



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, January 13, 2020

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Janet Kennedy, Councilor Derek Medved, Councilor Roz Randorf, Councilor Barb Russ, Councilor Joel Sipress, Councilor Renee Van Nett and President Gary Anderson

PLEDGE OF ALLEGIANCE

ELECTION OF OFFICERS

President - standing nomination for Gary Anderson - approved unanimously.

Vice President - standing nomination for Renee Van Nett - approved unanimously.

APPROVAL OF MINUTES

1. [20-001](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [December 16, 2019 - City Council Meeting](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [20-003](#) Planning Commission Meeting Minutes for 2019

Indexes:

- Attachments: [01-08-19](#)
[02-12-19](#)
[03-26-19](#)
[04-09-19](#)
[05-14-19](#)
[05-29-19](#)
[06-11-19](#)
[07-09-19](#)
[08-13-19](#)
[09-10-19](#)
[10-08-19](#)
[11-12-19](#)

This Board or Commission Report was received.

3. [20-002](#) Alcohol, Gambling and Tobacco Commission Meeting Minutes

Indexes:

- Attachments: [December 4, 2019](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

President Anderson announced the following Council Committees for 2020:

- Medved: Finance
- Filipovich: Intergovernmental Relations
- Randorf: Purchasing and Licensing
- Kennedy: Personnel
- Russ: Planning
- Sipress: Public Works and Utilities
- Van Nett: Public Safety
- Forsman: Recreation, Libraries and Authorities

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

Christina Woods, Amber Anderson, Alexis Olson, Molly Tusken, Michael Rasch,

Issy Simonson spoke in regards to Lincoln Park Park.
David Ross spoke regards to Pastoret Terrace.
Mike Casey and Richard Haney spoke in regards to Cross City Trail.
Bryan Bongey spoke in regards to declaring a climate emergency.
JT Haines and Libby Bent spoke in regards to PolyMet
Tyler Nord spoke in regards to the new councilors and the Pastoret Terrace.
Mitchell Diers spoke in regards to Earned Sick and Safe Time.

RESOLUTIONS TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

4. [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](#)
[FINAL APPROVAL OF SECTION 138 BY SHPO - 2018-2473](#)
[12-20-19](#)
[121819 Pastoret Draft Suitable Course of Action Plan SHPO FINAL](#)
[FINAL](#)

This resolution remains on the table.

CONSENT AGENDA

BY COUNCILOR ANDERSON (FINANCE)

5. [20-0009R](#) RESOLUTION AUTHORIZING THE RENEWAL OF AGREEMENT 23359 WITH TYLER TECHNOLOGIES, INC. FOR NEW WORLD SYSTEMS SOFTWARE MAINTENANCE AND SUPPORT FOR YEAR 2020 FOR AN AMOUNT NOT TO EXCEED \$216,919.73

This Resolution was adopted unanimously.

BY COUNCILOR KENNEDY (PURCHASING & LICENSING)

6. [20-0019R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR DUCKS

UNLIMITED.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

7. [20-0020R](#) RESOLUTION APPROVING ISSUANCE OF AN OFF SITE GAMBLING PERMIT TO THE LOYOLA BOOSTER CLUB.

Indexes:

Attachments: [Attachment B](#)

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PERSONNEL)

8. [20-0012R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF TIFFANY SPRAGUE TO THE NATURAL RESOURCES COMMISSION.

This Resolution was adopted unanimously.

9. [20-0014R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ROCHELLE GOODRICH TO THE INDIGENOUS COMMISSION.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

11. [20-0016R](#) RESOLUTION VACATING A PORTION OF AUSTIN STREET WEST OF CALVARY ROAD RETAINING A UTILITY EASEMENT OVER THE SAME.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

13. [20-0018R](#) RESOLUTION DECLARING A NEED FOR ST. LOUIS COUNTY HOUSING AND REDEVELOPMENT AUTHORITY TO EXERCISE POWERS WITHIN THE BOUNDARIES OF THE CITY OF DULUTH BY PROVIDING FUNDING TO CENTER CITY HOUSING CORPORATION FOR THE BIRCHWOOD APARTMENT PROJECT.

This Resolution was adopted unanimously.

14. [20-0025R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT \$902,090.10 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 2020 MFIP-DWD Contract #16858](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (COMMITTEE OF THE WHOLE)

15. [20-0022R](#) RESOLUTION ESTABLISHING COASTAL INFRASTRUCTURE REHABILITATION PROJECTS AS THE CITY OF DULUTH'S TOP PRIORITY FOR THE 2020 LEGISLATIVE SESSION.

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

16. [20-0001R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR CONSTRUCTION OF ASSESSABLE STREET AND SIDEWALK IMPROVEMENTS TO TECHNOLOGY DRIVE AND ASSOCIATED CITY SHARE DUE TO THE RECONSTRUCTION OF CSAH 4 (RICE LAKE ROAD) IN THE ESTIMATED AMOUNT OF \$480,000.

Indexes:

Attachments: [20-0001R Map](#)
[19-0001R Exhibit 1](#)

This Resolution was adopted unanimously.

17. [20-0002R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR THE 2020 CHIP SEAL PROJECT AT VARIOUS LOCATIONS IN THE CITY OF DULUTH.

Indexes:

Attachments: [20-0002R Exhibit A](#)

This Resolution was adopted unanimously.

18. [20-0004R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 7,000 TONS OF ROAD SALT FROM COMPASS MINERALS AMERICA IN THE AMOUNT OF \$447,390.

This Resolution was adopted unanimously.

19. [20-0006R](#) RESOLUTION AUTHORIZING AN AGREEMENT ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT AND A PERMANENT STREET AND UTILITY EASEMENT ADJACENT TO FAIRMONT STREET FROM CHRISTOPHER AND CARMEL DEMAIORIBUS.

Indexes:

Attachments: [19-0006R Attachment 1](#)

This Resolution was adopted unanimously.

20. [20-0007R](#) RESOLUTION AUTHORIZING AN AGREEMENT ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT AND A PERMANENT STREET AND UTILITY EASEMENT ADJACENT TO FAIRMONT STREET FROM CONCORDIA EVANGELICAL LUTHERAN CHURCH OF DULUTH.

Indexes:

Attachments: [20-0007R Attachment 1](#)

This Resolution was adopted unanimously.

21. [20-0011R](#) RESOLUTION AUTHORIZING THE PURCHASE OF DELIVERED CLASS 5 GRAVEL, 3/4-INCH CRUSHED WASHED ROCK, RIP-RAP, AND SAND FROM DULUTH READY MIX, INC. FOR AN AMOUNT NOT TO EXCEED \$432,407.50

This Resolution was adopted unanimously.

22. [20-0013R](#) RESOLUTION AUTHORIZING AN AGREEMENT ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT AND A PERMANENT STREET AND UTILITY EASEMENT ADJACENT TO FAIRMONT STREET FROM MARCUS E. SOWL.

Indexes:

Attachments: [20-0013R Attachment 1](#)

This Resolution was adopted unanimously.

24. [20-0026R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN LINCOLN PARK.

Indexes:

Attachments: [Exhibit A-Legal Description.pdf](#)
[Exhibit B-Map.pdf](#)
[Exhibit C-Letter of Conformity](#)

This Resolution was adopted unanimously.

BY COUNCILOR RANDORF (RECREATION, LIBRARIES & AUTHORITIES)

25. [20-0010R](#) RESOLUTION AUTHORIZING THE APPLICATION OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES, NO CHILD LEFT INSIDE GRANT, OF \$49,999 FOR MOUNTAIN BIKE FLEET AND EQUIPMENT PURCHASE FOR YOUTH PROGRAMMING.

Indexes:

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

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR FORSMAN (PERSONNEL)

26. [20-0040R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF GARY ANDERSON AND DEREK MEDVED TO THE DULUTH PUBLIC UTILITIES COMMISSION.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

10. [20-0015R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1329 MINNESOTA AVENUE (KATE HORVATH AND JOE WICKLUND).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was removed from the Consent Agenda and tabled unanimously.

12. [20-0017R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 5802 LONDON ROAD (DEAN AND CARIN

JABLONSKY).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was removed from the Consent Agenda and tabled unanimously.

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

- 27. [20-0023R](#) RESOLUTION SUPPORTING ADDITIONAL LEGISLATIVE PRIORITIES FOR THE 2020 LEGISLATIVE SESSION.

Indexes:

Attachments: [Motion to Amend: Anderson 1 \(Passed 8-0-1 - Van Nett Absent\)](#)

[Motion to Amend: Anderson 2 \(Passed 9-0\)](#)

[Motion to Amend: Anderson 3 \(Passed 9-0\)](#)

[Motion to Amend: Randorf](#)

This Resolution was amended and tabled unanimously.

BY COUNCILOR FILIPOVICH (INTERGOVERNMENTAL RELATIONS)

- 28. [20-0021R](#) RESOLUTION AWARDDING A CONTRACT TO ULLAND BROTHERS, INC. FOR THE CROSS CITY TRAIL PHASE 2 PROJECT IN THE AMOUNT OF \$1,897,100.

Indexes:

Attachments: [20-0021R Map](#)

This Resolution was adopted unanimously.

- 23. [20-0024R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO AN AGREEMENT WITH TOOLE DESIGN GROUP, LLC, FOR THE DESIGN OF THE TEMPORARY RELOCATION OF THE CROSS CITY TRAIL, TO INCREASE THE AMOUNT BY \$12,920 FOR A NEW AMOUNT NOT TO EXCEED \$81,640.

This Resolution was removed from the Consent Agenda and adopted unanimously.

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

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

- 29. [20-001-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN

REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD TO THE STATE OF MINNESOTA AT NO COST.

Indexes:

Attachments: [Exhibit A-Legal Description.pdf](#)

[Exhibit B-Map.pdf](#)

[Exhibit C-Letter of Conformity](#)

This Ordinance was read for the first time.

BY COUNCILOR SIPRESS (INTERGOVERNMENTAL RELATIONS)

30. [20-003-O](#) ORDINANCE AMENDING SECTION 29E-2 AND SECTION 29E-3 OF THE DULUTH CITY CODE TO CLARIFY THAT BY PARTICIPATING IN A MULTI-EMPLOYER PLAN AN EMPLOYER OF CONSTRUCTION INDUSTRY EMPLOYEES MAY MEET THE EARNED SICK AND SAFE TIME REQUIREMENTS IN CHAPTER 29E.

This Ordinance was read for the first time.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS