



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, April 26, 2021

7:00 PM

Council Chamber

NOTICE: The Duluth City Council will be holding the April 22, 2021 Agenda Session and April 26, 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: 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Janet Kennedy, Councilor Derek Medved, Councilor Roz Randorf, Councilor Joel Sipress, Councilor Terese Tomanek and Vice President Arik Forsman

Absent: 1 - President Renee Van Nett

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [21-027](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2021-04-12, Minutes](#)

A motion was made by Councilor Medved to approve the Minutes. The motion was seconded by Councilor Kennedy. The Minutes were approved unanimously.
Absent: President Van Nett

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [21-028](#) Alcohol, Gambling & Tobacco Commission Meeting Minutes

Indexes:

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

This Board or Commission Report was received.

3. [21-029](#) Parks and Recreation Commission Meeting Minutes

Indexes:

Attachments: [March 2021 - Parks and Rec](#)

This Board or Commission Report was received.

4. [21-030](#) Indigenous Commission Meeting Minutes

Indexes:

Attachments: [January 2021 - Indigenous Commission Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

Ronald Thiry spoke in support for re-purposing Duluth's paper mill.

CONSENT AGENDA

A motion was made by Councilor Tomanek to adopt the Consent Agenda. The motion was seconded by Councilor Anderson. The Consent Agenda passed unanimously.
Absent: President Van Nett

BY COUNCILOR MEDVED (FINANCE)

5. [21-0255R](#) RESOLUTION APPROVING THE BUDGET FOR THE FISCAL YEAR MAY 1, 2021 TO APRIL 30, 2022 IN THE AMOUNT OF \$6,309,328 FOR THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

Indexes:

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

This Resolution was adopted unanimously.
Absent: President Van Nett

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

6. [21-0273R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE LIQUOR LICENSES OF VARIOUS LICENSEES.

Indexes:

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

This Resolution was adopted unanimously.
Absent: President Van Nett

7. [21-0274R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO THE VALLEY YOUTH CENTER

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.
Absent: President Van Nett

8. [21-0286R](#) RESOLUTION AUTHORIZING A THREE YEAR CONTRACT WITH TOSHIBA BUSINESS SOLUTIONS FOR THE RENTAL AND MAINTENANCE OF COPIERS FOR A MONTHLY PAYMENT OF \$9,194.82 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$331,013.52.

This Resolution was adopted unanimously.
Absent: President Van Nett

BY COUNCILOR KENNEDY (PERSONNEL)

9. [21-0280R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF FRANK MESSINA TO THE SPECIAL BOARD OF REVIEW.

This Resolution was adopted unanimously.

Absent: President Van Nett

10. [21-0288R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MEMBERS TO CITY OF DULUTH BOARDS AND COMMISSIONS.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

Absent: President Van Nett

11. [21-0292R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JASON HOLLINDAY TO THE PLANNING COMMISSION.

This Resolution was adopted unanimously.

Absent: President Van Nett

12. [21-0293R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF GARY ECKENBERG TO THE BOARD OF ADJUSTMENT OF THE DULUTH INTERNATIONAL AIRPORT JOINT ZONING BOARD.

This Resolution was adopted unanimously.

Absent: President Van Nett

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

13. [21-0269R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE MINNESOTA HOUSING FINANCE AGENCY RELATED TO THE LOW INCOME HOUSING TAX CREDIT PROGRAM FOR THE YEAR 2022.

Indexes:

Attachments: [Exhibit A JPA](#)

This Resolution was adopted unanimously.

Absent: President Van Nett

14. [21-0279R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO A SUB-RECIPIENT GRANT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION TO INCREASE THE GRANT AMOUNT BY \$13,043.90 AND EXTEND THE EXPIRATION DATE BY ONE YEAR.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: President Van Nett

15. [21-0291R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF RESTRICTION PERTAINING CERTAIN PROPERTY REQUIRED UNDER THE UDC FROM THOMAS AND BRIDGET REISTAD.

Indexes:

Attachments: [Warranty Deed](#)
[802 Lake Ave S - Site Plan](#)

This Resolution was adopted unanimously.
Absent: President Van Nett

16. [21-0306R](#) RESOLUTION AUTHORIZING AGREEMENT FOR DESIGN AND CONSTRUCTION OF ROAD AND UTILITY WORK, PHASE II, 2ND STREET-4TH-6TH AVENUES EAST, REGIONAL EXCHANGE DISTRICT WITH SMDC.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: President Van Nett

17. [21-0307R](#) RESOLUTION AUTHORIZING FIRST AMENDMENT TO CITY CONTRACT NO. 23888 WITH SMDC FOR THE CONSTRUCTION OF THE NEW PARKING RAMP IN THE REGIONAL EXCHANGE DISTRICT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: President Van Nett

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

18. [21-0271R](#) 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 \$1,692 FOR A NEW AMOUNT NOT TO EXCEED \$96,449.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: President Van Nett

19. [21-0275R](#) RESOLUTION AWARDING A CONTRACT TO JMF CONSTRUCTION, INC. FOR THE 2021 CITYWIDE STORM SEWER UPGRADES PROJECT IN THE AMOUNT OF \$196,777.67.

Indexes:

Attachments: [21-0275R Map](#)

**This Resolution was adopted unanimously.
Absent: President Van Nett**

20. [21-0276R](#) RESOLUTION AUTHORIZING A CONTRACT WITH STACK BROS. MECHANICAL CONTRACTORS, INC. FOR THE INSTALLATION OF ENERGY TRANSFER STATIONS AT THE WELLS FARGO BUILDING FOR AN AMOUNT NOT TO EXCEED \$345,000.

**This Resolution was adopted unanimously.
Absent: President Van Nett**

21. [21-0285R](#) RESOLUTION AUTHORIZING COOPERATIVE CONSTRUCTION AGREEMENT NO. 1046012 WITH MNDOT FOR THE STATE'S SHARE OF SIGNAL SYSTEM AND ADA IMPROVEMENTS TO THE TRUNK HIGHWAY NO. 23 (GRAND AVE) AND RIVERWEST DRIVE INTERSECTION

Indexes:

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

**This Resolution was adopted unanimously.
Absent: President Van Nett**

22. [21-0289R](#) RESOLUTION AWARDING A CONTRACT TO VEIT & COMPANY, INC FOR THE WESTWOOD LANE SANITARY SEWER EXTENSION PROJECT IN THE AMOUNT OF \$218,000.

Indexes:

Attachments: [Map](#)

**This Resolution was adopted unanimously.
Absent: President Van Nett**

23. [21-0290R](#) RESOLUTION AWARDING A CONTRACT TO SINNOTT CONTRACTING, LLC FOR THE WOODLAWN STREET STORM SEWER EXTENSION PROJECT IN THE AMOUNT OF \$52,265.45.

Indexes:

Attachments: [Map](#)

This Resolution was adopted unanimously.
Absent: President Van Nett

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

24. [21-0281R](#) 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 TO BE USED FOR COMMUNITY GARDEN PURPOSES.

Indexes:

Attachments: [DCGP Lot mapt TF land Exhibit A.pdf](#)

This Resolution was adopted unanimously.
Absent: President Van Nett

25. [21-0283R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH AMI CONSULTING ENGINEERS FOR PRE-DESIGN ENGINEERING SERVICES FOR SHORELINE REHABILITATION 7TH TO 21ST AVENUE EAST AND BRIGHTON BEACH FOR AN AMOUNT NOT TO EXCEED \$72,000.25.

This Resolution was adopted unanimously.
Absent: President Van Nett

26. [21-0284R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR LANDSCAPE ARCHITECTURAL PRE-DESIGN SERVICES FOR DULUTH LAKEWALK AND BRIGHTON BEACH FOR AN AMOUNT NOT TO EXCEED \$48,023.00.

This Resolution was adopted unanimously.
Absent: President Van Nett

27. [21-0287R](#) RESOLUTION AUTHORIZING APPLICATION TO THE NATIONAL RECREATION AND PARKS ASSOCIATION FOR FUNDS TO SUPPLEMENT RECONSTRUCTION AND UPGRADES TO LINCOLN PARK ASSOCIATED WITH FUNDING FROM THE DEPARTMENT OF INTERIOR NATIONAL PARK SERVICE.

This Resolution was adopted unanimously.
Absent: President Van Nett

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

28. [21-0308R](#) RESOLUTION SUPPORTING THE EXPANSION OF BROADBAND ACCESS IN DULUTH.

This Resolution was adopted unanimously.
Absent: President Van Nett

29. [21-0309R](#) RESOLUTION SUPPORTING THE APPLICATION OF ST PAPER 1 LLC TO DEED FOR A JOB CREATION FUND GRANT/REBATE OF UP TO \$1.5 MILLION. (REPLACEMENT)

This Resolution was adopted unanimously.
Absent: President Van Nett

BY COUNCILOR ANDERSON (PUBLIC SAFETY)

30. [21-0270R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN HUMAN DEVELOPMENT CENTER AND THE CITY OF DULUTH FOR AN EMBEDDED REGISTERED NURSE TO WORK COLLABORATIVELY WITH THE DULUTH POLICE DEPARTMENT AND THE MENTAL HEALTH UNIT TO BETTER RESPOND TO INDIVIDUALS WITH MENTAL ILLNESS AND SUBSTANCE USE DISORDERS.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted unanimously.
Absent: President Van Nett

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

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

31. [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 read for the first time.

32. [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 read for the first time.

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

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

33. [21-004-O](#) AN ORDINANCE GRANTING DULUTH LINCOLN PARK 1 LLC AT 2360 WEST SUPERIOR STREET A CONCURRENT USE PERMIT TO ATTACH BALCONIES, ROOFTOP PARAPET WALLS AND CANOPIES ABOVE GROUND AND ATTACHED TO A PROPOSED 74 UNIT APARTMENT STRUCTURE AND WITHIN THE PLATTED RIGHT OF WAY FOR WEST SUPERIOR STREET AND SOUTH 21ST AVENUE WEST.

Indexes:

Attachments: [Exhibit I legal description of balcony](#)
[Exhibit J legal description parapet](#)
[Exhibit K legal description of canopy](#)
[PL 21-006 Staff Report and Attachments](#)

This Ordinance was adopted unanimously.
Absent: President Van Nett

34. [21-005-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE GARY-NEW DULUTH NEIGHBORHOOD TO VEIT COMPANIES, LLC FOR \$35,623.

Indexes:

Attachments: [Exhibit A-Ordinance.pdf](#)
[Exhibit B-Ordinance.pdf](#)

This Ordinance was adopted unanimously.
Absent: President Van Nett

35. [21-006-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF REAL PROPERTY IN THE LAKESIDE NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR NOMINAL CONSIDERATION.

Indexes:

Attachments: [Exhibit A-Ordinance.pdf](#)

**This Ordinance was adopted unanimously.
Absent: President Van Nett**

36. [21-007-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE CENTRAL ENTRANCE NEIGHBORHOOD TO JOSEPH H. KLEIMAN AND ROSE A. KLEIMAN.

Indexes:

Attachments: [Exhibit 1-Ordinance Authorizing Conveyance to Kleiman.pdf](#)

**This Ordinance was adopted unanimously.
Absent: President Van Nett**

37. [21-008-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF REAL PROPERTY IN THE CENTRAL HILLSIDE NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR NOMINAL CONSIDERATION.

Indexes:

Attachments: [Exhibit A-Ordinance.pdf](#)

**This Ordinance was adopted unanimously.
Absent: President Van Nett**

38. [21-009-O](#) AN ORDINANCE CREATING SECTION 50-27.12; AND AMENDING SECTIONS 50-37.7 AND 50-37.12, RELATED TO MASS TRANSIT SHELTER SIGNAGE.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

**This Ordinance was adopted unanimously.
Absent: President Van Nett**

39. [21-011-O](#) AN ORDINANCE AMENDING SECTIONS 50-20.3 AND 50-41 RELATED TO MINI STORAGE AND SELF-SERVICE STORAGE FACILITIES.

Indexes:

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

This Ordinance was adopted unanimously.
Absent: President Van Nett

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

ATTEST:

CHELSEA J. HELMER, City Clerk

Passed: April 26, 2021

Approved: April 27, 2021

EMILY LARSON, Mayor