



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, September 14, 2020

7:00 PM

Council Chamber

The Duluth City Council will be holding the September 10, 2020 Agenda Session and September 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, Vice President Renee Van Nett and President Gary Anderson

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [20-054](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [August 24, 2020 - Council Meeting](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [20-058](#) Business Subsidy Pre-Approval - LP Flats

Indexes:

Attachments: [Business Subsidy pre-approval- LP Flats](#)

This Informational Report was received.

REPORTS OF BOARDS AND COMMISSIONS

3. [20-055](#) Library Board Meeting Minutes

Indexes:

Attachments: [07-28-2020](#)

This Board or Commission Report was received.

4. [20-056](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [07-21-2020](#)

This Board or Commission Report was received.

5. [20-057](#) Duluth Public Utilities Commission Resolutions

Indexes:

Attachments: [20PUC-002](#)

[20PUC-004](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

Dan Maki, Annalisa Peterson and Thom Strom spoke in regard to the Chester Park Trail.

Brandon Kime and Claire Munch spoke in regard to the Enger Tower Park Sale

Mike Casey spoke in regard to the Chester Park Trail and Spirit Landing.

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

6. [20-0655R](#) RESOLUTION AUTHORIZING A CONTRACT WITH HOVLAND, INC. FOR CONSTRUCTION OF A SALT SHED AT RILEY ROAD FOR AN AMOUNT NOT TO EXCEED \$537,365.00.

A motion was made to remove this Resolution from the Table, passed unanimously.

This Resolution was adopted unanimously.

CONSENT AGENDA**BY COUNCILOR MEDVED (FINANCE)**

7. [20-0692R](#) A RESOLUTION ACCEPTING \$6,576,500 FROM THE CORONAVIRUS RELIEF FUND AND IDENTIFYING ELIGIBLE COSTS INCURRED BY THE CITY OF DULUTH IN RESPONSE TO THE PUBLIC HEALTH EMERGENCY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

8. [20-0700R](#) RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO IRVING COMMUNITY ASSOCIATION

Indexes:

Attachments: [2020-08-25, Irving, Duluth Tap Exchange Pull-Tabs App](#)

This Resolution was adopted unanimously.

BY COUNCILOR KENNEDY (PERSONNEL)

9. [20-0684R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MIKE MAYOU TO THE COMMUNITY DEVELOPMENT COMMITTEE.

This Resolution was adopted unanimously.

10. [20-0695R](#) RESOLUTION CONFIRMING THE APPOINTMENT BLAIR POWLESS TO THE DULUTH CITIZEN REVIEW BOARD

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

12. [20-0671R](#) RESOLUTION VACATING A PORTION OF CALVARY ROAD ADJACENT TO 5 CALVARY ROAD RETAINING A UTILITY EASEMENT OVER THE SAME.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

13. [20-0672R](#) RESOLUTION VACATING A PORTION OF CALVARY ROAD AND WOODLAND AVENUE RETAINING A UTILITY EASEMENT OVER THE SAME.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

14. [20-0689R](#) 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)

15. [20-0673R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2021 WESTERN STAR CAB AND CHASSIS FROM BOYER TRUCKS IN THE AMOUNT OF \$106,040.56, AND THE PURCHASE AND INSTALLATION OF

PLOWING AND SANDING EQUIPMENT TO OUTFIT THE TRUCK FROM CRYSTEEL TRUCK EQUIPMENT IN THE AMOUNT OF \$124,263.95 FOR A TOTAL AMOUNT OF \$230,304.51.

This Resolution was adopted unanimously.

16. [20-0687R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH KRAUS-ANDERSON CONSTRUCTION COMPANY TO DEMOLISH AND REMOVE A RAILROAD BRIDGE LOCATED ON KRAUS-ANDERSON'S PROPERTY OVER 37TH AVENUE WEST NEAR ONEOTA STREET IN WEST DULUTH, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1_labeled.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

17. [20-0690R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE A POLICE ENTERPRISE RECORDS MANAGEMENT SYSTEM (RMS) SUBSCRIBER AGREEMENT WITH THE CITY OF VIRGINIA TO PROVIDE THE VIRGINIA POLICE DEPARTMENT ACCESS TO THE CITY OF DULUTH'S RMS FOR AN ANNUAL ESTIMATED FEE OF \$31,472.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

18. [20-0623R](#) A RESOLUTION AUTHORIZING AN APPLICATION TO THE UNITED STATES ECONOMIC DEVELOPMENT ADMINISTRATION FOR \$3,500,000 FOR THE CITY OF DULUTH COASTAL INFRASTRUCTURE REHABILITATION PROJECT AND TO PROVIDE MATCHING FUNDS UP TO \$875,000.

This Resolution was adopted unanimously.

19. [20-0682R](#) RESOLUTION TO APPLY FOR A STATE OF MINNESOTA CONSERVATION PARTNERS LEGACY METRO GRANT IN AN AMOUNT NOT TO EXCEED \$350,000 TO ACQUIRE AND RESTORE RIVERFRONT PROPERTY OPPOSITE TALLAS ISLAND TO BE PROTECTED AS PART OF THE ST. LOUIS RIVER NATURAL AREA AND WAABIZHESHKANA - THE MARTEN TRAIL. (REPLACEMENT)

Indexes:

Attachments: [Exhibit A for CPL Metro Application](#)
[Exhibit B](#)

This Resolution was adopted unanimously..

20. [20-0683R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SE GROUP TO UNDERTAKE FINANCIAL ANALYSIS, A STRATEGIC BUSINESS PLAN, AND AN ECONOMIC IMPACT ANALYSIS FOR SPIRIT MOUNTAIN RECREATION AREA IN SUPPORT OF THE SPIRIT MOUNTAIN TASK FORCE.

Indexes:

Attachments: [Exhibit A - SE Group Proposal](#)

This Resolution was adopted unanimously.

21. [20-0685R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE MINNESOTA LAND TRUST FOR PROFESSIONAL SERVICES TO SUPPORT THE DEVELOPMENT OF A DULUTH NATURAL RESOURCE MANAGEMENT PLAN FOR AN AMOUNT NOT TO EXCEED \$50,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

22. [20-0686R](#) RESOLUTION AUTHORIZING A TWO-MONTH WAIVER OF RENT TO ARROWHEAD YOUTH SOCCER ASSOCIATION FOR THE WHEELER FIELDHOUSE LEASE AGREEMENT.

This Resolution was adopted unanimously.

23. [20-0688R](#) RESOLUTION AUTHORIZING AN EXCLUSIVE USE PERMIT AGREEMENT WITH BENTLEYVILLE TOUR OF LIGHTS, INC., FOR THE PRODUCTION, PROMOTION, AND MANAGEMENT OF THE BENTLEYVILLE TOUR OF LIGHTS IN BAYFRONT FESTIVAL PARK FOR THE 2020 HOLIDAY SEASON.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

24. [20-0693R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH DULUTH ECONOMIC DEVELOPMENT AUTHORITY TO USE DEDA-OWNED

PROPERTY COMMONLY KNOWN AS BAYFRONT FESTIVAL PARK
AND PARKING LOT B, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

25. [20-0701R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE
INTOXICATING LIQUOR LICENSE TO THE DULUTH CHILDREN'S
MUSEUM.

Indexes:

Attachments: [2020-08-26, Duluth Children's Museum, Temp Liquor App](#)

This Resolution was adopted unanimously.

BY COUNCILOR KENNEDY (PERSONNEL)

26. [20-0702R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JENNIFER
CARLSON AS FINANCE DIRECTOR FOR THE CITY OF DULUTH.

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

11. [20-0656R](#) RESOLUTION AUTHORIZING AN AGREEMENT DESIGNATING
CONSORTIUM MINNESOTA CONSULTING GROUP LLC AS THE
DEVELOPER TO CREATE A DEVELOPMENT PROPOSAL FOR A
PORTION OF ENGER PARK GOLF COURSE.

Indexes:

Attachments: [Exhibit A - Agreement](#)

A motion was made to remove this Resolution from the Consent Agenda.

Resolution passed unanimously.

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

27. [20-0653R](#) RESOLUTION TO APPROVE CITY'S RECOMMENDED TRAIL USE AT CHESTER PARK DURING WINTER GROOMING SEASON.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

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

Yea: 6 - Councilor Filipovich, Councilor Forsman, Councilor Kennedy, Councilor Tomanek, Vice President Van Nett and President Anderson

Nay: 3 - Councilor Medved, Councilor Randorf and Councilor Sipress

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

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

28. [20-048-O](#) AN ORDINANCE GRANTING THE ST. LOUIS AND LAKE COUNTIES REGIONAL RAILROAD AUTHORITY A CONCURRENT USE PERMIT FOR LOW CLEARANCE WARNING SIGNS IN THE PLATTED STREET RIGHT-OF-WAY OF 36TH AVENUE EAST BETWEEN GREYSOLON ROAD AND LONDON ROAD.

Indexes:

Attachments: [Attachment 1](#)

[\(Motion to Amend - Sipress \(Passed unanimously\)\)](#)

This Ordinance was read for the first time.

29. [20-049-O](#) AN ORDINANCE GRANTING THE ST. LOUIS AND LAKE COUNTIES REGIONAL RAILROAD AUTHORITY A CONCURRENT USE PERMIT FOR ACTIVE LOW CLEARANCE WARNING SIGNS IN THE PLATTED STREET RIGHT-OF-WAY OF 32TH AVENUE EAST BETWEEN GREYSOLON ROAD AND LONDON ROAD.

Indexes:

Attachments: [Attachment 1](#)

[Motion to Amend - Sipress \(passed unanimously\)](#)

This Ordinance was read for the first time.

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

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

30. [20-047-O](#) AN ORDINANCE AMENDING CHAPTER 29A-32 OF THE DULUTH CITY CODE BY ADDING A REQUIREMENT THAT LANDLORDS PURCHASE PROPERTY INSURANCE.

This Ordinance was tabled.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS