



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, October 25, 2021

7:00 PM

Council Chamber

NOTICE: The Duluth City Council will be holding the October 21, 2021 Agenda Session and October 25, 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. [21-095](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2021-10-11, Minutes](#)

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

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

PUBLIC HEARING

2. [21-098](#) Public Hearing: Approving State Project 6910-102 and 6910-103

Indexes:

Attachments: [2021-09-01 Notice of Public Hearing Project 1769](#)

There was no public comment for this Public Hearing.

This Informational Report was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

3. [21-096](#) Library Board Meeting Minutes

Indexes:

Attachments: [August 2021 - Library Board Minutes](#)

This Board or Commission Report was received.

4. [21-097](#) Duluth Human Rights Commission Meeting Minutes

Indexes:

Attachments: [August 2021 - HRC Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

Pam Kramer spoke in support of the Housing Trust Fund

CONSENT AGENDA

A motion was made by Councilor Filipovich to approve the Consent Agenda.
The motion was seconded by Councilor Randorf.
The Consent Agenda passes unanimously.

BY COUNCILOR MEDVED (FINANCE)

5. [21-0807R](#) RESOLUTION CREATING A PUBLIC SAFETY RECORDS MANAGEMENT SYSTEM FUND WITHIN THE CITY'S SPECIAL PROJECTS SPECIAL REVENUE FUND AND COMMITTING CERTAIN RESOURCES FOR COSTS ASSOCIATED WITH THE PUBLIC SAFETY RECORDS MANAGEMENT LICENSE AGREEMENT, SOFTWARE SUPPORT, PRODUCT UPGRADES, AND MAINTENANCE COSTS.

This Resolution was adopted unanimously.

6. [21-0808R](#) RESOLUTION AMENDING RESOLUTION NO. 21-0418R CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT SOLID WASTE COLLECTION FEES DURING PERIOD OF MARCH 1, 2020, TO JUNE 1, 2021 TO DELETE 194 PROPERTIES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

7. [21-0840R](#) RESOLUTION APPROVING A THREE-YEAR (2022- 2024) PROFESSIONAL SERVICES AND INTELLECTUAL PROPERTY AGREEMENT WITH DULUTH PUBLICITY BUREAU INC., D/B/A VISIT DULUTH, FOR AN AMOUNT NOT TO EXCEED \$2,250,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

8. [21-0824R](#) RESOLUTION AUTHORIZING A CONTRACT WITH INSIGHT PUBLIC SECTOR, INC. FOR THE PURCHASE OF PERSONAL COMPUTERS AND ACCESSORIES, IN ACCORDANCE WITH THE CITY'S FOUR-YEAR REPLACEMENT PLAN, IN THE AMOUNT OF \$230,661.15.

This Resolution was adopted unanimously.

BY COUNCILOR KENNEDY (PERSONNEL)

9. [21-0825R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PLANNER I.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

10. [21-0826R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PLANNER II.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

11. [21-0828R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF GRANT COORDINATOR.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

12. [21-0834R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF LIBRARY SUPERVISOR.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

13. [21-0810R](#) RESOLUTION AUTHORIZING APPLICATION FOR CLEAN ENERGY RESOURCES TEAM SEED GRANT IN THE AMOUNT OF \$4,500 TO PROVIDE COMMUNITY EDUCATION ON CLEAN ENERGY ADOPTION.

This Resolution was adopted unanimously.

14. [21-0815R](#) RESOLUTION AUTHORIZING THE BUILDING OFFICIAL TO ABATE NUISANCES BY REMOVAL OF THREE STRUCTURALLY UNSOUND BUILDINGS IN THE CITY OF DULUTH AT A TOTAL COST OF NOT TO EXCEED \$90,000.

Indexes:

Attachments: [Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)

This Resolution was adopted unanimously.

15. [21-0816R](#) RESOLUTION AMENDING THE 2021 FEE SCHEDULE RELATED TO APPLICATIONS FEES FOR VACATION DWELLING UNIT, ACCESSORY HOME SHARE, AND ACCESSORY VACATION DWELLING, LIMITED.

This Resolution was adopted unanimously.

16. [21-0817R](#) RESOLUTION AUTHORIZING THE BUILDING OFFICIAL TO ABATE NUISANCES BY REMOVAL OF A STRUCTURALLY UNSOUND BUILDING IN THE CITY OF DULUTH AND AUTHORIZING A CONTRACT WITH GEORGE BOUGALIS & SONS COMPANY FOR DEMOLITION AND REMEDIATION OF 2101-5 WEST 3RD STREET FOR AN AMOUNT NOT TO EXCEED \$196,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

17. [21-0818R](#) RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN LOCAL INITIATIVES SUPPORT CORPORATION AND THE CITY OF DULUTH FOR THE AFFORDABLE HOUSING TRUST FUND COLLABORATION.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

18. [21-0827R](#) RESOLUTION AUTHORIZING A CONTAMINATION CLEANUP GRANT APPLICATION IN AN AMOUNT NOT EXCEED \$2,000,000 TO THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT RELATING TO PROPERTY LOCATED AT 424 SOUTH LAKE AVENUE.

This Resolution was adopted unanimously.

19. [21-0830R](#) RESOLUTION VACATING A PLATTED UTILITY EASEMENT IN OUTLOT 1 IN THE PLAT OF RIVERSIDE AND ACCEPTING A UTILITY, STORM WATER AND DRAINAGE EASEMENT OVER THE SAME.

Indexes:

Attachments: [Exhibit 1-Weber Resolution.pdf](#)
[Exhibit 2-Weber Resolution.pdf](#)
[Exhibit 3-Weber Resolution.pdf](#)

This Resolution was adopted unanimously.

20. [21-0831R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH 1200 FUND, INC. TO PROVIDE FOR IMPLEMENTATION OF A CHILD CARE PROVIDER EXPANSION PROGRAM AND CHILD CARE STAFF TRAINING PROGRAM AT A COST NOT TO EXCEED \$465,000.

Indexes:

Attachments: [CPEP Draft 3 10-19-21](#)

This Resolution was adopted unanimously.

BY PRESIDENT VAN NETT (COMMITTEE OF THE WHOLE)

21. [21-0833R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND LAW ENFORCEMENT LABOR SERVICES 363 FOR THE YEAR 2021.

Indexes:

Attachments: [Exhibit A - Clean](#)
[Exhibit A - Marked](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

22. [21-0687R](#) RESOLUTION APPROVING STATE PROJECTS WITHIN THE MUNICIPAL CORPORATE LIMITS FOR CULVERT REPLACEMENTS ADJACENT TO HIGHWAY 23.

Indexes:

Attachments: [21-0687R Request for Approval](#)
[21-0687R MN Statutes](#)
[21-0687R Maps](#)

This Resolution was adopted unanimously.

23. [21-0812R](#) RESOLUTION AUTHORIZING LICENSE AGREEMENT WITH ZVAGO COOPERATIVE AT LAKE SUPERIOR AND LAKESHORE, INC. FOR IMPROVEMENT AND USE OF SEWER STRUCTURE AS A PEDESTRIAN BRIDGE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

24. [21-0813R](#) RESOLUTION AUTHORIZING APPLICATIONS TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR FY 2023 - 2026 HIGHWAY SAFETY PROGRAM GRANTS IN THE AMOUNT OF \$240,000 FOR PAVEMENT EDGE LINE MARKING AND SIGNAL TIMING ON VARIOUS CITY STREETS.

Indexes:

Attachments: [21-0813R Exhibit A](#)

[21-0813R Exhibit B](#)

This Resolution was adopted unanimously.

25. [21-0814R](#) RESOLUTION AUTHORIZING AN INCREASE TO CONTRACT WITH NORTHLAND CONSTRUCTORS OF DULUTH, INC., FOR BITUMINOUS (HOT MIX BLACKTOP) FOR STREET MAINTENANCE ACTIVITIES IN 2021 IN THE AMOUNT OF \$130,000 FOR A NEW ESTIMATED AMOUNT OF \$330,000.

This Resolution was adopted unanimously.

26. [21-0829R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR UTILITY, STORM WATER AND DRAINAGE PURPOSES FROM JONATHON L. RADTKE AND ANDREA ELDEN OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE RIVERSIDE NEIGHBORHOOD, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PUBLIC SAFETY)

27. [21-0801R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$188,770 FOR THE 2022 TOWARDS ZERO DEATHS PROJECT AND FURTHER AUTHORIZING AN AGREEMENT WITH THE LAKE SUPERIOR TRAFFIC ENFORCEMENT TEAM PARTNER AGENCIES FOR SERVICES UNDER THE GRANT.

Indexes:

Attachments: [Document A - 2022 TZD Grant Agreement](#)
[Document B - 2022 TZD Partner Agreement](#)
[Exhibit B - 2022 Enforcement Calendar](#)

This Resolution was adopted unanimously.

28. [21-0805R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF AN AMENDED AGREEMENT WITH THE STATE OF MINNESOTA TO CONTINUE THE REGIONAL EMERGENCY RESPONSE TEAM FROM STATE FISCAL YEAR 2017 THROUGH 2022 IN AN AMOUNT NOT TO EXCEED \$1,125,000 AND FURTHER AUTHORIZING EXECUTION OF A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA.

Indexes:

Attachments: [21-0805R Exhibit A](#)

This Resolution was adopted unanimously.

29. [21-0809R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF AN AWARD FROM THE MINNESOTA BOARD OF FIREFIGHTER TRAINING AND EDUCATION TOTALING \$19,180 FOR THE PURPOSE OF SUPPORTING FIRE DEPARTMENT TRAINING.

Indexes:

Attachments: [21-0809R Exhibit A](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR MEDVED (FINANCE)

30. [21-0832R](#) RESOLUTION DISTRIBUTING THE ESTIMATED 2022 HOTEL-MOTEL AND FOOD AND BEVERAGE TOURISM TAXES. (REPLACEMENT)

Indexes:

Attachments: [Exhibit A](#)
[Economic Developer](#)
[Motion to Amend: Sipress/Filipovich \(1\) - Passed Unanimously.](#)
[Motion to Amend: Kennedy/Medved](#)
[Motion to Amend: Sipress/Filipovich \(2\)](#)

A motion was made by Councilor Filipovich to pass the Motion to Amend. The motion was seconded by Councilor Sipress. The motion to amend passes unanimously.

A motion was made by Councilor Sipress to table this Resolution. The motion was seconded by Councilor Medved. This Resolution was tabled unanimously.

BY COUNCILOR KENNEDY (PERSONNEL)

31. [21-0846R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF TIMOTHY MEYERS TO THE HOUSING AND REDEVELOPMENT AUTHORITY.

A motion was made by Councilor Kennedy to pass this Resolution. The motion was seconded by Councilor Tomanek. This Resolution passes unanimously.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

32. [21-0819R](#) RESOLUTION AUTHORIZING AN INTERFUND TRANSFER OF \$4,000,000 FROM THE COMMUNITY INVESTMENT TRUST FUND TO THE HOUSING TRUST FUND TO SUPPORT THE CREATION AND PRESERVATION OF HOUSING IN DULUTH.

A motion was made by Vice President Forsman to pass this Resolution. The motion was seconded by Councilor Filipovich. This Resolution passes unanimously.

33. [21-0847R](#) RESOLUTION ALLOCATING \$100,000 TO FUND A TOURISM MARKETING POSITION IN THE CITY AND \$450,000 TO FUND A CUSTOMS FACILITY FOR CRUISE SHIPS FROM THE ESTIMATED 2022 HOTEL-MOTEL AND FOOD AND BEVERAGE TOURISM TAXES.

A motion was made by Councilor Filipovich to pass this Resolution. The motion was seconded by Councilor Sipress. This Resolution passes by the following vote:

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

Nay: 1 - Councilor Medved

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

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

34. [21-042-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR A PRIVATE UTILITY CONDUIT IN THE PLATTED

STREET RIGHT OF WAY OF NORTH FIFTH AND SIXTH AVENUE WEST AND EAST FIFTH STREET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

A motion was made by Councilor Filipovich to pass this Ordinance. The motion was seconded by Councilor Tomanek. This Ordinance was adopted unanimously.

35. [21-044-O](#) AN ORDINANCE GRANTING SAC WIRELESS A CONCURRENT USE PERMIT FOR A SMALL CELL WIRELESS FACILITY ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY NEAR ONE NORTH SIXTH AVENUE WEST.

Indexes:

Attachments: [Attachment 1](#)

A motion was made by Councilor Filipovich to pass this Ordinance. The motion was seconded by Councilor Randorf. This Ordinance was adopted unanimously. Abstains: Vice President Forsman, stating employment conflict.

36. [21-045-O](#) AN ORDINANCE GRANTING SAC WIRELESS A CONCURRENT USE PERMIT FOR A SMALL CELL WIRELESS FACILITY ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 1032 EAST NINTH STREET.

Indexes:

Attachments: [Attachment 1](#)

A motion was made by Councilor Filipovich to pass this Ordinance. The motion was seconded by Councilor Anderson. This Ordinance was adopted unanimously. Abstains: Vice President Forsman, stating employment conflict.

37. [21-046-O](#) AN ORDINANCE GRANTING SAC WIRELESS A CONCURRENT USE PERMIT FOR A SMALL CELL WIRELESS FACILITY ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 2401 LONDON ROAD.

Indexes:

Attachments: [Attachment 1](#)

A motion was made by Councilor Filipovich to pass this Ordinance. The motion was seconded by Councilor Anderson. This Ordinance was adopted unanimously. Abstains: Vice President Forsman, stating employment conflict.

38. [21-047-O](#) AN ORDINANCE GRANTING SAC WIRELESS A CONCURRENT USE PERMIT FOR A SMALL CELL WIRELESS FACILITY ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 1439 NORTH EIGHTH AVENUE EAST.

Indexes:Attachments: [Attachment 1](#)

A motion was made by Councilor Filipovich to pass this Ordinance. The motion was seconded by Councilor Kennedy. This Ordinance was adopted unanimously. Abstains: Vice President Forsman, stating employment conflict.

39. [21-048-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8, 50-20.3, 50-20.5, 50-35, 50-36.1, 50-37, 50-39.2, AND 50-41.1 RELATED TO STANDARDS FOR VACATION DWELLINGS AND THE CREATION OF A NEW PERMIT FOR VACATION DWELLING UNITS, LIMITED.

Indexes:

Attachments: [Attachment 1 50-19.8 Permitted Use](#)
[Attachment 2 50-20.3.U Vacation Dwelling](#)
[Attachment 3 50-20.5.G Accessory Home Share](#)
[Attachment 4 50-20.5.M Acc Vacation Dwelling](#)
[Attachment 5 50-20.5.N Acc Vacation Limited](#)
[Attachment 6 50-35 Summary Table](#)
[Attachment 7 50-36.1 City Council](#)
[Attachment 8 50-37.10 SUP IUP](#)
[Attachment 9 50-37.17 AHS and VDUL](#)
[Attachment 10 50-39.2 enforcement](#)
[Attachment 11 Definitions 50-41.1 A](#)
[Attachment 12 Staff Memo and Attachments](#)
[Attachment 13 Power Point Presentation](#)
[Attachment 14 Public Comments](#)

A motion was made by Councilor Filipovich to pass this Ordinance. The motion was seconded by Councilor Randorf. This Ordinance was adopted unanimously.

40. [21-049-O](#) AN ORDINANCE AMENDING CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED, DELETING EXISTING ARTICLE XXXII THEREFROM AND SUBSTITUTING A NEW ARTICLE XXXII THEREFORE ESTABLISHING A NEW HOUSING TRUST FUND AND AMENDING CHAPTER 20 OF SAID CODE BY AMENDING ARTICLE II THEREOF BY CREATING A NEW DIVISION 11, CREATING THE HOUSING TRUST FUND.

A motion was made by Councilor Filipovich to pass this Ordinance. The motion was seconded by Councilor Sipress. This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

ATTEST:

CHELSEA J. HELMER, City Clerk

Passed: October 25, 2021

Approved: October 26, 2021

EMILY LARSON, Mayor