



# 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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Tuesday, May 28, 2024

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 8 - Councilor Wendy Durrwachter, Councilor Arik Forsman, Councilor Janet Kennedy, Councilor Mike Mayou, Councilor Lynn Nephew, Councilor Tara Swenson, Vice President Terese Tomanek and President Roz Randorf

**Absent:** 1 - Councilor Azrin Awal

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [24-028](#) Meeting Minutes of the Duluth

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

**CONSENT AGENDA****BY VICE PRESIDENT TOMANEK (PERSONNEL)**

2. [24-0397R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF MANAGER, MIS, INCLUDING A TITLE CHANGE TO MANAGER, INFORMATION TECHNOLOGY, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**Indexes:**

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

**This Resolution was adopted unanimously.**

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

3. [24-0408R](#) RESOLUTION VACATING A 10-FOOT WIDE UTILITY EASEMENT ON LOT 7 GREYSOLON PLACE ADDITION.

**Indexes:**

**Attachments:** [PL 24-044 Staff report and attachments](#)

[PL 24-044 signed exhibit](#)

**This Resolution was adopted unanimously.**

4. [24-0409R](#) RESOLUTION VACATING THE UNIMPROVED PLATTED RIGHT OF WAY BETWEEN BLOCKS 11 AND 12 IN LLOYD'S DIVISION OF DULUTH.

**Indexes:**

**Attachments:** [PL 24-048 Staff report and attachments](#)

[PL 24-048 signed exhibit](#)

**This Resolution was adopted unanimously.**

5. [24-0378R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE PURCHASE AGREEMENT WITH JAMES D. MCCAULEY TO ACQUIRE CERTAIN REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD FOR \$5,000.

**Indexes:**

**Attachments:** [Exhibit 1-Resolution re First Amendment](#)

[Exhibit 2-Resolution re First Amendment](#)

This Resolution was adopted unanimously.

**BY COUNCILOR MAYOU (PUBLIC WORKS & UTILITIES)**

6. [24-0398R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SHORT ELLIOTT HENDRICKSON INC. FOR ENGINEERING SERVICES FOR THE RAILROAD STREET RECONDITIONING PROJECT FOR AN AMOUNT NOT TO EXCEED \$163,225.00.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

7. [24-0410R](#) RESOLUTION AWARDED A CONTRACT TO VEIT & COMPANY, INC. FOR THE 2023 LEAD WATER SERVICE REPLACEMENT - NEW DULUTH NEIGHBORHOOD FOR A TOTAL AMOUNT NOT TO EXCEED \$2,861,207.00.

This Resolution was adopted unanimously.

8. [24-0412R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH MSA PROFESSIONAL SERVICES, INC. FOR CONSTRUCTION ENGINEERING SUPPORT AND INSPECTION SERVICES FOR THE 2023 LEAD WATER SERVICE REPLACEMENT PROJECT - NEW DULUTH NEIGHBORHOOD FOR AN AMOUNT NOT TO EXCEED \$518,570.00.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

**BY COUNCILOR SWENSON (PUBLIC SAFETY)**

9. [24-0395R](#) 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 \$18,000.00 FOR THE REIMBURSEMENT OF THE PURCHASE OF BALLISTIC VESTS.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted unanimously.

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

10. [24-0371R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT BETWEEN THE CITY OF DULUTH AND THE LAKE SUPERIOR AND MISSISSIPPI RAILROAD.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

11. [24-0405R](#) RESOLUTION AUTHORIZING A THREE-YEAR NON-EXCLUSIVE LICENSE AGREEMENT WITH TOP HAT CARRIAGE SERVICES LLC FOR USE OF SPACE IN CANAL PARK TO TEMPORARILY HITCH HORSES AND CARRIAGES FOR \$500 PER YEAR.

Indexes:

Attachments: [Exhibit 1-2024 Resolution](#)

This Resolution was adopted unanimously.

## END OF CONSENT AGENDA

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

BY PRESIDENT RANDORF (COMMITTEE OF THE WHOLE)

12. [24-0425R](#) RESOLUTION AUTHORIZING TRANSFER OF \$14,507,890 AND ASSIGNMENT OF TWO CONTRACTS TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR AFFORDABLE HOUSING, CHILDCARE, AND BLIGHT REDUCTION

Indexes:

Attachments: [Exhibit A.pdf](#)

[Exhibit B.pdf](#)

[20240528 MTA 24-0425 R Forsman Randorf Swenson and Nephew FINAL.pdf](#)

This Resolution was adopted as amended.

Motion to Amend passed unanimously.

Councilor Mayou moved to table this resolution, Councilor Durrwachter seconded this motion.

This motion failed 2 (Mayou & Durrwachter) - 6 (Forsman, Kennedy, Randorf, Tomanek, Nephew, Swanson)

This resolution passed by the following vote:

- Yea:** 7 - Councilor Durrwachter, Councilor Forsman, Councilor Kennedy, Councilor Nephew, Councilor Swenson, Vice President Tomanek and President Randorf
- Nay:** 2 - Councilor Awal and Councilor Mayou

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

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

13. [24-020-O](#) AN ORDINANCE AMENDING CHAPTER 10, SECTION 26, OF THE DULUTH CITY CODE TO DELETE REFERENCES TO A CERTIFICATE OF APPROVAL AND TO DELEGATE ADMINISTRATION AND ENFORCEMENT OF THE ELECTRICAL CODE TO THE STATE OF MINNESOTA.

This Ordinance was read for the first time.

**BY COUNCILOR MAYOU (PUBLIC WORKS & UTILITIES)**

14. [24-021-O](#) AN ORDINANCE AUTHORIZING A STREET EASEMENT TO THE CITY OF RICE LAKE OVER, UNDER AND ACROSS REAL PROPERTY AT THE RILEY ROAD TREE FARM FOR NOMINAL CONSIDERATION.

**Indexes:**

**Attachments:** [Exhibit 1-Ordinance](#)  
[Exhibit 2-Ordinance](#)

This Ordinance was read for the first time.

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

**BY COUNCILOR FORSMAN (FINANCE)**

15. [24-017-O](#) AN ORDINANCE ESTABLISHING A FUNDING FRAMEWORK THAT USES BOTH ANNUAL APPROPRIATIONS AND THE OPEB TRUST FUND TO PAY THE COST OF OTHER POST-EMPLOYMENT BENEFITS.

**Indexes:**

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

This Ordinance was adopted.

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

16.     [24-016-O](#)     AN ORDINANCE AMENDING SECTION 41-29 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING SURPLUS PROPERTY DISPOSAL PROCEDURES AS IT RELATES TO CANINE PARTNERS.

This Ordinance was adopted.

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

17.     [24-011-O](#)     AN ORDINANCE AMENDING SECTIONS 50-14.5, RESIDENTIAL-TRADITIONAL; 50-14.6, RESIDENTIAL-URBAN; AND 50-15.2, MIXED USE-NEIGHBORHOOD; RELATED TO DIMENSIONAL STANDARDS IN THESE ZONE DISTRICTS OF THE UNIFIED DEVELOPMENT CHAPTER

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

This Ordinance was adopted.

**BY PRESIDENT RANDORF (COMMITTEE OF THE WHOLE)**

18.     [24-019-O](#)     AN ORDINANCE AMENDING CHAPTER 2, ARTICLE II, SECTION 2-3 AND CHAPTER 2, ARTICLE V, SECTION 2-31 OF THE DULUTH CITY CODE TO EXPAND THE CITY ADMINISTRATOR'S AUTHORITY TO SIGN CITY CONTRACTS, COLLECTIVE BARGAINING AGREEMENTS AND LEASES.

This Ordinance was adopted.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

*Attest: Ian B. Johnson, City Clerk*

*Passed: May 28, 2024*

*Approved: May 29, 2024*

*Roger Reiner, Mayor*

