



# 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]*

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Monday, September 28, 2020

7:00 PM

Council Chamber

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**NOTICE:** *The Duluth City Council will be holding the September 24, 2020 Agenda Session and September 28, 2020 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](mailto: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 Zack Filipovich, Councilor Arik Forsman, Councilor Janet Kennedy, Councilor Derek Medved, Councilor Roz Randorf, Councilor Joel Sipress, Councilor Terese Tomanek, Vice President Renee Van Nett and President Gary Anderson

### PLEDGE OF ALLEGIANCE

### APPROVAL OF MINUTES

1. [20-063](#) Meeting Minutes of the Duluth City Council

**Indexes:**

**Attachments:** [September 12, 2020](#)

These Minutes were approved.

## REPORTS FROM THE ADMINISTRATION

## REPORTS FROM OTHER OFFICERS

## REPORTS OF BOARDS AND COMMISSIONS

2. [20-059](#) Parks and Recreation Meeting Minutes

Indexes:

Attachments: [08-12-2020](#)

This Board or Commission Report was received.

3. [20-060](#) Alcohol, Gambling and Tobacco Meeting Minutes

Indexes:

Attachments: [08-05-2020](#)

This Board or Commission Report was received.

4. [20-061](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [08-18-2020](#)

This Board or Commission Report was received.

5. [20-062](#) Duluth Public Utilities Commission: Resolution 20PUC-003

Indexes:

Attachments: [20PUC-003](#)

This Board or Commission Report was received.

## REPORTS OF COUNCIL COMMITTEES

## REPORTS OF COUNCIL OPEN ISSUES

## OPPORTUNITY FOR CITIZENS TO BE HEARD

Aaron Stolp, Scott Neustel, Jason Hegg, Dan Maki and Sam Luoma spoke in support of Spirit Mountain.

Jim Topie and Arend Sandbutte spoke in regard to the Lakewalk Restoration.

**CONSENT AGENDA****BY COUNCILOR MEDVED (FINANCE)**

6. [20-0706R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH THE DULUTH ENTERTAINMENT AND CONVENTION CENTER (DECC) AUTHORIZING CITY LEGAL STAFF TO PROVIDE LIMITED PROFESSIONAL LEGAL SERVICES TO THE DECC AND FOR THE CITY TO BE PAID FOR SUCH SERVICES AS AUTHORIZED BY MINNESOTA LAW.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted unanimously.

7. [20-0708R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2020A, IN THE APPROXIMATE AMOUNT OF \$1,470,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDED THE SALE THEREOF.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

8. [20-0709R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2020B, IN THE APPROXIMATE AMOUNT OF \$2,885,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDED THE SALE THEREOF.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

9. [20-0710R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION STATE-AID STREET IMPROVEMENT BONDS, SERIES 2020C, IN THE APPROXIMATE AMOUNT OF \$3,960,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING

FOR AWARDING THE SALE THEREOF.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

**This Resolution was adopted unanimously.**

10. [20-0711R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF TAXABLE GENERAL OBLIGATION STEAM UTILITY REVENUE BONDS, SERIES 2020D, IN THE APPROXIMATE AMOUNT OF \$10,775,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDING THE SALE THEREOF.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

**This Resolution was adopted unanimously.**

11. [20-0712R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION BONDS (LAKEWALK RESTORATION), SERIES 2020E, IN THE APPROXIMATE AMOUNT OF \$3,395,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDING THE SALE THEREOF.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

**This Resolution was adopted unanimously.**

12. [20-0727R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2021.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

13. [20-0728R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2021.

Indexes:

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

This Resolution was adopted unanimously.

14. [20-0729R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2021.

**Indexes:**

**Attachments:** [20-0729R - Max Tax Levy Exhibit A](#)

This Resolution was adopted unanimously.

15. [20-0730R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2021.

This Resolution was adopted unanimously.

**BY COUNCILOR KENNEDY (PERSONNEL)**

16. [20-0704R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF CHAQUANA MCENTYRE TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

This Resolution was adopted unanimously.

17. [20-0737R](#) RESOLUTION AMENDING AND RESTATING RESOLUTION 20-0533R, APPOINTING ADDITIONAL ELECTION JUDGES FOR THE NOVEMBER 3, 2020 GENERAL ELECTION.

**Indexes:**

**Attachments:** [Attachment A.pdf](#)

This Resolution was adopted unanimously.

18. [20-0738R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF ACCOUNTANT I, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**Indexes:**

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

This Resolution was adopted unanimously.

19. [20-0739R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF ACCOUNTANT II, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

20. [20-0744R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF NATALIE CHIN TO THE PARKS AND RECREATION COMMISSION.

This Resolution was adopted unanimously.

**BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)**

21. [20-0720R](#) RESOLUTION ADOPTING A MODIFICATION TO THE DEVELOPMENT PROJECT \ MUNICIPAL DEVELOPMENT DISTRICT PROGRAM PLAN AND ESTABLISHING TAX INCREMENT FINANCING DISTRICT NO. 33 THEREIN AND ADOPTING A TAX INCREMENT FINANCING PLAN THEREFOR.

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

This Resolution was adopted unanimously.

22. [20-0735R](#) RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND DULUTH LINCOLN PARK1, LLC, FOR THE DEVELOPMENT OF THE LINCOLN PARK FLATS MULTI-FAMILY RESIDENTIAL PROJECT.

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

This Resolution was adopted unanimously.

**BY COUNCILOR VAN NETT (PUBLIC SAFETY)**

23. [20-0691R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE A POLICE ENTERPRISE RECORDS MANAGEMENT SYSTEM (RMS) SUBSCRIBER AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF MINNESOTA, THROUGH ITS DULUTH POLICE CAMPUS, TO PROVIDE THE UM-D POLICE DEPARTMENT ACCESS TO THE CITY OF DULUTH'S RMS FOR AN ANNUAL ESTIMATED FEE OF \$15,736.

Indexes:

**Attachments:** [Police RMS Subscriber Agreement draft.pdf](#)

**This Resolution was adopted unanimously.**

24. [20-0705R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN (OVW), IN THE TOTAL AMOUNT OF \$500,000 AND AUTHORIZING AN AGREEMENT WITH PROGRAM FOR AID TO VICTIMS OF SEXUAL ASSAULT (PAVSA) FOR THEIR PARTICIPATION IN THE OVW FY2020 IMPROVING CRIMINAL JUSTICE RESPONSE TO SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING GRANT PROGRAM.

**Indexes:**

**Attachments:** [Document A - Award Report](#)  
[Document B - Partner Agreement](#)  
[Exhibit A - Budget](#)

**This Resolution was adopted unanimously.**

25. [20-0726R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A TASK FORCE AGREEMENT BETWEEN THE DULUTH POLICE DEPARTMENT AND THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION (DEA) AND FURTHER AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT MONIES FROM THE DEA FOR OVERTIME EXPENSES INCURRED IN SUPPORT OF THE TASK FORCE.

**Indexes:**

**Attachments:** [2020.8.27 DEA Task Force Agreement.pdf](#)

**This Resolution was adopted unanimously.**

26. [20-0731R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE PARTNER AGREEMENT BETWEEN THE CITY OF DULUTH AND PROGRAM FOR AID TO VICTIMS OF SEXUAL ASSAULT, INC., REGARDING THE FY 2017 NATIONAL SEXUAL ASSAULT KIT INITIATIVE TO VICTIMS OF SEXUAL ASSAULT, TO EXTEND THE TERM OF THE AGREEMENT FROM SEPTEMBER 30, 2020 TO SEPTEMBER 30, 2021.

**Indexes:**

**Attachments:** [FY2017 SAKI Amendment to the Partner Agreement No-Cost Extension Final](#)

**This Resolution was adopted unanimously.**

27. [20-0733R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$265,200 FOR THE 2021 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 - Grant Agreement](#)  
[Document B - Partner Agreement](#)

This Resolution was adopted unanimously.

**BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)**

28. [20-0734R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH WISCONSIN CENTRAL LTD. TO ACCEPT A LICENSE FOR A PUBLIC RECREATIONAL TRAIL FOR \$1,000.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

29. [20-0750R](#) RESOLUTION SUPPORTING THE FEDERAL GOVERNMENT EXTENDING ELIGIBILITY FOR COVID-19 RELIEF FUNDING FOR QUASI-GOVERNMENTAL ENTITIES, SUCH AS THE DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY AND THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

*The following entitled resolutions are also to be considered:*

**BY COUNCILOR MEDVED (FINANCE)**

30. [20-0732R](#) RESOLUTION APPROPRIATING \$300,000 TO SPIRIT MOUNTAIN RECREATION AREA AUTHORITY FOR ELIGIBLE PROJECT COSTS INCURRED WITHIN THE ST LOUIS RIVER CORRIDOR HALF AND HALF TAX PROJECT AREA

This Resolution was adopted unanimously.

**BY COUNCILOR KENNEDY (PERSONNEL)**



31. [20-0742R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF LAURA MULLEN TO THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY.

This Resolution was adopted unanimously.

32. [20-0743R](#) RESOLUTION APPOINTING CHRIS ADATTE TO THE DULUTH PUBLIC UTILITIES COMMISSION.

This Resolution was adopted unanimously.

**BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)**

33. [20-0740R](#) RESOLUTION IN SUPPORT OF INDEFINITE CLOSURE OF FOOTPATH BETWEEN LAKE SUPERIOR AND THE LEDGES TOWNHOMES, INDEFINITE POSTPONEMENT OF PLANS TO CONSTRUCT A NEW FOOTPATH BETWEEN LAKE SUPERIOR AND THE BEACON POINT DEVELOPMENT, AND REALLOCATION OF \$915,695 IN ANTICIPATED FEDERAL EMERGENCY MANAGEMENT AGENCY FUNDS FROM REPAIR OF THE STORM-DAMAGED LEDGES FOOTPATH TO REPAIR OF STORM-DAMAGE AT BRIGHTON BEACH PARK AND WAABIZHESHIKANA - THE MARTEN TRAIL

**Indexes:**

**Attachments:** [Exhibit A - Page from lakewalk-feasibility-final-report-02-05-16](#)

This Resolution was tabled.

**ORDINANCES TABLED**

**BY COUNCILOR RANDORF (PURCHASING & LICENSING)**

34. [20-047-O](#) AN ORDINANCE AMENDING CHAPTER 29A-32 OF THE DULUTH CITY CODE BY ADDING A REQUIREMENT THAT LANDLORDS PURCHASE PROPERTY INSURANCE.

This Ordinance was returned to Administration.

Abstains: Councilor Kennedy

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

**BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)**

35.     [20-050-O](#)     AN ORDINANCE GRANTING STATION TWO LLC A CONCURRENT USE PERMIT FOR A CONCRETE BARRIER IN THE PLATTED STREET RIGHT OF WAY OF WEST 1ST STREET.

**Indexes:**

**Attachments:**   [Attachment 1](#)

[Attachment 2](#)

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)**

36.     [20-048-O](#)     AN ORDINANCE GRANTING THE ST. LOUIS AND LAKE COUNTIES REGIONAL RAILROAD AUTHORITY A CONCURRENT USE PERMIT FOR LOW CLEARANCE WARNING SIGNS IN THE PLATTED STREET RIGHT-OF-WAY OF 36TH AVENUE EAST BETWEEN GREYSOLON ROAD AND LONDON ROAD.

**Indexes:**

**Attachments:**   [Attachment 1](#)

[\(Motion to Amend - Sipress \(Passed unanimously\)\)](#)

This Ordinance stays on second read.

37.     [20-049-O](#)     AN ORDINANCE GRANTING THE ST. LOUIS AND LAKE COUNTIES REGIONAL RAILROAD AUTHORITY A CONCURRENT USE PERMIT FOR ACTIVE LOW CLEARANCE WARNING SIGNS IN THE PLATTED STREET RIGHT-OF-WAY OF 32TH AVENUE EAST BETWEEN GREYSOLON ROAD AND LONDON ROAD.

**Indexes:**

**Attachments:**   [Attachment 1](#)

[Motion to Amend - Sipress \(passed unanimously\)](#)

This Ordinance stays on second read.

**COUNCILOR QUESTIONS AND COMMENTS****COUNCILOR PREVIEW OF UPCOMING BUSINESS**