



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Meeting Agenda - 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, August 14, 2023

7:00 PM

Council Chamber

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#### ROLL CALL

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [23-048](#) Meeting Minutes of the Duluth City Council

Attachments: [2023-07-24, Minutes](#)

#### PUBLIC HEARING - Proposed Technical City Charter Changes

#### PUBLIC HEARING - Development Agreement Between DEDA and Saturday Zenith, LLC (23-0609R)

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

#### REPORTS OF BOARDS AND COMMISSIONS

2.     [23-049](#)             Duluth Parking Commission Meeting Minutes  
  
          Attachments:     [July 2023 DPC Minutes](#)
3.     [23-050](#)             Duluth Housing and Redevelopment Authority Meeting Minutes  
  
          Attachments:     [Minutes - June 2023 HRA](#)

## REPORTS OF COUNCIL COMMITTEES

## REPORTS OF COUNCIL OPEN ISSUES

## OPPORTUNITY FOR CITIZENS TO BE HEARD

## CONSENT AGENDA

### BY COUNCILOR ALSTEAD (PURCHASING & LICENSING)

4.     [23-0602R](#)             RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE  
                                  INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.  
  
          Attachments:     [Attachment A](#)  
                                  [Attachment B](#)  
                                  [Attachment C](#)
5.     [23-0603R](#)             RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE  
                                  ON SALE INTOXICATING LIQUOR LICENSE OF VARIOUS  
                                  LICENSEES.  
  
          Attachments:     [Attachment B](#)  
                                  [Attachment A](#)
6.     [23-0604R](#)             RESOLUTION APPROVING ISSUANCE OF AN ON SALE  
                                  INTOXICATING LIQUOR LICENSE TO TIAN TIAN DULUTH, LLC.  
  
          Attachments:     [Attachment A](#)
7.     [23-0605R](#)             RESOLUTION APPROVING THE TRANSFER OF AN ON SALE  
                                  COMBINATION BEER & WINE LICENSE HELD BY NORTHERN  
                                  WATERS SMOKEHAUS, INC.  
  
          Attachments:     [Attachment A](#)

8. [23-0606R](#) RESOLUTION APPROVING RENEWAL AND ISSUANCE OF ON AND OFF SALE INTOXICATING LIQUOR, ON SALE THEATER, ON SALE SUNDAY, ADDITIONAL BAR, 2:00 A.M. SERVICE, WINE, ON AND OFF SALE 3.2 PERCENT MALT LIQUOR, BREWERY ON AND OFF SALE, MICRODISTILLERY ON AND OFF SALE, AND LATE HOUR ENTERTAINMENT LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2023, AND ENDING AUGUST 31, 2024.

Attachments: [Attachment A](#)

**BY COUNCILOR AWAL (PERSONNEL)**

9. [23-0625R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PAYROLL ADMINISTRATOR.

Attachments: [Exhibit A](#)

10. [23-0626R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF UTILITY INFORMATION SYSTEMS ANALYST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Attachments: [Exhibit A](#)

11. [23-0627R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF VEHICLE MAINTENANCE TECHNICIAN.

Attachments: [Exhibit A](#)

12. [23-0628R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF VEHICLE REPAIR SPECIALIST.

Attachments: [Exhibit A](#)

13. [23-0629R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF SENIOR ENGINEERING SPECIALIST.

Attachments: [Exhibit A](#)

14. [23-0630R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF DEPUTY FIRE CHIEF.

Attachments: [Exhibit A](#)

15.     [23-0631R](#)     RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF FIRE SYSTEMS INSPECTOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Attachments:     [Exhibit A](#)

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

16.     [23-0595R](#)     RESOLUTION RESCINDING RESOLUTION NO. 23-0567R AND VACATING THE UNIMPROVED UTILITY EASEMENT LYING ADJACENT TO AND ABUTTING LOT 8 AND LOT 9, LEVI ACRES.

Attachments:     [PL 23-108 Staff report and attachments](#)

17.     [23-0609R](#)     RESOLUTION APPROVING A SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND SATURDAY ZENITH, LLC, FOR THE DEVELOPMENT OF THE ZENITH HISTORIC OLD CENTRAL HIGH SCHOOL PROJECT

Attachments:     [Exhibit 2nd Amendment](#)  
                          [Zenith Business Subsidy Report\\_Amended](#)

18.     [23-0610R](#)     RESOLUTION VACATING A PORTION OF THE PLATTED ALLEY BETWEEN BLOCKS 16 AND 19, PORTLAND DIVISION OF DULUTH.

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

19.     [23-0619R](#)     RESOLUTION AUTHORIZING A FIFTEEN-YEAR MAINTENANCE AND OPERATING AGREEMENT FOR MEDICAL DISTRICT PARKING RAMP SKYWALK BRIDGE AS PART OF THE REGIONAL EXCHANGE DISTRICT, AT NO COST TO THE CITY.

Attachments:     [Exhibit 1-Maintenance Agreement](#)

20.     [23-0620R](#)     RESOLUTION ACCEPTING A PERMANENT EASEMENT FROM ST. MARY'S DULUTH CLINIC HEALTH SYSTEM FOR CONNECTION OF A PEDESTRIAN PASSAGEWAY BRIDGE AS PART OF THE REGIONAL EXCHANGE DISTRICT, AT NO COST TO THE CITY.

Attachments:     [Exhibit 1-Skywalk Easement](#)

21.     [23-0623R](#)     RESOLUTION AUTHORIZING THE EXECUTION AND RECORDATION OF A DECLARATION OVER AN EASEMENT INTEREST OF A PERMANENT EASEMENT FOR CONNECTION OF A PEDESTRIAN PASSAGEWAY BRIDGE AS PART OF THE REGIONAL EXCHANGE DISTRICT.

Attachments:     [Exhibit 1-Essentia Declaration](#)

22.     [23-0624R](#)     RESOLUTION AUTHORIZING THE EXECUTION AND RECORDATION OF A DECLARATION OVER AN EASEMENT INTEREST OF A PERMANENT EASEMENT FOR CONNECTION OF A PEDESTRIAN PASSAGEWAY BRIDGE AS PART OF THE REGIONAL EXCHANGE DISTRICT.

Attachments:     [Exhibit 1-City Declaration](#)

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

23.     [23-0592R](#)     RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE SCENIC BYWAYS SKYLINE PARKWAY RESTORATION OF HISTORIC RETAINING WALLS FROM CITY LIMITS TO STEWART CREEK, STORM SEWER IMPROVEMENTS, AND INTERPRETIVE SIGNAGE AT BARDON'S PEAK OVERLOOK IN THE AMOUNT OF \$189,160.00, CITY PROJECT 1608, SP 118-060-013.

Attachments:     [230494 20230720 Bardons Peak Work Plan Letter](#)  
                          [SkylinePkwylLocationExhibit](#)

24.     [23-0599R](#)     RESOLUTION AUTHORIZING A STATE OF MINNESOTA AGENCY AGREEMENT BETWEEN MNDOT AND THE CITY OF DULUTH FOR FEDERAL PARTICIPATION IN FORCE ACCOUNT WORK FOR CROSS CITY TRAIL PHASE 3, SP 118-090-026, TA 6923(261), CITY PROJECT 1510.

Attachments:     [Agreement](#)  
                          [BNSF estimate](#)  
                          [MAP](#)

25.     [23-0600R](#)     RESOLUTION AUTHORIZING AN AGREEMENT WITH SHORT ELLIOTT HENDRICKSON, INC. FOR ENGINEERING SERVICES FOR THE CAMPUS CONNECTOR SEGMENTS 4 AND 5 AND COLLEGE STREET RECONSTRUCTION PROJECT FOR AN AMOUNT NOT TO EXCEED \$426,105.

Attachments:     [MAP](#)  
                          [Agreement](#)

26.     [23-0601R](#)     RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR ENGINEERING SERVICES FOR THE CAMPUS CONNECTOR SEGMENT 6 PROJECT FOR AN AMOUNT NOT TO EXCEED \$138,898.

Attachments:     [MAP](#)  
                          [Agreement](#)

27. [23-0622R](#) RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF SALT BRINE TRUCK FILL STATIONS AND TANKS FROM CARGILL INC. IN THE AMOUNT OF \$255,810.22.

28. [23-0632R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR UTILITY PURPOSES FROM THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY OVER, UNDER, AND ACROSS REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD FOR NOMINAL CONSIDERATION.

Attachments: [Exhibit 1-Resolution](#)

29. [23-0633R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 24389 WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION TO INCREASE THE PAYMENT FROM THE STATE TO THE CITY FOR ROAD LIFE CONSUMED BY A DETOUR FOR HIGHWAY 23 TRAFFIC BY \$2,069.65 FOR A NEW TOTAL OF \$3,129.71.

Attachments: [Exhibit A](#)

30. [23-0634R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR UTILITY PURPOSES FROM RUSSELL HOLM OVER, UNDER, AND ACROSS REAL PROPERTY IN THE KENWOOD NEIGHBORHOOD FOR NOMINAL CONSIDERATION.

Attachments: [Exhibit 1-Resolution](#)

#### **BY COUNCILOR TOMANEK (PUBLIC SAFETY)**

31. [23-0594R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION IN THE AMOUNT OF \$51,040 FOR THE PURPOSE OF MAINTAINING A LOCAL EMERGENCY MANAGEMENT PROGRAM.

Attachments: [23-0594 Exhibit A](#)

#### **BY COUNCILOR HOBBS (RECREATION, LIBRARIES & AUTHORITIES)**

32. [23-0611R](#) RESOLUTION AUTHORIZING A CONTRACT WITH ZENITH TRAIL CONTRACTING LLC FOR THE SPIRIT MOUNTAIN LEGACY MOUNTAIN BIKE TRAILS PROJECT PHASE I FOR AN AMOUNT NOT TO EXCEED \$331,484.30.

33. [23-0612R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30801 WITH AMI CONSULTING ENGINEERS FOR COASTAL ENGINEERING SERVICES RELATED TO THE STATE DISASTER SHORELINE REHABILITATION PROJECT, FOR AN INCREASE OF \$26,280.00 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$188,355.00.
- Attachments: [Exhibit A](#)
34. [23-0614R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH COMMUNITY ACTION DULUTH FOR INVASIVE SPECIES REMOVAL AND MANAGEMENT AT KINGSBURY CREEK AND HARTLEY PARK FOR AN AMOUNT NOT TO EXCEED \$232,722.00.
- Attachments: [Exhibit A](#)
35. [23-0615R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH URBAN ECOSYSTEMS LANDSCAPE ARCHITECTS FOR PROFESSIONAL LANDSCAPE ARCHITECTURAL SERVICES FOR THE MARTEN TRAIL PAUSE AREAS, IN THE AMOUNT OF \$49,996 FOR A NEW TOTAL CONTRACT AMOUNT NOT TO EXCEED \$65,446.
- Attachments: [Exhibit A](#)
36. [23-0616R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES ENVIRONMENT AND NATURAL RESOURCES TRUST FUND GRANT IN AN AMOUNT NOT TO EXCEED \$1,375,000 TO EXPAND RECREATIONAL ACCESS ALONG THE ST. LOUIS RIVER ESTUARY.
- Attachments: [Exhibit A](#)
37. [23-0618R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO A REAL ESTATE LICENSE AGREEMENT WITH UNITED STATES STEEL CORPORATION ALLOWING ACCESS TO CERTAIN CITY-OWNED PROPERTY NEAR AND ADJACENT TO THE FORMER U.S. STEEL SITE.
- Attachments: [Exhibit 1-Resolution](#)
38. [23-0635R](#) RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM BNSF RAILWAY COMPANY IN THE IRVING NEIGHBORHOOD FOR \$67,000, PLUS AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$2,500, FOR A TOTAL AMOUNT NOT TO EXCEED \$69,500.
- Attachments: [Exhibit 1-Resolution \(Legal Description\)](#)  
[Exhibit 2-Resolution #2](#)  
[Exhibit 3-Resolution](#)

39. [23-0636R](#) RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM ALLETE, INC. IN THE IRVING NEIGHBORHOOD FOR NOMINAL CONSIDERATION.

Attachments: [Exhibit 1-Resolution](#)  
[Exhibit 2-PA](#)

40. [23-0637R](#) RESOLUTION AUTHORIZING A TRAIL CONSTRUCTION AND MAINTENANCE AGREEMENT WITH BNSF RAILWAY COMPANY FOR THE CONSTRUCTION AND MAINTENANCE OF A RAILROAD CROSSING TO BE USED IN CONNECTION WITH THE CROSS CITY TRAIL, FOR APPROXIMATELY \$98,683.

Attachments: [Exhibit 1-Resolution re C&M](#)

41. [23-0638R](#) RESOLUTION AUTHORIZING A TWENTY-FIVE YEAR LICENSE AGREEMENT WITH BNSF RAILWAY COMPANY FOR A BICYCLE AND PEDESTRIAN WALKWAY TO BE USED IN CONNECTION WITH THE CROSS CITY TRAIL, FOR \$4,253.

Attachments: [Exhibit 1-Resolution re License](#)

## END OF CONSENT AGENDA

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

### BY COUNCILOR TOMANEK (PUBLIC SAFETY)

42. [23-0593R](#) RESOLUTION AMENDING RESOLUTION 22-0941, ADOPTING THE 2023 FEE SCHEDULE FOR LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES TO AMEND THE FEE SCHEDULE BY ADDING PENALTIES FOR VIOLATING CHAPTER 28, SECTION 28-64, OF THE DULUTH CITY CODE.

Sponsors: Tomanek, Randorf and Forsman

Attachments: [202300803 MTA 23-0593R Awal and Mayou.pdf](#)

## ORDINANCES TABLED

### BY PRESIDENT KENNEDY (COMMITTEE OF THE WHOLE)

43. [23-016-O](#) AN ORDINANCE AMENDING THE DULUTH HOME RULE CHARTER, 1912, AS AMENDED, MAKING NON-SUBSTANTIVE CHANGES TO MODERNIZE CHARTER LANGUAGE AND UPDATE TERMINOLOGY.

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

### BY COUNCILOR AWAL (PERSONNEL)



44. [23-023-O](#) AN ORDINANCE AMENDING CHAPTER 28, ARTICLE VII, SECTION 28-64, OF THE DULUTH CITY CODE TO CLARIFY THAT SMOKING ANY PROHIBITED SUBSTANCE OR CHEWING TOBACCO IS PROHIBITED IN CERTAIN LOCATION.

Sponsors: Awal and Mayou

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

45. [23-024-O](#) AN ORDINANCE DEDICATING A PERPETUAL EASEMENT TO THE GENERAL PUBLIC FOR CONNECTION OF A PEDESTRIAN PASSAGEWAY BRIDGE OVER CITY-OWNED PROPERTY.

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

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

46. [23-025-O](#) AN ORDINANCE DEDICATING PERPETUAL EASEMENTS TO THE GENERAL PUBLIC FOR RECREATIONAL, WALKWAY, AND TRAIL PURPOSES OVER CITY-OWNED PROPERTY.

Attachments: [Exhibit A-Ordinance](#)  
[Exhibit B-Ordinance](#)  
[Exhibit C-Ordinance](#)  
[Exhibit D-Ordinance](#)

47. [23-027-O](#) AN ORDINANCE DEDICATING A PERPETUAL EASEMENT TO THE GENERAL PUBLIC FOR RECREATIONAL, WALKWAY, AND TRAIL PURPOSES OVER CITY-OWNED PROPERTY.

Attachments: [Exhibit A-Ordinance #2](#)  
[Exhibit B-Ordinance #2](#)

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

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

48. [23-019-O](#) AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XXXII, SECTION 2-171, OF THE DULUTH CITY CODE TO INCREASE THE MEMBERSHIP OF THE HOUSING TRUST FUND REVIEW COMMITTEE TO SEVEN MEMBERS AND REQUIRING THAT ONE MEMBER BE A ST. LOUIS COUNTY OFFICIAL.

Attachments: [20230724 MTA 23-019-O Hobbs.pdf](#)

**BY COUNCILOR FORSMAN (INTERGOVERNMENTAL RELATIONS)**

49. [23-020-O](#) AN ORDINANCE AMENDING CHAPTER 28, ARTICLE VII, SECTIONS 28-62, 28-63, 28-64, 28-69 and 28-72, OF THE DULUTH CITY CODE TO CLARIFY THAT SMOKING CANNABINOIDS IS PROHIBITED TO THE SAME EXTENT AS TOBACCO IN CERTAIN CITY LOCATIONS, UPDATE THE DEFINITION OF ELECTRONIC CIGARETTES, AND DELETE REDUNDANT LANGUAGE.

**Sponsors:** Forsman, Tomanek and Randorf

**Attachments:** [Motion to Amend: Hobbs/Alstead: Passed 7-1\(Awal\)](#)

50. [23-021-O](#) AN ORDINANCE AMENDING CHAPTER 35, ARTICLE I, SECTIONS 35-8, OF THE DULUTH CITY CODE TO PROHIBIT SMOKING OR VAPING OF ANY CANNABINOID IN A PUBLIC PARK.

**Sponsors:** Forsman, Tomanek and Randorf

## **COUNCILOR QUESTIONS AND COMMENTS**

## **COUNCILOR PREVIEW OF UPCOMING BUSINESS**