SERVICES FOR PHASE TWO OF THE HARTLEY NATURE CENTER BUILDING ADDITION FOR AN AMOUNT NOT TO EXCEED \$153,158.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

23. [20-0211R](#) RESOLUTION AUTHORIZING TWO GRANT APPLICATIONS TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR FEDERAL RECREATIONAL TRAIL EQUIPMENT PROGRAM GRANT FUNDS TOTTALLING \$149,800 FOR SNOWMAKING EQUIPMENT FOR THE GRAND AVENUE NORDIC CENTER AT SPIRIT MOUNTAIN.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

24. [20-0222R](#) 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 \$382,874.

Returned to Administration

25. [20-0223R](#) RESOLUTION AUTHORIZING A CONTRACT WITH THE JAMAR COMPANY FOR LAKE SUPERIOR ZOO BROWN BEAR EXHIBIT WORK SCOPE 17A LIFE SUPPORT SYSTEM FOR AN AMOUNT NOT TO EXCEED \$443,350.

This Resolution was adopted unanimously.

26. [20-0225R](#) RESOLUTION AUTHORIZING A CONTRACT WITH VEIT & COMPANY, INC. FOR LAKE SUPERIOR ZOO BROWN BEAR EXHIBIT WORK SCOPE 31A EARTHWORK, EXTERIOR IMPROVEMENTS & UTILITIES FOR AN AMOUNT NOT TO EXCEED \$181,300.

This Resolution was adopted unanimously.

27. [20-0226R](#) RESOLUTION AUTHORIZING APPLICATION FOR GRANT FUNDING TO THE U.S. FISH AND WILDLIFE SERVICE COASTAL PROGRAM - GREAT LAKES RESTORATION INITIATIVE FOR UP TO \$75,000 TOWARDS THE DULUTH NATURAL RESOURCE MANAGEMENT PROGRAM.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

28. [20-0235R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH BARR ENGINEERING CO. FOR PROFESSIONAL SERVICES FOR DWP TRAIL AND ELY'S PEAK TUNNEL REHABILITATION FOR AN INCREASE OF \$58,700 AND A NEW TOTAL CONTRACT AMOUNT NOT TO EXCEED \$78,700.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR MEDVED (FINANCE)

29. [20-0236R](#) RESOLUTION AUTHORIZING TEMPORARY CLOSURE OF A PORTION OF 108TH AVENUE WEST AS PART OF MITIGATION PROCESS TO REDUCE ILLEGAL DUMPING AND COSTLY CLEANUP EFFORTS

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR KENNEDY (PERSONNEL)

30. [20-0233R](#) RESOLUTION AUTHORIZING THE CITY COUNCIL TO APPROVE A PAY EQUITY IMPLEMENTATION REPORT.

Indexes:

Attachments: [Attachment A](#)

[Attachment B](#)

[Attachment C](#)

This Resolution was adopted unanimously.

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

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

31. [20-022-O](#) ORDINANCE AMENDING CHAPTER 29, HOTELS, MOTELS AND MOTOR COURTS, REGARDING ACCESSORY HOME SHARE, ACCESSORY VACATION DWELLING UNIT AND VACATION DWELLING UNIT.

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

32. [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 read for the first time.

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

33. [20-023-O](#) AN ORDINANCE DEDICATING A PERPETUAL EASEMENT FOR STREET PURPOSES OVER CITY-OWNED PROPERTY.

Indexes:

Attachments: [Exhibit A.pdf](#)

[Exhibit B.pdf](#)

[Exhibit C.pdf](#)

[Exhibit D-Ordinance.pdf](#)

This Ordinance was read for the first time.

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

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

34. [20-013-O](#) AN ORDINANCE AMENDING CHAPTER 34 OF THE DULUTH CITY CODE BY ADDING SECTION 34-44 REQUIRING ACCESS TO MULTI-UNIT HOUSING STRUCTURES BY UNITED STATES CENSUS BUREAU EMPLOYEES.

This Ordinance was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

35. [20-015-O](#) AN ORDINANCE AMENDING THE OFFICIAL NATURAL RESOURCES OVERLAY ZONING MAP OF THE CITY OF DULUTH TO EXTEND SHORELAND PROTECTIONS TO CERTAIN DESIGNATED RIVERS, CREEKS, TRIBUTARIES, AND STREAMS WITHIN TWO ANNEXATION AREAS.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

This Ordinance was adopted unanimously.

36. [20-017-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY

OF DULUTH TO RECLASSIFY PROPERTY IN THE IRVING AND FAIRMOUNT NEIGHBORHOODS IN ACCORDANCE WITH THE RECOMMENDATIONS FROM THE 2017 IRVING AND FAIRMOUNT BROWNFIELDS REVITALIZATION PLAN.

Indexes:

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

This Ordinance was adopted unanimously.

37. [20-018-O](#) AN ORDINANCE GRANTING KITCHI GAMMI CLUB FOUNDATION, INC. A CONCURRENT USE PERMIT FOR A CANOPY IN THE PLATTED STREET RIGHT OF WAY OF NORTH 9TH AVENUE EAST.

Indexes:

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

This Ordinance was adopted unanimously.

38. [20-019-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY NEAR HARTLEY PARK, FREDERICK RODNEY PAINE FOREST PRESERVE, AND MAGNEY-SNIVELY NATURAL AREA FROM R-C (RURAL CONSERVATION), RR-1 (RURAL RESIDENTIAL 1), AND R-1 (RESIDENTIAL-TRADITIONAL), TO P-1 (PARK AND OPEN SPACE).

Indexes:

Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)
[Attachment 5](#)
[Attachment 6](#)

This Ordinance was adopted unanimously.

39. [20-021-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY ZONING DESIGNATION OF PROPERTY WITHIN FOUR AREAS OF DULUTH IN ACCORDANCE WITH THE RECOMMENDATIONS FROM THE IMAGINE DULUTH 2035 COMPREHENSIVE PLAN.

Indexes:

- Attachments:** [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)
[Attachment 5](#)
[Attachment 6](#)
[Attachment 7](#)
[Attachment 8](#)
[Staff Report](#)
[Staff Report](#)
[Staff Report](#)
[Staff Report](#)
[File Summary](#)

This Ordinance was adopted unanimously.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

40. [20-014-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A PERMANENT, NON-EXCLUSIVE EASEMENT TO HOLLY L. HANSEN FOR A GRAVITY GROUNDWATER DRAIN-TILE SEWER LINE FOR NOMINAL CONSIDERATION.

Indexes:

- Attachments:** [Exhibit 1 Drainage Easement.pdf](#)
[Exhibit 2.pdf](#)

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS