



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, December 5, 2022

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Hannah Alstead, Councilor Gary Anderson, Councilor Azrin Awal, Councilor Noah Hobbs, Councilor Mike Mayou, Councilor Roz Randorf, Councilor Terese Tomanek, Vice President Janet Kennedy and President Arik Forsman

PLEDGE OF ALLEGIANCE

PUBLIC HEARING: 2023 Proposed Tax Levy and Proposed Budget for Taxes Payable Year 2023

This Public Hearing was held.

APPROVAL OF MINUTES

1. [22-083](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2022-11-21, Minutes](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [22-084](#) Duluth Parking Commission Meeting Minutes

Indexes:

Attachments: [November 2022](#)

This Board or Commission Report was received.

3. [22-085](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [October 2022](#)

This Board or Commission Report was received.

4. [22-086](#) Library Board Meeting Minutes

Indexes:

Attachments: [October 2022](#)

This Board or Commission Report was received.

5. [22-087](#) Planning Commission Meeting Minutes

Indexes:

Attachments: [October 2022](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR ALSTEAD (PERSONNEL)

6. [22-0956R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JESSICA MORGAN TO THE DULUTH NONBINARY, QUEER, TRANS, TWO SPIRIT, LESBIAN, GAY, BISEXUAL, INTERSEX & ASEXUAL COMMISSION.

This Resolution was adopted unanimously.

7. [22-0957R](#) RESOLUTION ELECTING MEMBERS 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.

BY COUNCILOR RANDORF (PLANNING & ECONOMIC DEVELOPMENT)

8. [22-0951R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO RENEW AN AGREEMENT WITH THE DULUTH HOUSING AND REDEVELOPMENT AUTHORITY WHEREBY CITY OFFICIALS ACCEPT \$17,500 TO PROVIDE ADDITIONAL SUPPORT TO THE TENANT LANDLORD CONNECTION PROGRAM OPERATED BY ONE ROOF COMMUNITY HOUSING AND TO ENTER INTO AN AGREEMENT WITH ONE ROOF COMMUNITY HOUSING TO OPERATE THE TENANT LANDLORD CONNECTION IN THE AMOUNT OF \$57,500.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

Abstains: Councilor Hobbs due to employer conflict.

9. [22-0960R](#) RESOLUTION AUTHORIZING TERMINATION AGREEMENT WITH FATHERS RISE TOGETHER FOR DEVELOPMENT OF 319 NORTH 28TH AVENUE WEST.

Indexes:

Attachments: [Exhibit A TERMINATION AGREEMENT Final](#)

This Resolution was adopted unanimously.

10. [22-0965R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO CREATE A DEDICATED BROADBAND INTERNET ENTERPRISE FUND AND AUTHORIZE THE TRANSFER OF \$1,000,000 OF CITY'S AMERICAN RESCUE PLAN ACT FUNDS INTO SAID BROADBAND INTERNET FUND.

This Resolution was adopted unanimously.

11. [22-0966R](#) RESOLUTION AMENDING RESOLUTION 22-0740, FOR THE 2022 CDBG PROGRAM FUNDING TO SPECIFY FUNDING ALLOCATION FOR

THE NYS JOBS, EDUCATION, TRAINING (JET) PROJECT,
ESTABLISHING THE ALLOCATION BETWEEN AGENCIES.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

BY COUNCILOR AWAL (INTERGOVERNMENTAL RELATIONS)

12. [22-0974R](#) RESOLUTION AUTHORIZING THE RE-CONVEYANCE OF CERTAIN PROPERTY IN THE FOND DU LAC NEIGHBORHOOD ACQUIRED UNDER A CONDITIONAL USE DEED TO THE STATE OF MINNESOTA.

Indexes:

Attachments: [Exhibit A-Resolution](#)

[Exhibit B-Resolution](#)

This Resolution was adopted unanimously.

BY COUNCILOR MAYOU (PUBLIC WORKS & UTILITIES)

13. [22-0929R](#) RESOLUTION AMENDING JOINT POWERS AGREEMENT C20604 WITH DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY FOR THE OPERATION OF MINNESOTA SLIP PEDESTRIAN DRAW BRIDGE DURING YEAR 2023 FOR AN AMOUNT NOT TO EXCEED \$46,700.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

14. [22-0944R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO EXTEND CONTRACT C22091 WITH VENTURE FUELS FOR AN ESTIMATED INCREASE OF \$5,235.95.

This Resolution was adopted unanimously.

15. [22-0949R](#) RESOLUTION AUTHORIZING A SOLE SOURCE PURCHASE FROM ARMOUR VALVE LTD. FOR BRUGG BOEHMER PRE-INSULATED BALL VALVES FOR AN AMOUNT NOT TO EXCEED \$106,386.00.

This Resolution was adopted unanimously.

16. [22-0955R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWO 2024 CAB

AND CHASSIS PLOW TRUCKS FROM MID-STATE TRUCK SV INC.
FOR A TOTAL OF \$255,266.44.

This Resolution was adopted unanimously.

17. [22-0959R](#) RESOLUTION AUTHORIZING AN INCREASE TO THE PURCHASE ORDER TO GIANT VOICES FOR ADDITIONAL ADVERTISING SERVICES FOR THE CITY OF DULUTH'S SHARE OF THE EXPENSES AS PART OF THE HEAD OF THE LAKES NATURAL GAS GROUP IN THE AMOUNT OF \$12,000 FOR A NEW TOTAL NOT TO EXCEED \$46,507.42.

This Resolution was adopted unanimously.

18. [22-0975R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR UTILITY PURPOSES AFFECTING PROPERTY IN THE PLAT OF LONDON EAST IN THE CONGDON PARK NEIGHBORHOOD FOR NOMINAL CONSIDERATION.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PUBLIC SAFETY)

19. [22-0953R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN AWARD FROM THE MINNESOTA BOARD OF FIREFIGHTER TRAINING AND EDUCATION TOTALING \$41,100 FOR THE PURPOSE OF SUPPORTING FIRE DEPARTMENT TRAINING

Indexes:

Attachments: [22-0953R Exhibit](#)

This Resolution was adopted unanimously.

20. [22-0958R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, ALLOWING THE CITY OF DULUTH POLICE DEPARTMENT TO ACCESS THE MINNESOTA CRIMINAL JUSTICE DATA COMMUNICATIONS NETWORK SYSTEM FOR A PERIOD OF FIVE YEARS AT A COST OF \$46,200, AND FURTHER AUTHORIZING EXECUTION OF THE COURT DATA SERVICES SUBSCRIBER

AMMENDMENT TO CJDN SUBSCRIBER AGREEMENT.

Indexes:

Attachments: [Document A - Master JPA](#)
[Document B - Court Amendment](#)

This Resolution was adopted unanimously.

BY COUNCILOR TOMANEK (RECREATION, LIBRARIES & AUTHORITIES)

21. [22-0928R](#) RESOLUTION AUTHORIZING THREE-YEAR AGREEMENT WITH INDIGO SPORTS TO MANAGE OPERATIONS OF DULUTH'S MUNICIPAL GOLF COURSES FOR A TOTAL AMOUNT NOT TO EXCEED \$350,076

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

22. [22-0943R](#) RESOLUTION APPROVING APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION AND MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR GRANT FUNDING NOT TO EXCEED \$14,280 THROUGH A REGIONAL LEGACY CONNECTING PEOPLE TO THE OUTDOORS TRACK WHEELCHAIR GRANT APPLICATION TO EXPAND RECREATIONAL ACCESS TO DULUTH PARKS AND TRAILS.

This Resolution was adopted unanimously.

23. [22-0954R](#) 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: FY23 City of Duluth Ski Contract](#)

This Resolution was adopted unanimously.

24. [22-0967R](#) RESOLUTION AMENDING A CONTRACT WITH AMI CONSULTING ENGINEERS FOR PROFESSIONAL ENGINEERING SERVICES FOR SHORELINE STABILIZATION ON THE LAKEWALK, TO INCREASE THE AMOUNT BY \$5,383.75 FOR A NEW TOTAL OF \$433,786.70.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

25. [22-0970R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30684 WITH SHORT ELLIOT HENDRICKSON INC FOR ADDITIONAL ENGINEERING SERVICES FOR MIDTOWN PARK FOR AN INCREASE OF \$23,500 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$63,298.

Indexes:

Attachments: [Exhibit A: SEH Contract Amendment Proposal](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY VICE PRESIDENT KENNEDY (FINANCE)

26. [22-0961R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2023 TO DECEMBER 31, 2023, OPERATION BUDGET OF THE DULUTH AIRPORT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

27. [22-0962R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2023 TO DECEMBER 31, 2023 BUDGETS OF THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

Indexes:

Attachments: [Exhibit A to Resolution #22-0962R](#)

This Resolution was tabled by the following vote: 7-2 (Councilor Tomanek and President Forsman)

28. [22-0971R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2023 TO DECEMBER 31, 2023, OPERATION BUDGET OF THE DULUTH TRANSIT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was tabled unanimously.

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

BY VICE PRESIDENT KENNEDY (FINANCE)

29. [22-036-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2023

Indexes:

Attachments: [Motion to Amend 22-036-O Randorf.pdf](#)

This Ordinance was read for the first time.

30. [22-037-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2023

This Ordinance was read for the first time.

31. [22-040-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2023.

Indexes:

Attachments: [Exhibit A - 2023 Tax Levy \(002\).pdf](#)

[Motion to Amend: Randorf \(Withdrawn 12/5 9 - 0\)](#)

[Motion to Amend: Kennedy \(Failed 3 \(Councilor Awal, Vice President Kennedy and President Forsman\) -6 on 12/5\)
Amended Exhibit A - 2023 Tax Levy](#)

Randorf proposed a new amendment changing the levy from 8.9 to 7.9%. It passed 7-2

This Ordinance was read for the first time.

32. [22-041-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2023 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

Indexes:

Attachments: [Motion to Amend: Randorf \(Revised and Passed 7-2 \(Councilor Alstead and Councilor Hobbs on 12/5\)
Revised Motion to Amend 2022.12.5](#)

This Ordinance was read for the first time.

BY COUNCILOR RANDORF (PLANNING & ECONOMIC DEVELOPMENT)

33. [22-038-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR A RETAINING WALL AND STAIRCASE HANDRAIL IN THE PLATTED STREET RIGHT OF WAY OF EAST SUPERIOR STREET.

Indexes:

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

This Ordinance was read for the first time.

34. [22-039-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR A PRIVATE SANITARY SEWER LINES IN THE PLATTED STREET RIGHT OF WAY OF NORTH FOURTH AVENUE EAST AND FIRST STREET ALLEY.

Indexes:

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

This Ordinance was read for the first time.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS