



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 11, 2023

7:00 PM

Council Chamber

ROLL CALL

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

PLEDGE OF ALLEGIANCE

PUBLIC HEARING: (1) Truth in Taxation

(2) Proposed Capital Improvement Plans

(3) Proposed Issuance of General Obligation Capital Improvement Bonds

These Public Hearings were held.

APPROVAL OF MINUTES

1. [23-067](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2023-11-20, Minutes](#)

[2023-11-27, Minutes](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

- 2. [23-068](#) Library Board Meeting Minutes - October 2023

Indexes:

Attachments: [Library Board Minutes](#)

This Board or Commission Report was received.

- 3. [23-069](#) Duluth Public Utilities Commission Minutes - September 2023

Indexes:

Attachments: [DPUC Minutes](#)

This Board or Commission Report was received.

- 4. [23-070](#) Housing and Redevelopment Authority of Duluth Meeting Minutes - August 2023

Indexes:

Attachments: [HRA Minutes](#)

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 VICE PRESIDENT RANDORF (FINANCE)

- 5. [23-0913R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SPIRIT MOUNTAIN RECREATION AREA AUTHORITY FOR 2024 IN THE AMOUNT OF \$440,000 FOR OPERATING ASSISTANCE AND \$145,700 FOR ADVENTURE PARK LEASE PAYMENTS.

Indexes:

Attachments: [Spirit Mtn Rec Area Agreement 2024 w Exhibit A L 30906](#)

This Resolution was adopted unanimously.

6. [23-0916R](#) RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN AND STATING INTENT TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION 475.521

This Resolution was adopted unanimously.

7. [23-0917R](#) RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, STATING THE INTENT TO ISSUE GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2024, IN THE APPROXIMATE AMOUNT OF \$3,900,000 AND APPROVING THE CAPITAL EQUIPMENT LIST ASSOCIATED WITH THE NOTES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

8. [23-0921R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DEPOT FOUNDATION IN THE AMOUNT OF \$240,000.

Indexes:

Attachments: [Depot Foundation Agreement 2024 w Exhibit](#)

This Resolution was adopted unanimously.

9. [23-0922R](#) RESOLUTION EXPRESSING THE INTENT OF THE CITY OF DULUTH TO ISSUE TAX-EXEMPT GENERAL OBLIGATION STEAM UTILITY REVENUE BONDS

This Resolution was adopted unanimously.

10. [23-0923R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 23787 WITH DOWNTOWN DULUTH FOR AN INCREASE OF \$6,000 TOURISM TAX FUNDING FOR A NEW AMOUNT OF \$236,000 FOR THE YEAR 2024.

Indexes:

Attachments: [AMENDMENT NO 2 C23787-02](#)

This Resolution was adopted unanimously.

11. [23-0926R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH GREAT LAKES AQUARIUM IN THE AMOUNT OF \$350,000.

Indexes:

Attachments: [Great Lakes Aquarium Agreement 2024 w Exhibit](#)

This Resolution was adopted unanimously.

12. [23-0931R](#) RESOLUTION AUTHORIZING A FUNDING AGREEMENT WITH GREATER DOWNTOWN COUNCIL, D.B.A. DOWNTOWN DULUTH, GRANTING UP TO \$50,000 FOR THE PURPOSE OF SUPPORTING A COMPREHENSIVE PLANNING INITIATIVE CALLED IMAGINE DOWNTOWN 2029.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

13. [23-0932R](#) RESOLUTION ESTABLISHING ANNUAL BONDING PLAN FOR 2024.

Indexes:

Attachments: [23-0932R- Exhibit A](#)

This Resolution was adopted unanimously.

14. [23-0933R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO FUNDING AGREEMENT WITH CHURCHES UNITED IN MINISTRY GRANTING AN ADDITIONAL \$500,000, FOR A TOTAL AMOUNT NOT TO EXCEED \$650,000, FOR THE PURPOSE OF PROVIDING INFRASTRUCTURE ASSISTANCE FOR OUTDOOR LIVING ZONES, WARMING CENTERS, AND EMERGENCY TRIAGE HOUSING.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

15. [23-0940R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2024 TO DECEMBER 31, 2024, OPERATION BUDGET OF THE DULUTH AIRPORT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

16. [23-0942R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2024 TO DECEMBER 31, 2024 BUDGETS OF THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

17. [23-0943R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2024 TO DECEMBER 31, 2024, OPERATION BUDGET OF THE DULUTH TRANSIT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

18. [23-0944R](#) RESOLUTION CREATING AN INFORMATION TECHNOLOGY FUND WITHIN THE CITY'S SPECIAL PROJECTS SPECIAL REVENUE FUND AND COMMITTING CERTAIN RESOURCES FOR COSTS ASSOCIATED WITH MAINTAINING AND IMPROVING TELECOMMUNICATIONS AND TECHNOLOGY INFRASTRUCTURE WITHIN CITY ASSETS.

This Resolution was adopted unanimously.

19. [23-0945R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30741 WITH DULUTH & NORTH SHORE RAILROAD DBA NORTH SHORE SCENIC RAILROAD/LAKE SUPERIOR RAILROAD MUSEUM FOR AN INCREASE OF \$12,000 FOR A NEW TOTAL OF \$62,000.

Indexes:

Attachments: [Amd 1 to North Shore RR Agreement 2023 w exhibit L30741-01](#)

This Resolution was adopted unanimously.

20. [23-0952R](#) RESOLUTION AMENDING JOINT POWERS AGREEMENT C20604 WITH DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY FOR THE OPERATION OF MINNESOTA SLIP PEDESTRIAN DRAW BRIDGE DURING YEAR 2024 FOR AN AMOUNT NOT TO EXCEED \$50,380.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ALSTEAD (PURCHASING & LICENSING)

21. [23-0975R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE TO CLUB ONE UNDER, LLC.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

BY COUNCILOR AWAL (PERSONNEL)

22. [23-0907R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF WATER PLANT OPERATOR "C", INCLUDING A TITLE CHANGE TO WATER PLANT OPERATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A.pdf](#)

This Resolution was adopted unanimously.

23. [23-0908R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF WATER PLANT OPERATOR "A", INCLUDING A TITLE CHANGE TO SENIOR WATER PLANT OPERATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

24. [23-0909R](#) 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.

25. [23-0918R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JENNIFER HARRIS TO THE DULUTH HUMAN RIGHTS COMMISSION.

This Resolution was adopted unanimously.

26. [23-0919R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF TIFANY SPRAGUE TO THE NATURAL RESOURCE COMMISSION.

This Resolution was adopted unanimously.

27. [23-0920R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ZACK FILIPOVICH

TO THE DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PLANNING & ECONOMIC DEVELOPMENT)

28. [23-0959R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE DOWNTOWN NEIGHBORHOOD.

Indexes:

Attachments: [Exhibit A-Resolution of Intent to Sell](#)
[Exhibit B-Resolution of Intent to Sell](#)
[Exhibit C-Resolution of Intent to Sell](#)
[Exhibit D-Resolution of Intent to Sell](#)
[Exhibit E-Resolution of Intent to Sell](#)

This Resolution was adopted unanimously.

29. [23-0971R](#) RESOLUTION APPROVING A TERM SHEET WITH BEAUTIFUL CITY DEVELOPMENT, LLC, FOR PROPOSED SALE OF TECHNOLOGY VILLAGE AND MEDICAL DISTRICT PAVING RAMPS AND CONNECTED HOUSING DEVELOPMENTS ON THE EAST 1ST STREET CORRIDOR.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

30. [23-0972R](#) RESOLUTION ADOPTING A MODIFICATION TO THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 17 AND ESTABLISHING TAX INCREMENT FINANCING DISTRICT NO. 36: REDEVELOPMENT DISTRICT THEREIN AND ADOPTING A TAX INCREMENT FINANCING PLAN THEREFOR.

Indexes:

Attachments: [EXHIBIT A TIF Plan.Duluth TIF 36 \(12.4.2023\)](#)
[Exhibit B Term Sheet-Final-1st St. and Ramps](#)

This Resolution was adopted unanimously.

BY COUNCILOR MAYOU (PUBLIC WORKS & UTILITIES)

31. [23-0925R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN

SERVICES FOR HILLSIDE CULVERT REPAIRS PROJECT IN THE AMOUNT OF \$71,293.

Indexes:

Attachments: [AGREEMENT](#)

This Resolution was adopted unanimously.

32. [23-0941R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH INTERGRAPH CORPORATION, ASSET LIFECYCLE INTELLIGENCE DIVISION FOR PROFESSIONAL SERVICES PERTAINING TO THE MODIFICATION AND ENHANCEMENT OF THE CITY'S ENTERPRISE ASSET MANAGEMENT SYSTEM FOR AN AMOUNT NOT TO EXCEED \$180,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR TOMANEK (PUBLIC SAFETY)

33. [23-0910R](#) RESOLUTION AUTHORIZING A THREE-YEAR HOLD HARMLESS AGREEMENT WITH THE ST. CLOUD UNIVERSITY, MINNESOTA HIGHWAY SAFETY & RESEARCH CENTER (MHSRC), FOR THE USE OF MHSRC'S ADVANCED DRIVING SKILLS PROGRAM BY DULUTH POLICE OFFICERS.

Indexes:

Attachments: [Document A - HOLD HARMLESS AGREEMENT 3 year term](#)

This Resolution was adopted unanimously.

34. [23-0929R](#) RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF AN ACCESS CONTROL SYSTEM FOR THE TECHNOLOGY VILLAGE RAMP FROM INTERSTATE DEVELOPMENT PARTNERS LLC IN THE AMOUNT OF \$240,167.00.

This Resolution was adopted unanimously.

35. [23-0930R](#) RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF AN ACCESS CONTROL SYSTEM FOR THE MEDICAL DISTRICT RAMP FROM INTERSTATE DEVELOPMENT PARTNERS LLC IN THE AMOUNT OF \$223,550.00.

This Resolution was adopted unanimously.

36. [23-0938R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CALIBRATE, LLC, D/B/A NORTHLAND PSYCHOLOGICAL SERVICES TO PROVIDE ANNUAL SINGLE-SESSION MENTAL HEALTH TRAINING TO DULUTH POLICE DEPARTMENT EMPLOYEES AT AN ANNUAL COST NOT TO EXCEED \$27,600.

Indexes:

Attachments: [Document A - 2024-2027 PSA with NPS](#)

This Resolution was adopted unanimously.

37. [23-0960R](#) RESOLUTION AUTHORIZING APPLICATION TO HAZARD MITIGATION GRANT PROGRAM FOR A GRANT OF APPROXIMATELY \$225,000 TO ACQUIRE PROPERTY LOCATED AT 13005 CASS STREET, DULUTH, MINNESOTA.

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (RECREATION, LIBRARIES & AUTHORITIES)

38. [23-0889R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30836 WITH COMMERCIAL IRRIGATION FOR THE ENGER PARK GOLF COURSE IRRIGATION IMPROVEMENTS FOR AN INCREASE OF \$1,679,971 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$6,326,590.

This Resolution was adopted unanimously.

39. [23-0953R](#) RESOLUTION AUTHORIZING THE FIRST AMENDMENT TO AGREEMENT C24636 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES LAKE SUPERIOR COASTAL PROGRAM GRANT FOR THE ACQUISITION OF REAL PROPERTY FROM THE PARK HILL CEMETERY ASSOCIATION FOR RECREATION AND PRESERVATION.

Indexes:

Attachments: [Exhibit C Map](#)
[Exhibit A Amendment](#)
[Exhibit B Amendment Project Description](#)

This Resolution was adopted unanimously.

40. [23-0954R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT

L30697 WITH RACHEL CONTRACTING, LLC FOR THE BRIGHTON BEACH LAKESHORE STABILIZATION PROJECT, TO INCREASE THE AMOUNT BY \$67,491.00 FOR A NEW TOTAL OF \$1,586,721.68.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

41. [23-0958R](#) RESOLUTION AUTHORIZING THE EXECUTION AND RECORDATION OF A DECLARATION OF RESTRICTIVE COVENANT OVER LINCOLN PARK.

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

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

BY VICE PRESIDENT RANDORF (FINANCE)

42. [23-050-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2024

Indexes:

Attachments: [Ordinance #23-050-O Exhibit A](#)

This Ordinance was read for the first time.

43. [23-052-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2024.

This Ordinance was read for the first time.

44. [23-055-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2024.

This Ordinance was read for the first time.

45. [23-060-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2024 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

This Ordinance was read for the first time.

BY COUNCILOR ALSTEAD (PURCHASING & LICENSING)

46. [23-061-O](#) AN ORDINANCE REPEALING CHAPTER 45. ARTICLE V, USE OF STREETS AND SIDEWALKS FOR COMMUNITY EVENTS; PARADES AND RACES, OF THE DULUTH CITY CODE, AND ADOPTING A NEW ARTICLE V OF CHAPTER 45 ENTITLED SPECIAL EVENTS.

This Ordinance was read for the first time.

BY COUNCILOR FORSMAN (INTERGOVERNMENTAL RELATIONS)

47. [23-062-O](#) ORDINANCE REPEALING CHAPTER 29E OF THE DULUTH CITY CODE REGULATING EARNED SICK AND SAFE TIME.

This Ordinance was read for the first time.

BY COUNCILOR ANDERSON (PLANNING & ECONOMIC DEVELOPMENT)

48. [23-058-O](#) AN ORDINANCE AMENDING SECTIONS 50-20, Use Specific Standards, TO ADD ACCESSORY DAY CARE FACILITY AND ACCESSORY RETAIL OR SHOWROOM; and 50-41, Definitions, TO AMEND ACCESSORY DAY CARE FACILITY, AND TO ADD ACCESSORY RETAIL OR SHOWROOM.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

49. [23-059-O](#) AN ORDINANCE AMENDING SECTION 50-37, REVIEW AND APPROVAL PROCEDURES, TO ADD AN EXTERIOR LIGHTING PROCEDURE.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

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

BY COUNCILOR ANDERSON (PLANNING & ECONOMIC DEVELOPMENT)

50. [23-048-O](#) AN ORDINANCE AMENDING SECTIONS 50-18.5, HIGHER EDUCATION OVERLAY; 50-19.8, PERMITTED USE TABLE; 50-20.1, RESIDENTIAL USES; 50-20.3, COMMERCIAL USES; 50-20.5, ACCESSORY USES; 50-24, PARKING AND LOADING; AND 50-41, DEFINITIONS; RELATED TO OFF-STREET PARKING REQUIREMENTS IN THE UNIFIED DEVELOPMENT CHAPTER.

Indexes:

- Attachments:** [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)

This Ordinance was adopted.

51. [23-049-O](#) ORDINANCE AMENDING CHAPTER 29A TO INCORPORATE EXISTING PARKING REQUIREMENTS FROM THE UDC DIRECTLY INTO THE CITY'S HOUSING, PROPERTY MAINTENANCE, AND RENTAL CODE.

This Ordinance was adopted.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS