



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, May 24, 2021

7:00 PM

Council Chamber

NOTICE: The Duluth City Council will be holding the May 20, 2021 Agenda Session and May 24, 2021 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 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: 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Janet Kennedy, Councilor Derek Medved, Councilor Roz Randorf, Councilor Joel Sipress, Vice President Arik Forsman and President Renee Van Nett

Absent: 1 - Councilor Terese Tomanek

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [21-038](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2021-05-10, Minutes](#)

A motion was made by Councilor Medved to approve the Minutes. Councilor Filipovich seconded the motion. The Minutes passed unanimously. Absent: Councilor Tomanek

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [21-039](#) Zenith Business Subsidy Agreement Pre Approval

Indexes:

Attachments: [Zenith Business Subsidy Agreement Pre Approval](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

3. [21-037](#) Alcohol, Gambling and Tobacco Commission Meeting Minutes

Indexes:

Attachments: [April 2021 - AGT Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

No citizens wished to speak.

RESOLUTIONS TABLED

BY COUNCILOR MEDVED (FINANCE)

4. [21-0277R](#) RESOLUTION APPROVING A DEBT FORGIVENESS PLAN FOR SPIRIT MOUNTAIN RECREATION AREA AUTHORITY IN AN AMOUNT UP TO \$900,000.

A motion was made by Councilor Sipress to return this resolution to Administration. The motion was seconded by Councilor Medved. The motion to return to Administration failed by a vote of 3-5-1. Yea (3) – Medved, Randorf, Sipress Nay (5)– Anderson, Filipovich, Kennedy, Forsman, Van Nett Absent (1) - Tomanek

A motion was made by Councilor Forsman to approve this resolution. The motion was seconded by Councilor Kennedy. This resolution passed by the following vote:

Yea: 6 - Councilor Anderson, Councilor Filipovich, Councilor Kennedy, Councilor Randorf, Vice President Forsman and President Van Nett

Nay: 2 - Councilor Medved and Councilor Sipress

Absent: 1 - Councilor Tomanek

CONSENT AGENDA

A motion was made by Councilor Anderson to pass the Consent Agenda. The motion was seconded by Councilor Filipovich. This Consent Agenda passed unanimously.

Absent: Council Tomanek.

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

5. [21-0357R](#) RESOLUTION APPROVING ISSUANCE OF TEMPORARY ON SALE INTOXICATING LIQUOR LICENSES TO VARIOUS APPLICANTS

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek.

6. [21-0358R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA ASSOCIATED WITH THE ON SALE INTOXICATING LIQUOR LICENSE OF LEMON'S REEF, INC. (THE REEF BAR), 2002 LONDON ROAD.

Indexes:

Attachments: [Attachment A.](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek.

7. [21-0359R](#) RESOLUTION APPROVING THE ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE TO SUPERIOR ALES, LLC (BLUE ROCK COFFEE & WINE CAFÉ) 1702 MILLER TRUNK HIGHWAY SUITE 107

Indexes:

Attachments: [Attachment. A](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek.

8. [21-0360R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE COMBINATION WINE & BEER LICENSES FROM MUY! PIZZA-MINNESOTA LLC (PIZZA HUT) TO MUY! PIZZA-TEJAS, LLC (PIZZA HUT) AT 902 WOODLAND AVENUE AND 101 EAST CENTRAL ENTRANCE.

Indexes:

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

**This Resolution was adopted unanimously.
Absent: Councilor Tomanek.**

9. [21-0371R](#) RESOLUTION AUTHORIZING APPLICATION FOR A GRANT IN THE AMOUNT OF \$10,000 FROM THE BRIGHT CITIES SMALL GRANT PROGRAM THROUGH HEALTHY BABIES, BRIGHT FUTURES AND THE MAYORS INNOVATION PROJECT

**This Resolution was adopted unanimously.
Absent: Councilor Tomanek.**

BY COUNCILOR KENNEDY (PERSONNEL)

10. [21-0377R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF LIBRARY CIRCULATION COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Absent: Councilor Tomanek.**

11. [21-0378R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF WORKFORCE DEVELOPMENT TECHNICIAN I - OPIOID AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Absent: Councilor Tomanek.**

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

12. [21-0355R](#) RESOLUTION OF SUPPORT FOR THE REQUEST BY ONE ROOF COMMUNITY HOUSING FOR TAX INCREMENT FINANCING ASSISTANCE FOR THE 42-UNIT DECKER DWELLINGS PHASE II HOUSING DEVELOPMENT.

This Resolution was adopted unanimously.

Absent: Councilor Tomanek.

Abstain: Councilor Forsman - employer conflict

13. [21-0361R](#) RESOLUTION AUTHORIZING 40-YEAR AGREEMENT TO LEASE LAND ADJACENT TO 3525 RILEY ROAD FOR \$4,760 PER YEAR TO RENDFIELD LAND COMPANY, A SUBSIDIARY OF ALLETE, INC., FOR PURPOSES OF SOLAR ENERGY PRODUCTION.

Indexes:

Attachments: [City of Duluth & RenField Land Co Solar Lease -FINAL](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek.

14. [21-0364R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 318 NORTH 17 ½ AVENUE WEST LOCATED IN THE R-2 RESIDENTIAL-URBAN ZONE DISTRICT (SCOTT SCHEIRBECK).

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek.

15. [21-0373R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT \$10,000 IN FUNDING SUPPORT FROM THE NATIONAL LEAGUE OF CITIES FOR DEVELOPMENT OF A DIVERSITY, EQUITY AND INCLUSION TOOL FOR INCOMING BOARD AND COMMISSION MEMBERS.

This Resolution was adopted unanimously.

Absent: Councilor Tomanek.

16. [21-0390R](#) RESOLUTION AUTHORIZING A SUB-RECIPIENT GRANT AGREEMENT WITH AMERICAN INDIAN COMMUNITY HOUSING ORGANIZATION TO HIRE TWO DISPLACED WORKERS AS FOOD SHELF WORKERS TO ASSIST WITH COVID-19 CRISIS RESPONSE FOR AN AMOUNT NOT TO EXCEED \$39,168.

Indexes:**Attachments:** [Exhibit A](#)**This Resolution was adopted unanimously.****Absent: Councilor Tomanek.**

17. [21-0391R](#) RESOLUTION AUTHORIZING A SUB-RECIPIENT GRANT AGREEMENT WITH HEALTHY ALLIANCES MATTER FOR ALL TO HIRE THREE DISPLACED WORKERS AS COMMUNITY HEALTH WORKERS TO ASSIST WITH COVID-19 CRISIS RESPONSE FOR AN AMOUNT NOT TO EXCEED \$58,336.

Indexes:**Attachments:** [Exhibit A](#)**This Resolution was adopted unanimously.****Absent: Councilor Tomanek.****Abstain: Councilor Kennedy - employer conflict**

18. [21-0392R](#) RESOLUTION AUTHORIZING A SUB-RECIPIENT GRANT AGREEMENT WITH CHURCHES UNITED IN MINISTRY TO HIRE TWO DISPLACED WORKERS AS FOOD SHELF WORKERS TO ASSIST WITH COVID-19 CRISIS RESPONSE FOR AN AMOUNT NOT TO EXCEED \$38,891.

Indexes:**Attachments:** [Exhibit A](#)**This Resolution was adopted unanimously.****Absent: Councilor Tomanek.****BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)**

19. [21-0340R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH DULUTH LINCOLN PARK 1, LLC FOR REIMBURSEMENT TO THE CITY FOR ADDITIONAL DESIGN AND CONSTRUCTION COSTS FOR CHANGE ORDER NUMBER 1 TO THE CROSS CITY TRAIL RELOCATION PROJECT

Indexes:**Attachments:** [21-0340R Drawings](#)[21-0340R Exhibit A](#)[21-0340R Change Order](#)**This Resolution was adopted unanimously.****Absent: Councilor Tomanek.**

20. [21-0362R](#) RESOLUTION AWARDED A CONTRACT TO ULLAND BROTHERS, INC. FOR THE RIVERWEST DRIVE CONSTRUCTION PROJECT IN THE

AMOUNT OF \$1,868,300.00.

Indexes:

Attachments: [21-0362R Map](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek.

21. [21-0363R](#) RESOLUTION AWARDED A CONTRACT TO KTM PAVING, INC. FOR THE PARK POINT STORM SEWER UPGRADES PROJECT IN THE AMOUNT OF \$288,539.50.

Indexes:

Attachments: [21-0363R Map](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek.

BY COUNCILOR ANDERSON (PUBLIC SAFETY)

22. [21-0356R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF COMMERCE IN THE AMOUNT OF \$204,405.00 FOR AN AUTO THEFT INVESTIGATOR AND RELATED TRAVEL AND TRAINING EXPENSES.

Indexes:

Attachments: [Document B - Contract](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek.

23. [21-0372R](#) RESOLUTION DECLARING THE FIRST FRIDAY IN JUNE TO BE NATIONAL GUN VIOLENCE AWARENESS DAY IN THE CITY OF DULUTH TO HONOR AND REMEMBER ALL VICTIMS AND SURVIVORS OF GUN VIOLENCE.

This Resolution was adopted unanimously.

Absent: Councilor Tomanek.

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

24. [21-0367R](#) RESOLUTION AUTHORIZING A THREE-YEAR NON-EXCLUSIVE LICENSE AGREEMENT WITH TOP HAT CARRIAGE SERVICES LLC FOR USE OF SPACE IN CANAL PARK TO TEMPORARILY HITCH HORSES AND CARRIAGES FOR \$250 IN 2021 AND \$500 PER YEAR THEREAFTER.

Indexes:

Attachments: [Exhibit 1-2021 Resolution.pdf](#)

This Resolution was adopted unanimously.
Absent: Councilor Tomanek.

25. [21-0368R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO AN EXISTING 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 1-2021 Resolution.pdf](#)
[Exhibit 2-2021 Resolution.pdf](#)

This Resolution was adopted unanimously.
Absent: Councilor Tomanek.

26. [21-0369R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE LEDGES ON LAKE SUPERIOR HOMEOWNERS' ASSOCIATION, INC. TO GRANT AN EROSION CONTROL EASEMENT IN EXCHANGE FOR THE CITY'S ACQUISITION OF A TRAIL EASEMENT TO BE USED IN CONNECTION WITH THE LAKEWALK.

Indexes:

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

This Resolution was adopted unanimously.
Absent: Councilor Tomanek.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR KENNEDY (PERSONNEL)

27. [21-0402R](#) RESOLUTION PROMOTING RESPONSIBLE HEALTH STRATEGIES TO IMPROVE OUTCOMES DURING THE COVID-19 PANDEMIC.

A motion was made by Councilor Kennedy to adopt this resolution. The motion was seconded by Councilor Sipress.
The Resolution passed unanimously. Absent: Councilor Tomanek

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

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

28. [21-017-O](#) AN ORDINANCE GRANTING THE REGENTS OF THE UNIVERSITY OF MINNESOTA A CONCURRENT USE PERMIT FOR PRIVATE UTILITY IMPROVEMENTS WITHIN THE PLATTED RIGHT OF WAY OF GOLD STREET AND GOLD STREET ALLEY.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

29. [21-018-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO THE LEDGES ON LAKE SUPERIOR HOMEOWNERS' ASSOCIATION, INC. FOR THE SOLE PURPOSE OF INSTALLING, INSPECTING AND MAINTAINING EROSION CONTROL MEASURES UNDER, OVER, UPON, ACROSS AND ALONG CERTAIN CITY-OWNED PROPERTY FOR \$1.00 AND OTHER VALUABLE CONSIDERATION.

Indexes:

Attachments: [Exhibit 1-Ordinance](#)

[Exhibit 2-Ordinance.pdf](#)

This Ordinance was read for the first time.

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

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

30. [21-015-O](#) AN ORDINANCE GRANTING NEWCASTLE 8 LLC AT 7 NORTH 19TH AVENUE WEST A CONCURRENT USE PERMIT FOR AN EXISTING BUILDING WALL WITHIN THE PLATTED RIGHT OF WAY FOR WEST 1ST STREET ALLEY.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

A motion was made by Councilor Filipovich to adopt this ordinance. The motion was seconded by Councilor Randorf.

This Ordinance was adopted unanimously.

Absent: Councilor Tomanek

BY PRESIDENT VAN NETT (COMMITTEE OF THE WHOLE)

31. [21-019-O](#) ORDINANCE REPEALING SECTIONS 34-45.1 THROUGH 34-45.5 OF THE CITY CODE RELATING TO FACE COVERINGS.

A motion was made by Councilor Anderson to adopt this ordinance. The motion was seconded by Councilor Medved.

This Ordinance was adopted unanimously.

Absent: Councilor Tomanek

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

ATTEST:

CHELSEA J. HELMER, City Clerk

Passed: May 24, 2021

Approved: May 25, 2021

EMILY LARSON, Mayor