



# 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, July 13, 2020

7:00 PM

Council Chamber

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*NOTICE: The Duluth City Council will be holding the July 9, 2020 Agenda Session and July 13, 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, Vice President Renee Van Nett and President Gary Anderson

### PLEDGE OF ALLEGIANCE

### APPROVAL OF MINUTES

1. [20-045](#) Meeting Minutes of the Duluth City Council

Indexes:

**Attachments:** [June 22, 2020 - Council Meeting](#)  
[July 2, 2020 - Council Meeting](#)

These Minutes were approved.

## REPORTS FROM THE ADMINISTRATION

## REPORTS FROM OTHER OFFICERS

2. [20-044](#) Office of the State Auditor Report - DECC

**Indexes:**

**Attachments:** [Office of the State Auditor - DECC](#)

This Other Officers Report was received.

## REPORTS OF BOARDS AND COMMISSIONS

3. [20-043](#) Library Board Meeting Minutes

**Indexes:**

**Attachments:** [February 2020 - Library Board Meeting Minutes](#)

This Board or Commission Report was received.

## REPORTS OF COUNCIL COMMITTEES

## REPORTS OF COUNCIL OPEN ISSUES

## OPPORTUNITY FOR CITIZENS TO BE HEARD

The following citizens spoke in regard to defunding the Duluth Police Department:  
Shelly B, Michael Elderbrook, Casey Teschner, Nathan Holst, Becky Nelson, Kevin Swanberg, Ginger Juel, Gail Francis, Danny Frank, Shane Dickey, Ryan Glenn, Kelly Evertz, Abigail Dillon, Claire Bransky, Courtney Ellion Cassy Burr, Jenna Yeakle, Evan Hawbaker, Casey Teschner, Hannah Allen, Jnana Hand, Azrin Awal, Jonas Sorel, Danny Frank and Linda Herron

The following citizens spoke in regard to the emergency mask ordinance: Stephanie Vandal and Daniel Morrison

## CONSENT AGENDA

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

4. [20-0542R](#) RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO IRVING COMMUNITY ASSOCIATION

*Indexes:*

*Attachments:* [Attachment A](#)

This Resolution was adopted unanimously.

5. [20-0543R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM NOBLE POUR, LLC (NOBLE POUR) TO ARROWSTAR HOSPITALITY PARTNERS, LLC (DULUTH GRILL), 118 S. 27TH AVE. W.

*Indexes:*

*Attachments:* [Attachment A](#)

This Resolution was adopted unanimously.

6. [20-0544R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE CLUB LIQUOR LICENSE OF RIDGEVIEW COUNTRY CLUB.

*Indexes:*

*Attachments:* [Attachment A](#)

This Resolution was adopted unanimously.

**BY COUNCILOR KENNEDY (PERSONNEL)**

7. [20-0555R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF AMANDA MCELRAY HUNTER AND PHILIP GILPIN TO THE DULUTH PUBLIC ARTS COMMISSION.

This Resolution was adopted unanimously.

8. [20-0556R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF VICTORIA NUGENT TO THE HEADING HOME ST. LOUIS COUNTY GOVERNANCE BOARD.

This Resolution was adopted unanimously.

9. [20-0557R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MOIRA VILLIARD AND ROXANNE DELILLE TO THE INDIGENOUS COMMISSION.

This Resolution was adopted unanimously.

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

10. [20-0534R](#) RESOLUTION CONDITIONALLY APPROVING DEDA RESOLUTION 20D-49 APPROVING A CONTRACT WITH ELECTRIC SCIENTIFIC COMPANY FOR REPAIR AND INSTALLATION OF FIRE SUPPRESSION FACILITIES IN DEDA'S MRO BUILDING IN THE AMOUNT OF \$115,500.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

11. [20-0551R](#) RESOLUTION AUTHORIZING SECOND AMENDMENT TO AGREEMENT, AMENDING AGREEMENT DATED JULY 24, 1992 BETWEEN MARINE IRON & SHIP BUILDING COMPANY AND CITY REGARDING THE MINNESOTA SLIP, AS AMENDED BY AGREEMENT DATED JULY 15, 2019, AND ACCEPTANCE OF A QUIT CLAIM DEED FROM MARINE IRON & SHIP BUILDING COMPANY CONVEYING A PORTION OF THE MINNESOTA SLIP TO CITY, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)  
[Exhibit 2.pdf](#)

This Resolution was adopted unanimously.

12. [20-0552R](#) RESOLUTION RESCINDING RESOLUTION NO. 15-0222, VACATING A PEDESTRIAN EASEMENT IN THE PLAT OF GLEN PLACE DIVISION, AND ACCEPTING A PEDESTRIAN EASEMENT.

Indexes:

Attachments: [Exhibit 1-Vacation.pdf](#)  
[Exhibit 2-Easement \(signed\).pdf](#)  
[Exhibit 3-Staff Report.pdf](#)

This Resolution was adopted unanimously.

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

13. [20-0548R](#) 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)**

14. [20-0535R](#) RESOLUTION APPROVING AMENDMENT NO. 2 TO MNDOT AGREEMENT NO. 1034938 FOR GAS MAIN RELOCATIONS ALONG LOWER MICHIGAN STREET IN THE CITY OF DULUTH, TO INCREASE THE AMOUNT BY \$35,410.50 FOR A NEW TOTAL OF \$1,110,757.

Indexes:

Attachments: [20-0535R Exhibit A](#)

[20-0535R Map](#)

This Resolution was adopted unanimously.

15. [20-0536R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR SANITARY SEWER AND WATER MAIN IMPROVEMENTS TO PORTIONS OF 19TH AVENUE WEST, 20TH AVENUE WEST, 21ST AVENUE WEST, 22ND AVENUE WEST, 24TH AVENUE WEST, WEST MICHIGAN STREET, WEST SUPERIOR STREET, WEST FIRST STREET AND PIEDMONT AVENUE ADJACENT TO THE INTERCHANGE OF I-35 AND US 53 WITHIN THE CORPORATE CITY LIMITS UNDER STATE PROJECT 6982-322.

Indexes:

Attachments: [20-0536R Exhibit A](#)

[20-0536R Map](#)

This Resolution was adopted unanimously.

16. [20-0538R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30298 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 ADDITIONAL AMOUNT NOT TO EXCEED \$26,070 AND A NEW TOTAL CONTRACT NOT TO EXCEED \$245,615.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

17. [20-0539R](#) RESOLUTION AWARDED A CONTRACT TO PCI ROADS, LLC FOR THE WASECA INDUSTRIAL BOULEVARD BRIDGE REHABILITATION PROJECT IN THE AMOUNT OF \$426,098.50.

**Indexes:****Attachments:** [20-0539R Map](#)

This Resolution was adopted unanimously.

18. [20-0546R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 6,600 TONS OF ROAD SALT FROM MORTON SALT, INC. IN THE AMOUNT OF \$382,250.

This Resolution was adopted unanimously.

19. [20-0549R](#) RESOLUTION AWARDED A CONTRACT TO A. W. KUETTEL & SONS, INC. FOR THE PUBLIC WORKS & UTILITIES BUILDING ROOF REPLACEMENT IN THE AMOUNT OF \$594,980.

**Indexes:****Attachments:** [20-0549R Map](#)

This Resolution was adopted unanimously.

**BY COUNCILOR VAN NETT (PUBLIC SAFETY)**

20. [20-0525R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN AWARD FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE, IN THE AMOUNT OF \$1,750 FOR APPROVED EQUIPMENT REIMBURSEMENT AND FURTHER AUTHORIZING A COOPERATIVE LAW ENFORCEMENT AGREEMENT FOR LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE OPERATIONS ON NATIONAL FOREST SERVICE LANDS.

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

This Resolution was adopted unanimously.

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

21. [20-0328R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH RW FERN ASSOCIATES, INC. FOR CITY HALL FOURTH AND GROUND FLOOR RENOVATION DESIGN FOR AN AMOUNT NOT TO EXCEED \$137,300.

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

This Resolution was adopted unanimously.

22. [20-0371R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH ONE

ROOF COMMUNITY HOUSING FOR THE LEASE AND MANAGEMENT OF THE CENTRAL HILLSIDE COMMUNITY CENTER FOR THE OPERATION OF ITS HOUSING DEVELOPMENT SERVICES.

**Indexes:**

**Attachments:** [Exhibit 1](#)

This Resolution was adopted unanimously.

23. [20-0532R](#) RESOLUTION AUTHORIZING APPLICATION FOR GRANT FUNDING TO THE ECONOMIC DEVELOPMENT ADMINISTRATION - DISASTER SUPPLEMENTAL PROGRAM - FOR UP TO \$1.5 MILLION DOLLARS TOWARDS THE RECONSTRUCTION OF THE LAKEWALK AND UP TO \$2 MILLION DOLLARS TO AUGMENT THE DECC SEAWALL RECONSTRUCTION PROJECT.

**Indexes:**

**Attachments:** [Exhibit A FY20 PWEAA NOFO including NCC and CARES.pdf](#)

This Resolution was adopted unanimously.

24. [20-0550R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR PUBLIC RECREATIONAL, WALKWAY AND TRAIL PURPOSES IN CONNECTION WITH THE GRASSY POINT TRAIL FROM VERSO MINNESOTA WISCONSIN LLC UNDER, OVER, UPON, ACROSS, AND ALONG PROPERTY LOCATED IN THE IRVING NEIGHBORHOOD, AT NO COST TO THE CITY.

**Indexes:**

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

[Exhibit 2.pdf](#)

This Resolution was adopted unanimously.

25. [20-0553R](#) RESOLUTION AMENDING RESOLUTION 19-0793, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2020, TO ADD FINES FOR VIOLATION OF SECTION 34-45 REQUIRING FACE COVERINGS INDOORS SPACES OF PUBLIC ACCOMMODATION.

**Indexes:**

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

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

***The following entitled resolutions are also to be considered:***

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

26. [20-0561R](#) RESOLUTION OF SUPPORT TO ESTABLISH A PROCESS FOR SELECTING CITY REAL ESTATE ASSETS FOR SALE CONSISTENT WITH THE ADOPTED COMPREHENSIVE PLAN

This Resolution was adopted unanimously.

27. [20-0566R](#) RESOLUTION REQUESTING REEVALUATION OF THE DESIGNATION OF WESTON-TIFFANY WINDOWS AS A LOCAL HERITAGE PRESERVATION LANDMARK.

This Resolution was failed unanimously.

28. [20-0567R](#) RESOLUTION AFFIRMING THE DESIGNATION OF WESTON-TIFFANY WINDOWS AS A LOCAL HERITAGE PRESERVATION LANDMARK.

This Resolution was adopted unanimously.

**ORDINANCES TABLED**

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

29. [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

This Ordinance remains tabled.

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

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

30. [20-044-O](#) AN EMERGENCY ORDINANCE AMENDING CHAPTER 34 OF THE DULUTH CITY CODE BY ADDING SECTION 34-45 REQUIRING FACE COVERINGS INDOORS SPACES OF PUBLIC ACCOMMODATION.



(REPLACEMENT)

This Ordinance was adopted unanimously.

*The following entitled ordinances are to be read for the second 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 adopted unanimously.

**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 adopted unanimously.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**