



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, January 24, 2022

7:00 PM

Council Chamber

NOTICE: *The Duluth City Council will be holding the January 20, 2022 Agenda Session and January 24, 2022 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: 8 - Councilor Gary Anderson, Councilor Mike Mayou, Councilor Derek Medved, Councilor Roz Randorf, Councilor Terese Tomanek, Councilor Renee Van Nett, President Arik Forsman and Vice President Janet Kennedy

Absent: 1 - Councilor Azrin Awal

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [22-007](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2022-01-10, Minutes](#)

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

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [22-010](#) Public Utility Improvement Acceptance: Birchwood Apartments

Indexes:

Attachments: [Utility Acceptance January 2022](#)

This Other Officers Report was received.

3. [22-011](#) 2022 City of Duluth Redistricting

Indexes:

Attachments: [2022 City of Duluth Redistricting](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

4. [22-008](#) Parks and Recreation Commission Meeting Minutes

Indexes:

Attachments: [October 2021 - Parks and Rec Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

There were no citizens who wished to speak.

CONSENT AGENDA

BY VICE PRESIDENT KENNEDY (FINANCE)

5. [22-0075R](#) RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF A \$3,857,531 GENERAL OBLIGATION WATER UTILITY REVENUE NOTE, SERIES 2022A, AND PROVIDING FOR ITS PAYMENT.

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

This Resolution was adopted unanimously.

Absent: Councilor Awal

BY COUNCILOR VAN NETT (PERSONNEL)

6. [22-0096R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MIKE MAYOU TO THE DULUTH PUBLIC UTILITIES COMMISSION.

This Resolution was adopted unanimously.

Absent: Councilor Awal

BY PRESIDENT FORSMAN (COMMITTEE OF THE WHOLE)

7. [22-0060R](#) RESOLUTION AUTHORIZING A REINSTATEMENT, EXTENSION AND AMENDMENT TO AGREEMENT L 30542 WITH PETERSEN GROUP LLC/CANARY CONSULTING FOR PROFESSIONAL SERVICES RELATED TO THE CITY'S FEDERAL LEGISLATIVE PROGRAM, AN INCREASE OF \$78,000, FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$117,000.

This Resolution was adopted unanimously.

Absent: Councilor Awal

BY COUNCILOR RANDORF (PLANNING & ECONOMIC DEVELOPMENT)

9. [22-0061R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30334 WITH BARR ENGINEERING FOR ADDITIONAL PROFESSIONAL CONSULTING SERVICES FOR AN INCREASE OF \$50,000 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$150,000.

This Resolution was adopted unanimously.

Absent: Councilor Awal

10. [22-0077R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG-CV-1) AUTHORIZED BY THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT) AGREEMENT WITH ZEITGEIST CENTER FOR ARTS AND COMMUNITY.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

11. [22-0081R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE 2020 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AFFORDABLE HOUSING REDEVELOPMENT GRANT AGREEMENT WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MN

Indexes:

Attachments: [20-HS-03 Amendment 1_HRA Duluth Property Rehab Program](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

12. [22-0087R](#) RESOLUTION OF INTENT TO SUPPORT AN AGREEMENT BETWEEN GARDNER BUILDERS AND ST. GERMAIN'S GLASS INC. FOR HISTORIC WINDOW REPLACEMENT ON BEHALF OF THE BURNHAM APARTMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$303,709

This Resolution was adopted unanimously.
Absent: Councilor Awal

13. [22-0089R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR PEDESTRIAN PURPOSES FROM UNIQUE OPPORTUNITIES DULUTH LLC AND UNIQUE OPPORTUNITIES LAND HOLDINGS LLC OVER AND ACROSS REAL PROPERTY LOCATED IN THE DULUTH HEIGHTS NEIGHBORHOOD, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1 Revised.pdf](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

BY COUNCILOR MEDVED (PUBLIC WORKS & UTILITIES)

14. [22-0056R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY 37 (JEAN DULUTH ROAD).

Indexes:

Attachments: [22-0056R Map](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

15. [22-0071R](#) RESOLUTION AUTHORIZING A REINSTATEMENT, EXTENSION AND AMENDMENT TO AGREEMENT L 30198 WITH SHORT ELLIOTT HENDRICKSON, INC FOR PROFESSIONAL SERVICES RELATED TO PHASE 2 OF THE CROSS CITY TRAIL FOR AN INCREASE OF \$11,800, FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$155,900.

Indexes:

Attachments: [Amendment Request](#)

This Resolution was adopted unanimously.

Absent: Councilor Awal

16. [22-0074R](#) RESOLUTION AUTHORIZING AN INCREASE TO AGREEMENT L 30144 WITH FRONTIER ENERGY, INC. FOR PROFESSIONAL SERVICES RELATING TO PUBLIC WORKS AND UTILITIES COMMERCIAL AND INDUSTRIAL CONSERVATION IMPROVEMENT PROGRAM IN THE AMOUNT OF \$4,969.00 FOR A NEW TOTAL NOT TO EXCEED \$88,969.00.

This Resolution was adopted unanimously.

Absent: Councilor Awal

17. [22-0076R](#) RESOLUTION AWARDDING A CONTRACT TO DAKOTA SUPPLY GROUP FOR WATER VALVES AND HYDRANTS FOR VARIOUS 2022 CITY PROJECTS IN THE AMOUNT OF \$230,916.14.

This Resolution was adopted unanimously.

Absent: Councilor Awal

18. [22-0080R](#) RESOLUTION AUTHORIZING THE PURCHASE OF DELIVERED CLASS 5 GRAVEL, 3/4-INCH CRUSHED WASHED ROCK AND WASHED SAND FROM DULUTH READY MIX, INC. FOR AN AMOUNT NOT TO EXCEED \$314,370.

This Resolution was adopted unanimously.

Absent: Councilor Awal

BY COUNCILOR ANDERSON (PUBLIC SAFETY)

19. [22-0052R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE TOTAL AMOUNT OF \$810,000 FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE THROUGH DECEMBER 31, 2023.

Indexes:

Attachments: [Document A - 2022 VCET Award Agreement](#)

This Resolution was adopted unanimously.

Absent: Councilor Awal

20. [22-0066R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, IN AN AMOUNT TOTALING \$899,982 AND FURTHER AUTHORIZING AN AGREEMENT WITH DR. JEFFREY R. MAAHS, PHD, TO PERFORM INDEPENDENT RESEARCHER SERVICES, AND CENTER FOR ALCOHOL AND DRUG TREATMENT (CADT), TO PROVIDE LICENSED ALCOHOL AND DRUG COUNSELOR SERVICES, FOR THE PROJECT ENTITLED "2021 COMPREHENSIVE OPIOID, STIMULANT, AND SUBSTANCE ABUSE SITE-BASED PROGRAM (COSSAP)".

Indexes:

Attachments: [Document A - Award Agreement](#)

[Document B - Budget Summary](#)

[Document C - Partner Agreement](#)

This Resolution was adopted unanimously.

Absent: Councilor Awal

21. [22-0079R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF DULUTH, CENTER FOR ALCOHOL AND DRUG TREATMENT (CADT), AND JEFFREY R. MAAHS, PHD., FOR THE FY 2020 COMPREHENSIVE OPIOID STIMULANT AND SUBSTANCE ABUSE PROGRAM (COSSAP) AWARD PROVIDING FOR THE REIMBURSEMENT OF CERTAIN COSTS OF CADT SUBJECT TO THE TOTAL ANNUAL CAP ON FEES AND COSTS.

Indexes:

Attachments: [Document A - First Amendment to Agreement](#)

This Resolution was adopted unanimously.

Absent: Councilor Awal

BY COUNCILOR TOMANEK (RECREATION, LIBRARIES & AUTHORITIES)

22. [22-0082R](#) RESOLUTION AUTHORIZING A CONTRACT WITH LAKEHEAD CONSTRUCTORS FOR USCBP CRUISE FACILITY CONSTRUCTION FOR AN AMOUNT NOT TO EXCEED \$444,740.00.

This Resolution was adopted unanimously.
Absent: Councilor Awal

23. [22-0084R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES PROTECT COMMUNITY FORESTS EAB GRANT PROGRAM TO PROVIDE FUNDS TO REMOVE AND REPLACE DISEASED BOULEVARD ASH TREES, NOT TO EXCEED \$150,000.

This Resolution was adopted unanimously.
Absent: Councilor Awal

24. [22-0086R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A MINNESOTA HISTORICAL AND CULTURAL HERITAGE GRANT FROM THE MINNESOTA HISTORICAL SOCIETY IN AN AMOUNT NOT TO EXCEED \$130,100 FOR IMPLEMENTATION OF THE WAABIZHESHKANA (THE MARTEN TRAIL) INTERPRETATIVE PLAN.

Indexes:

Attachments: [Exhibit A](#)
[Exhibit B](#)
[Exhibit C - Interpretive Plan](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

25. [22-0088R](#) RESOLUTION AUTHORIZING A TEMPORARY LICENSE AGREEMENT WITH SPIRIT COVE HOME OWNERS ASSOCIATION FOR STABILIZATION OF CERTAIN PROPERTY ALONG THE ST. LOUIS RIVER SHORELINE, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

26. [22-0090R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30107 WITH LHB ENGINEERS & ARCHITECTS FOR ADDITIONAL ENGINEERING DESIGN SERVICES AND CONSTRUCTION ADMINISTRATION FOR LINCOLN PARK RESTORATION FOR AN INCREASE OF \$93,259.00 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$224,650.00.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

27. [22-0091R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30511 WITH AMI CONSULTING ENGINEERS FOR DECC SEAWALL AND ADJOINING WATERFRONT PLAZA FOR AN INCREASE OF \$277,075.00 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$331,740.25.

Indexes:

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

This Resolution was adopted unanimously.
Absent: Councilor Awal

28. [22-0092R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30505 WITH CONFLUENCE, INC. FOR DECC WATERFRONT LANDSCAPE ARCHITECTURAL DESIGN SERVICES FOR AN INCREASE OF \$319,120.00 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$401,110.00.

Indexes:

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

This Resolution was adopted unanimously.
Absent: Councilor Awal

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR VAN NETT (PERSONNEL)

29. [22-0115R](#) RESOLUTION ESTABLISHING A PROCEDURE FOR SELECTING A CANDIDATE TO FILL THE VACANCY OF THE AT LARGE COUNCIL SEAT OF DEREK MEDVED.

This Resolution was adopted unanimously.
Abstains: Councilor Medved
Absent: Councilor Awal

BY PRESIDENT FORSMAN (COMMITTEE OF THE WHOLE)

8. [22-0103R](#) RESOLUTION ESTABLISHING THE CITY OF DULUTH 2022
LEGISLATIVE AGENDA

Councilor Randorf made a motion to amend this Resolution. The motion was seconded by Councilor Mayou. The motion to amend was passed unanimously.

Absent: Councilor Awal

Councilor Anderson made a motion to pass this Resolution as amended. The motion was seconded by Councilor Randorf. The motion passed unanimously. This Resolution was adopted as amended unanimously.

Absent: Councilor Awal

BY COUNCILOR ANDERSON (PUBLIC SAFETY)

30. [22-0104R](#) RESOLUTION AUTHORIZING AGREEMENT FOR PROFESSIONAL SERVICES WITH THE HUMAN DEVELOPMENT CENTER FOR INVESTMENT IN THE DULUTH COMMUNITY CRISIS RESPONSE PROGRAM FOR 2022-2024

Indexes:

Attachments: [Exhibit A](#)

[Exhibit A-1 Scope of Services](#)

A motion was made by Vice President Kennedy to amend this Resolution. The motion was seconded by Councilor Anderson. The motion to amend passed unanimously. Absent: Councilor Awal

A motion was made by Councilor Anderson to pass this Resolution as amended. The motion was seconded by Councilor Tomanek. The motion passed unanimously.

This Resolution was adopted as amended unanimously.

Absent: Councilor Awal

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

BY COUNCILOR VAN NETT (PERSONNEL)

31. [22-008-O](#) ORDINANCE AMENDING SECTION 2-2.3 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING MINIMUM JOB QUALIFICATIONS FOR DEPUTY FIRE CHIEFS.

This Ordinance was read for the first time.

32. [22-002-O](#) AN ORDINANCE AMENDING CHAPTER V, SECTION 36 OF THE DULUTH HOME RULE CHARTER, 1912, AS AMENDED, CHANGING THE MAXIMUM NUMBER OF APPOINTED DEPUTY FIRE CHIEFS

FROM TWO TO THREE.

This Ordinance was read for the first time.

BY COUNCILOR RANDORF (PLANNING & ECONOMIC DEVELOPMENT)

33. [22-006-O](#) AN ORDINANCE AMENDING THE R-P ZONE REGULATING PLAN FOR RAMSEY VILLAGE AFFECTING FIVE LOTS ON THE WEST SIDE OF NORTH 53RD AVENUE WEST NORTH OF RAMSEY STREET AND FIVE LOTS ON THE EAST SIDE OF 54TH AVENUE WEST NORTH OF RAMSEY STREET TO REPLACE THE CURRENTLY ALLOWED BUILDING TYPES WITH BUILDING TYPES I, VI, AND VII THAT ALLOW ONE-FAMILY DETACHED RESIDENTIAL STRUCTURES, FOUR-UNIT MULTI-FAMILY RESIDENTIAL STRUCTURES, AND EIGHT-UNIT MULTI-FAMILY RESIDENTIAL STRUCTURES.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

34. [22-007-O](#) AN ORDINANCE GRANTING WB IBIZA, LLC, A CONCURRENT USE PERMIT FOR AN EXISTING STAIRWELL WITHIN THE PLATTED RIGHT OF WAY OF NORTH 28TH AVENUE WEST ADJACENT TO 2801 WEST SUPERIOR STREET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

This Ordinance was read for the first time.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

ATTEST:

Ian B Johnson, City Clerk

Passed on January 25, 2022

Approved on January 25, 2022

EMILY LARSON, Mayor