



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, November 23, 2020

7:00 PM

Council Chamber

NOTICE: *The Duluth City Council will be holding the November 19, 2020 Agenda Session and November 23, 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. [20-072](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [November 9, 2020 - City Council Meeting](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [20-073](#) Public Improvement Acceptance: Harbor Light

Indexes:

Attachments: [Public Improvement Acceptance Harbor Light](#)

This Other Officers Report was received with no comment.

REPORTS OF BOARDS AND COMMISSIONS

3. [20-074](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [DPUC Meeting Minutes - September 2020](#)

This Board or Commission Report was received.

4. [20-075](#) Library Board Meeting Minutes

Indexes:

Attachments: [Library Board - September 2020](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award - Karin Kraemer

OPPORTUNITY FOR CITIZENS TO BE HEARD

Lisa Fitzpatrick spoke in regard to Mindy Granley and Declaration of Climate Emergency, Citizen's Action Climate Plan.

Bob Nygaard spoke in regard to the hockey arena leases.

Jordan Decker spoke in regard to the Yurt Project and Northland AIM.

James Mitchell spoke in regard to the balance in the Parks Fund and property tax allocation.

Sam Kay spoke in regard to Northland AIM and the Yurt Community Project.

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

5. [20-0832R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM MITCH'S INC. (MITCH'S BAR & GRILL) TO STEPHEN WITHERSPOON (DOC WITHERSPOON'S SOUL FOOD KITCHEN), 2113 WEST SUPERIOR STREET

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

BY COUNCILOR KENNEDY (PERSONNEL)

6. [20-0847R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF STEPHEN LIPINSKI TO THE DULUTH PUBLIC UTILITIES COMMISSION.

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

7. [20-0849R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF LEAD PARALEGAL, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

8. [20-0829R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1920 MINNESOTA AVENUE.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

9. [20-0830R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 409 SOUTH 19TH AVENUE EAST, LOCATED IN THE F-2 LOW-RISE NEIGHBORHOOD MIX FORM DISTRICT.

Indexes:Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

Absent: Councilor Kennedy

10. [20-0834R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO A GRANT AGREEMENT WITH SENIOR SERVICE AMERICA, INC., TO REFLECT THAT SENIOR SERVICE AMERICA, INC., HAS CHANGED ITS NAME TO CENTER FOR WORKFORCE INCLUSION, INC., TO ACCEPT AN ADDITIONAL \$37,625 IN GRANT FUNDING AND TO EXTEND THE TIME OF PERFORMANCE TO DECEMBER 31, 2020.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Kennedy

11. [20-0835R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO SUB-RECIPIENT AGREEMENTS WITH SOAR CAREER SOLUTIONS, INDEPENDENT SCHOOL DISTRICT 709 ADULT BASIC EDUCATION, AND THE BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES ON BEHALF OF LAKE SUPERIOR COLLEGE FOR EMPLOYMENT AND TRAINING SERVICES FUNDED THROUGH THE STATE OF MINNESOTA'S PATHWAYS TO PROSPERITY GRANT PROGRAM TO MODIFY THE GRANT FUNDING AMOUNTS AND EXTEND THE TIME OF PERFORMANCE.

Indexes:Attachments: [Exhibit A - First Amend. SOAR](#)[Exhibit B - First Amend. ISD 709](#)[Exhibit C - First Amend. LSC](#)

This Resolution was adopted unanimously.

Absent: Councilor Kennedy

Abstain: Councilor Tomanek stating connections with Lake Superior College

12. [20-0843R](#) RESOLUTION VACATING A PORTION OF PLATTED 21ST AVENUE WEST LYING BETWEEN W. MICHIGAN STREET AND LOWER MICHIGAN STREET IN THE LINCOLN PARK NEIGHBORHOOD.

Indexes:Attachments: [Exhibits A and B-Resolution.pdf](#)[Exhibit C-Resolution.pdf](#)

This Resolution was adopted unanimously.

Absent: Councilor Kennedy

13. [20-0848R](#) RESOLUTION VACATING A PORTION OF WICKLOW STREET WEST OF ATLANTIC AVENUE IN THE PLAT OF BRYANT ADDITION TO DULUTH SECOND DIVISION, RETAINING A UTILITY EASEMENT OVER A PORTION OF THE VACATED AREA.

Indexes:

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

This Resolution was adopted unanimously.

Absent: Councilor Kennedy

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

14. [20-0826R](#) RESOLUTION OF INTENT FOR CONSTRUCTION OF RIVERWEST DRIVE (FORMERLY KNOWN AS KAYAK BAY ROAD) INCLUDING UTILITIES, UTILITY RELOCATION AND A SIGNAL SYSTEM AT GRAND AVENUE, BEGINNING AT GRAND AVENUE AND EXTENDING SOUTHERLY APPROXIMATELY 1,000' AND TO ASSESS THE COSTS THEREOF.

Indexes:

Attachments: [02-0826R Exhibit A](#)
[20-0826R Exhibit B](#)

This Resolution was adopted unanimously.

Absent: Councilor Kennedy

15. [20-0831R](#) RESOLUTION AUTHORIZING APPLICATION TO THE HAZARD MITIGATION ASSISTANCE PROGRAM THROUGH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION, TO PROVIDE BACKUP POWER TO THE CITY'S WATER TREATMENT PLANT.
(REPLACEMENT)

This Resolution was adopted unanimously.

Absent: Councilor Kennedy

16. [20-0836R](#) RESOLUTION AMENDING A CONTRACT WITH MSA PROFESSIONAL SERVICES, INC. TO PROVIDE PROFESSIONAL ENGINEERING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE RIVERWEST DRIVE CONSTRUCTION PROJECT, TO INCREASE THE AMOUNT BY \$41,075.32 FOR A NEW TOTAL OF \$204,500.25.

Indexes:

Attachments: [20-0836R Contract Amendment](#)
[20-0836R Contract Amendment Costs](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

17. [20-0837R](#) RESOLUTION AMENDING A CONTRACT WITH LHB, INC. TO PROVIDE PROFESSIONAL ENGINEERING AND CONSTRUCTION SERVICES FOR THE TRUNK HIGHWAY 53 AND INTERSTATE 35 UTILITY DESIGN SERVICES, TO INCREASE THE AMOUNT BY \$15,183 FOR A NEW TOTAL OF \$247,578.

Indexes:

Attachments: [Amendment 2 L30190](#)
[LHB proposal 190201FE 2020 04 26 Design Supplement 2](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

18. [20-0844R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR STREET PURPOSES FROM JON E. AAMODT, PAULA L. AAMODT, JOHN R. WOODWORTH AND DONNA J. WOODWORTH OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE LINCOLN PARK NEIGHBORHOOD, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1-Aamodt Easement \(unsigned\).pdf](#)
[Exhibit 2.pdf](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

19. [20-0845R](#) RESOLUTION AUTHORIZING A SOLE SOURCE SERVICE AGREEMENT WITH EVOQUA WATER TECHNOLOGIES, LLC, FOR REPAIR OF THE REX TRAVELING WATER SCREEN FOR AN AMOUNT NOT TO EXCEED \$47,490.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

20. [20-0855R](#) RESOLUTION AUTHORIZING FIVE YEAR LEASE AGREEMENT THROUGH DECEMBER 31, 2024 WITH AT&T FOR ANTENNA PLACEMENT UPON CITY WATER TOWER LOCATED AT 801 MINNEAPOLIS AVENUE.

Indexes:

Attachments: [SECOND AMENDMENT TO ORPHANAGE WATER TOWER SITE LEASE](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

21. [20-0825R](#) RESOLUTION AUTHORIZING A CONTRACT WITH PARSONS ELECTRIC, LLC, FOR FIBER OPTIC INTERCONNECTION ALONG LAKE AVENUE TO THE AERIAL LIFT BRIDGE FOR AN AMOUNT NOT TO EXCEED \$243,038.

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

22. [20-0846R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA IN THE AMOUNT OF \$15,540.26 AND FURTHER AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF MINNESOTA.

Indexes:

Attachments: [HMEP Grant - Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

23. [20-0811R](#) RESOLUTION AUTHORIZING THREE-YEAR AGREEMENT WITH THE LAKESIDE - LESTER PARK COMMUNITY CLUB FOR THE USE AND OPERATIONS OF THE FORMER LESTER PARK LIBRARY, ALSO KNOWN AS, THE LAKESIDE - LESTER PARK COMMUNITY CENTER.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

24. [20-0839R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH DULUTH AMATEUR HOCKEY ASSOCIATION FOR LEASE OF THE CITY'S FRYBERGER ARENA FOR NOMINAL CONSIDERATION.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

25. [20-0840R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH DULUTH AMATEUR HOCKEY ASSOCIATION FOR USE AND OPERATION OF THE CITY'S OUTDOOR HOCKEY FACILITIES AND ADJOINING PROPERTIES FOR NOMINAL CONSIDERATION.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

Absent: Councilor Kennedy

END OF CONSENT AGENDA

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

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

26. [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 read for the first time.

27. [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 read for the first time.

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

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

28. [20-052-O](#) AN ORDINANCE GRANTING IPS CRANES A CONCURRENT USE PERMIT FOR AN AT-GRADE RAILROAD CROSSING OF THE PLATTED STREET RIGHT-OF-WAY OF SOUTH 59TH AVENUE WEST BETWEEN THE BURLINGTON NORTHERN SANTA FE MAINLINE AND WASECA INDUSTRIAL ROAD.

Indexes:

Attachments: [Exhibit A](#)

This Ordinance was adopted unanimously.

29. [20-053-O](#) AN ORDINANCE GRANTING HALLETT RAIL AND STORAGE SERVICES A CONCURRENT USE PERMIT FOR AN AT-GRADE RAILROAD CROSSING OF THE PLATTED STREET RIGHT-OF-WAY OF WASECA INDUSTRIAL ROAD EAST OF SOUTH 59TH AVENUE WEST.

Indexes:

Attachments: [Exhibit A](#)

This Ordinance was adopted unanimously.

30. [20-055-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 3821 NORTH 87TH AVENUE WEST AS RR-2 IN ACCORDANCE TO THE FUTURE LAND USE.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted unanimously.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

31. [20-054-O](#) AN ORDINANCE AMENDING ARTICLE IX OF CHAPTER 43 OF THE DULUTH CITY CODE, 1959, AS AMENDED, AUTHORIZE CREDITS AGAINST STORMWATER UTILITY FEES FOR STORMWATER REDUCTION MEASURES, AMENDING SECTIONS 43-65 AND 43-67 AND ADDING NEW SECTIONS 43-67.1, 43-67.2 AND 43-67.3.

This Ordinance was adopted unanimously.

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

32. [20-056-O](#) ORDINANCE AMENDING CHAPTER 35 OF THE DULUTH CITY CODE
BY ADDING SECTION 35-9.5 REGARDING CITY PARK AND GREEN
SPACE MEMORIAL PROGRAM.

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS