



# 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, August 24, 2020

7:00 PM

Council Chamber

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**NOTICE:** *The Duluth City Council will be holding the August 20, 2020 Agenda Session and August 24, 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. [20-053](#) Meeting Minutes of the Duluth City Council

**Indexes:**

**Attachments:** [August 17, 2020 - Council Meeting](#)

These Minutes were approved.

**REPORTS FROM THE ADMINISTRATION**

**REPORTS FROM OTHER OFFICERS**

**REPORTS OF BOARDS AND COMMISSIONS**

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

Mike Casey spoke in support of Ordinance 20-046-O

**CONSENT AGENDA**

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

2.     [20-0619R](#)     RESOLUTION AUTHORIZING AN INCREASE TO THE ANNUAL CONTRACT FOR ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS, SUPPLIES AND LABOR FOR 2020 FROM ZIEGLER, INC. IN THE AMOUNT OF \$100,000 FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$450,000.

This Resolution was adopted unanimously.

**BY COUNCILOR KENNEDY (PERSONNEL)**

3.     [20-0586R](#)     RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SENIOR GEOGRAPHIC INFORMATION SYSTEMS (GIS) TECHNICIAN, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

4.     [20-0645R](#)     RESOLUTION CONFIRMING THE APPOINTMENT OF ELISSA HANSEN TO THE DULUTH AIRPORT AUTHORITY.

This Resolution was adopted unanimously.

5.        [20-0661R](#)        RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF STREET MAINTENANCE OPERATIONS COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments:   [Exhibit A](#)

This Resolution was adopted unanimously.

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

6.        [20-0651R](#)        RESOLUTION VACATING A PORTION OF WEST MICHIGAN STREET RETAINING UTILITY EASEMENT OVER THE SAME.

Indexes:

Attachments:   [Exhibit A Petition and exhibits](#)

This Resolution was adopted unanimously.

7.        [20-0652R](#)        RESOLUTION VACATING SLOPE AND FILL EASEMENT ON BLOCK 38 OF DULUTH PROPER SECOND DIVISION.

Indexes:

Attachments:   [Exhibit A petition](#)

This Resolution was adopted unanimously.

**BY COUNCILOR TOMANEK (INTERGOVERNMENTAL RELATIONS)**

8.        [20-0642R](#)        RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE STATE OF MINNESOTA GRANTING A LICENSE TO ENTER ONTO AND OCCUPY CITY-OWNED PROPERTY IN THE FOND DU LAC NEIGHBORHOOD TO CONSTRUCT AND INSTALL A LANDSCAPING PROJECT WITHIN THE MISSION CREEK CEMETERY SITE.

Indexes:

Attachments:   [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

**Councilor Randorf abstained due to employer conflict**

**Yea:**    8 -    Councilor Filipovich, Councilor Forsman, Councilor Kennedy, Councilor Medved, Councilor Sipress, Councilor Tomanek, Vice President Van Nett and President Anderson

**Abstain:**   1 -    Councilor Randorf

9. [20-0670R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT, EMPLOYMENT AND TRAINING DIVISION, IN THE AMOUNT OF \$195,000, AND TO ENTER INTO SUB-RECIPIENT FUNDING AGREEMENTS WITH ARROWHEAD ECONOMIC OPPORTUNITY AGENCY AND NORTHEAST MINNESOTA OFFICE OF JOB TRAINING FOR EMPLOYMENT AND TRAINING SERVICES FOR DISLOCATED VERSO EMPLOYEES.

Indexes:

Attachments: [Attachment A. 57254 Grant 0048601 Verso Mod 1 180505](#)  
[Attachment B. Sub-recipient Agreement -AEOA.](#)  
[Attachment C. Sub-recipient Agreement -NEMOJT](#)

This Resolution was adopted unanimously.

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

12. [20-0657R](#) RESOLUTION AUTHORIZING A MASTER SERVICES AGREEMENT WITH FIRST RESPONSE MENTAL HEALTH INC FOR PEER AND COMMUNITY SUPPORT MANAGEMENT TOOLS FOR A PROACTIVE WELLNESS APPLICATION FOR A PERIOD OF THREE YEARS AT NO COST FOR YEAR ONE AND AN ESTIMATED AVERAGE ANNUAL COST OF \$9,000.00 FOR YEARS TWO AND THREE.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted unanimously.

13. [20-0658R](#) RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF ELEVEN PARKING PAY STATIONS FROM T2 SYSTEMS IN THE AMOUNT OF \$108,045.50

This Resolution was adopted unanimously.

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

14. [20-0610R](#) RESOLUTION TO APPLY FOR THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION FOR A GRANT IN THE AMOUNT NOT TO EXCEED \$897,874 FOR PHASE II OF THE GRAND AVENUE NORDIC CENTER.

This Resolution was adopted unanimously.

15. [20-0611R](#) RESOLUTION AUTHORIZING A CONTRACT WITH KTM PAVING, INC. FOR INFRASTRUCTURE IMPROVEMENTS AT KEENE CREEK PARK FOR AN AMOUNT NOT TO EXCEED \$202,181.89

**This Resolution was adopted unanimously.**

16. [20-0647R](#) RESOLUTION AUTHORIZING AN INCREASE TO CONTRACT L30249 WITH GEOGRAPH INDUSTRIES FOR WAABIZHESHKANA (FORMERLY WESTERN WATERFRONT) TRAIL WAYFINDING IN THE AMOUNT OF \$23,260 FOR A NEW TOTAL OF \$161,654.00.

**This Resolution was adopted unanimously.**

17. [20-0650R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE, THE FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA, THE LAKE SUPERIOR MISSISSIPPI RAILROAD COMPANY, AND THE UNITED STATES STEEL CORPORATION REGARDING THE SPIRIT LAKE SEDIMENT REMEDIATION PROJECT.

**Indexes:**

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

[Spirit Lake MOA Final Corrected 8-17-2020\\_EXHIBIT A.pdf](#)

**This Resolution was adopted unanimously.**

18. [20-0654R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH EMMONS AND OLIVIER RESOURCES, INC. TO CONTRACT FOR THE DEVELOPMENT OF THE DULUTH NATURAL RESOURCES MANAGEMENT PROGRAM PLAN FOR \$123,114.

**Indexes:**

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

**This Resolution was adopted unanimously.**

19. [20-0659R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DIRT INC. FOR DWP TRAIL CAPPING AND TRAIL IMPROVEMENTS FOR A TOTAL NOT TO EXCEED \$324,802.50.

**This Resolution was adopted unanimously.**

20. [20-0667R](#) RESOLUTION AUTHORIZING LICENSE AGREEMENT WITH UNITED

STATES STEEL CORPORATION ALLOWING ACCESS TO CITY-OWNED PROPERTY ON AND ADJACENT TO THE U.S. STEEL SITE.

Indexes:

Attachments: [LicenseWithExhibitFinal.pdf](#)

This Resolution was adopted unanimously.

21. [20-0668R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF LETTER OF INTENT FOR DEVELOPMENT AGREEMENT WITH UNITED STATES STEEL CORPORATION FOR DEVELOPMENT WORK RELATED TO CITY-OWNED PROPERTY ON AND ADJACENT TO THE U.S. STEEL SITE.

Indexes:

Attachments: [LOIWithExhibits.pdf](#)

This Resolution was adopted unanimously.

## END OF CONSENT AGENDA

## BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

10. [20-0660R](#) RESOLUTION AWARDED A CONTRACT TO GEORGE BOUGALIS & SONS CO. FOR THE BRIGHTON BEACH TRAIL EXTENSION PROJECT IN THE AMOUNT OF \$553,508.40.

Indexes:

Attachments: [20-0660 Map](#)

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

**Yea:** 8 - Councilor Filipovich, Councilor Forsman, Councilor Kennedy, Councilor Randorf, Councilor Sipress, Councilor Tomanek, Vice President Van Nett and President Anderson

**Nay:** 1 - Councilor Medved

11. [20-0655R](#) RESOLUTION AUTHORIZING A CONTRACT WITH HOVLAND, INC. FOR CONSTRUCTION OF A SALT SHED AT RILEY ROAD FOR AN AMOUNT NOT TO EXCEED \$537,365.00.

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

- Yea:** 5 - Councilor Filipovich, Councilor Medved, Councilor Randorf, Councilor Sipress and Councilor Tomanek
- Nay:** 4 - Councilor Forsman, Councilor Kennedy, Vice President Van Nett and President Anderson

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

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

22.     [20-047-O](#)     AN ORDINANCE AMENDING CHAPTER 29A-32 OF THE DULUTH CITY CODE BY ADDING A REQUIREMENT THAT LANDLORDS PURCHASE PROPERTY INSURANCE.

This Ordinance was read for the first time.

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

**BY COUNCILOR MEDVED (FINANCE)**

23.     [20-045-O](#)     AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF TAXABLE GENERAL OBLIGATION STEAM UTILITY REVENUE BONDS OF THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$11,000,000 UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

This Ordinance was adopted unanimously.

24.     [20-046-O](#)     AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION BONDS (LAKEWALK RESTORATION) OF THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$4,500,000 UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND LEVYING TAXES FOR THE PAYMENT THEREOF.

This Ordinance was adopted unanimously.

**COUNCILOR QUESTIONS AND COMMENTS**

## **COUNCILOR PREVIEW OF UPCOMING BUSINESS**