



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, November 22, 2021

7:00 PM

Council Chamber

NOTICE: The Duluth City Council will be holding the November 18, 2021 Agenda Session and November 22, 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. [21-102](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2021-11-05, Minutes](#)
[2021-11-08, Minutes](#)

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

PUBLIC HEARING

2. [21-103](#) Public Hearing - Lester Park Conveyance

Indexes:

Attachments: [City Council Lester Conveyance](#)

This Public Hearing was held.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

3. [21-104](#) Duluth Citizen Review Board Meeting Minutes

Indexes:

Attachments: [August 2021 - CRB minutes](#)

This Board or Commission Report was received.

4. [21-106](#) Commission on Disabilities Meeting Minutes

Indexes:

Attachments: [September 2021 - COD minutes](#)

This Board or Commission Report was received.

5. [21-107](#) Duluth Seaway Port Authority Meeting Minutes

Indexes:

Attachments: [July 2021 - Seaway Port Authority Minutes](#)

[September 2021 - Seaway Port Authority Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

Valerie Thorp spoke in regard to Lester Park Conveyance.
Michelle Pearson and Arianna Ryan spoke in regard to safe routes to schools
and Congdon Park Elementary School.

CONSENT AGENDA

A motion was made by Councilor Filipovich to pass the Consent Agenda unanimously. The motion was seconded by Councilor Tomanek. The motion passed unanimously.

The Consent Agenda passed unanimously.

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

6. [21-0881R](#) RESOLUTION APPROVING THE ISSUANCE OF A 2022 MINNESOTA CURRENCY EXCHANGE LICENSE TO THE TITLE LOAN COMPANY, INC.

Indexes:

Attachments: [Duluth-The Title Loan Company](#)

This Resolution was adopted unanimously.

BY COUNCILOR KENNEDY (PERSONNEL)

7. [21-0876R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF INDUSTRIAL PAINTER.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

8. [21-0903R](#) RESOLUTION ELECTING MEMBER TO THE BOARD OF MANAGERS OF THE DULUTH/NORTH SHORE SANITARY DISTRICT PURSUANT TO MINNESOTA STATUTES, SECTION 442A.14, SUBDIVISION 7.

This Resolution was adopted unanimously.

9. [21-0904R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JAMES JONES TO THE PARKS AND RECREATION COMMISSION.

This Resolution was adopted unanimously.

10. [21-0905R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF KELLI HALLSTEN ERICKSON TO THE DULUTH PUBLIC ARTS COMMISSION.

This Resolution was adopted unanimously.

11. [21-0906R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF KIMBERLY SCANLON TO THE HEADING HOME ADVISORY COMMITTEE.

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

12. [21-0887R](#) RESOLUTION RESCINDING RESOLUTION NO. 21-0174 AND VACATING A PORTION OF A RETAINED UTILITY EASEMENT OVER VACATED WEST MICHIGAN STREET IN THE PLAT OF DULUTH PROPER, SECOND DIVISION.

Indexes:

Attachments: [Exhibit A-Corrective Resolution](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

13. [21-0868R](#) RESOLUTION AUTHORIZING AN INCREASE TO A MASTER SERVICES AGREEMENT WITH EPC ENGINEERING & TESTING IN THE AMOUNT OF \$75,000 FOR GEOTECHNICAL AND MATERIALS TESTING SERVICES, FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$500,000.

This Resolution was adopted unanimously.

14. [21-0882R](#) RESOLUTION APPROVING SETTLEMENT IN THE AMOUNT OF \$43,532.73 TO KIPPY CUYPERS FOR DAMAGE, PERSONAL INJURY, AND ALL OTHER CLAIMS.

Indexes:

Attachments: [Ex. A Settlement Agreement.pdf](#)

This Resolution was adopted unanimously.

15. [21-0883R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR A \$384,091 TRANSPORTATION ALTERNATIVE GRANT TO BUILD SEGMENT 5 OF THE CAMPUS CONNECTOR SHARED USE PATH.

Indexes:

Attachments: [21-0883R Map](#)

This Resolution was adopted unanimously.

16. [21-0884R](#) RESOLUTION AUTHORIZING APPLICATIONS FOR SAFE ROUTES TO

SCHOOL GRANTS RELATED TO PROVIDING IMPROVEMENTS TO PEDESTRIAN ACCESS TO VARIOUS SCHOOLS IN THE CITY OF DULUTH.

Indexes:

- Attachments:** [21-0884R Bayview Map](#)
[21-0884R Congdon Map](#)
[21-0884R Lincoln Park Map](#)
[21-0884R MacArthur Map](#)
[21-0884R Piedmont Map 1](#)
[21-0884R Piedmont Map 2](#)

This Resolution was adopted unanimously.

17. [21-0899R](#) RESOLUTION AMENDING A CONTRACT WITH TKDA TO PROVIDE PROFESSIONAL DESIGN AND CONSTRUCTION INSPECTION SERVICES FOR THE 2021 AND 2022 STREET PRESERVATION AND CHIP SEAL PROJECT, TO INCREASE THE AMOUNT BY \$151,100 FOR A NEW TOTAL OF \$575,800.

This Resolution was adopted unanimously.

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

18. [21-0874R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A SNOWMOBILE GRANT-IN-AID PROGRAM GRANT FOR FY2022 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$18,970.76

Indexes:

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

This Resolution was adopted unanimously.

19. [21-0878R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A CROSS-COUNTRY SKI GRANT-IN-AID PROGRAM GRANT FOR FY2022 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$11,000.

Indexes:

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

This Resolution was adopted unanimously.

20. [21-0886R](#) RESOLUTION AUTHORIZING APPLICATION TO THE LAKE SUPERIOR COASTAL PROGRAM FOR FUNDS TO REPLACE TWO BEACH DUNE

CROSSING BOARDWALKS ON MINNESOTA POINT FOR BEACH ACCESS.

This Resolution was adopted unanimously.

- 22. [21-0900R](#) RESOLUTION APPROVING A TWO-YEAR (2022- 2023) PROFESSIONAL SERVICES AGREEMENT WITH SWIMCREATIVE LLC FOR AN AMOUNT NOT TO EXCEED \$55,000.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR KENNEDY (PERSONNEL)

- 23. [21-0804R](#) RESOLUTION APPROVING EMPLOYMENT CONTRACT WITH THE CHIEF ADMINISTRATIVE OFFICER FOR THE CITY OF DULUTH PURSUANT TO CHAPTER IV, SECTION 19, OF THE DULUTH HOME RULE CHARTER.

Indexes:

Attachments: [Exhibit A](#)

A motion was made by Councilor Tomanek to pass this Resolution as amended. The motion was seconded by Councilor Sipress. The motion passed unanimously. This Resolution was adopted as amended, changing the contract term from four years to three years.

- 24. [21-0875R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF WATER CONVEYANCE LEADWORKER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

A motion was made by Councilor Kennedy to pass this Resolution. The motion was seconded by Councilor Filipovich. The motion passed unanimously. This Resolution was adopted unanimously.

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

21. [21-0888R](#) RESOLUTION OF INTENT TO CONVEY PARK PROPERTY WITHIN THE LESTER PARK GOLF COURSE TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY TO ADVANCE THE DEVELOPMENT OF MIXED INCOME HOUSING UNITS AND SMALL-SCALE COMMERCIAL DEVELOPMENT ON SAID PROPERTY.

Indexes:

Attachments: [Exhibit A-Resolution of Intent to Sell \(revised\)](#)

[Exhibit B-Resolution of Intent to Sell](#)

[Exhibit C-Resolution of Intent to Sell](#)

[Exhibit D-Planning Minutes](#)

[Exhibit E-Resolution of Intent to Sell](#)

[Exhibit F- Public Golf Committee Minutes](#)

This Resolution was adopted unanimously.

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

BY COUNCILOR MEDVED (FINANCE)

25. [21-054-O](#) AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF A \$3,857,531 GENERAL OBLIGATION WATER UTILITY REVENUE NOTE OF THE CITY OF DULUTH FOR THE IMPROVEMENT OF THE MUNICIPAL WATER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

This Ordinance was read for the first time.

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

26. [21-041-O](#) ORDINANCE AMENDING CHAPTER 8 AND REPEALING CHAPTER 15 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REPEALING DANCING RESTRICTIONS.

This Ordinance was read for the first time.

BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

27. [21-055-O](#) AN ORDINANCE AMENDING SECTION 50-20.6 AND 50-40 RELATED TO SHIPPING OR STORAGE CONTAINERS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)

- 28. [21-053-O](#) AN ORDINANCE AMENDING DIVISION 2 OF ARTICLE VII OF CHAPTER 45 OF THE DULUTH CITY CODE, 1959, AS AMENDED BY ADDING A NEW SECTION 45-89.1 THERETO AND BY AMENDING PROVISIONS OF ARTICLE VIII THEREOF GOVERNING OWNER’S RESPONSIBILITY FOR INSTALLING AND MAINTAINING DRIVEWAY CULVERTS.

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)

- 29. [21-050-O](#) AN ORDINANCE GRANTING SCOTT HOLM, A CONCURRENT USE PERMIT FOR A DECK WITHIN THE PLATTED RIGHT OF WAY OF EAST 8TH STREET AT 107 EAST 9TH STREET.

Indexes:

Attachments: [PL 21-151 Staff Report and Attachments](#)
[Scott Holm right of way Encroachment Drawing-Layout1 Ron Krueger](#)

A motion was made by Councilor Filipovich to pass this Ordinance. The motion was seconded by Councilor Randorf. The motion passed unanimously. This Ordinance was adopted unanimously.

- 30. [21-051-O](#) AN ORDINANCE GRANTING THOMAS AND BRIDGET REISTAD, A CONCURRENT USE PERMIT FOR AN EXISTING SHED AND FENCE WITHIN THE PLATTED RIGHT OF WAY OF 8TH STREET NEAR 802 SOUTH LAKE AVENUE.

Indexes:

Attachments: [PL 21-155 Staff Report and Attachments](#)

A motion was made by Councilor Filipovich to pass this Ordinance. The motion was seconded by Councilor Randorf. The motion passed unanimously. This Ordinance was adopted unanimously.

- 31. [21-052-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF REAL PROPERTY IN THE DENFELD NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR NOMINAL CONSIDERATION.

Indexes:

Attachments: [Exhibit A-Map.pdf](#)

A motion was made by Councilor Filipovich to pass this Ordinance. The motion was seconded by Councilor Kennedy. The motion passed unanimously. This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

ATTEST:

CHELSEA J. HELMER, City Clerk

Passed: November 22, 2021

Approved: November 23, 2021

EMILY LARSON, Mayor