



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 9, 2019

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Renee Van Nett, Councilor Em Westerlund and President Noah Hobbs

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [19-196](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [November 25, 2019 - City Council Meeting](#)

These Minutes were approved.

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

PUBLIC HEARING - TIF Plan (Decker Dwelling) 19-0834R

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [19-197](#) Heritage Preservation Commission Meeting Minutes

Indexes:

- Attachments:** [January 8, 2019 - HPC](#)
[March 12, 2019 - HPC](#)
[May 14, 2019 - HPC](#)
[July 9, 2019 - HPC](#)
[September 10, 2019 - HPC](#)
[October, 8, 2019 - HPC](#)

This Board or Commission Report was received.

3. [19-198](#) Duluth Entertainment and Convention Center Authority Meeting Minutes

Indexes:

- Attachments:** [August 28, 2019 - DECC](#)
[July 31, 2019 - DECC](#)

This Board or Commission Report was received.

4. [19-199](#) Duluth Transit Authority Meeting Minutes

Indexes:

- Attachments:** [October 30, 2019 - DTA](#)

This Board or Commission Report was received.

5. [19-200](#) Library Board Meeting Minutes

Indexes:

- Attachments:** [October 22, 2019 - Library Board](#)

This Board or Commission Report was received.

6. [19-201](#) Housing and Redevelopment Authority Meeting Minutes

Indexes:

- Attachments:** [October 29, 2019 - HRA](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

Mark Hayes, Evan Adams, Kelly Ravenfeather, Dr. Jamie Coniff, Jenny Van Sickle, Diane Saundels, Bryan Bongey, Rachel Rehbein, Ilana Yokel and Lyle Koesterman all spoke in regards to Conversion Therapy.
Susan Henke and Betty Ramsland spoke about Duluth Public Library.
Anna Tanski, Kay Younderin, Jim Miller, Amy Carlson, Hausi Johnson, Felicia Lynn and Tim Carter all spoke in regards to Spirit Mountain.
Peter Howard spoke in regards to property tax levy.

CONSENT AGENDA

BY COUNCILOR ANDERSON (FINANCE)

7. [19-0807R](#) 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.

8. [19-0808R](#) RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, STATING THE INTENT TO ISSUE GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2020, IN THE APPROXIMATE AMOUNT OF \$3,400,000 AND APPROVING THE CAPITAL EQUIPMENT LIST ASSOCIATED WITH THE NOTES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

9. [19-0831R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) RELATING TO PARTICIPATION BY DEDA IN THE CITY OF DULUTH SELF-INSURANCE FUND PROGRAM FOR 2020.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

10. [19-0836R](#) RESOLUTION ESTABLISHING ANNUAL BONDING PLAN FOR 2020.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

11. [19-0841R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2020 TO DECEMBER 31, 2020, OPERATION BUDGET OF THE DULUTH TRANSIT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

12. [19-0843R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2020 TO DECEMBER 31, 2020, OPERATION BUDGET OF THE DULUTH AIRPORT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

13. [19-0844R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2020 TO DECEMBER 31, 2020 BUDGETS OF THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

14. [19-0840R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO C22370 WITH ACCRUENT, LLC, FOR AN ADDITIONAL FIVE YEARS OF SOFTWARE LICENSING, MAINTENANCE AND SUPPORT FOR AN INCREASE OF \$86,409.52 AND A TOTAL CONTRACT NOT TO EXCEED \$175,442.73

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

15. [19-0805R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE WINE AND BEER LICENSE TO SUPERIOR ALES, LLC (BLUE ROCK COFFEE & WINE CAFÉ), 1722 MILLER TRUNK HIGHWAY SUITE 107

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

16. [19-0851R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO SUB-RECIPIENT FUNDING AGREEMENTS WITH SOAR CAREER SOLUTIONS, ISD 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.

Indexes:

Attachments: [Attachment A](#)

[Attachment B](#)

[Attachment C](#)

This Resolution was adopted unanimously.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

17. [19-0861R](#) RESOLUTION REQUESTING THE ADMINISTRATION EXPLORE OPTIONS FOR ADDRESSING NEGLECTED AND ABANDONED PROPERTIES AND REPORT FINDINGS AND RECOMMENDATIONS TO THE CITY COUNCIL.

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

18. [19-0820R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH HGA, INC., FOR PROFESSIONAL ENGINEERING SERVICES TO CONVERT THE DULUTH ENERGY SYSTEMS BALANCE OF PLANT FROM A STEAM TO HOT WATER DISTRICT ENERGY SYSTEM FOR AN AMOUNT NOT TO EXCEED \$97,500.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

19. [19-0835R](#) RESOLUTION AUTHORIZING AGREEMENT WITH DULUTH SEAWAY PORT AUTHORITY AUTHORIZING THE CITY TO DEPOSIT SNOW ON ERIE PIER AT NO COST.

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

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

20. [19-0812R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH BOYS AND GIRLS CLUB OF THE NORTHLAND TO PROVIDE OUTSIDE OF SCHOOL TIME PROGRAMMING IN THE LINCOLN PARK NEIGHBORHOOD AT AN ANNUAL COST OF \$15,000 (REPLACEMENT).

Indexes:**Attachments:** [Boys and Girls Club. Out of School Programming 20-22](#)

This Resolution was adopted unanimously.

21. [19-0813R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH VALLEY YOUTH CENTER TO PROVIDE OUTSIDE OF SCHOOL TIME PROGRAMMING IN THE SPIRIT VALLEY AREA OF WEST DULUTH AT AN ANNUAL COST OF \$15,000 (REPLACEMENT).

Indexes:**Attachments:** [Valley Youth Center Out of School Programming 20-22](#)

This Resolution was adopted unanimously.

22. [19-0814R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH DULUTH AREA FAMILY YMCA TO PROVIDE OUTSIDE OF SCHOOL TIME PROGRAMMING AT THE CITY'S GARY NEW DULUTH COMMUNITY CENTER AT AN ANNUAL COST OF \$15,000 (REPLACEMENT).

Indexes:**Attachments:** [Duluth Family YMCA Out of School Programming 20-22](#)

This Resolution was adopted unanimously.

23. [19-0816R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE HILLS YOUTH AND FAMILY SERVICES TO PROVIDE OUTSIDE OF SCHOOL TIME PROGRAMMING IN THE CENTRAL HILLSIDE NEIGHBORHOOD AT AN ANNUAL COST OF \$15,000 (REPLACEMENT).

Indexes:**Attachments:** [NYS Out of School Programming 20-22](#)

This Resolution was adopted unanimously.

24. [19-0819R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH DULUTH COMMUNITY SCHOOL COLLABORATIVE TO PROVIDE OUTSIDE OF SCHOOL TIME PROGRAMMING IN THE EAST HILLSIDE NEIGHBORHOOD AT AN ANNUAL COST OF \$15,000 (REPLACEMENT).

Indexes:

Attachments: [DCSC Out of School Programming 20-22](#)

This Resolution was adopted unanimously.

25. [19-0849R](#) RESOLUTION AUTHORIZING AMENDMENT TO ZOO MANAGEMENT AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ARROWHEAD ZOOLOGICAL SOCIETY, INC.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR ANDERSON (FINANCE)

26. [19-0830R](#) RESOLUTION ESTABLISHING A STREET LIGHT FUND.

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

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Van Nett, Councilor Westerlund and President Hobbs

Nay: 1 - Councilor Fosle

27. [19-0866R](#) RESOLUTION AUTHORIZING A GRANT TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY IN THE AMOUNT OF \$235,000 TO OFFSET FINANCIAL LOSSES DUE TO THE WEATHER-RELATED CANCELLATION OF THE 2019 AMSOIL DULUTH NATIONAL SNOCROSS RACE.

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

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Van Nett, Councilor Westerlund and President Hobbs

Nay: 1 - Councilor Fosle

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

28. [19-0834R](#) RESOLUTION APPROVING A TAX INCREMENT FINANCING PLAN FOR THE DECKER DWELLINGS TAX INCREMENT FINANCING DISTRICT AS PROPOSED BY THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA.

Indexes:

Attachments: [Decker Dwellings TIF Plan](#)

President Hobbs abstained due to employer conflict.

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

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Van Nett and Councilor Westerlund

Nay: 1 - Councilor Fosle

Abstain: 1 - President Hobbs

BY COUNCILOR SIPRESS (INTERGOVERNMENTAL RELATIONS)

29. [19-0852R](#) RESOLUTION OPPOSING FEDERAL LEGISLATION INCREASING THE SIZE AND WEIGHT LIMITS FOR SEMI-TRUCKS.

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

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Van Nett, Councilor Westerlund and President Hobbs

Nay: 1 - Councilor Fosle

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

30. [19-0850R](#) RESOLUTION AUTHORIZING AGREEMENT AMENDMENT TO THE LINE OF CREDIT PROMISSORY NOTE FOR THE ARROWHEAD ZOOLOGICAL SOCIETY

Indexes:

Attachments: [Exhibit A.](#)

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

- Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Van Nett, Councilor Westerlund and President Hobbs
- Nay:** 1 - Councilor Fosle

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

BY COUNCILOR ANDERSON (FINANCE)

31. [19-059-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2020.

Indexes:

Attachments: [Exhibit A](#)

This Ordinance was read for the first time.

32. [19-062-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2020.

This Ordinance was read for the first time.

33. [19-066-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2020.

This Ordinance was read for the first time.

34. [19-070-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2020 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

This Ordinance was read for the first time.

35. [19-071-O](#) AN ORDINANCE AMENDING CHAPTER 34 OF THE DULUTH CITY CODE BY ADDING SECTION 34-43 PROHIBITING CONVERSION THERAPY.

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

36. [19-055-O](#) AN ORDINANCE AMENDING SECTION 50-25.9, TREE PRESERVATION.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

37. [19-056-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE GARY-NEW DULUTH NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR NOMINAL CONSIDERATION.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Ordinance was read for the first time.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

38. [19-052-O](#) AN ORDINANCE AMENDING CHAPTER 29E, AS AMENDED, RELATING TO EARNED SICK AND SAFE TIME IN THE CITY OF DULUTH.

This Ordinance was read for the first time.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

39. [19-057-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A PERMANENT EASEMENT TO THE COUNTY OF SAINT LOUIS, MINNESOTA FOR HIGHWAY PURPOSES, TOGETHER WITH A TEMPORARY CONSTRUCTION EASEMENT, OVER REAL PROPERTY ON THE NORTH SHORE FOR NOMINAL CONSIDERATION.

Indexes:

Attachments: [Exhibit 1](#)

This Ordinance was read for the first time.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS