



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 10, 2021

7:00 PM

Council Chamber

NOTICE: The Duluth City Council will be holding the May 6, 2021 Agenda Session and May 10, 2021 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: 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Janet Kennedy, Councilor Derek Medved, Councilor Roz Randorf, Councilor Joel Sipress, Councilor Terese Tomanek, Vice President Arik Forsman and President Renee Van Nett

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

1. [21-035](#) NOTICE OF PUBLIC HEARING – RESOLUTION 21-0348R, RELATING TO A TAX ABATEMENT; GRANTING THE ABATEMENT FOR THE ST PAPER 1 LLC PROJECT.

Indexes:

Attachments: [NOTICE OF PUBLIC HEARING TA](#)

Ronald Thiry spoke in support of the Duluth paper mill

2. [21-036](#) NOTICE OF PUBLIC HEARING – RESOLUTION 21-0341R, SUPPORTING THE APPLICATION OF ST PAPER 1 LLC TO DEED FOR A MINNESOTA INVESTMENT FUND GRANT/REBATE OF UP TO \$3 MILLION.

Indexes:

Attachments: [NOTICE OF PUBLIC HEARING MIF Application](#)

No public comment

APPROVAL OF MINUTES

3. [21-034](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2021-04-26, Minutes](#)

A motion was made by Councilor Forsman to approve the Minutes. The motion was seconded by Councilor Tomanek. The Minutes were approved unanimously.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

4. [21-031](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [March 2021 - DPUC Minutes](#)

This Board or Commission Report was received.

5. [21-032](#) Indigenous Commission Meeting Minutes

Indexes:

Attachments: [March 2021 - Indigenous Meeting Minutes](#)

This Board or Commission Report was received.

6. [21-033](#) Library Board Meeting Minutes

Indexes:

Attachments: [March 2021 - Library Board Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES**REPORTS OF COUNCIL OPEN ISSUES****OPPORTUNITY FOR CITIZENS TO BE HEARD**

There were no citizens that wished to speak.

CONSENT AGENDA

A motion was made by Councilor Filipovich to approve the Consent Agenda. The motion was seconded by Councilor Randorf. The Consent Agenda passed unanimously.

BY COUNCILOR MEDVED (FINANCE)

7. [21-0315R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY TO INSURE CERTAIN DULUTH AIRPORT AUTHORITY PROPERTY AND EQUIPMENT UNDER THE CITY'S PROPERTY AND BOILER INSURANCE POLICIES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR KENNEDY (PERSONNEL)

8. [21-0342R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF TAMMY CLORE, AMY DEMMER, SCOTTIE GARDONIO AND ERIKA PAZIAN TO THE DULUTH PUBLIC ARTS COMMISSION.

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

9. [21-0311R](#) RESOLUTION VACATING A PORTION OF 32ND AVENUE WEST IN THE PLAT OF OHARA'S DIVISION OF DULUTH, RETAINING A DRAINAGE AND UTILITY EASEMENT OVER THE ENTIRE PORTION OF THE VACATED AREA.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

10. [21-0320R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 120 EAST SUPERIOR STREET, LOCATED IN THE F-7 DOWNTOWN SHOPPING FORM DISTRICT, UNIT 3 (LILLECORPS ONE LLC).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

11. [21-0323R](#) 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 TAX CREDITS AND INFRASTRUCTURE BONDS FOR THE CONSTRUCTION OF THE 70 UNIT SKYRIDGE FLATS SENIOR APARTMENTS.

Indexes:

Attachments: [AHC Support Letter LIHTC Projects](#)

This Resolution was adopted unanimously.

12. [21-0324R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ONE ROOF COMMUNITY HOUSING TO THE STATE OF MINNESOTA FOR LOW INCOME HOUSING TAX CREDITS FOR THE CONSTRUCTION OF THE 42 UNIT DECKER DWELLINGS PHASE II PROJECT.

Indexes:

Attachments: [AHC Support Letter LIHTC Projects](#)

This Resolution was adopted unanimously.

13. [21-0325R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ACCESSIBLE SPACE, INC TO THE STATE OF MINNESOTA FOR LOW INCOME HOUSING TAX CREDITS AND INFRASTRUCTURE BONDS FOR THE CONSTRUCTION OF THE 55 UNIT MORGAN PARK SENIOR APARTMENTS.

Indexes:

Attachments: [AHC Support Letter LIHTC Projects](#)

This Resolution was adopted unanimously.

14. [21-0326R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ARTSPACE PROJECTS INC TO THE STATE OF MINNESOTA FOR

LOW INCOME HOUSING TAX CREDITS FOR THE REDEVELOPMENT OF THE EXISTING WASHINGTON STUDIOS.

Indexes:

Attachments: [AHC Support Letter LIHTC Projects](#)

This Resolution was adopted unanimously.

15. [21-0327R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 3027 MINNESOTA AVENUE ZONED R-1 FOR STEVEN SOLA.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

16. [21-0328R](#) RESOLUTION VACATING A PORTION OF A 16 FOOT WIDE ALLEY LYING WITHIN BLOCK 2 OF THE DULUTH HEIGHTS SIXTH DIVISION.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

17. [21-0329R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 942 89TH AVENUE WEST, APARTMENT 101, ZONED R-2 FOR ANN VANRYSWYK.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

18. [21-0330R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT IN THE R-1 ZONE DISTRICT AT 1407 MORNINGSIDE AVENUE FOR REBECCA ORN.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

19. [21-0332R](#) RESOLUTION APPROVING A PRE-COMMITMENT OF \$400,000 FISCAL YEAR 2022 FUNDING ALLOCATION TO THE CITY OF DULUTH FROM THE HOUSING AND URBAN DEVELOPMENT (HUD) DEPARTMENT TO ONE ROOF COMMUNITY HOUSING FOR THE CONSTRUCTION OF THE DECKER DWELLINGS PHASE II APARTMENTS.

This Resolution was adopted unanimously.

20. [21-0334R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO REQUEST AND ACCEPT FROM ST. LOUIS COUNTY, ON BEHALF OF THE STATE OF MINNESOTA, CERTAIN TAX FORFEIT LAND IN THE AMOUNT OF \$34,100.00 FOR ECONOMIC DEVELOPMENT PURPOSES.

Indexes:

Attachments: [Exhibit A-Resolution re Acquisition.pdf](#)

This Resolution was adopted unanimously.

21. [21-0338R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 4931 EAST SUPERIOR STREET LOCATED IN THE F-2 LOW-RISE NEIGHBORHOOD MIX FORM DISTRICT (ENDION LAND COMPANY, LLC).

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

22. [21-0341R](#) RESOLUTION SUPPORTING THE APPLICATION OF ST PAPER 1 LLC TO DEED FOR A MINNESOTA INVESTMENT FUND GRANT/REBATE OF UP TO \$3 MILLION.

This Resolution was adopted unanimously.

23. [21-0347R](#) RESOLUTION AUTHORIZING TAX ABATEMENT AND LOAN AGREEMENT WITH ST PAPER 1, LLC FOR REDEVELOPMENT OF THE WEST DULUTH PAPER MILL.

Indexes:

Attachments: [ST Paper Agreement Relacement 5 7 21 Final](#)

[PLA](#)

[Community Benefits Program Specifications Rev 02.18.20](#)

[Community Benefits Best Efforts Planning Form Fillable Rev 01-29-21](#)

[Community Benefits Monthly Reporting Form Rev 1-29-21](#)

This Resolution was adopted unanimously.

24. [21-0348R](#) RESOLUTION RELATING TO A TAX ABATEMENT; GRANTING THE

ABATEMENT FOR THE ST PAPER 1 LLC PROJECT.

Indexes:Attachments: [ST Paper Business Subsidy Agreement Pre-approval Final final](#)

This Resolution was adopted unanimously.

BY PRESIDENT VAN NETT (COMMITTEE OF THE WHOLE)

25. [21-0316R](#) RESOLUTION RENEWING DECLARATION OF LOCAL HEALTH EMERGENCY FOR PURPOSES OF DULUTH CITY CODE SECTION 17-7 AND MINNESOTA STATUTES SECTION 13D.021.

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

26. [21-0314R](#) RESOLUTION AWARDDING A CONTRACT TO ULLAND BROTHERS, INC. FOR THE 2021 STREET PRESERVATION PROJECT IN THE AMOUNT OF \$2,694,874.

Indexes:Attachments: [21-0314 Maps](#)

This Resolution was adopted unanimously.

27. [21-0321R](#) RESOLUTION AWARDDING A CONTRACT TO ELLINGSON TRENCHLESS, LLC FOR THE WOODLAND AVENUE GAS MAIN REPLACEMENT PROJECT PHASE 3 IN THE AMOUNT OF \$585,809.70.

Indexes:Attachments: [21-0321R Map](#)

This Resolution was adopted unanimously.

28. [21-0331R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ME GLOBAL, INC. FOR GAS TRANSPORTATION SERVICES.

Indexes:Attachments: [Exhibit A Transport Contract 2021.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PUBLIC SAFETY)

29. [21-0310R](#) RESOLUTION AUTHORIZING THE PURCHASE OF SEVEN (7) 2021 FORD INTERCEPTORS FROM TENVOORDE MOTOR CO. IN THE

AMOUNT OF \$259,505.68.

This Resolution was adopted unanimously.

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

30. [21-0249R](#) RESOLUTION AUTHORIZING A CONTRACT WITH PEC SOLUTIONS DBA ARCHKEY TECHNOLOGIES FOR THE MAIN LIBRARY DATA RECABLING FOR AN AMOUNT NOT TO EXCEED \$149,694.

This Resolution was adopted unanimously.

31. [21-0317R](#) RESOLUTION ACCEPTING A \$10,000 CONTRIBUTION FROM THE INDIGENOUS WOMEN'S WATER SISTERHOOD FOR THE IMPLEMENTATION OF THE WAABIZHESHKANA: THE MARTEN TRAIL INTERPRETIVE PLAN

This Resolution was adopted unanimously.

32. [21-0335R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30511 WITH AMI CONSULTING ENGINEERS FOR DULUTH SEAWALL, BAYWALK, AND HARBOR DRIVE PERMITTING FOR AN INCREASE OF \$10,395 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$54,665.25.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

33. [21-0336R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH RAMBOLL US CONSULTING INC., FOR COASTAL INFRASTRUCTURE RESILIENCE RESEARCH AND DEVELOPMENT FOR AN AMOUNT NOT TO EXCEED \$294,500.

Indexes:

Attachments: [Exhibit A Research and Assessment.pdf](#)

This Resolution was adopted unanimously.

34. [21-0337R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH MSA PROFESSIONAL SERVICES, INC. FOR COASTAL INFRASTRUCTURE RESILIENCE OUTREACH FOR AN AMOUNT NOT TO EXCEED \$49,664.

Indexes:Attachments: [Exhibit A Outreach.pdf](#)

This Resolution was adopted unanimously.

35. [21-0349R](#) RESOLUTION AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, A GRANT FROM THE MINNESOTA AMATEUR SPORTS COMMISSION ON BEHALF OF THE GARY NEW DULUTH DEVELOPMENT ALLIANCE IN AN AMOUNT NOT TO EXCEED \$125,000 FOR CONSTRUCTION OF THE GARY-NEW DULUTH COMMUNITY RECREATION AREA SKATE PARK.

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR MEDVED (FINANCE)

36. [21-0277R](#) RESOLUTION APPROVING A DEBT FORGIVENESS PLAN FOR SPIRIT MOUNTAIN RECREATION AREA AUTHORITY IN AN AMOUNT UP TO \$900,000.

A motion was made by Councilor Sipress to table this resolution. The motion was seconded by Councilor Anderson. This resolution was tabled unanimously.

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

37. [21-0339R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TKDA TO BE PAID FOR BY SPIRIT MOUNTAIN RECREATION AUTHORITY FOR SPIRIT MOUNTAIN CHALET AND CAMPGROUND PREDESIGN SERVICES FOR AN AMOUNT NOT TO EXCEED \$102,500.

Indexes:Attachments: [Exhibit A](#)

A motion was made by Councilor Kennedy that this Resolution be adopted. The motion was seconded by Councilor Anderson. The motion carried by the following vote:

- Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Kennedy, Councilor Randorf, Councilor Tomanek, Vice President Forsman and President Van Nett
- Nay:** 2 - Councilor Medved and Councilor Sipress

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

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

38. [21-015-O](#) AN ORDINANCE GRANTING NEWCASTLE 8 LLC AT 7 NORTH 19TH AVENUE WEST A CONCURRENT USE PERMIT FOR AN EXISTING BUILDING WALL WITHIN THE PLATTED RIGHT OF WAY FOR WEST 1ST STREET ALLEY.

Indexes:

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

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)

39. [21-012-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR A PRIVATE UTILITY CONDUIT IN THE PLATTED STREET RIGHT OF WAY OF NORTH FOURTH AVENUE EAST AND EAST SECOND STREET.

Indexes:

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

This Ordinance was adopted unanimously.

40. [21-013-O](#) AN ORDINANCE AMENDING SECTIONS 50-20.1, 50-20.4, 50-24.2, AND 50-41 RELATED TO SOBER HOUSES AND RESIDENTIAL CARE FACILITIES.

Indexes:

Attachments: [Attachment A](#)
[Attachment B](#)
[Attachment C](#)

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

ATTEST:

CHELSEA J. HELMER, City Clerk

Passed: May 10, 2021

Approved: May 11, 2021

EMILY LARSON, Mayor