



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Meeting Agenda - 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, August 16, 2021

7:00 PM

Council Chamber

NOTICE: The Duluth City Council will be holding the August 12, 2021 Agenda Session and August 16, 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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [21-065](#) Meeting Minutes of the Duluth City Council

Attachments: [2021-07-19, Minutes](#)

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [21-063](#) 2020 Community Water Fluoridation 50 Year Award.

Attachments: [Duluth_50 Yr Award Letter](#)
[Duluth_50Yrs](#)

REPORTS OF BOARDS AND COMMISSIONS

3. [21-064](#) Planning Commission Meeting Minutes

Attachments: [June 2021 - Planning Commission Minutes](#)

4. [21-066](#) Commission on Disabilities Meeting Minutes

Attachments: [June 2021 - Commission on Disabilities Minutes](#)
[August 2021 - Commission on Disabilities Minutes](#)

5. [21-067](#) Charter Commission Correspondence

Attachments: [2021-08-04, Charter Commission Submission, City Council](#)

6. [21-068](#) Heritage Preservation Commission Meeting Minutes

Attachments: [May 2021 - HPC Minutes](#)

7. [21-069](#) Citizen Review Board Meeting Minutes

Attachments: [May 2021 - CRB Minutes](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR MEDVED (FINANCE)

8. [21-0591R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$520,000 GRANT FROM THE STATE OF MINNESOTA FOR THE LAKE SUPERIOR ZOO.

Attachments: [Exhibit A](#)

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

9. [21-0575R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH KARPEL SOLUTIONS FOR A COMPREHENSIVE CASE MANAGEMENT SOFTWARE SYSTEM FOR AN AMOUNT NOT TO EXCEED \$132,800.
- Attachments:** [Exhibit A](#)
10. [21-0579R](#) RESOLUTION APPROVING RENEWAL AND ISSUANCE OF ON SALE INTOXICATING LIQUOR, ON SALE THEATER LICENSES, ON SALE SUNDAY INTOXICATING LIQUOR, ADDITIONAL BAR, ON SALE DANCING, 2:00 A.M. BEVERAGE LICENSE AND LATE HOUR ENTERTAINMENT LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2021, AND ENDING AUGUST 31, 2022.
- Attachments:** [Attachment A](#)
11. [21-0580R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO THE DULUTH SUPERIOR PRIDE FESTIVAL.
- Attachments:** [Attachment A](#)
12. [21-0582R](#) RESOLUTION APPROVING ISSUANCE OF AN OFF-SALE INTOXICATING LIQUOR LICENSE TO COSTCO WHOLESALE CORPORATION (COSTCO), 4611 WEST ARROWHEAD ROAD
- Attachments:** [Attachment A](#)
13. [21-0583R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE FROM THE HISTORIC UNION DEPOT CORPORATION TO THE LAKE SUPERIOR RAILROAD MUSEUM, 506 WEST MICHIGAN STREET.
- Attachments:** [Attachment A](#)
14. [21-0587R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TYLER TECHNOLOGIES, INC. FOR A COMPREHENSIVE COMMUNITY DEVELOPMENT AND BUSINESS MANAGEMENT SOFTWARE SYSTEM FOR AN AMOUNT NOT TO EXCEED \$715,411.
- Attachments:** [Exhibit A](#)
15. [21-0615R](#) RESOLUTION APPROVING RENEWAL AND ISSUANCE OF 3.2% LIQUOR LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2021, AND ENDING AUGUST 31, 2022.
- Attachments:** [Attachment A](#)

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

16. [21-0568R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 325 SOUTH LAKE AVENUE, LOCATED IN THE F-5 MID-RISE COMMUNITY SHOPPING AND OFFICE FORM DISTRICT, UNIT 1209 (ALEX & KATE FAGUNDES).

Attachments: [Attachment 1](#)
[Attachment 2](#)

17. [21-0569R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 5330 EAST SUPERIOR STREET, LOCATED IN THE F-2 LOW-RISE NEIGHBORHOOD MIX FORM DISTRICT, UNIT A (SARAH AND SETH MAXIM).

Attachments: [Attachment 1](#)
[Attachment 2](#)

18. [21-0571R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 5330 EAST SUPERIOR STREET, LOCATED IN THE F-2 LOW-RISE NEIGHBORHOOD MIX FORM DISTRICT, UNIT B (SARAH AND SETH MAXIM).

Attachments: [Attachment 1](#)
[Attachment 2](#)

19. [21-0578R](#) RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DULUTH AND CATALYST HOLDINGS LLC, FOR THE DEMOLITION AND DEVELOPMENT OF 411 NORTH 50TH AVENUE WEST.

Attachments: [Exhibit A](#)

20. [21-0585R](#) RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND SATURDAY ZENITH, LLC, FOR THE DEVELOPMENT OF THE ZENITH HISTORIC OLD CENTRAL HIGH SCHOOL PROJECT.

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

21. [21-0586R](#) RESOLUTION ADOPTING A MODIFICATION TO THE DEVELOPMENT PROJECT \ MUNICIPAL DEVELOPMENT DISTRICT PROGRAM PLAN AND ESTABLISHING TAX INCREMENT FINANCING DISTRICT NO. 34 THEREIN AND ADOPTING A TAX INCREMENT FINANCING PLAN THEREFOR.

Attachments: [Exhibit A](#)

22. [21-0592R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE CENTER FOR WORKFORCE INCLUSION IN AN AMOUNT OF \$212,948 FOR THE PURPOSE OF PROVIDING COMMUNITY SERVICE OPPORTUNITIES TO OLDER ADULTS.

Attachments: [MN116 PY2021 Sponsor Agreement - Duluth](#)

23. [21-0597R](#) RESOLUTION VACATING THE ALLEY IN BLOCKS 2 AND 3, HARRINGTON'S ADDITION TO DULUTH AND ACCEPTING A ROAD AND UTILITY EASEMENT OVER PURPORTEDLY VACATED SUPERIOR STREET LYING ADJACENT TO BLOCK 3, HARRINGTON'S ADDITION TO DULUTH.

Attachments: [Exhibit 1 - Vacation Exhibit.pdf](#)
[Exhibit 2 - Falconer Easement.pdf](#)
[Exhibit 3 - PL 21-067 Staff Report final with attachments.pdf](#)

24. [21-0598R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ZEITGEIST CENTER FOR THE ARTS AND COMMUNITY, AND MINNESOTA RESIDENT AND ARTIST MOIRA VILLIARD FOR THE LONG TERM MAINTENANCE AND CARE OF THE CHIEF BUFFALO MEMORIAL MURAL LOCATED IN GICHI-ODE' AKIING.

Attachments: [Gichi-Ode' Akiing Mural Maintenance Agreement](#)

25. [21-0608R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT WITH NORTHERN AQ LLC FOR THE SALE OF PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD FOR NOMINAL CONSIDERATION.

Attachments: [Exhibit 1-Resolution re PA.pdf](#)
[Exhibit 2-Resolution re PA.pdf](#)

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

26. [21-0570R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR THE 21ST AVENUE EAST RECONDITIONING PROJECT IN THE AMOUNT OF \$148,220.00

Attachments: [21-0570R Exhibit A](#)
[21-0570R Map](#)
[21-0570R LHB Proposal](#)

27. [21-0588R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES AND CONSTRUCTION INSPECTION FOR THE EAST FIRST STREET AND EAST FIRST STREET ALLEY RECONSTRUCTION PROJECT IN THE AMOUNT OF \$454,080.

Attachments: [21-0588R Map](#)
[21-0588R Exhibit A](#)

28. [21-0606R](#) RESOLUTION AMENDING CONTRACT L30221 WITH MSA PROFESSIONAL SERVICES, INC., FOR THE MIDDLE BOOSTER STATION RENOVATION PROJECT, IN THE AMOUNT OF \$360,268 FOR A NEW TOTAL OF \$523,671.60.

Attachments: [21-0606R Amendment](#)
[21-0606R Map](#)
[21-0606R Proposal](#)

29. [21-0617R](#) RESOLUTION AUTHORIZING ACCEPTANCE FOR A GRANT OF \$9,171 FROM THE MINNESOTA DNR/COASTAL PROGRAM SHORT TERM ACTION REQUEST (STAR) GRANT PROGRAM FOR LAKE SUPERIOR STORMWATER CHALK FEST

BY COUNCILOR ANDERSON (PUBLIC SAFETY)

30. [21-0577R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 709 TO PROVIDE FOR LAW ENFORCEMENT OFFICERS IN THE PUBLIC SCHOOLS.

Attachments: [2021-2022 Agreement](#)
[Exhibit A - Job Description](#)

31. [21-0614R](#) RESOLUTION AUTHORIZING APPLICATION TO THE LOVE YOUR BLOCK GRANT PROGRAM THROUGH CITIES OF SERVICE, TO PROVIDE RESOURCES TO REDUCE BLIGHT AND CLEAN UP ABANDONED WASTE.

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

32. [21-0589R](#) RESOLUTION AUTHORIZING AN APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES (DNR) FOR THE OUTDOOR RECREATION LEGACY PARTNERSHIP (ORLP) PROGRAM FOR \$1,120,000 TO IMPLEMENT THE WAABIZHESHEKANA: THE MARTEN TRAIL MINI-MASTER PLAN AND INTERPRETIVE PLAN

33. [21-0590R](#) RESOLUTION AUTHORIZING AN APPLICATION TO THE US ENVIRONMENTAL PROTECTION AGENCY GREAT LAKES RESTORATION INITIATIVE (GLRI) NONPOINT SOURCE RUNOFF PROGRAM FOR \$600,000 TO RESTORE THE SHORELINE OF BRIGHTON BEACH.
34. [21-0594R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO A THREE-YEAR AGREEMENT WITH ARROWHEAD YOUTH SOCCER ASSOCIATION FOR THE USE AND OPERATION OF THE SOCCER FIELDS AT LAKE PARK FIELDS ATHLETIC COMPLEX, ARLINGTON ATHLETIC COMPLEX AND GARY-NEW DULUTH PARK.
- Attachments: [Exhibit 1.pdf](#)
35. [21-0595R](#) RESOLUTION AUTHORIZING AN AMENDED AND RESTATED 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.
- Attachments: [Exhibit 1.pdf](#)
[Exhibit 2.pdf](#)
36. [21-0596R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH DULUTH ECONOMIC DEVELOPMENT AUTHORITY TO USE DEDA-OWNED PROPERTY COMMONLY KNOWN AS BAYFRONT FESTIVAL PARK AND PARKING LOT B, AT NO COST TO THE CITY.
- Attachments: [Exhibit 1.pdf](#)

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

37. [21-0584R](#) RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND MERGE, LLC, FOR THE DEVELOPMENT OF THE URBANE DULUTH MULTI-FAMILY RESIDENTIAL PROJECT.
- Attachments: [Exhibit A](#)
[Exhibit B](#)

BY COUNCILOR MEDVED (FINANCE)

38. [21-0616R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO NEGOTIATE A CONTRACT FOR TOURISM AND PROMOTION FOR 2022, WITH OPTIONS FOR 2023 & 2024

Attachments: [MOTION TO SPLIT](#)

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

39. [21-0618R](#) RESOLUTION DECLARING THE CITY COUNCIL'S SUPPORT FOR FORMALLY REEVALUATING THE CITY'S DOWNTOWN I-35 CORRIDOR. (REPLACEMENT)

Sponsors: Forsman, Filipovich, Randorf and Anderson

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

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

40. [21-027-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY LOCATED AT 4731 GLADSTONE STREET FROM RESIDENTIAL-TRADITIONAL (R-1) TO LOW-RISE NEIGHBORHOOD MIX (F-2).

Attachments: [Attachment 1](#)

41. [21-029-O](#) AN ORDINANCE GRANTING MARK KURILLA AT 2102 MINNESOTA AVENUE A CONCURRENT USE PERMIT FOR CONSTRUCTING A RETAINING WALL WITHIN THE PLATTED RIGHT OF WAY FOR 21ST STREET AND LAKE AVENUE.

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

42. [21-030-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD TO NORTHERN AQ LLC FOR \$1.00.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

43. [21-028-O](#) AN ORDINANCE AMENDING SECTION 43-10 OF THE DULUTH CITY CODE, 1959, AS AMENDED AUTHORIZING THE DIRECTOR OF PUBLIC WORKS AND UTILITIES TO EXECUTE CERTAIN DOCUMENTS PERTAINING TO THE WLSSD.

Attachments: [Attachment](#)

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

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

44. [21-024-O](#) AN ORDINANCE AMENDING THE APPROVED 2014 MIXED-USE PLANNED DEVELOPMENT (MU-P) CONCEPT PLAN AT 800 EAST CENTRAL ENTRANCE TO ALLOW FOR THE CREATION OF TWO SEPARATE DEVELOPMENT SITES, AND THE CONSTRUCTION OF NEW PUBLIC SCHOOL FACILITIES.
- Attachments:** [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
45. [21-025-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY LOCATED AT THE EAST END OF VASSAR STREET AND AN ADJACENT PARCEL TO THE NORTH FROM RURAL RESIDENTIAL 1 (RR-1) TO RESIDENTIAL - TRADITIONAL (R-1)
- Attachments:** [Attachment 1](#)
[Attachment 2](#)
[Motion to Amend: Passed 7 - 2 \(Nays: Councilors Kennedy and Medved\)](#)
46. [21-026-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 6920 GRAND AVENUE FROM RESIDENTIAL-TRADITIONAL (R-1) TO MIXED USE-NEIGHBORHOOD (MU-N).
- Attachments:** [Attachment 1](#)
[Attachment 2](#)

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS