



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 16, 2019

7:00 PM

Council Chamber

ROLL CALL

- Present:** 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Barb Russ, Councilor Joel Sipress, Councilor Renee Van Nett, Councilor Em Westerlund and President Noah Hobbs
- Absent:** 1 - Councilor Jay Fosle

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - State Project No.'s: 6982-322, 6915-136, 6980-60, Twin Ports Interchange (I-35, Hwy 53, I-535)

[Public
Hearing](#)

Indexes:

Attachments: [notice-of-public-hearing](#)

This Informational Report was received.

APPROVAL OF MINUTES

1. [19-202](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [December 9, 2019 - 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

Dan Walch, Kristin Walch, Bert Brandt, Asylis Whitman, Kathy Hermes, Mark Kirschieper, Ilana Yokel, Nathan Holst, Courtney Cochran, Michael Elderbrook, Mark Hayes, Evan Adams, Sean Hayes, Jesus Lucco, Izzy Laderman, Julia Johnson, Ebba Makesroom, Bridget Jones and John Pathe all spoke in regards to Conversion Therapy

Bryan Bongey and Jenny Schafer spoke in regards to the climate

CONSENT AGENDA

BY COUNCILOR ANDERSON (FINANCE)

- 2. [19-0822R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SPIRIT MOUNTAIN RECREATION AREA AUTHORITY FOR 2020 IN THE AMOUNT OF \$275,000 FOR OPERATING ASSISTANCE AND \$145,700 FOR ADVENTURE PARK LEASE PAYMENTS.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

- 3. [19-0823R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH GREAT LAKES AQUARIUM IN THE AMOUNT OF \$360,000.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

- 4. [19-0824R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DEPOT

FOUNDATION IN THE AMOUNT OF \$220,000.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

5. [19-0825R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH DULUTH SISTER CITIES INTERNATIONAL, INC., IN THE AMOUNT OF \$40,000.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

6. [19-0826R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE UNIVERSITY OF MINNESOTA DULUTH FOR THE CONTINUED PROMOTION OF GLENSHEEN MANSION, IN THE AMOUNT OF \$50,000.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

7. [19-0828R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH AREA FAMILY YMCA FOR 2020 IN THE AMOUNT OF \$75,000 FOR WATER SAFETY INVESTMENTS ALONG PARK POINT.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

8. [19-0829R](#) RESOLUTION APPROVING BUDGET AND COST SHARING FORMULA OF MINNEAPOLIS-DULUTH/SUPERIOR AND PASSENGER RAIL ALLIANCE AND AUTHORIZING PAYMENT OF CITY'S COST SHARE OF \$15,000.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

9. [19-0870R](#) RESOLUTION APPROVING SETTLEMENT IN THE AMOUNT OF \$70,000 TO CHUCK WICKLUND FOR DAMAGE, PERSONAL INJURY,

AND ALL OTHER CLAIMS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

10. [19-0876R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DULUTH-SUPERIOR PUBLIC ACCESS COMMUNITY TELEVISION, INC., FOR COMMUNITY ACCESS CABLECASTING, TRAINING, PRODUCTION AND ADMINISTRATION SERVICES IN 2020 IN THE NET AMOUNT OF \$182,000.

Indexes:

Attachments: [2020 PACT TV Professional Services Agreement](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

11. [19-0864R](#) RESOLUTION AUTHORIZING RENEWAL OF AN ANNUAL CONTRACT WITH HOLIDAY STATIONSTORES FOR THE PURCHASE AND DELIVERY OF SERVICE STATION FUELS FOR 2020 FOR AN AMOUNT NOT TO EXCEED \$970,000.

This Resolution was adopted unanimously.
Absent: Councilor Fosle

12. [19-0865R](#) RESOLUTION AUTHORIZING AN ANNUAL CONTRACT FOR ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS, SUPPLIES AND LABOR FOR 2020 FROM ZIEGLER, INC. FOR AN AMOUNT NOT TO EXCEED \$250,000.

This Resolution was adopted unanimously.
Absent: Councilor Fosle

BY COUNCILOR FORSMAN (PERSONNEL)

13. [19-0868R](#) RESOLUTION AUTHORIZING PAY AND BENEFIT PLAN FOR THE MAYOR-APPOINTED COMMUNICATIONS AND POLICY OFFICER AND COMMUNITY RELATIONS OFFICER POSITIONS PURSUANT TO CHAPTER IV, SECTION 18, OF THE DULUTH HOME RULE CHARTER.

This Resolution was adopted unanimously.

Absent: Councilor Fosle

14. [19-0869R](#) RESOLUTION AUTHORIZING PAY AND BENEFIT PLAN FOR THE HUMAN RIGHTS OFFICER POSITION APPOINTED BY THE MAYOR PURSUANT TO SECTION 29C-6(H) OF THE DULUTH CITY CODE.

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

15. [19-0756R](#) RESOLUTION APPROVING THE FINAL LAYOUT FOR A STATE PROJECT WITHIN THE MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO I-35, HIGHWAY 53 AND I-535.

Indexes:

Attachments: [19-0756R Municipal Consent Request](#)
[MN Statutes 161.162-161.167-1503388-v1 \(003\)](#)
[Twin Ports Interchange Layouts](#)
[19-0756R Property Acquisition Maps](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

16. [19-0764R](#) RESOLUTION RESCINDING RESOLUTION 13-0364 PROHIBITING TRUCK TRAFFIC ON PIEDMONT AVENUE FROM THIRD STREET TO TRUNK HIGHWAY 53 AS OF MAY 1, 2020 AND DESIGNATING PIEDMONT AVENUE FROM FIRST STREET TO THIRD STREET AS A TRUCK ROUTE.

Indexes:

Attachments: [19-0764R Map](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

17. [19-0832R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY NO. 37 (JEAN DULUTH ROAD).

Indexes:

Attachments: [19-0832R Map](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

18. [19-0837R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID

HIGHWAY NO. 4 (RICE LAKE ROAD).

Indexes:

Attachments: [19-0837R Map](#)

This Resolution was adopted unanimously.

Absent: Councilor Fosle

19. [19-0863R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH EVER-GREEN ENERGY, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE STEAM TO HOT WATER CONVERSION OF THE REGIONAL EXCHANGE DISTRICT FOR A TOTAL CONTRACT NOT TO EXCEED \$505,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Fosle

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

20. [19-0878R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION IN THE AMOUNT OF \$20,000 FOR THE PURPOSE OF MAINTAINING A LOCAL EMERGENCY MANAGEMENT PROGRAM.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Fosle

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

21. [19-0867R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$92,400 GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES PREPARING FOR EMERALD ASH BORER IN COMMUNITY FORESTS PROGRAM TO PROVIDE FUNDS TO REMOVE AND REPLACE DISEASED BOULEVARD ASH TREES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Fosle

22. [19-0871R](#) RESOLUTION AUTHORIZING A SUBGRANT AGREEMENT WITH ECOLIBRIUM3 ACCEPTING \$50,000 IN GRANT FUNDING FOR THE

PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT IN LINCOLN PARK.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

23. [19-0872R](#) RESOLUTION AUTHORIZING A TEN-YEAR LICENSE AGREEMENT WITH TEMPLE ISRAEL OF DULUTH FOR USE OF A PORTION OF ENDION PARK FOR PARKING PURPOSES.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

24. [19-0873R](#) RESOLUTION AUTHORIZING A FIVE-YEAR LEASE AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF MINNESOTA FOR USE OF SPACE ON PARK POINT FOR ITS AQUATIC CENTER/BOAT SHED AND WATER-BASED RECREATIONAL PROGRAMMING.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

25. [19-0874R](#) RESOLUTION AUTHORIZING A DEVELOPMENT AGREEMENT WITH HARTLEY NATURE CENTER CORPORATION FOR CONSTRUCTION OF A 5,200 SQUARE FOOT ADDITION TO THE BUILDING LEASED BY THE CORPORATION.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

- 26. [19-0875R](#) RESOLUTION TO GAUGE SUPPORT TO REDUCE THE REQUIRED NUMBER OF COUNCIL MEETINGS IN JULY AND DECEMBER TO ONE BY AMENDING THE COUNCIL STANDING RULES AND THE CITY CHARTER.

A motion was made that this Resolution be withdrawn. 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

Absent: 1 - Councilor Fosle

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 27. [19-0890R](#) RESOLUTION CONDITIONALLY APPROVING DEDA RESOLUTION 19D-48 AUTHORIZING AN AGREEMENT WITH RACHEL CONTRACTING, LLC FOR DEMOLITION OF THE PASTORET TERRACE BUILDING IN THE AMOUNT OF \$148,683.

Indexes:

Attachments: [19D-48-Construction Agreement Complete-Pastoret Terrace](#)
[19D-48 Resolution Authorizing Demolition of Pastoret Terrace](#)

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

Yea: 5 - Councilor Anderson, Councilor Filipovich, Councilor Sipress, Councilor Van Nett and Councilor Westerlund

Nay: 3 - Councilor Forsman, Councilor Russ and President Hobbs

Absent: 1 - Councilor Fosle

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

BY COUNCILOR ANDERSON (FINANCE)

- 28. [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 adopted unanimously.

- 29. [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 adopted unanimously.

30. [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 adopted unanimously.

31. [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 adopted unanimously.

32. [19-071-O](#) AN ORDINANCE AMENDING CHAPTER 34 OF THE DULUTH CITY CODE BY ADDING SECTION 34-43 PROHIBITING CONVERSION THERAPY.

This Ordinance was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

33. [19-055-O](#) AN ORDINANCE AMENDING SECTION 50-25.9, TREE PRESERVATION.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

34. [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 adopted unanimously.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

35. [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 adopted unanimously.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

36. [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 adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

A motion was made to nominate Gary Anderson as President - motion passed unanimously with Councilor Fosle absent.

A motion was made to nominate Renee Van Nett as Vice President - motion passed unanimously with Councilor Fosle absent.

A motion was made to recognize outgoing councilors for their service - motion passed unanimously with Councilor Fosle absent.