



# 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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Tuesday, July 6, 2021

7:00 PM

Council Chamber

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*NOTICE: The Duluth City Council will be holding the July 1, 2021 Agenda Session and July 6, 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](mailto: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

### PLEDGE OF ALLEGIANCE

**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

### APPROVAL OF MINUTES

1. [21-058](#) Meeting Minutes of the Duluth City Council

**Indexes:**

**Attachments:** [2021-06-21, Minutes](#)

A motion was made by Councilor Medved to approve the Minutes. The motion

was seconded by Councilor Tomanek. The Minutes were approved unanimously.

## PUBLIC HEARING

2. [21-054](#) Public Hearing - Proposed approval of Development Agreement with Portland Land Co.

**Indexes:**

**Attachments:** [Public hearing notice\\_Portland Land Co.](#)

This Public Hearing was held.

## PUBLIC HEARING

3. [21-055](#) Public Hearing - TIF District Brewery Creek Apartments

**Indexes:**

**Attachments:** [Brewery Creek](#)

This Public Hearing was held.

## PUBLIC HEARING

4. [21-056](#) Public Hearing - TIF District No. 17 & No. 35

**Indexes:**

**Attachments:** [Burnham](#)  
[Public Comment\\_Mark Baker](#)

This Public Hearing was held.

## REPORTS FROM THE ADMINISTRATION

## REPORTS FROM OTHER OFFICERS

5. [21-057](#) Business Subsidy Agreement

**Indexes:**

**Attachments:** [Brewery Creek\\_Business Subsidy Agreement](#)

This Other Officers Report was received.

## REPORTS OF BOARDS AND COMMISSIONS

6. [21-052](#) Parks and Recreation Commission Meeting Minutes

**Indexes:**

**Attachments:** [April 2021 - Parks and Rec Minutes](#)

This Board or Commission Report was received.

7. [21-053](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

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

This Board or Commission Report was received.

## REPORTS OF COUNCIL COMMITTEES

## REPORTS OF COUNCIL OPEN ISSUES

## OPPORTUNITY FOR CITIZENS TO BE HEARD

Phillip Gilpin, Riki McManus, Shari Marshik; Spoke in support of Resolution 21-0517R

John Krumm, Kevin Swanberg, Lindsey Jungman, Max Bowman, Nicole Charles, Sarah Kilbarger-Stumpff, Abigail Dillon, Ashley Grimm, Evan Hawbaker, Kristine Osbakken, Angel Dobrow, Susana Pelayo-Woodward, Kathleen Spencer, Blair Powless, Claire Bransky; Spoke in support of the community crises response unit proposal under Resolution 21-0515R

Casey Teschner; Spoke in opposition to Resolution 21-0515R and in support of a public referendum for ARPA funds distribution.

## CONSENT AGENDA

A motion was made by Councilor Anderson to adopt the Consent Agenda. The motion was seconded by Councilor Forsman. The Consent Agenda passed unanimously.

## BY COUNCILOR MEDVED (FINANCE)

8. [21-0492R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A BRIGHT CITIES GRANT IN THE AMOUNT OF \$10,000 FROM HEALTHY BABIES, BRIGHT FUTURES AND THE MAYORS INNOVATION PROJECT

This Resolution was adopted unanimously.

9. [21-0512R](#) RESOLUTION ESTABLISHING AN EMPLOYEE RECOGNITION PROGRAM WITHIN THE EXISTING MAYOR'S CONTINGENT FUND.

This Resolution was adopted unanimously.

10. [21-0516R](#) RESOLUTION AUTHORIZING A GRANT TO ECOLIBRIUM3 IN THE AMOUNT OF \$15,000 TO BE USED FOR A SIGNAGE AND DIRECTION CAMPAIGN DURING THE TWIN PORTS INTERCHANGE CONSTRUCTION PROJECT.

This Resolution was adopted unanimously.

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

11. [21-0455R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE LIQUOR LICENSES OF VARIOUS LICENSEES.

**Indexes:**

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

This Resolution was adopted unanimously.

**BY COUNCILOR KENNEDY (PERSONNEL)**

12. [21-0458R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF BEE GOLDING TO THE DULUTH NONBINARY, QUEER, TRANS, TWO SPIRIT, LESBIAN, GAY, BISEXUAL, INTERSEX & ASEXUAL (NQT2SLGBIA) COMMISSION. (REPLACEMENT)

This Resolution was adopted unanimously.

13. [21-0513R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF SARAH LYONS AND WARREN BEAUREGARD TO THE DULUTH HUMAN RIGHTS COMMISSION.

This Resolution was adopted unanimously.

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

14. [21-0489R](#) RESOLUTION OF SUPPORT FOR ACCESSIBLE SPACE INC. FOR TAX INCREMENT FINANCING ASSISTANCE FOR THE 55-UNIT MORGAN PARK APARTMENTS HOUSING DEVELOPMENT

This Resolution was adopted unanimously.

15. [21-0493R](#) RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY

AND PORTLAND LAND CO., LLC AND CORRESPONDING FINANCING FOR THE REDEVELOPMENT OF THE 627 E 4TH STREET RESIDENTIAL REDEVELOPMENT PROJECT

**Indexes:**

**Attachments:** [Exhibit A Development Agreement](#)  
[Exhibit B DEDA Resolution](#)

**This Resolution was adopted unanimously.**

16. [21-0494R](#) RESOLUTION APPROVING A TAX INCREMENT FINANCING PLAN FOR THE BREWERY CREEK APARTMENTS TAX INCREMENT FINANCING DISTRICT AS PROPOSED BY THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA.

**Indexes:**

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

**This Resolution was adopted unanimously.**

17. [21-0495R](#) RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND NEW BURNHAM LLC, FOR THE DEVELOPMENT OF THE BURNHAM APARTMENTS PROJECT.

**Indexes:**

**Attachments:** [Exhibit B DEDA Resolution](#)  
[Exhibit A Development Agreement](#)

**This Resolution was adopted unanimously.**

18. [21-0496R](#) RESOLUTION ADOPTING A MODIFICATION TO THE DEVELOPMENT PROJECT \ MUNICIPAL DEVELOPMENT DISTRICT PROGRAM PLAN AND ESTABLISHING TAX INCREMENT FINANCING DISTRICT NO. 35 THEREIN AND ADOPTING A TAX INCREMENT FINANCING PLAN THEREFOR.

**Indexes:**

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

**This Resolution was adopted unanimously.**

19. [21-0499R](#) RESOLUTION AUTHORIZING TAX ABATEMENT AGREEMENT WITH ST. LOUIS COUNTY FOR THE ST PAPER1 LLC REDEVELOPMENT PROJECT

**Indexes:**

**Attachments:** [Tax Abatement Agreement with SLC to City of Duluth for TA Financing Paper Mill 06.24.21](#)

This Resolution was adopted unanimously.

20. [21-0500R](#) RESOLUTION ADOPTING MIF REVOLVING LOAN FUND POLICIES.

**Indexes:**

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

This Resolution was adopted unanimously.

21. [21-0509R](#) RESOLUTION AUTHORIZING AN ADDITIONAL INCREASE OF \$35,760 FY 2021 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

This Resolution was adopted unanimously.

22. [21-0510R](#) RESOLUTION AUTHORIZING INCREASE AND FINALIZING THE 2021 ANNUAL ACTION PLAN AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME PROGRAM (HOME), AND EMERGENCY SOLUTIONS GRANT PROGRAM (ESG) PROGRAM FUNDS.

This Resolution was adopted unanimously.

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

23. [21-0461R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH MNDOT TO MAINTAIN THE SIDEWALK TO BE CONSTRUCTED AS PART OF THE LONDON EAST DEVELOPMENT PROJECT.

**Indexes:**

**Attachments:** [21-0461R Exhibit A](#)  
[21-0461R Plan Sheets](#)

This Resolution was adopted unanimously.

24. [21-0463R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LONDON EAST HOMEOWNERS ASSOCIATION, INC. AND LONDON EAST, LLC FOR SIDEWALK MAINTENANCE ON LONDON ROAD (TH 61).

**Indexes:**

**Attachments:** [21-0433R Exhibit A](#)  
[21-0463R Sheet1 of 2](#)  
[21=0463R Sheet 2 of 2](#)

This Resolution was adopted unanimously.

25. [21-0465R](#) RESOLUTION AUTHORIZING AN INCREASE TO CONTRACT L30419 WITH WREN WORKS, LLC. FOR OUTFALL REPAIRS ON CONGDON AVENUE IN THE AMOUNT OF \$56,752.98 FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$223,142.63.

This Resolution was adopted unanimously.

26. [21-0487R](#) RESOLUTION AUTHORIZING APPLICATION FOR AND, UPON APPROVAL, ACCEPTANCE OF A GRANT FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION'S REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) PROGRAM FOR THE RECONSTRUCTION OF WEST SUPERIOR STREET IN THE LINCOLN PARK NEIGHBORHOOD BETWEEN WEST MICHIGAN AND CARLTON STREETS.

Indexes:

Attachments: [21-0487R Map](#)

This Resolution was adopted unanimously.

27. [21-0488R](#) RESOLUTION AWARDED A CONTRACT TO KGM CONTRACTING, INC. FOR THE 2021 EAST SUPERIOR STREET RECONDITIONING PROJECT, FROM 45TH AVENUE EAST TO 60TH AVENUE EAST, IN THE AMOUNT OF \$2,547,829.96.

Indexes:

Attachments: [21-0488R Map](#)

This Resolution was adopted unanimously.

**BY COUNCILOR ANDERSON (PUBLIC SAFETY)**

28. [21-0446R](#) RESOLUTION ESTABLISHING RULES AND STANDARDS FOR THE SEASONAL ARCHERY DEER HUNT.

This Resolution was adopted unanimously.

29. [21-0447R](#) RESOLUTION APPROVING DEER MANAGEMENT SERVICE AGREEMENT WITH ARROWHEAD BOWHUNTERS ALLIANCE.

Indexes:

**Attachments:** [Exhibit A -ABA Rules Manual](#)  
[ABA Agreement](#)  
[ABA Agreement -Changes Marked](#)

This Resolution was adopted unanimously.

30. [21-0456R](#) RESOLUTION REVISING DESIGNATED ARCHERY DEER HUNTING AREA NEAR DULUTH INTERNATIONAL AIRPORT.

**Indexes:**

**Attachments:** [Exhibit A - Hunting Areas for 20 A B C Proposed for 2021](#)

This Resolution was adopted unanimously.

**BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)**

31. [21-0497R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A REIMBURSEMENT GRANT FOR TREATMENT AND REMOVAL OF EMERALD ASH BORER (EAB) INFESTED TREES FROM THE MINNESOTA DEPARTMENT OF AGRICULTURE (MDA) NOT TO EXCEED \$65,000.

**Indexes:**

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

This Resolution was adopted unanimously.

32. [21-0501R](#) RESOLUTION AUTHORIZING A ONE-YEAR LEASE AGREEMENT WITH LIFEHOUSE FOR USE OF SPACE IN THE WASHINGTON RECREATION CENTER FOR YOUTH PROGRAMMING AND RELATED SERVICES.

**Indexes:**

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

This Resolution was adopted unanimously.

33. [21-0508R](#) RESOLUTION AUTHORIZING MATCHING FUNDS FOR MINNESOTA DEPARTMENT OF NATURAL RESOURCES SHADE TREE PROGRAM BONDING GRANT IN THE AMOUNT OF \$16,324.

**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)**

34. [21-0515R](#) RESOLUTION ACCEPTING \$58,117,859 FROM THE AMERICAN RESCUE PLAN CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS AND IDENTIFYING ELIGIBLE PRIORITIES FOR THE CITY OF DULUTH IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY.

***Indexes:***

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

A motion was made by Councilor Forsman to table this resolution. The motion was seconded by Councilor Tomanek. This Resolution was tabled unanimously.

**BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)**

35. [21-0517R](#) RESOLUTION REQUESTING THE CITY ADMINISTRATION EXPLORE WAYS TO ATTRACT TELEVISION, FILM AND CONTENT CREATION IN THE CITY OF DULUTH AND REPORT BACK TO THE COUNCIL.

A motion was made Councilor Forsman to adopt this resolution. The motion was seconded by Councilor Kennedy. This Resolution was adopted unanimously.

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

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

36. [21-023-O](#) ORDINANCE AMENDING CHAPTER 29E TO ALLOW EMPLOYEES TO USE EARNED SICK AND SAFE TIME (ESST) WHEN THEIR PLACE OF EMPLOYMENT IS CLOSED FOR PUBLIC HEALTH REASONS, TO REQUIRE NOTICE OF ESST TO NEW EMPLOYEES AND IN EMPLOYEE HANDBOOKS, TO ALLOW NOTICE OF VIOLATIONS AND CORRECTIVE MEASURES AND TO HAVE APPEALS HEARD BY AN ADMINISTRATIVE HEARING OFFICER.

This Ordinance was read for the first time.

**BY COUNCILOR ANDERSON (PUBLIC SAFETY)**

37. [21-022-O](#) ORDINANCE AMENDING DULUTH CITY CODE SECTION 6-77 REGARDING HUNTING DEER BY BOW AND ARROW.

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)**

38. [21-020-O](#) ORDINANCE GRANTING RAY E. RUOHO, BEATRICE D. RUOHO, CLINTON RUOHO, AND MATS HANSEN A CONCURRENT USE PERMIT FOR A PAVEMENT SNOWMELT SYSTEM AND RETAINING WALL IN THE STREET EASEMENT OF WALLACE AVENUE AT 2727 EAST FIFTH STREET.

**Indexes:**

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

[Exhibit B](#)

[Exhibit C](#)

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

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

ATTEST:

CHELSEA J. HELMER, City Clerk

Passed: July 6, 2021

Approved: July 7, 2021

EMILY LARSON, Mayor