



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, June 22, 2020

7:00 PM

Council Chamber

NOTICE: The Duluth City Council will be holding its June 18, 2020 Agenda Session and June 22, 2020 City 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. [20-042](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [June 8, 2020 Council Meeting](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

- BUDGET UPDATES

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [20-040](#) Planning Commission Meeting Minutes

Indexes:

Attachments: [04-14-2020](#)

[05-12-2020](#)

[06-09-2020](#)

This Board or Commission Report was received.

3. [20-041](#) Parks and Recreation Commission Meeting Minutes

Indexes:

Attachments: [05-13-2020](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

DISTINGUISHED ARTIST AWARD - Jeffrey T. Larson

OPPORTUNITY FOR CITIZENS TO BE HEARD

Mark Baker & Jayson Sundvall spoke in regard to the planning appeal resolutions. (20-0510R & 20-0511R)
Jennifer Young was unable to speak, Councilor Kennedy read a letter for her.

RESOLUTIONS TABLED

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

4. [20-0472R](#) RESOLUTION AUTHORIZING A DEVELOPMENT AND OPERATION AGREEMENT WITH THE DULUTH CLIMBERS COALITION FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF ICE FARMING INFRASTRUCTURE AT QUARRY PARK.

Indexes:

Attachments: [Exhibit 1](#)

A motion was made to remove this Resolution from the table - passed unanimously.
This Resolution was adopted unanimously.

CONSENT AGENDA

BY COUNCILOR MEDVED (FINANCE)

5. [20-0493R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT SOLID WASTE COLLECTION FEES DURING PERIOD OF MARCH 1, 2019, TO JUNE 1, 2020.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

6. [20-0494R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR DELINQUENT ASSESSMENTS LEVIED AGAINST PROPERTY WITH REGARD TO PROPERTY VIOLATIONS DURING PERIOD OF APRIL 1, 2019, TO APRIL 1, 2020. (REPLACEMENT)

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

7. [20-0495R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT UTILITY FEES DURING THE PERIOD OF JANUARY 1, 2019, TO DECEMBER 31, 2019.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

8. [20-0491R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSES OF VARIOUS LICENSEES.

Indexes:

Attachments: [Attachment A - Permanent Expansion Application\(s\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR KENNEDY (PERSONNEL)

9. [20-0514R](#) RESOLUTION APPROVING AN AMENDED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, MINNESOTA COUNCIL 5, LOCAL 66, FOR CITY OF DULUTH BASIC UNIT EMPLOYEES FOR THE YEARS 2020-2021.

Indexes:

Attachments: [2020-2021 Amended CBA - AFSCME & City of Duluth](#)

This Resolution was adopted unanimously.

10. [20-0523R](#) RESOLUTION APPROVING PAY AND BENEFITS PLAN FOR THE APPOINTED POSITION OF CITY ATTORNEY PURSUANT TO CHAPTER IV, SECTION 26 OF THE DULUTH HOME RULE CHARTER

This Resolution was adopted unanimously.

11. [20-0524R](#) RESOLUTION APPOINTING REBECCA ST. GEORGE AS CITY ATTORNEY.

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

12. [20-0498R](#) RESOLUTION ACCEPTING A CERTIFIED LOCAL GOVERNMENT GRANT AWARD FOR THE CITY OF DULUTH TO HOST THE 2021 PRESERVE MINNESOTA ANNUAL HISTORIC PRESERVATION CONFERENCE IN AN AMOUNT NOT TO EXCEED \$13,000. (REPLACEMENT)

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

13. [20-0500R](#) RESOLUTION TO ADOPT A REVISED DULUTH FLAG DESIGN STATEMENT.

This Resolution was adopted unanimously.

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

14. [20-0497R](#) RESOLUTION DESIGNATING NEW POLLING PLACES FOR THE AUGUST 11, 2020 PRIMARY ELECTION, AND THE NOVEMBER 3, 2020, GENERAL ELECTION.

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

15. [20-0486R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30270 WITH LHB, INC. FOR ADDITIONAL ENGINEERING SERVICES FOR REHABILITATION OF WASECA BOULEVARD BRIDGES FOR AN INCREASE OF \$25,691 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$46,731.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

16. [20-0496R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C22759 WITH LHB, INC. FOR ADDITIONAL ENGINEERING SERVICES FOR THE SUPERIOR STREET RECONSTRUCTION PROJECT FOR AN INCREASE OF \$75,000.00 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$2,575,297.00.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

17. [20-0512R](#) RESOLUTION TO RESCIND THE DESIGNATION AND ESTABLISHMENT AS A ONE-WAY STREET FOR WEST FIRST STREET BETWEEN 6th AVENUE WEST AND LAKE AVENUE AND FOR EAST FIRST STREET BETWEEN LAKE AVENUE AND 3RD AVENUE EAST AND BETWEEN 8TH AVENUE EAST AND 24TH AVENUE EAST.

Indexes:

Attachments: [DPC Minutes](#)
[Commission on Disabilities Dialogue](#)
[Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

18. [20-0480R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$115,217.00 GRANT AWARD FROM THE OFFICE OF JUSTICE PROGRAMS, U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR THE PROJECT ENTITLED "CITY OF DULUTH RESPONSE TO COVID-19".

Indexes:

Attachments: [Document A](#)

This Resolution was adopted unanimously.

19. [20-0489R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$100,000 GRANT AWARD FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY, HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA) PROGRAM, TO BE USED FOR EXPENSES INCURRED DURING PARTICIPATION IN THE LAKE SUPERIOR DRUG CORRIDOR INITIATIVE.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted unanimously.

20. [20-0522R](#) RESOLUTION ADOPTING THE SAINT LOUIS COUNTY ALL-HAZARD MITIGATION PLAN.

Indexes:

Attachments: [St. Louis County Multi-Hazard Mitigation Plan 2020](#)

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

21. [20-0450R](#) RESOLUTION AMENDING THE ENGER PARK AND LESTER PARK MANAGEMENT AGREEMENT BETWEEN THE CITY OF DULUTH AND ANTARES GOLF, LLC, FORMERLY KNOWN AS BILLY CASPER GOLF, LLC

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

22. [20-0487R](#) RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM THE FRIENDS OF THE DULUTH PUBLIC LIBRARY FOR THE BENEFIT OF THE LIBRARY IN 2020.

This Resolution was adopted unanimously.

23. [20-0488R](#) RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM THE DULUTH LIBRARY FOUNDATION FOR THE BENEFIT OF THE LIBRARY FOR 2020.

This Resolution was adopted unanimously.

24. [20-0504R](#) RESOLUTION AUTHORIZING AN APPLICATION TO THE US FOREST SERVICE GREAT LAKES RESTORATION INITIATIVE FOREST INSECT AND DISEASE MITIGATION PROGRAM TO PROVIDE FUNDS IN THE AMOUNT UP TO \$200,000 TO REMOVE AND REPLACE DISEASED BOULEVARD ASH TREES.

This Resolution was adopted unanimously.

25. [20-0505R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH JUNGLE BOY BOXING GYM FOR THE LEASE AND OPERATION OF THE OBSERVATION COMMUNITY CENTER FOR ITS YOUTH BOXING PROGRAM.

Indexes:

Attachments: [Exhibit 1-Resolution.pdf](#)

This Resolution was adopted unanimously.

26. [20-0509R](#) RESOLUTION ACCEPTING DEED FROM AVANT-GARDE, INC. FOR LAND IN THE CHESTER PARK NEIGHBORHOOD.

This Resolution was adopted unanimously.

27. [20-0513R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AN EXISTING LICENSE AGREEMENT WITH THE STATE OF MINNESOTA FOR THE NON-EXCLUSIVE USE OF ONE DESK SPACE AT CITY HALL, EXTENDING THE TERM FOR AN ADDITIONAL THREE YEARS.

Indexes:

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

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

28. [20-0499R](#) RESOLUTION ACCEPTING A CERTIFIED LOCAL GOVERNMENT GRANT AWARD FOR THE CITY OF DULUTH TO PREPARE DESIGN GUIDELINES FOR THE DULUTH COMMERCIAL HISTORIC DISTRICT IN AN AMOUNT NOT TO EXCEED \$24,000.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

29. [20-0510R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE APPLICATIONS FOR MINOR SUBDIVISION AND VARIANCES TO LOT AREA, FRONT, SIDE AND REAR YARD SETBACK REQUIREMENTS IN A MU-N ZONE DISTRICT AT 518 AND 526 NORTH 6TH AVENUE EAST.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

This Resolution was adopted unanimously.

30. [20-0511R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO APPROVE APPLICATIONS FOR MINOR SUBDIVISION AND VARIANCES TO LOT AREA, FRONT, SIDE AND REAR YARD SETBACK REQUIREMENTS IN A MU-N ZONE DISTRICT AT 518 AND 526 NORTH 6TH AVENUE EAST.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

This Resolution failed unanimously.

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

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

31. [20-042-O](#) AN ORDINANCE GRANTING THE DULUTH SEAWAY PORT AUTHORITY A CONCURRENT USE PERMIT FOR STORMWATER IMPROVEMENTS AND STRUCTURE IN THE RIGHT OF WAY OF HELBERG DRIVE.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

32. [20-043-O](#) AN ORDINANCE AUTHORIZING AN AMENDED AND RESTATED EASEMENT WITH GEORGE HOVLAND AND JANE HOVLAND FOR INGRESS AND EGRESS AND UTILITY PURPOSES FOR NOMINAL CONSIDERATION.

Indexes:

Attachments: [Exhibit 1-Ordinance.pdf](#)

[Exhibit 2-Ordinance.pdf](#)

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)

33. [20-039-O](#) AN ORDINANCE AMENDING CHAPTER 8 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING ALCOHOLIC BEVERAGES. (REPLACEMENT)

This Ordinance was adopted unanimously.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

34. [20-040-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY NEAR HIGHLAND STREET BETWEEN NORTH 57TH AVENUE WEST AND NORTH 61ST AVENUE WEST FROM INDUSTRIAL-GENERAL (I-G) TO MIXED USE BUSINESS PARK (MU-B) AND RESIDENTIAL-TRADITIONAL (R-1).

Indexes:

Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)

This Ordinance was adopted unanimously.

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

35. [20-041-O](#) AN ORDINANCE AMENDING THE CITY OF DULUTH HOME RULE CHARTER, 1912, AS AMENDED, CHANGING THE JOB TITLE OF CHIEF ADMINISTRATIVE OFFICER TO CITY ADMINISTRATOR

A motion was made to table this resolution. The motion passed unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS