



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, October 12, 2020

7:00 PM

Council Chamber

NOTICE: *The Duluth City Council will be holding the October 8, 2020 Agenda Session and October 12, 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 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. [20-064](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [September 28, 2020 - City Council Meeting](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

Jim Topie spoke in regard to 20-0740R.

Wendy Wohlwend read a letter in support of 20-0761R

Carla Schneider spoke in support of 20-048-O

RESOLUTIONS TABLED

BY COUNCILOR FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

2. [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](#)

A motion was made to remove the resolution from the table - passed unanimously.

This Resolution was adopted unanimously.

CONSENT AGENDA

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

3. [20-0759R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH MICROSOFT VIA ITS RESELLER, SHI INTERNATIONAL CORPORATION, FOR THE PURCHASE OF MICROSOFT SOFTWARE

LICENSING AND MAINTENANCE FOR AN ANNUAL AMOUNT OF \$168,033.19.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously

BY COUNCILOR KENNEDY (PERSONNEL)

4. [20-0760R](#) RESOLUTION APPROVING AN AMENDED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND CITY OF DULUTH SUPERVISORY ASSOCIATION FOR THE YEARS 2020-2021.

Indexes:

Attachments: [First Amendment to Memorandum of Agreement -CDSA and City of Duluth](#)

This Resolution was adopted unanimously.

5. [20-0761R](#) RESOLUTION APPROVING AN AMENDED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES MINNESOTA COUNCIL 5, LOCAL 66, FOR CITY OF DULUTH BASIC UNIT FOR YEARS 2020-2021.

Indexes:

Attachments: [First Amendment to Memorandum of Agreement -AFSCME and City of Duluth](#)

This Resolution was adopted unanimously.

6. [20-0762R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF TYRONE WALKER TO THE SEAWAY PORT AUTHORITY OF DULUTH

This Resolution was adopted unanimously.

7. [20-0763R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MEMBERS TO THE DULUTH AFRICAN HERITAGE COMMISSION.

This Resolution was adopted unanimously.

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

8. [20-0768R](#) 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.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

9. [20-0756R](#) RESOLUTION AUTHORIZING AN INCREASE TO MASTER SERVICES AGREEMENT L30037 WITH EPC ENGINEERING & TESTING, FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR 2020 AND 2021 FOR A TOTAL FIVE-YEAR CONTRACT AMOUNT NOT TO EXCEED \$425,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

10. [20-0758R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR STREET PURPOSES FROM 926 NORTH 8TH, INC. OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE LINCOLN PARK NEIGHBORHOOD, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

[Exhibit 2.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

11. [20-0741R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$32,379.00 AND FURTHER AUTHORIZING EXECUTION OF GRANT AGREEMENT WITH ST. LOUIS COUNTY.

Indexes:

Attachments: [Exhibit A - Award Report](#)

[Exhibit B - Budget](#)

[Document A - Partner Agreement](#)

This Resolution was adopted unanimously.

12. [20-0764R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF AN AWARD FROM THE MINNESOTA BOARD OF FIREFIGHTER TRAINING AND EDUCATION TOTALING \$27,200 FOR THE PURPOSE OF SUPPORTING FIRE DEPARTMENT PERSONNEL TRAINING.

Indexes:

Attachments: [FY21 Award letter](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

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

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

13. [20-051-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A PERMANENT EASEMENT TO THE COUNTY OF SAINT LOUIS, MINNESOTA FOR HIGHWAY PURPOSES OVER REAL PROPERTY ON THE NORTH SHORE FOR NOMINAL CONSIDERATION.

Indexes:

Attachments: [Exhibit 1.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)

14. [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 was adopted unanimously.

Absent: Councilor Medved

15. [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 was adopted unanimously.

Absent: Councilor Medved

16. [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 adopted unanimously.

Absent: Councilor Medved

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS