



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 6, 2021

7:00 PM

Council Chamber

NOTICE: The Duluth City Council will be holding the December 2, 2021 Agenda Session and December 6, 2021 Council Meeting by other electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 pandemic. Some members of the City Council will be participating through video conference. Due to the COVID-19 pandemic, 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 Gary Anderson, Councilor Zack Filipovich, Councilor Janet Kennedy, Councilor Derek Medved, Councilor Roz Randorf, Councilor Joel Sipress, Councilor Terese Tomanek, Vice President Arik Forsman and President Renee Van Nett

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [21-108](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2021-11-22, Minutes](#)

A motion was made by Councilor Tomanek to approve the Minutes. The motion

was seconded by Councilor Kennedy. The motion passed unanimously.
The Minutes were approved unanimously.

PUBLIC HEARING - Proposed Capital Improvement Plan

2. [21-109](#) Public Hearing: Proposed Capital Improvement Plan

Indexes:

Attachments: [Public Hearing Notice](#)

This Public Hearing was held.

PUBLIC HEARING - Intention to Issue General Obligation Capital Improvement Bonds

3. [21-110](#) Public Hearing: Intention to Issue General Obligation Capital Improvement Bonds and Intent to Issue Capital Equipment Notes

Indexes:

Attachments: [Public Hearing Notice](#)

This Public Hearing was held.

PUBLIC HEARING - 2022 Proposed Tax Levy and Proposed Budget for Taxes Payable Year 2022

4. [21-111](#) Public Hearing: 2022 Proposed Tax Levy and Proposed Budget for Taxes Payable Year 2022

Matt McShane, Representative of Police Local 807, spoke in support of police department funding and the proposed tax levy

Jamey Sharp, Duluth NAACP Social Justice Committee representative, spoke in support of the community crises response team and proposed budget

Angel Dobrow, spoke in support of levy increase and the community crises response team.

This Public Hearing was held.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

5. [21-112](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [September 2021 - DTA Minutes](#)

This Board or Commission Report was received.

6. [21-113](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [October 2021 - DPUC Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

Chris Rubesch, Dr. Mary Owen, Angel Dobrow, Jamey Sharp, spoke in support of Resolution 21-0943R

Dave Werner, Representative of Duluth Fire Local 101, spoke in support of the increase to the fire training budget in the proposed 2022 City budget.

CONSENT AGENDA

A motion was made by Councilor Randorf to pass the Consent Agenda. The motion was seconded by Councilor Medved. The motion passed unanimously.

The Consent Agenda passed unanimously.

BY COUNCILOR MEDVED (FINANCE)

7. [21-0913R](#) RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, STATING THE INTENT TO ISSUE GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2022, IN THE APPROXIMATE AMOUNT OF \$4,000,000 AND APPROVING THE CAPITAL EQUIPMENT LIST ASSOCIATED WITH THE NOTES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

8. [21-0914R](#) RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN AND STATING INTENT TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION

475.521.

This Resolution was adopted unanimously.

- 9. [21-0918R](#) RESOLUTION ESTABLISHING ANNUAL BONDING PLAN FOR 2022.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 10. [21-0922R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2022 TO DECEMBER 31, 2022, OPERATION BUDGET OF THE DULUTH AIRPORT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 11. [21-0924R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2022 TO DECEMBER 31, 2022 BUDGETS OF THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR KENNEDY (PERSONNEL)

- 13. [21-0933R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF ENERGY COORDINATOR.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

- 14. [21-0917R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT \$962,918.69 IN FUNDS FROM ST. LOUIS COUNTY TO PROVIDE MINNESOTA FAMILY INVESTMENT PROGRAM AND DIVERSIONARY WORK PROGRAM EMPLOYMENT AND TRAINING SERVICES

Indexes:**Attachments:** [City of Duluth DWD 2022 MFIP DWP Contract 17263](#)

This Resolution was adopted unanimously.

15. [21-0919R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY CROWN LIVING DULUTH, LLLP TO THE STATE OF MINNESOTA FOR LOW INCOME HOUSING TAX CREDITS AND REVENUE BONDS FOR THE CONSTRUCTION OF A 112 UNIT SENIOR APARTMENT PROJECT.

This Resolution was adopted unanimously.

16. [21-0945R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 11 EAST FOURTH STREET, UNIT B, LOCATED IN THE F-6 MID-RISE NEIGHBORHOOD SHOPPING FORM DISTRICT (BJS LAND CO. DLH, LLC).

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

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

17. [21-0901R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO BOUNDARY AVENUE.

Indexes:**Attachments:** [21-0901R Map](#)

This Resolution was adopted unanimously.

18. [21-0916R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO CONTRACT L 30048 WITH BUSINESS COMMUNICATION SOLUTIONS FOR MAILING SERVICES AND POSTAGE FOR AN ADDITIONAL YEAR OF SERVICE IN THE AMOUNT OF \$192,000.

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

This Resolution was adopted unanimously.

19. [21-0921R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO MASTER SERVICES AGREEMENT L30325 WITH LAKE SUPERIOR CONSULTING LLC FOR PROFESSIONAL CONSULTING SERVICES,

EXERCISING THE SECOND AND FINAL ONE-YEAR RENEWAL AND INCREASING THE AGREEMENT BY \$50,000 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$150,000.

This Resolution was adopted unanimously.

20. [21-0932R](#) RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE FOR AN OVERHAUL OF THE SERVICE CHILLER FROM TRANE IN THE TOTAL AMOUNT OF \$64,752.00.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PUBLIC SAFETY)

21. [21-0896R](#) RESOLUTION APPROVING SETTLEMENT IN THE AMOUNT OF \$13,622.54 TO SARAH ROGALLA FOR PROPERTY DAMAGES.

Indexes:

Attachments: [Ex. A.pdf](#)

This Resolution was adopted unanimously.

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

22. [21-0929R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SAS + ASSOCIATES FOR DESIGN, COST ESTIMATING, PERMITTING AND BIDDING SERVICES TO EXPAND THE IRRIGATION POND, EXTEND CITY WATER SUPPLY, EXTEND PUMP STATION ELECTRIC AND RECONDITION TEN FAIRWAYS AT ENGER PARK GOLF COURSE FOR AN AMOUNT NOT TO EXCEED \$113,470.00

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

23. [21-0930R](#) RESOLUTION AUTHORIZING A THREE-YEAR LICENSE AGREEMENT WITH W.J. MCCABE CHAPTER, IZAAK WALTON LEAGUE OF AMERICA, INC. TO PERFORM FOREST MANAGEMENT ACTIVITIES WITHIN A DESIGNATED PORTION OF THE SPIRIT MOUNTAIN RECREATION AREA, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1-Resolution](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR MEDVED (FINANCE)

12. [21-0925R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2022 TO DECEMBER 31, 2022, OPERATION BUDGET OF THE DULUTH TRANSIT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

A motion was made by Councilor Randorf to pass this Resolution. The motion was seconded by Councilor Medved. The motion passed unanimously. Councilor Anderson abstains, stating employer conflict. This Resolution was adopted unanimously.

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

24. [21-0943R](#) RESOLUTION IN SUPPORT OF THE MINNESOTA HEALTH PLAN AND FEDERAL MEDICARE FOR ALL ACT.

A motion was made by Councilor Sipress to pass this Resolution. The motion was seconded by Councilor Randorf. The motion passed unanimously.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PUBLIC SAFETY)

25. [21-0942R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO NEGOTIATE A CONTRACT WITH HUMAN DEVELOPMENT CENTER FOR INVESTMENT IN THE DULUTH COMMUNITY CRISIS RESPONSE PROGRAM

A motion was made by Councilor Anderson to pass this Resolution. The motion was seconded by Councilor Filipovich. The motion passed unanimously.

This Resolution was adopted unanimously.

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

BY COUNCILOR MEDVED (FINANCE)

- 26. [21-057-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2022 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

Indexes:

- Attachments:** [Motion to Amend: #1 \(21-057-O\) - Passed Unanimously.](#)
[Motion to Amend: #2 \(21-057-O\) - Passed Unanimously](#)

This Ordinance was read for the first time.

- 27. [21-058-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2022.

This Ordinance was read for the first time.

- 28. [21-061-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2022.

This Ordinance was read for the first time.

- 29. [21-068-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2022.

Indexes:

- Attachments:** [Exhibit A](#)
[Motion to Amend: #1 \(21-068-O\) - Withdrawn](#)
[Motion to Amend: #2 \(21-068-O\) - Passed Unanimously.](#)
[Motion to Amend: #3 \(21-068-O\) - Passed Unanimously](#)
[Motion to Amend: #4 \(21-068-O\) - Passed Unanimously](#)
[Motion to Amend: #5 \(21-068-O\) - Passed Unanimously](#)

This Ordinance was read for the first time.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

- 30. [21-070-O](#) AN ORDINANCE AUTHORIZING THE RELEASE OF A RESTRICTIVE COVENANT REGARDING A DETACHED ACCESSORY STRUCTURE ASSOCIATED WITH PROPERTY AT 427 NORTH 19TH AND A HALF AVENUE WEST

Indexes:

Attachments: [Exhibit A restrictive covenant](#)

This Ordinance was read for the first time.

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

31. [21-069-O](#) AN ORDINANCE PURSUANT TO 1955 MINN. LAWS, CHAPTER 82, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE LESTER PARK NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR NOMINAL CONSIDERATION.

Indexes:

Attachments: [Exhibit A-Legal Description](#)
[Exhibit B-Map](#)
[Exhibit C-Letter of Conformity](#)
[Exhibit D- SLC EMV](#)

This Ordinance was read for the first time.

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

BY COUNCILOR MEDVED (FINANCE)

32. [21-054-O](#) AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF A \$3,857,531 GENERAL OBLIGATION WATER UTILITY REVENUE NOTE OF THE CITY OF DULUTH FOR THE IMPROVEMENT OF THE MUNICIPAL WATER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

A motion was made by Councilor Randorf to adopt this Ordinance. The motion was seconded by Councilor Medved. The motion passed unanimously.

This Ordinance was adopted unanimously.

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

33. [21-041-O](#) ORDINANCE AMENDING CHAPTER 8 AND REPEALING CHAPTER 15 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REPEALING DANCING RESTRICTIONS.

A motion was made by Councilor Randorf to adopt this Ordinance. The motion was seconded by Councilor Sipress. The motion passed unanimously.

This Ordinance was adopted unanimously.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

34. [21-055-O](#) AN ORDINANCE AMENDING SECTION 50-20.6 AND 50-40 RELATED TO SHIPPING OR STORAGE CONTAINERS.

Indexes:

Attachments: [Attachment 1](#)

A motion was made by Councilor Filipovich to adopt this Ordinance. The motion was seconded by Councilor Kennedy. The motion passed unanimously.

This Ordinance was adopted unanimously.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

35. [21-053-O](#) AN ORDINANCE AMENDING DIVISION 2 OF ARTICLE VII OF CHAPTER 45 OF THE DULUTH CITY CODE, 1959, AS AMENDED BY ADDING A NEW SECTION 45-89.1 THERETO AND BY AMENDING PROVISIONS OF ARTICLE VIII THEREOF GOVERNING OWNER'S RESPONSIBILITY FOR INSTALLING AND MAINTAINING DRIVEWAY CULVERTS.

A motion was made by Councilor Sipress to adopt this Ordinance. The motion was seconded by Councilor Randorf. The motion passed unanimously.

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

ATTEST:

CHELSEA J. HELMER, City Clerk

Passed: December 6, 2021

Approved: December 7, 2021

EMILY LARSON, Mayor