



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, May 11, 2020

7:00 PM

Council Chamber

NOTICE: The Duluth City Council will be holding its May 7, 2020 Agenda Session and May 11, 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 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. [20-036](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [April 27, 2020 - Council Meeting](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [20-035](#) Memo to Council: Acceptance of Local Improvements by Private Parties

Indexes:

Attachments: [Memo to Council May 11 Accepting Road and Utility Improvements](#)

This Informational Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award - Doris Sampson

OPPORTUNITY FOR CITIZENS TO BE HEARD

Betty Green spoke in support of Ordinance 20-033-O.
Greg Smith, Sohn Wessler and John Hill spoke in regard to the city layoffs.
Chris Rubbish spoke in regard to the health care resolutions

CONSENT AGENDA

BY COUNCILOR KENNEDY (PERSONNEL)

3. [20-0399R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF CASSANDRA THEISEN TO THE ENERGY PLAN COMMISSION.

This Resolution was adopted unanimously.

4. [20-0406R](#) RESOLUTION ESTABLISHING A PROCEDURE FOR SELECTING A CANDIDATE TO FILL THE VACANCY OF THE AT LARGE COUNCIL SEAT OF BARB RUSS.

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

5. [20-0385R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH

MINNESOTA TO THE STATE OF MINNESOTA FOR LOW INCOME HOUSING INFRASTRUCTURE BONDS FOR THE CONSTRUCTION OF THE 70 UNIT HARBOR HIGHLANDS SENIOR APARTMENTS.

Indexes:

Attachments: [Exhibit A Project Location Map](#)

This Resolution was adopted unanimously.

6. [20-0387R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY THREE RIVERS COMMUNITY ACTION AND ONE ROOF COMMUNITY HOUSING TO THE STATE OF MINNESOTA FOR LOW INCOME HOUSING TAX CREDITS FOR THE CONSTRUCTION OF THE 52 UNIT BREWERY CREEK PROJECT.

Indexes:

Attachments: [Exhibit A Project location map](#)

This Resolution was adopted unanimously.

7. [20-0388R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ROERS COMPANIES TO THE STATE OF MINNESOTA FOR LOW INCOME HOUSING TAX CREDITS FOR THE CONSTRUCTION OF THE 100 UNIT PORTLAND SQUARE SENIOR PROJECT.

Indexes:

Attachments: [Exhibit A Project Location Map](#)

This Resolution was adopted unanimously.

8. [20-0389R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY CENTER CITY HOUSING CORPORATION TO THE STATE OF MINNESOTA FOR LOW INCOME HOUSING TAX CREDITS FOR THE WINDWOOD APARTMENTS REHABILITATION PROJECT.

Indexes:

Attachments: [Exhibit A Project Location Map](#)

This Resolution was adopted unanimously.

9. [20-0396R](#) RESOLUTION OF SUPPORT FOR THE REQUEST BY THREE RIVERS COMMUNITY ACTION AND ONE ROOF COMMUNITY HOUSING FOR TAX INCREMENT FINANCING ASSISTANCE FOR THE 52-UNIT BREWERY CREEK HOUSING DEVELOPMENT.

This Resolution was adopted unanimously.

10. [20-0400R](#) RESOLUTION AUTHORIZING THE VACATION OF PORTIONS OF WATER STREET AND WINNIPEG STREET AND THE ACCEPTANCE OF REPLACEMENT STREET AND UTILITY EASEMENTS RUNNING PARALLEL TO AND NORTHEAST OF WATER STREET.

Indexes:

Attachments: [Exhibit 1-Resolution \(revised\)](#)

[Exhibit 2-Resolution \(revised\)](#)

[Exhibit 3-Resolution \(revised\)](#)

[Exhibit 4-Resolution \(revised\)](#)

[Exhibit 5-Resolution](#)

This Resolution was adopted unanimously.

11. [20-0401R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY BLUE LIMIT LLC, TO THE STATE OF MINNESOTA FOR LOW INCOME HOUSING TAX CREDITS FOR THE BURNHAM APARTMENTS REDEVELOPMENT PROJECT.

Indexes:

Attachments: [Exhibit A Location Map](#)

This Resolution was adopted unanimously.

12. [20-0402R](#) RESOLUTION APPROVING AGREEMENT FOR SERVICES WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH (HRA) FOR THE PLANNING AND DEVELOPMENT DIVISION TO PROVIDE ENVIRONMENTAL REVIEW SERVICES FOR FEDERAL PROGRAMS.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

13. [20-0409R](#) RESOLUTION AUTHORIZING DEVELOPMENT AGREEMENT WITH HARTLEY HILLS LAND DEVELOPMENT LLC RELATED TO THE DEVELOPMENT OF PROPERTY WEST OF THE INTERSECTION OF KOLSTAD AVENUE AND NORTHFIELD STREET AND EAST OF HASTINGS DRIVE.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

14. [20-0416R](#) RESOLUTION AUTHORIZING ADOPTION OF THE AMENDED COMMUNITY DEVELOPMENT PROGRAM CITIZEN PARTICIPATION

PLAN.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

15. [20-0417R](#) RESOLUTION AMENDING THE 2019 ANNUAL ACTION PLAN TO INCLUDE \$2,147,117 OF NEW CDBG-CV AND ESG-CV FUNDS FROM THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO UTILIZE IN RESPONSE TO THE COVID-19 EMERGENCY.

Indexes:

Attachments: [2019 Substantial Amendment for CDBG-CV and ESG-CV](#)

This Resolution was adopted unanimously.

16. [20-0422R](#) RESOLUTION APPROVING TEMPORARY ACTIONS IN RESPONSE TO THE COVID-19 EMERGENCY TO PROVIDE FOR SAFE REOPENING AND ECONOMIC ACTIVITY.

This Resolution was adopted unanimously.

17. [20-0424R](#) RESOLUTION APPROVING THE DESIGN AND PROPOSED IMPROVEMENTS FOR LAKE AVENUE PLAZA WEST LOCATED AT THE INTERSECTION OF LAKE AVENUE SOUTH AND SUPERIOR STREET.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

Abstains: Councilor Forsman, stating employer conflict.

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

18. [20-0419R](#) RESOLUTION RENEWING DECLARATION OF LOCAL HEALTH EMERGENCY FOR PURPOSES OF DULUTH CITY CODE SECTION 17-7 AND MINNESOTA STATUTES SECTIONS 12.29, 365.27 AND 13D.021.

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

19. [20-0404R](#) RESOLUTION ESTABLISHING ELMER WAY AS THE NAME FOR THE CITY STREET LOCATED WEST OF DECKER ROAD.

Indexes:

Attachments: [20-0404R Map](#)

This Resolution was adopted unanimously.

20. [20-0407R](#) RESOLUTION ACCEPTING A PERMANENT GAS PIPELINE EASEMENT FROM MINNESOTA POWER OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE LINCOLN PARK NEIGHBORHOOD, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1-MP Easement \(revised\)](#)

This Resolution was adopted unanimously.

21. [20-0414R](#) RESOLUTION ACCEPTING AN EASEMENT DEDICATION FOR PUBLIC STREET AND HIGHWAY PURPOSES AND DRAINAGE AND UTILITY PURPOSES WEST OF DECKER ROAD.

Indexes:

Attachments: [20-0414R Exhibit A](#)

[20-0414R Exhibit B](#)

This Resolution was adopted unanimously.

22. [20-0415R](#) RESOLUTION AUTHORIZING A CONTRACT WITH CORVAL CONSTRUCTORS, INC., FOR THE CONSTRUCTION OF THE DULUTH ENERGY SYSTEMS HOT WATER CONVERSION SYSTEM BALANCE OF PLANT INFRASTRUCTURE IN AN AMOUNT NOT TO EXCEED \$3,305,040.

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

23. [20-0412R](#) RESOLUTION AUTHORIZING THE CITY TO ACCEPT A NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COASTAL PROGRAM GRANT OF \$105,225.00 FOR STORMWATER IMPROVEMENTS TO PIEDMONT RECREATION AREA

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

24. [20-0418R](#) RESOLUTION AUTHORIZING A CONTRACT WITH JOHNSON WILSON CONSTRUCTORS, INC. FOR WADE WHEELER ATHLETIC COMPLEX SITE IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$729,600.

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

25. [20-0390R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY AMERICAN INDIAN COMMUNITY HOUSING ORGANIZATION AND DOMINIUM TO THE STATE OF MINNESOTA FOR LOW INCOME HOUSING TAX CREDITS FOR THE INDIGENOUS RESILIENCY AFFORDABLE HOUSING PROJECT.

Indexes:

Attachments: [Exhibit A project location map](#)

Motion to Table by Councilor Van Nett, Second Councilor Medved, Adopted Unanimously.

This Resolution was tabled.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

26. [20-0426R](#) RESOLUTION CELEBRATING NURSES WEEK, MAY 6 -12, 2020, BY THANKING NURSES AND HEALTHCARE WORKERS FOR THEIR DEDICATION TO PATIENTS AND THE CITY OF DULUTH AND SUPPORTING PROPER STAFFING LEVELS AND ACCESS TO PROTECTIVE EQUIPMENT FOR THE HIGHEST QUALITY OF CARE TO THE COMMUNITY.

This Resolution was adopted unanimously.

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

BY COUNCILOR KENNEDY (PERSONNEL)

27. [20-033-O](#) ORDINANCE AMENDING CHAPTER 2 OF THE DULUTH CITY CODE BY

ADDING ARTICLE XXXVI ESTABLISHING A DULUTH AFRICAN HERITAGE COMMISSION.

This Ordinance was read for the first time.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

28. [20-034-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A PERMANENT EASEMENT TO THE STATE OF MINNESOTA FOR HIGHWAY RIGHT OF WAY PURPOSES, TOGETHER WITH A TEMPORARY EASEMENT FOR HIGHWAY PURPOSES, OVER REAL PROPERTY IN LINCOLN PARK FOR \$163,550.00.

Indexes:

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

This Ordinance was read for the first time.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

29. [20-032-O](#) ORDINANCE AMENDING SECTION 21-1 OF THE DULUTH CITY CODE TO ADOPT AND INCORPORATE THE 2020 AMENDMENTS TO THE MINNESOTA STATE FIRE CODE.

This Ordinance was read for the first time.

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

30. [20-031-O](#) AN ORDINANCE DEDICATING REAL PROPERTY AS PARK PROPERTY.

Indexes:

- Attachments: [Exhibit A-Hartley Park Ordinance.pdf](#)
[Exhibit B-Hartley Park Ordinance.pdf](#)
[Exhibit C-Hartley Park Ordinance.pdf](#)
[Exhibit D-Hartley Park Ordinance.pdf](#)

This Ordinance was read for the first time.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

