



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, September 13, 2021

7:00 PM

Council Chamber

NOTICE: The Duluth City Council will be holding the September 9, 2021 Agenda Session and September 13, 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

Present: 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Janet Kennedy, Councilor Derek Medved, Councilor Roz Randorf, Councilor Joel Sipress, Councilor Terese Tomanek, Vice President Arik Forsman and President Renee Van Nett

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

1. [21-085](#) Housing and Redevelopment Authority of Duluth Minnesota's ("HRA's") proposed Tax Increment Financing District Greysolon Plaza

Indexes:

Attachments: [NOPH City Council Greysolon](#)

This Public Hearing was held.

APPROVAL OF MINUTES

2. [21-083](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2021-08-23, Minutes](#)

A motion was made by Vice President Forsman to approve the Minutes. The motion was seconded by Councilor Filipovich. The Minutes were approved unanimously.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

3. [21-079](#) Duluth Seaway Port Authority Meeting Minutes

Indexes:

Attachments: [April 2021 - Port Authority Meeting Minutes](#)

[May 2021 - Seaway Port Authority Meeting Minutes](#)

[June 2021 - Seaway Port Authority Meeting Minutes](#)

This Board or Commission Report was received.

4. [21-080](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [June 2021 - DPUC Meeting Minutes](#)

This Board or Commission Report was received.

5. [21-081](#) Duluth Citizen Review Board Meeting Minutes

Indexes:

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

This Board or Commission Report was received.

6. [21-082](#) Library Board Meeting Minutes

Indexes:

Attachments: [June 2021 - Library Board Minutes](#)

This Board or Commission Report was received.

7. [21-084](#) Alcohol, Gambling & Tobacco Commission Meeting Minutes

Indexes:

Attachments: [August 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

Kathleen Spencer, Angel Dobrow, Linda Herron, Mary Owen, Veronica Surges, Ashley Grimm, Claire Bransky, Azrin Awal, Zayla Asquith-Heintz, Blair Powless, Jamey Sharp, Kristine Osbakken, Henry Leon Banks, Daniel Morrison, Brooke Hatlestad, Tatiana Bergum, Malcolm Fields, Evan Hawbaker, Krysta Mielke, and Classie Dudley spoke in opposition to Resolution 21-0627R.

Kristi Stokes, Jennifer Ryan, Tiffany Hughes and Penny Perry spoke in support of Resolution 21-0627R.

Deb Holman spoke in support of tabling Resolution 21-0627R.

RESOLUTIONS TABLED

BY COUNCILOR MEDVED (FINANCE)

8. [21-0616R \(B\)](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO NEGOTIATE A CONTRACT FOR TOURISM AND PROMOTION FOR 2022, WITH OPTIONS FOR 2023 & 2024

A motion was made by Councilor Medved to remove this Resolution from the table. The motion was seconded by Councilor Randorf. The motion passed 8-0-1 with Councilor Anderson absent.

A motion was made by Vice President Forsman to return this Resolution to Administration. The motion was seconded by Councilor Kennedy. The motion passed unanimously.

This Resolution was returned to Administration.

9. [21-0627R](#) RESOLUTION AUTHORIZING A SERVICES AGREEMENT WITH THE GREATER DOWNTOWN COUNCIL TO PROVIDE A SOCIAL SERVICE OUTREACH PROFESSIONAL AT A COST NOT TO EXCEED \$100,000 PER YEAR FOR A TERM OF THREE YEARS.

Indexes:Attachments: [Document A](#)

A motion was made by Councilor Sipress to remove this Resolution from the Table. The motion was seconded by Councilor Randorf. The motion passed with a vote of 8-1. Nay: Councilor Medved.

A motion was made by Councilor Tomanek to table the Resolution. The motion was seconded by Councilor Sipress. The motion failed with a vote of 3-6. Nay: Councilor Anderson, Kennedy, Medved, Randorf, Vice President Forsman and President Van Nett.

A motion was made by Councilor Anderson to pass this Resolution. The motion was seconded by Councilor Randorf. The motion passed with a vote of 7-2. Nay: Councilor Tomanek and Sipress

CONSENT AGENDA

A motion was made by Councilor Anderson to approve the Consent Agenda. The motion was seconded by Councilor Medved. The motion passed unanimously.

BY COUNCILOR MEDVED (FINANCE)

10. [21-0683R](#) RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, AMENDING RESOLUTION 21-0175R ADOPTED MARCH 22, 2021, AND RESOLUTION 20-08664 ADOPTED DECEMBER 14, 2020, MODIFYING THE ISSUE SIZE AND CAPITAL EQUIPMENT LIST ASSOCIATED WITH THE PROPOSED CAPITAL EQUIPMENT NOTES.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

11. [21-0716R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2022.

This Resolution was adopted unanimously.

12. [21-0717R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2022.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

13. [21-0718R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2022.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Councilor Anderson abstains stating employer conflict.

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

14. [21-0699R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR KENNEDY (PERSONNEL)

15. [21-0686R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF FIREFIGHTER.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

16. [21-0710R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF LATERAL FIREFIGHTER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

17. [21-0713R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF COMMUNICATIONS INFRASTRUCTURE TECHNICIAN, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 18. [21-0714R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF COMMUNICATIONS INFRASTRUCTURE SPECIALIST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 19. [21-0715R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF HEAVY EQUIPMENT OPERATOR.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

- 20. [21-0624R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF CERTAIN FREE CONVEYED TAX FORFEIT PARCELS FROM ST. LOUIS COUNTY PURSUANT TO MINN. STAT. § 282.01, SUBD. 1(a)(e).

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

- 21. [21-0690R](#) RESOLUTION APPROVING A TAX INCREMENT FINANCING PLAN FOR THE GREYSOLON PLAZA APARTMENTS TAX INCREMENT FINANCING DISTRICT AS PROPOSED BY THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA.

Indexes:

Attachments: [Exhibit A_TIF Plan](#)

This Resolution was adopted unanimously.

- 23. [21-0705R](#) RESOLUTION VACATING A UTILITY EASEMENT ADJACENT TO STEBNER ROAD.

Indexes:

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

This Resolution was adopted unanimously.

- 24. [21-0706R](#) RESOLUTION VACATING A PORTION OF STEBNER ROAD (ALSO KNOWN AS RALSTON DRIVE) AND RETAINING A UTILITY EASEMENT FOR AN EXISTING NATURAL GAS LINE.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

- 25. [21-0662R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY 9 (WOODLAND AVENUE) AND COUNTY STATE AID HIGHWAY 37 (SNIVELY ROAD).

Indexes:

Attachments: [21-0662R Map](#)

This Resolution was adopted unanimously.

- 26. [21-0696R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30298 WITH HGA, INC., FOR PROFESSIONAL ENGINEERING SERVICES TO CONVERT THE DULUTH ENERGY SYSTEMS BALANCE OF PLANT FROM A STEAM TO HOT WATER DISTRICT ENERGY SYSTEM FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$13,678.66 AND A NEW TOTAL CONTRACT NOT TO EXCEED \$259,293.66.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 27. [21-0697R](#) RESOLUTION AUTHORIZING THE PURCHASE OF WATER METERS IN THE AMOUNT OF \$3,625,495.00

This Resolution was adopted unanimously.

- 28. [21-0711R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR CONSTRUCTION OF A ROUNDABOUT AT THE INTERSECTION OF CSAH 37 (SNIVELY ROAD) AND GLENWOOD STREET, AND MILL AND OVERLAY OF CSAH 9 (WOODLAND

AVENUE), ARROWHEAD ROAD AND SNIVELY ROAD IN AN AMOUNT NOT TO EXCEED \$2,373,806.

Indexes:

Attachments: [21-0433R Exhibit A](#)

[21-0433R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PUBLIC SAFETY)

29. [21-0680R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2022 PIERCE ENFORCER 107FT AERIAL TOWER FIRE TRUCK FROM MACQUEEN EMERGENCY GROUP IN AN AMOUNT NOT TO EXCEED \$1,287,450.00

This Resolution was adopted unanimously.

30. [21-0701R](#) RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THOMSON REUTERS FOR TWO ONLINE SUBSCRIPTIONS TO CLEAR FOR GOVERNMENT FRAUD SOFTWARE FOR AN INITIAL TERM OF THREE YEARS AT AN ANNUAL COST OF \$3,312.00 WITH ANNUAL INCREASES IN YEARS TWO AND THREE OF FIVE PERCENT.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted unanimously.

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

31. [21-0689R](#) RESOLUTION AMENDING RESOLUTION 21-0589R AUTHORIZING AN APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES (DNR) FOR THE OUTDOOR RECREATION LEGACY PARTNERSHIP (ORLP) PROGRAM FOR \$2,000,000 TO IMPLEMENT THE WAABIZHESHKANA: THE MARTEN TRAIL MINI-MASTER PLAN AND INTERPRETIVE PLAN

This Resolution was adopted unanimously.

32. [21-0702R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30540 WITH JAMAR COMPANY FOR ADDED SCOPE TO THE CITY CENTER WEST EMERGENCY OPERATIONS CENTER RADIANT HEAT INSTALLATION PROJECT FOR AN INCREASE OF \$79,035 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$198,904.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 33. [21-0712R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES SHADE TREE PROGRAM BONDING GRANT TO PROVIDE FUNDS TO REMOVE AND REPLACE DISEASED BOULEVARD ASH TREES, NOT TO EXCEED \$99,081.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR MEDVED (FINANCE)

- 34. [21-0720R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2022. (REPLACEMENT)

Indexes:

Attachments: [Exhibit A - 2022 Levy Property Tax](#)

A motion was made by Councilor Anderson to table this Resolution. The motion was seconded by Councilor Medved. The motion passed with a vote of 9-0. This Resolution was tabled unanimously.

- 35. [21-0723R](#) RESOLUTION APPROVING A THREE-YEAR (2022- 2024) PROFESSIONAL SERVICES AGREEMENT WITH BELLMONT PARTNERS TO ADVERTISE AND PROMOTE THE CITY AS A VISITOR, TOURIST, AND CONVENTION DESTINATION.

Indexes:

Attachments: [Professional Services Agreement](#)

A motion was made by Vice President Forsman to pass this Resolution. The motion was seconded by Councilor Medved. The motion passed by the following vote:

- Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Kennedy, Councilor Medved, Councilor Randorf, Councilor Tomanek, Vice President Forsman and President Van Nett
- Nay:** 1 - Councilor Sipress

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

36. [21-0698R](#) RESOLUTION AUTHORIZING THE BUILDING OFFICIAL TO ABATE NUISANCES BY REMOVAL OF STRUCTURALLY UNSOUND BUILDINGS AT 118 - 120 EAST 1ST STREET IN THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$112,335.88.

A motion was made by Councilor Filipovich to pass this Resolution. The motion was seconded by Councilor Randorf. The motion passed with a vote of 9-0. This Resolution was adopted unanimously.

22. [21-0703R](#) RESOLUTION AUTHORIZING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DULUTH AND UNIQUE OPPORTUNITIES DULUTH, LLC, FOR THE DEVELOPMENT OF PROPERTY SOUTH OF ARROWHEAD ROAD AND EAST OF STANFORD AVENUE.

Indexes:

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

This Resolution was removed from the Consent Agenda.
A motion was made by President Van Nett to table this Resolution. The motion was seconded by Councilor Anderson. The motion passed with a vote of 9-0
This Resolution was tabled unanimously.

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

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

37. [21-035-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY ON THE SOUTH SIDE OF LONDON ROAD BETWEEN 14TH AVENUE EAST AND 16TH AVENUE EAST FROM FORM DISTRICT 2 (F-2) TO MIXED USE-INSTITUTIONAL (MU-I).

Indexes:

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

This Ordinance was read for the first time.

38. [21-036-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH EAST A CONCURRENT USE PERMIT FOR A PRIVATE STRUCTURE (PEDESTRIAN SKYWALK) OVER THE PLATTED RIGHT OF WAY OF

FOURTH AVENUE EAST.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

39. [21-037-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH EAST A CONCURRENT USE PERMIT FOR A PRIVATE STRUCTURE (PORTION OF AN 800 STALL PARKING GARAGE) OVER THE PLATTED STREET RIGHT OF WAY OF EAST SECOND STREET ALLEY.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

40. [21-038-O](#) AN ORDINANCE AMENDING SECTION 50-39, ENFORCEMENT AND PENALTIES.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

41. [21-039-O](#) AN ORDINANCE AMENDING SECTION 50-15.4 AND 50-24.6 RELATED TO MIXED-USE INSTITUTIONAL (MU-I) DEVELOPMENTS.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

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)

42. [21-025-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY LOCATED AT THE EASTR END OF VASSAR STREET AND AN ADJACENT PARCEL FROM RURAL RESIDENTIAL 1 (RR-1) TO RESIDENTIAL-TRADITIONAL (R-1).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Motion to Amend: \(7/19/2021\) Passed 7 - 2 \(Nays: Councilors Kennedy and Medved\)](#)

[Motion to Amend: \(8/23/2021\) Passed Unanimously.](#)

A motion was made Councilor Filipovich to pass this Ordinance. The motion was seconded by Councilor Anderson. The motion passed with a vote of 9-0. This Ordinance passed unanimously.

43. [21-031-O](#) AN ORDINANCE AMENDING THE CONCEPT PLAN FOR THE RAMSEY VILLAGE NEIGHBORHOOD AFFECTING SEVEN LOTS NORTH OF RAMSEY STREET AND EAST OF NORTH 51ST AVENUE WEST TO ALLOW BUILDING TYPE IV, TOWNHOMES, AND BUILDING TYPE VIII, MIXED USE COMMERCIAL AND RESIDENTIAL.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

A motion was made Councilor Filipovich to pass this Ordinance. The motion was seconded by Councilor Anderson. The motion passed with a vote of 9-0. This Ordinance passed unanimously.

44. [21-032-O](#) AN ORDINANCE GRANTING SAC WIRELESS A CONCURRENT USE PERMIT FOR A SMALL CELL WIRELESS FACILITY ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 1801 EAST SECOND STREET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

A motion was made Councilor Filipovich to pass this Ordinance. The motion was seconded by Councilor Anderson. The motion passed with a vote of 9-0. This Ordinance passed unanimously. Vice President Forsman abstains stating employer conflict.

45. [21-033-O](#) AN ORDINANCE GRANTING SAC WIRELESS A CONCURRENT USE PERMIT FOR A SMALL CELL WIRELESS FACILITY ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 651 EAST FIFTH STREET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

A motion was made Councilor Filipovich to pass this Ordinance. The motion was seconded by Councilor Anderson. The motion passed with a vote of 9-0.

This Ordinance passed unanimously.
Vice President Forsman abstains stating employer conflict.

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

- 46. [21-034-O](#) ORDINANCE AMENDING DULUTH CITY CODE SECTIONS 35-12 THROUGH 35-25 REGARDING PUBLIC GOLF COURSES.

A motion was made Vice President Forsman to pass this Ordinance. The motion was seconded by Councilor Filipovich. The motion passed with a vote of 9-0. This Ordinance passed unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

ATTEST:
CHELSEA J. HELMER, City Clerk

Passed: September 13, 2021
Approved: September 14, 2021
EMILY LARSON, Mayor