



# 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]*

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Monday, November 9, 2020

7:00 PM

Council Chamber

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**NOTICE:** *The Duluth City Council will be holding the November 5, 2020 Agenda Session and November 9, 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](mailto: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. [20-071](#) Meeting Minutes of the Duluth City Council

**Indexes:**

**Attachments:** [October 26, 2020 - City Council Meeting](#)

These Minutes were approved.

**REPORTS FROM THE ADMINISTRATION**

**REPORTS FROM OTHER OFFICERS**

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

John Krumm, Andrea Gelb and Deb Holman spoke in regard to 20-0824R.

**CONSENT AGENDA**

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

2.     [20-0809R](#)     RESOLUTION AUTHORIZING AN INCREASE TO THE CONTRACT FOR PURCHASE AND REPAIR OF TIRES FROM DULUTH TIRE AND OIL, INC., IN THE AMOUNT OF \$40,000 FOR A NEW TOTAL NOT TO EXCEED \$190,000.

This Resolution was adopted unanimously.

**BY COUNCILOR KENNEDY (PERSONNEL)**

3.     [20-0818R](#)     RESOLUTION APPOINTING CAYLA BELLANGER DEGROAT TO THE INDIGENOUS COMMISSION.

This Resolution was adopted unanimously.

**BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)**

4.     [20-0802R](#)     RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 5330 EAST SUPERIOR STREET, LOCATED IN THE F-2 LOW-RISE NEIGHBORHOOD MIX FORM DISTRICT.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

5. [20-0803R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 11 SOUTH 54TH AVENUE EAST, LOCATED IN THE F-2 LOW-RISE NEIGHBORHOOD MIX FORM DISTRICT.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

6. [20-0806R](#) RESOLUTION APPROVING DEDA RESOLUTION 20D-73 AUTHORIZING AN AGREEMENT WITH JAMAR COMPANY FOR MAINTENANCE OF THE MAINTENANCE OVERHAUL AND REPAIR FACILITY.

Indexes:

Attachments: [20D-73 Exhibit Jamar Service Agreement](#)

This Resolution was adopted unanimously.

**BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)**

7. [20-0817R](#) 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)**

8. [20-0804R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30301 WITH EVER-GREEN ENERGY, INC. TO PROVIDE ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE STEAM TO HOT WATER CONVERSION OF THE REGIONAL EXCHANGE DISTRICT FOR AN INCREASE OF \$347,00 FOR A NEW TOTAL CONTRACT NOT TO EXCEED \$852,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

9. [20-0805R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR THE 2021 CHIP SEAL PROJECT AT VARIOUS LOCATIONS IN THE CITY OF DULUTH.

Indexes:Attachments: [20-0805R Exhibit A](#)

This Resolution was adopted unanimously.

10. [20-0813R](#) RESOLUTION AMENDING A CONTRACT WITH MSA PROFESSIONAL SERVICES, INC. TO PROVIDE ADDITIONAL PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE LIFT STATION 15 RELOCATION PROJECT, TO INCREASE THE AMOUNT BY \$123,600 FOR A NEW TOTAL OF \$694,592.

Indexes:Attachments: [20-0813R Amendment 3 L30164](#)

This Resolution was adopted unanimously.

11. [20-0814R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LOTUS REALTY SERVICES INC. FOR THE OPERATION, MAINTENANCE, AND INSPECTION OF CERTAIN STORM WATER IMPROVEMENTS WITHIN OUTLOT A IN THE PLAT OF HARBOR LIGHT, AT NO COST TO THE CITY.

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

This Resolution was adopted unanimously.

12. [20-0815R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30333 WITH SRF CONSULTING GROUP, INC., (SRF) FOR ADDITIONAL ENGINEERING SERVICES FOR THE REPLACEMENT OF THE TRAFFIC SIGNAL AT THE INTERSECTION OF WOODLAND AVENUE, KENT ROAD AND EAST 8TH STREET FOR AN INCREASE OF \$7,966 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$87,740.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

13. [20-0816R](#) RESOLUTION AMENDING A CONTRACT WITH TKDA TO PROVIDE PROFESSIONAL DESIGN AND CONSTRUCTION INSPECTION SERVICES FOR THE 2021 STREET PRESERVATION PROJECT, TO INCREASE THE AMOUNT BY \$218,500 FOR A NEW TOTAL OF \$424,700.

Indexes:Attachments: [20-0816 Amendment 1](#)

This Resolution was adopted unanimously.

**BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)**

14.     [20-0808R](#)     RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30299 WITH TKDA FOR ADDITIONAL PROFESSIONAL DESIGN AND ENGINEERING SERVICES FOR IMPROVEMENTS AT THE WADE-WHEELER ATHLETIC COMPLEX FOR AN INCREASE OF \$12,000 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$64,200.

Indexes:

Attachments:   [Exhibit A](#)

This Resolution was adopted unanimously.

15.     [20-0810R](#)     RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH THE HILLS YOUTH AND FAMILY SERVICES FOR USE OF SPACE IN THE WASHINGTON RECREATION CENTER FOR ITS YOUTH PROGRAMMING AND RELATED SERVICES.

Indexes:

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

This Resolution was adopted unanimously.

16.     [20-0812R](#)     RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE LEASE AGREEMENT WITH ARROWHEAD YOUTH SOCCER ASSOCIATION FOR USE OF THE WHEELER FIELDHOUSE.

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)**

17.     [20-0824R](#)     RESOLUTION REQUESTING THE CITY ADMINISTRATION ALLOCATE CARES ACT CDBG OR ESG FUNDING TO INVEST IN A LONG TERM WARMING CENTER AND HYGIENE FACILITIES TO SUPPORT INDIVIDUALS AND FAMILIES EXPERIENCING HOMELESSNESS. (REPLACEMENT).

This Resolution was adopted unanimously.

**BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)**

18.     [20-0807R](#)     RESOLUTION APPROVING DEDA RESOLUTION 20D-74 AUTHORIZING A CONSTRUCTION MANAGEMENT AGREEMENT WITH KRAUS-ANDERSON CONSTRUCTION FOR MAINTENANCE AND PRESERVATION OF THE PASTORET TERRACE/ROBESON BALLROOM BUILDINGS. (REPLACEMENT)

**Indexes:**

**Attachments:**   [20D-74 Exhibit Pastoret Construction management](#)

This Resolution was adopted unanimously.

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

**BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)**

19.     [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 read for the first time.

20.     [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 read for the first time.

21.     [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 read for the first time.

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

22. [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 read for the first time.

**BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)**

23. [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 read for the first time.

**COUNCILOR QUESTIONS AND COMMENTS****COUNCILOR PREVIEW OF UPCOMING BUSINESS**