



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, December 14, 2020

7:00 PM

Council Chamber

NOTICE: The Duluth City Council will be holding the December 11, 2020 Agenda Session and December 14, 2020 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 Zack Filipovich, Councilor Arik Forsman, Councilor Janet Kennedy, Councilor Derek Medved, Councilor Roz Randorf, Councilor Joel Sipress, Councilor Terese Tomanek, President Gary Anderson and Vice President Renee Van Nett

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [20-078](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [November 23, 2020 - City Council Meeting](#)

These Minutes were approved

PUBLIC HEARING: Truth in Taxation, Capital Improvement Plan & Bonds

Guy Heide spoke in regard to his property tax valuations

2. [20-079](#) NOTICE OF PUBLIC HEARINGS ON PROPOSED CAPITAL IMPROVEMENT PLAN AMENDMENT AND ON THE INTENTION BY THE CITY OF DULUTH, MINNESOTA, TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION 475.521 – NOTICE OF INTENT TO ISSUE BONDS

Indexes:

Attachments: [Notice of Public Hearings](#)

This Informational Report was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

3. [20-076](#) Parks and Recreation Commission Meeting Minutes

Indexes:

Attachments: [October 2020 - Parks and Rec.](#)

This Board or Commission Report was received.

4. [20-077](#) Alcohol, Gambling and Tobacco Commission Meeting Minutes

Indexes:

Attachments: [October 2020 - AGT](#)

This Board or Commission Report was received.

5. [20-080](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [October 2020 - DPUC](#)

This Board or Commission Report was received.

6. [20-081](#) Duluth Seaway Port Authority Meeting Minutes

Indexes:

Attachments: [July 2020 - Duluth Seaway Port Authority](#)
[August 2020 - Duluth Seaway Port Authority](#)
[September 11 2020 - Duluth Seaway Port Authority](#)
[September 30 2020 - Duluth Seaway Port Authority](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

Daniel Hartman spoke in support of tourism tax allocation to support Glensheen. Cameron Kruger spoke in support of tourism tax allocation to support the Children's Museum.

Theresa Klimek spoke in regard to the difficulty she faces clearing her sidewalk in front of her property of snow.

Kathy Hermes, Liz Carlson, Jordon Johnson, Tyler Driscoll and Jamie Conniff spoke in support of the Duluth Queer, Trans, Two Spirit, Lesbian, Gay, Bisexual, Intersex and Asexual Commission.

Guy Heidi spoke in regard to his property tax valuations.

CONSENT AGENDA

BY COUNCILOR MEDVED (FINANCE)

7. [20-0838R](#) RESOLUTION AUTHORIZING THE CITY TO PROVIDE A \$2,000,000 LINE OF CREDIT TO THE DULUTH AIRPORT AUTHORITY TO ASSIST WITH CASH FLOW MANAGEMENT

This Resolution was adopted unanimously.

8. [20-0854R](#) RESOLUTION ESTABLISHING ANNUAL BONDING PLAN FOR 2021.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

9. [20-0866R](#) RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, STATING THE INTENT TO ISSUE GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2021, IN THE APPROXIMATE AMOUNT OF \$3,350,000

AND APPROVING THE CAPITAL EQUIPMENT LIST ASSOCIATED WITH THE NOTES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

10. [20-0867R](#) RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN AND STATING INTENT TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION 475.521.

This Resolution was adopted unanimously.

11. [20-0874R](#) RESOLUTION ADOPTING THE 2021 FEE SCHEDULE FOR LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES.

Indexes:

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

This Resolution was adopted unanimously.

12. [20-0879R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2021 TO DECEMBER 31, 2021, OPERATION BUDGET OF THE DULUTH AIRPORT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

13. [20-0880R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2021 TO DECEMBER 31, 2021 BUDGETS OF THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

14. [20-0882R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2021 TO DECEMBER 31, 2021, OPERATION BUDGET OF THE DULUTH TRANSIT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

15. [20-0885R](#) RESOLUTION AUTHORIZING RENEWAL OF AN ANNUAL CONTRACT WITH HOLIDAY STATIONSTORES FOR THE PURCHASE OF SERVICE STATION FUELS FOR 2021 FOR AN AMOUNT NOT TO EXCEED \$900,000.

This Resolution was adopted unanimously.

16. [20-0891R](#) RESOLUTION AUTHORIZING AN ANNUAL CONTRACT FOR ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS, SUPPLIES AND LABOR FOR 2021 FROM ZIEGLER, INC. FOR AN AMOUNT NOT TO EXCEED \$250,000.

This Resolution was adopted unanimously.

BY COUNCILOR KENNEDY (PERSONNEL)

17. [20-0861R](#) 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.

18. [20-0872R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF CORINTHIAN RUTHERFORD TO THE DULUTH HUMAN RIGHTS COMMISSION.

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

19. [20-0886R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE LOCAL INITIATIVES SUPPORT CORPORATION (LISC) AS PART OF THE CONNECTED MN GRANT, IN AN AMOUNT OF \$60,000 FOR THE PURPOSE OF COORDINATING THE DIGITAL NAVIGATOR PROGRAM.

Indexes:

Attachments: [City of Duluth 2020-21 Digital Navigators LISC Grant Agreement](#)

This Resolution was adopted unanimously.

20. [20-0890R](#) RESOLUTION EXTENDING TEMPORARY ACTIONS IN RESPONSE TO THE COVID-19 EMERGENCY TO PROVIDE FOR SAFE ECONOMIC ACTIVITY.

This Resolution was adopted unanimously.

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

21. [20-0876R](#) 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.

22. [20-0904R](#) RESOLUTION IN SUPPORT OF FEDERAL LEGISLATION PROVIDING EMERGENCY FISCAL RELIEF TO LOCAL GOVERNMENTS EXPERIENCING ECONOMIC HARSHSHIP DUE TO THE COVID-19 PANDEMIC.

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

23. [20-0858R](#) RESOLUTION APPROVING DULUTH ENERGY SYSTEM'S THERMAL ENERGY HOT WATER RATE FOR EASTERN CANAL PARK.

This Resolution was adopted unanimously.

24. [20-0865R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30203 WITH TOOLE DESIGN GROUP, LLC, FOR THE DESIGN OF THE TEMPORARY RELOCATION OF THE CROSS CITY TRAIL, TO INCREASE THE AMOUNT BY \$13,117 FOR A NEW AMOUNT NOT TO EXCEED \$94,757.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

25. [20-0873R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS ASSOCIATED WITH THE RECONSTRUCTION OF SWAN LAKE ROAD FROM AIRBASE ROAD TO HAINES ROAD IN THE ESTIMATED

AMOUNT OF \$200,000.

Indexes:

Attachments: [20-0873R Exhibit 1](#)
[20-0873 Map](#)

This Resolution was adopted unanimously.

26. [20-0877R](#) RESOLUTION AMENDING A MASTER SERVICES AGREEMENT WITH BRAUN INTERTEC CORPORATION TO PROVIDE GEOTECHNICAL & MATERIALS TESTING SERVICES FOR THE CITY ENGINEERING DIVISION, TO INCREASE THE AMOUNT BY \$10,000 IN YEAR 3 OF THE 5 YEAR CONTRACT FROM AN ANNUAL MAXIMUM OF \$50,000 TO \$60,000.

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

27. [20-0857R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, IN AN AMOUNT TOTALING \$899,055 AND FURTHER AUTHORIZING AN AGREEMENT WITH DR. JEFFREY R. MAAHS, PHD, TO PERFORM INDEPENDENT RESEARCHER SERVICES, AND CENTER FOR ALCOHOL AND DRUG TREATMENT, TO PROVIDE LICENSED ALCOHOL AND DRUG COUNSELOR SERVICES, FOR THE PROJECT ENTITLED "2020 COMPREHENSIVE OPIOID, STIMULANT, AND SUBSTANCE ABUSE SITE-BASED PROGRAM (COSSAP)".

Indexes:

Attachments: [Document A - Award Report 2020-AR-BX-0048-00](#)
[Document B - Budget](#)
[Document C - Partner Agreement with CADT and Dr. Maahs](#)

This Resolution was adopted unanimously.

28. [20-0875R](#) RESOLUTION AUTHORIZING A JOINT POWERS AGREEMENT WITH VARIOUS CITIES FOR THE PROCUREMENT OF FIRE FIGHTING SUPPLIES AND EQUIPMENT.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

29. [20-0868R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30210 WITH TRC ENVIRONMENTAL CORPORATION FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE DULUTH LAKEWALK AND SHORELINE DAMAGE FOR AN INCREASE OF \$64,514.00 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$661,725.00.

Indexes:

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

This Resolution was adopted unanimously.

30. [20-0878R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR THE FREE CONVEYANCE OF TAX-FORFEITED PARCELS PURSUANT TO MINN. STAT. § 282.01, SUBD. 1(e)(a) AND REDUCED COST PURCHASE OF TAX-FORFEITED PARCELS PURSUANT TO MINN. STAT. § 282.01, SUBD. 1(a)(h).

Indexes:

Attachments: [Exhibit 1 - Agreement](#)
[Exhibit 2 - Map](#)
[Exhibit 3 - Parcel Selection Guidelines](#)

This Resolution was adopted unanimously.

31. [20-0881R](#) RESOLUTION OF INTENT NOT TO REINSTATE UNPAID ASSESSMENTS AGAINST SPECIFIC PROPERTIES.

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)

32. [20-0884R](#) RESOLUTION DISTRIBUTING THE ESTIMATED 2021 HOTEL-MOTEL AND FOOD AND BEVERAGE TOURISM TAXES.

Indexes:Attachments: [Exhibit A](#)[20-0884 MTA - Passed unanimously, 9-0](#)

This Resolution was adopted as amended unanimously.

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

BY COUNCILOR MEDVED (FINANCE)

33. [20-062-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2021.

This Ordinance was read for the first time.

34. [20-063-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2021.

This Ordinance was read for the first time.

35. [20-064-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2021.

Indexes:Attachments: [Exhibit A](#)

This Ordinance was read for the first time.

36. [20-065-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2021 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

This Ordinance was read for the first time.

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

37. [20-059-O](#) AN ORDINANCE AMENDING CHAPTER 8-68 OF THE DULUTH CITY CODE ALLOWING RESTAURANTS WITH ON-SALE LICENSES TO BE LOCATED WITHIN 300 FEET OF A CHURCH OR SCHOOL

(REPLACEMENT).

This Ordinance was read for the first time.

38. [20-060-O](#) ORDINANCE AMENDING CHAPTER 2 OF THE DULUTH CITY CODE BY ADDING ARTICLE XXXVII ESTABLISHING THE DULUTH NONBINARY, QUEER, TRANS, TWO SPIRIT, LESBIAN, GAY, BISEXUAL, INTERSEX, AND ASEXUAL COMMISSION.

This Ordinance was read for the first time.

39. [20-061-O](#) ORDINANCE AMENDING ORDINANCE 10662 REGARDING FIVE CENT CHARGE PER PLASTIC BAG TO CHANGE THE EFFECTIVE DATE TO 90 DAYS AFTER BOTH THE CITY COVID-19 LOCAL HEALTH EMERGENCY DECLARATION PURSUANT TO DULUTH CITY CODE SECTION 17-7 AND THE STATE OF MINNESOTA COVID-19 PEACETIME EMERGENCY END.

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)

40. [20-057-O](#) AN ORDINANCE AMENDING SECTIONS 50-20.1.C, 50-20.1.D, 50-20.1.E, 50-20.2.D, 50-23.2.B, AND 50-22.17, TO AMEND STANDARDS RELATED TO STRUCTURES IN FORM DISTRICTS.

Indexes:

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

This Ordinance was adopted unanimously.

41. [20-058-O](#) AN ORDINANCE AMENDING SECTIONS 50-7.2, 50-10, 50-15.6.E, 50-18.1.C, 50-19.8, 50-20.5.I, 50-20.5.J, 50-37.1.L, 50-37.6, 50-37.7, 50-37.8, AND 50-37.17, TO AMEND STANDARDS RELATED TO ACCESSORY STRUCTURES INCLUDING ACCESSORY SOLAR STRUCTURES AND ACCESSORY STRUCTURES IN FLOODWAYS AND STRUCTURES IN MU-W, LAND USE SUPERVISOR INTERPRETATIONS AND APPEALS, AND ADMINISTRATION OF VACATIONS OF RIGHT OF WAY, CONCURRENT USE PERMITS, AND HERITAGE PRESERVATION.

Indexes:

Attachments: [Attachment A](#)

[Attachment B](#)

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

Councilor Randorf nominated Vice President Van Nett for Council President
Councilor Medved nominated Councilor Forsman for Council President

COUNCILOR PREVIEW OF UPCOMING BUSINESS