

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, April 12, 2021 7:00 PM Council Chamber

NOTICE: The Duluth City Council will be holding the April 8, 2021 Agenda Session and April 12, 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 Roz Randorf, Councilor Joel Sipress, Councilor Terese Tomanek, Vice

President Arik Forsman and President Renee Van Nett

Absent: 1 - Councilor Derek Medved

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. <u>21-025</u> Meeting Minutes of the Duluth City Council

Indexes:

Attachments: March 22, 2021 - City Council Meeting

A motion was made by Councilor Tomanek to approve the Minutes. The motion was seconded by Councilor Kennedy. The Minutes were approved unanimously. Absent: Councilor Medved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. <u>21-026</u> Earned Sick and Safe Time Report

Indexes:

Attachments: ESST Report to City Council

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

3. 21-022 Duluth Public Utilities Commission Resolution 21PUC-002.

Indexes:

Attachments: 21PUC-002

Memo to Council

This Board or Commission Report was received.

4. <u>21-023</u> Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: February 2021 - DPUC Minutes

This Board or Commission Report was received.

5. <u>21-024</u> Library Board Meeting Minutes

Indexes:

Attachments: February 2021 - Library Board Minutes

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

Lisa Fitzpatrick, Libby Bent, Linda Herron, Phil Fitzpatrick, Bill Mittlefehldt and Cyndi Brown spoke in support for the Duluth climate resolution. (21-0256R) Lee Stuart spoke in support for 21-0227R and 21-0244R.

CONSENT AGENDA

A motion was made by Councilor Randorf to adopt Consent Agenda. Motion was seconded by Councilor Tomanek. The Consent Agenda passed unanimously.

Absent: Councilor Medved.

BY COUNCILOR MEDVED (FINANCE)

6. 21-0233R RESOLUTION AMENDING RESOLUTION NOS. 86-0142, 01-0601, 06-0498, AND 17-0099 MODIFYING THE MEMBERSHIP OF THE CITY SPECIAL BOARD OF REVIEW.

This Resolution was adopted unanimously.

Absent: Councilor Medved.

7. 21-0258R RESOLUTION AUTHORIZING A CONTRACT WITH HANOVER INSURANCE COMPANY FOR PROPERTY INSURANCE AT THE COST NOT TO EXCEED \$291,954.16 TO BE PAID TO MARSH & MCLENNAN AGENCY LLC, AGENT FOR HANOVER INSURANCE COMPANY.

This Resolution was adopted unanimously.

Absent: Councilor Medved.

8. 21-0259R RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY TO INSURE THE MRO BUILDING UNDER THE CITY'S PROPERTY AND BOILER INSURANCE POLICIES.

Indexes:

Attachments: Exhibit A

This Resolution was adopted unanimously.

Absent: Councilor Medved.

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

9. <u>21-0217R</u> RESOLUTION APPROVING THE ISSUANCE OF A 3.2% LIQUOR LICENSE TO THE MERRYWEATHER INN, 2316 EAST FIRST STREET

Indexes:

Attachments: Attachment A

This Resolution was adopted unanimously.

Absent: Councilor Medved.

10. <u>21-0218R</u> RESOLUTION APPROVING RENEWAL AND ISSUANCE OF 3.2%

LIQUOR LICENSES FOR THE PERIOD BEGINNING MAY 1, 2021, AND

ENDING AUGUST 31, 2021.

Indexes:

Attachments: 2021 Beer Renewal List

This Resolution was adopted unanimously.

Absent: Councilor Medved.

BY COUNCILOR KENNEDY (PERSONNEL)

11. 21-0219R RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE

NEW CLASSIFICATION OF DEPUTY CITY ATTORNEY, AND

SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: Exhibit A

This Resolution was adopted unanimously.

Absent: Councilor Medved.

12. 21-0238R RESOLUTION CONFIRMING THE APPOINTMENT OF MARK HAKES

AND LAMARQUITA LEACH TO THE DULUTH NONBINARY, QUEER,

TRANS, TWO SPIRIT, LESBIAN, GAY, BISEXUAL, INTERSEX &

ASEXUAL (NQT2SLGBIA) COMMISSION.

This Resolution was adopted unanimously.

Absent: Councilor Medved.

13. 21-0252R RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE

NEW CIVIL SERVICE CLASSIFICATION OF BUDGET & GRANT

SUPERVISOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: Exhibit A

This Resolution was adopted unanimously.

Absent: Councilor Medved.

14. 21-0254R RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE

SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE

CLASSIFICATION OF PARKS & GROUNDS MAINTENANCE

SUPERVISOR.

Indexes:

Attachments: Exhibit A

This Resolution was adopted unanimously. Absent: Councilor Medved.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

15. 21-0223R RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE GARY-NEW DULUTH NEIGHBORHOOD.

Indexes:

Attachments: Exhibit A-Resolution of Intent to Sell.pdf

Exhibit B - Letter of Conf.pdf

This Resolution was adopted unanimously.

Absent: Councilor Medved.

16. 21-0224R RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE

AGREEMENT WITH VEIT COMPANIES, LLC FOR THE SALE OF PROPERTY IN THE GARY-NEW DULUTH NEIGHBORHOOD FOR

\$35,623.

Indexes:

Attachments: Exhibit 1-Resolution authorizing PA.pdf

This Resolution was adopted unanimously.

Absent: Councilor Medved.

17. <u>21-0227R</u> 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 CHURCHES UNITED IN MINISTRY/ST. FRANCIS APARTMENTS, LLC TO PURCHASE THE DULUTH INN

MOTEL FOR SHORT-TERM HOUSING FOR INDIVIDUAL

EXPERIENCING HOMELESSNESS.

This Resolution was adopted unanimously.

Absent: Councilor Medved.

18. <u>21-0244R</u> RESOLUTION APPROVING REALLOCATION OF 2020 CARES ACT

FUNDING, MODIFYING \$50,000 IN FUNDING FOR THE FAMILY COACH POSITION AT THE STEVE O'NEIL APARTMENTS PROJECT BY CHUM

FROM THE EMERGENCY SOLUTIONS GRANTS PROGRAM

(ESG-CV-1) TO THE COMMUNITY DEVELOPMENT BLOCK GRANT

(CDBG-CV-1) PROGRAM.

This Resolution was adopted unanimously.

Absent: Councilor Medved.

19.	<u>21-0245R</u>	RESOLUTION APPROVING THE REVISED 2021 ANNUAL ACTION
		PLAN AND AUTHORIZING A REQUEST FOR HUD FEDERAL
		COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME
		PROGRAM (HOME), AND EMERGENCY SOLUTIONS GRANT
		PROGRAM (ESG) PROGRAM FUNDS.

This Resolution was adopted unanimously.

Absent: Councilor Medved.

20. 21-0246R RESOLUTION AUTHORIZING AN INCREASE OF \$735 FY 2021 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

This Resolution was adopted unanimously.

Absent: Councilor Medved.

21. 21-0247R RESOLUTION AUTHORIZING A DECREASE OF \$851 FY 2021 HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM.

This Resolution was adopted unanimously.

Absent: Councilor Medved.

22. 21-0248R RESOLUTION AUTHORIZING A DECREASE OF \$1,059 FY 2021 EMERGENCY SOLUTIONS GRANT (ESG) PROGRAM.

This Resolution was adopted unanimously.

Absent: Councilor Medved.

BY COUNCILOR TOMANEK (INTERGOVERNMENTAL RELATIONS)

23. 21-0240R RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO

ENTER INTO A COOPERATIVE AGREEMENT ACCEPTING \$47,662.88 FROM ST. LOUIS COUNTY TO REIMBURSE CITY FOR LOCAL MATCH

COSTS IN COMPLETING HAZARD MITIGATION PROJECTS

PURSUANT TO A UNITED STATES DEPARTMENT OF HOMELAND SECURITY ADVANCE ASSISTANCE HAZARD MITIGATION PROGRAM

GRANT.

Indexes:

Attachments: Exhibit 2.pdf

Exhibit 1.pdf

This Resolution was adopted unanimously.

Absent: Councilor Medved.

BY PRESIDENT VAN NETT (COMMITTEE OF THE WHOLE)

24. 21-0225R RESOLUTION RENEWING DECLARATION OF LOCAL HEALTH

EMERGENCY FOR PURPOSES OF DULUTH CITY CODE SECTION

17-7 AND MINNESOTA STATUTES SECTION 13D.021.

This Resolution was adopted unanimously.

Absent: Councilor Medved.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

25. 21-0203R RESOLUTION AWARDING A CONTRACT TO HOVLAND, INC. FOR THE

CROSS CITY TRAIL RELOCATION PROJECT IN THE AMOUNT OF

\$256,846.36.

Indexes:

Attachments: 21-0203R Map

This Resolution was adopted unanimously.

Absent: Councilor Medved.

26. 21-0221R RESOLUTION AUTHORIZING THE PURCHASE OF A 2022 WESTERN

STAR CAB AND CHASSIS FROM BOYER TRUCKS IN THE AMOUNT OF \$99,344.85, AND THE PURCHASE AND INSTALLATION OF A DUMP BODY & SANDER TO OUTFIT THE TRUCK FROM CRYSTEEL TRUCK EQUIPMENT IN THE AMOUNT OF \$122,895.59 FOR A TOTAL

AMOUNT OF \$222,240.44.

This Resolution was adopted unanimously.

Absent: Councilor Medved.

27. 21-0222R RESOLUTION AUTHORIZING A CONTRACT WITH A.W. KUETTEL &

SONS FOR THE INSTALLATION OF BUILDING ENERGY TRANSFER STATIONS AT THE HOLIDAY INN COMPLEX FOR AN AMOUNT NOT TO

EXCEED \$542,800.

This Resolution was adopted unanimously.

Absent: Councilor Medved.

28. 21-0234R RESOLUTION AWARDING A CONTRACT TO VEIT & CO., INC. FOR THE

2021 CITYWIDE CIPP SEWER LINING PROJECT IN THE AMOUNT OF

\$886,062.75.

Indexes:

Attachments: 21-0234R Map

This Resolution was adopted unanimously.

Absent: Councilor Medved.

BY COUNCILOR ANDERSON (PUBLIC SAFETY)

29. 21-0198R RESOLUTION AUTHORIZING THE ACCEPTANCE OF

REIMBURSEMENT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, IN AN AMOUNT NOT TO EXCEED \$16,418.45 AND REIMBURSEMENT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$16,418.45 FOR

THE PURCHASE OF BALLISTIC VESTS.

Indexes:

Attachments: Document A

This Resolution was adopted unanimously.

Absent: Councilor Medved.

30. 21-0199R RESOLUTION AUTHORIZING THE ACCEPTANCE OF

REIMBURSEMENT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$17,221.39 FOR

THE PURCHASE OF BALLISTIC VESTS.

Indexes:

Attachments: Document A

This Resolution was adopted unanimously.

Absent: Councilor Medved.

31. <u>21-0204R</u> RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM

THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$8,000.00 AND A LOCAL MATCH OF \$1,600.00 FOR THE 2021 SPEED AND AGGRESSIVE DRIVING ENFORCEMENT PROGRAM AND FURTHER AUTHORIZING AN AGREEMENT WITH THE CITY OF HERMANTOWN POLICE DEPARTMENT FOR SERVICES UNDER THE

GRANT.

Indexes:

Attachments: Document A

Document B

This Resolution was adopted unanimously.

Absent: Councilor Medved.

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

32. 21-0220R RESOLUTION AUTHORIZING A CONTRACT WITH GARDNER

BUILDERS, LLC FOR PHASE II OF MULTI-YEAR CITY HALL RENOVATIONS TO INCLUDE GROUND, THIRD, AND FOURTH

FLOORS FOR AN AMOUNT NOT TO EXCEED \$1,496,800.07.

This Resolution was adopted unanimously.

Absent: Councilor Medved.

33. 21-0228R RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH

NORTHWOODS LEAGUE, INC. AND RPK BASEBALL, LLC FOR THE

USE OF WADE STADIUM.

Indexes:

Attachments: Exhibit 1.pdf

This Resolution was adopted unanimously.

Absent: Councilor Medved.

34. 21-0229R RESOLUTION AUTHORIZING THE EXECUTION AND FILING OF A

DECLARATION OF RESTRICTIVE COVENANT OVER WHEELER

ATHLETIC COMPLEX AND WADE STADIUM.

Indexes:

Attachments: Exhibit 1.pdf

Exhibit 2.pdf

This Resolution was adopted unanimously.

Absent: Councilor Medved.

35. 21-0231R RESOLUTION AUTHORIZING ACCEPTANCE FROM THE UNITED

STATES DEPARTMENT OF HOMELAND SECURITY FOR AN ADVANCE ASSISTANCE HAZARD MITIGATION GRANT OF \$285.977.25 FOR COASTAL INFRASTRUCTURE ASSESSMENT.

Indexes:

Attachments: Exhibit 1r.pdf

This Resolution was adopted unanimously.

Absent: Councilor Medved.

36. <u>21-0232R</u> RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE

AGREEMENT WITH JOSEPH H. KLEIMAN AND ROSE A. KLEIMAN

FOR THE PURCHASE OF PROPERTY IN THE ONEOTA NEIGHBORHOOD IN EXCHANGE FOR \$225,000.00 AND CONVEYANCE OF PROPERTY IN THE DULUTH HEIGHTS

NEIGHBORHOOD.

Indexes:

Attachments: Exhibit 1-Resolution Authorizing PA.pdf

Exhibit 2-Resolution Authorizing PA.pdf
Exhibit 3-Resolution Authorizing PA.pdf
Exhibit 4-Resolution Authorizing PA.pdf
Exhibit 5-Resolution Authorizing PA.pdf

This Resolution was adopted unanimously.

Absent: Councilor Medved.

37. 21-0237R RESOLUTION SUPPORTING REGIONAL PARK OR TRAIL

DESIGNATION APPLICATION FOR WAABIZHESHIKANA: THE MARTEN TRAIL THROUGH THE GREATER MINNESOTA REGIONAL PARKS AND

TRAILS COMMISSION

Indexes:

Attachments: Marten designation application final

This Resolution was adopted unanimously.

Absent: Councilor Medved.

38. 21-0241R RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT

L30159 WITH TKDA FOR ADDITIONAL ENGINEERING SERVICES FOR THE FAIRMOUNT SNOWMOBILE TRAIL PROJECT FOR AN INCREASE OF \$45,800 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$129,990.

Indexes:

Attachments: Exhibit A

This Resolution was adopted unanimously.

Absent: Councilor Medved.

39. 21-0242R RESOLUTION AUTHORIZING A CONTRACT WITH A PLUS

CONTRACTORS FOR RECONSTRUCTION OF THE FAIRMOUNT

SNOWMOBILE TRAIL FOR AN AMOUNT NOT TO EXCEED

\$181,570.00.

This Resolution was adopted unanimously.

Absent: Councilor Medved.

40. 21-0243R RESOLUTION AUTHORIZING A CONTRACT WITH KTM PAVING FOR

MULTIUSE TRAIL BRIDGES FOR AN AMOUNT NOT TO EXCEED

\$557,270.80.

This Resolution was adopted unanimously.

Absent: Councilor Medved.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR KENNEDY (PERSONNEL)

41. 21-0257R RESOLUTION APPOINTING ANDREA CROUSE TO THE DULUTH

PUBLIC UTILITIES COMMISSION.

Indexes:

<u>Attachments:</u> MOTION TO AMEND - Adopted Unanimously. Absent: Councilor

Medved

A motion was made to adopt this Resolution, as amended, by Councilor

Anderson. The motion was seconded by Councilor Tomanek. This Resolution was adopted, as amended, unanimously.

Absent: Councilor Medved.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

42. <u>21-0256R</u> RESOLUTION DECLARING A CLIMATE EMERGENCY IN DULUTH,

MINNESOTA.

Indexes:

Attachments: Exhibit A

Exhibit B

A motion was made by Councilor Sipress to adopt this resolution. The motion

was seconded by Councilor Forsman.

This Resolution was adopted unanimously.

Absent: Councilor Medved.

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

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

43. 21-004-O AN ORDINANCE GRANTING DULUTH LINCOLN PARK 1 LLC AT 2360

WEST SUPERIOR STREET A CONCURRENT USE PERMIT TO ATTACH BALCONIES, ROOFTOP PARAPET WALLS AND CANOPIES

ABOVE GROUND AND ATTACHED TO A PROPOSED 74 UNIT APARTMENT STRUCTURE AND WITHIN THE PLATTED RIGHT OF WAY FOR WEST SUPERIOR STREET AND SOUTH 21ST AVENUE

WEST.

Indexes:

Attachments: Exhibit I legal description of balcony

Exhibit J legal description parapet

Exhibit K legal description of canopy

PL 21-006 Staff Report and Attachments

This Ordinance was read for the first time.

44. 21-005-O AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN

REAL PROPERTY IN THE GARY-NEW DULUTH NEIGHBORHOOD TO

VEIT COMPANIES, LLC FOR \$35,623.

Indexes:

Attachments: Exhibit A-Ordinance.pdf

Exhibit B-Ordinance.pdf

This Ordinance was read for the first time.

45. 21-006-O AN ORDINANCE AUTHORIZING THE CONVEYANCE OF REAL

PROPERTY IN THE LAKESIDE NEIGHBORHOOD TO THE DULUTH

ECONOMIC DEVELOPMENT AUTHORITY FOR NOMINAL

CONSIDERATION.

Indexes:

Attachments: Exhibit A-Ordinance.pdf

This Ordinance was read for the first time.

46. 21-007-O AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN

REAL PROPERTY IN THE CENTRAL ENTRANCE NEIGHBORHOOD TO

JOSEPH H. KLEIMAN AND ROSE A. KLEIMAN.

Indexes:

Attachments: Exhibit 1-Ordinance Authorizing Conveyance to Kleiman.pdf

This Ordinance was read for the first time.

47. 21-008-O AN ORDINANCE AUTHORIZING THE CONVEYANCE OF REAL

PROPERTY IN THE CENTRAL HILLSIDE NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR NOMINAL

CONSIDERATION.

Indexes:

Attachments: Exhibit A-Ordinance.pdf

This Ordinance was read for the first time.

48. 21-009-O AN ORDINANCE CREATING SECTION 50-27.12; AND AMENDING

SECTIONS 50-37.7 AND 50-37.12, RELATED TO MASS TRANSIT

SHELTER SIGNAGE.

Indexes:

Attachments: Attachment 1

Attachment 2

This Ordinance was read for the first time.

49. 21-010-0 AN ORDINANCE AMENDING SECTIONS 50-20.1, 50-20.4, 50-24.2, AND

50-41 RELATED TO SOBER HOUSES AND RESIDENTIAL CARE

FACILITIES.

Indexes:

Attachments: Attachment 1

Attachment 2
Attachment 3

A motion was made by Councilor Forsman to return this Ordinance to Administration. The motion was seconded by Councilor Sipress. This Ordinance was withdrawn and returned to Administration.

50. 21-011-O AN ORDINANCE AMENDING SECTIONS 50-20.3 AND 50-41 RELATED

TO MINI STORAGE AND SELF-SERVICE STORAGE FACILITIES.

Indexes:

Attachments: Attachment 1

Attachment 2

This Ordinance was read for the first time.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

ATTEST:

CHELSEA J. HELMER, City Clerk

Passed: April 12, 2021 Approved: April 13, 2021 EMILY LARSON, Mayor