



# 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, February 24, 2020

7:00 PM

Council Chamber

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#### 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. [20-015](#) Meeting Minutes of the Duluth City Council

**Indexes:**

**Attachments:** [February 10, 2020 - City Council Meeting](#)

These Minutes were approved.

#### PUBLIC HEARING - 20-0087R RESOLUTION CONFIRMING ASSESSMENT ROLL FOR SIDEWALK REPAIRS AT NINE CITY LOCATIONS IN 2019

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

#### REPORTS OF BOARDS AND COMMISSIONS

2. [20-013](#) Planning Commission Meeting Minutes

**Indexes:**

**Attachments:** [December 2019 - Planning Commission Minutes](#)

This Board or Commission Report was received.

3. [20-014](#) Parks and Recreation Commission Meeting Minutes

**Indexes:**

**Attachments:** [January 2020 - 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

Barb Perrella spoke in regard to first street.  
Tone Lansillo spoke in regard to climate change.  
Bryan Bongey spoke in regard to MN Power electric car charging station.  
Susana Pelayo Woodell spoke in regard to the census.  
Korii Northrup spoke in regard to the riot gear policy.

## CONSENT AGENDA

### BY COUNCILOR MEDVED (FINANCE)

4. [20-0087R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL FOR SIDEWALK REPAIRS AT NINE CITY LOCATIONS IN 2019.

**Indexes:**

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

This Resolution was adopted unanimously.

### BY COUNCILOR RANDORF (PURCHASING & LICENSING)

5. [20-0143R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR DUCKS UNLIMITED.

**Indexes:**

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

This Resolution was adopted unanimously.

6. [20-0144R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE AND BINGO PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR A PLUS GAME.

**Indexes:**

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

**This Resolution was adopted unanimously.**

7. [20-0145R](#) RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO IRVING COMMUNITY ASSOCIATION

**Indexes:**

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

**This Resolution was adopted unanimously.**

8. [20-0146R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO THE DULUTH CHILDREN'S MUSEUM.

**Indexes:**

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

**This Resolution was adopted unanimously.**

9. [20-0147R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE FROM GRANDMA'S SPORTS BAR & GRILL TO NORTH SHORE BREW PUB (CANAL PARK LODGE), 250 CANAL PARK DRIVE.

**Indexes:**

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

**This Resolution was adopted unanimously.**

10. [20-0154R](#) RESOLUTION AUTHORIZING A DONATION AGREEMENT WITH MINNESOTA POWER ALLOWING THE CITY TO ACCEPT AN ELECTRIC VEHICLE CHARGING STATION TO BE LOCATED IN THE MEDICAL DISTRICT PARKING RAMP AND REIMBURSEMENT OF A PORTION OF THE INSTALLATION COSTS.

**Indexes:**

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

**This Resolution was adopted unanimously.  
Councilor Forsman abstained due to employer relationship.**

**Yea:** 8 - Councilor Filipovich, Councilor Kennedy, Councilor Medved, Councilor Randorf, Russ, Councilor Sipress, Vice President Van Nett and President Anderson

**Abstain:** 1 - Councilor Forsman

**BY COUNCILOR KENNEDY (PERSONNEL)**

- 11. [20-0149R](#) RESOLUTION ELECTING MEMBERS TO THE BOARD OF MANAGERS OF THE DULUTH/NORTH SHORE SANITARY DISTRICT PURSUANT TO MINNESOTA STATUTES, SECTION 442A.14, SUBDIVISION 7.

This Resolution was adopted unanimously.

- 12. [20-0152R](#) RESOLUTION APPOINTING ELECTION JUDGES FOR THE MARCH 3, 2020 PRESIDENTIAL NOMINATION PRIMARY ELECTION.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

- 13. [20-0161R](#) RESOLUTION APPOINTING MEMBERS TO CITY OF DULUTH BOARDS AND COMMISSIONS.

This Resolution was adopted unanimously.

**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

- 15. [20-0158R](#) RESOLUTION AMENDING THE COMPREHENSIVE LAND USE PLAN - FUTURE LAND USE MAP FOR PROPERTY NORTH OF HIGHLAND STREET AND SOUTH OF MEDINA STREET, AND BETWEEN NORTH 59TH AVENUE WEST AND NORTH 61ST AVENUE WEST.

Indexes:

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

This Resolution was adopted unanimously.

- 16. [20-0159R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF A \$300,000 BROWNFIELDS COMMUNITY-WIDE PLANNING GRANT FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND EXECUTION OF A COOPERATIVE AGREEMENT RELATED THERETO.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

17. [20-0167R](#) RESOLUTION AUTHORIZING A MASTER SERVICES AGREEMENT WITH BARR ENGINEERING, FOR PROFESSIONAL CONSULTING SERVICES FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$100,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

18. [20-0168R](#) RESOLUTION AUTHORIZING A MASTER SERVICES AGREEMENT WITH BAY WEST, INC., FOR PROFESSIONAL CONSULTING SERVICES FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$100,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

19. [20-0169R](#) RESOLUTION AUTHORIZING A MASTER SERVICES AGREEMENT WITH SHORT ELLIOTT HENDRICKSON (SEH) FOR PROFESSIONAL CONSULTING SERVICES FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$100,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

21. [20-0150R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SRF CONSULTING GROUP, INC FOR PROFESSIONAL ENGINEERING DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE REPLACEMENT OF THE TRAFFIC SIGNAL AT THE INTERSECTION OF WOODLAND AVENUE, KENT ROAD AND EAST 8TH STREET FOR AN AMOUNT NOT TO EXCEED \$79,744.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

22. [20-0173R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30298 WITH HGA, INC., FOR PROFESSIONAL ENGINEERING SERVICES TO CONVERT THE DULUTH ENERGY SYSTEMS BALANCE OF PLANT FROM A STEAM TO HOT WATER DISTRICT

ENERGY SYSTEM FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$122,045 AND A NEW TOTAL CONTRACT NOT TO EXCEED \$219,545.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

23. [20-0156R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO LEASE AGREEMENT WITH THE COUNTY OF ST. LOUIS FOR USE OF REAL PROPERTY NEAR THE PUBLIC SAFETY CAMPUS FOR THE STORAGE OF IMPOUNDED VEHICLES AT THE COST OF \$3,724.00 PER YEAR.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

24. [20-0141R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TKDA FOR DPD IMPOUND LOT ENGINEERING SERVICES FOR AN AMOUNT NOT TO EXCEED \$53,500.00.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

25. [20-0151R](#) RESOLUTION AUTHORIZING AMENDMENT TO AGREEMENT L30054 WITH CR-BUILDING PERFORMANCE SPECIALISTS, INC. FOR FACILITY ASSET MANAGEMENT SOFTWARE MAINTENANCE FOR AN INCREASE OF \$100,000 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$239,450

Indexes:

Attachments: [Exhibit A.pdf](#)

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

***The following entitled resolutions are also to be considered:***

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

26. [20-0174R](#) RESOLUTION OF SUPPORT FOR THE CROWD MANAGEMENT AND CONTROL POLICY PRESENTED BY THE DULUTH POLICE POLICY WORKING GROUP.

Indexes:

Attachments: [Final Draft Crowd Management and Control Policy](#)

This Resolution was adopted unanimously.

**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

14. [20-0157R](#) RESOLUTION VACATING PORTIONS OF PLATTED STREETS AND ALLEYS WITHIN THE PLATS OF IRONTON FIRST DIVISION AND IRONTON SECOND DIVISION, SUBJECT TO THE RETENTION OF VARIOUS EASEMENTS.

Indexes:

Attachments: [Exhibit A.pdf](#)

[Exhibit B.pdf](#)

[Exhibit C.pdf](#)

This Resolution was adopted unanimously.

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

20. [20-0129R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30183 WITH ALLIANT ENGINEERING FOR PROFESSIONAL ENGINEERING SERVICES FOR THE 1ST STREET CONVERSION PROJECT, TO INCREASE THE AMOUNT BY \$27,827 FOR A NEW TOTAL OF \$112,171.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

**BY COUNCILOR RANDORF (PURCHASING & LICENSING)**

27. [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 read for the first time.

**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

28. [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 read for the first time.

29. [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 read for the first time.

30. [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 read for the first time.

31. [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 read for the first time.**

- 32.**     [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 read for the first time.**

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

- 33.**     [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 read for the first time.

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

**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

34. [20-010-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A DECK AND ACCESSIBLE RAMP IN THE PLATTED STREET RIGHT OF WAY OF WEST MICHIGAN STREET.

***Indexes:***

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

This Ordinance was adopted unanimously.

35. [20-011-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE LESTER PARK NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR NOMINAL CONSIDERATION.

***Indexes:***

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

This Ordinance was adopted unanimously.

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

36. [20-012-O](#) AN ORDINANCE DEDICATING A PERPETUAL EASEMENT FOR STREET AND UTILITY PURPOSES OVER CITY-OWNED PROPERTY.

***Indexes:***

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

This Ordinance was adopted unanimously.

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

37. [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.

Indexes:

Attachments: [Motion to Amend: Sipress \(Passed: 8-0-1\)](#)

This Ordinance was adopted unanimously.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**