



# 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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Monday, July 29, 2024

7:00 PM

Council Chamber

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### ROLL CALL

Councilor Awal attended remotely.

**Present:** 9 - Councilor Azrin Awal, 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

### PLEDGE OF ALLEGIANCE

### APPROVAL OF MINUTES

1. [24-035](#) Meeting Minutes of the Duluth City Council

**Indexes:**

**Attachments:** [2024-07-15, Minutes](#)

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**

**RESOLUTIONS TABLED**

**BY VICE PRESIDENT TOMANEK (PERSONNEL)**

- 2. [24-0495R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF GRANT PRENTICE TO THE SEAWAY PORT AUTHORITY.

This Resolution remains on the table.

**CONSENT AGENDA**

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

- 3. [24-0558R](#) 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, 2024, AND ENDING AUGUST 31, 2025.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted.

**BY VICE PRESIDENT TOMANEK (PERSONNEL)**

- 4. [24-0508R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF KEVIN O'BRIEN TO THE DULUTH AIRPORT AUTHORITY

This Resolution was adopted.

- 5. [24-0509R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DEREK MEDVED TO THE DULUTH PUBLIC UTILITIES COMMISSION

This Resolution was adopted.

6. [24-0510R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF BRIANA JOHNSON TO THE DULUTH AIRPORT AUTHORITY

This Resolution was adopted.

7. [24-0511R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JEREMY LANDERGAN TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

This Resolution was adopted.

8. [24-0512R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DONALD SIMONS TO THE DULUTH TRANSIT AUTHORITY.

This Resolution was adopted.

9. [24-0553R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF DATA PRACTICES COMPLIANCE SPECIALIST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**Indexes:**

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

This Resolution was adopted.

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

10. [24-0551R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT IN AN AMOUNT NOT TO EXCEED \$500,000 FROM THE US DEPARTMENT OF ENERGY, ENERGY FUTURE GRANT PROGRAM.

This Resolution was adopted.

11. [24-0564R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE CENTER FOR WORKFORCE INCLUSION, IN AN AMOUNT OF \$224,807 FOR THE PURPOSE OF PROVIDING COMMUNITY SERVICE OPPORTUNITIES TO OLDER ADULTS.

**Indexes:**

**Attachments:** [SCSEP - Sponsor Agreement PY2024-2025 - Duluth #116](#)

This Resolution was adopted.

12. [24-0570R](#) RESOLUTION AUTHORIZING FIRST AMENDMENTS TO THREE AGREEMENTS WITH SOAR CAREER SOLUTIONS TO REFLECT THE MERGER BETWEEN SOAR CAREER SOLUTIONS AND TRUE NORTH GOODWILL NORTHERN MINNESOTA AND NORTHWESTERN WISCONSIN.

**Indexes:**

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

[Document B](#)

[Document C](#)

This Resolution was adopted.

13. [24-0575R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT FOR BAYFRONT PROPERTY BETWEEN DEDA AND CITY OF DULUTH RELATED TO VEHICULAR PARKING AND BAYFRONT PARK RELATED PURPOSES

**Indexes:**

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

[Exhibit B Bayfront Park Management Agreement](#)

This Resolution was adopted.

14. [24-0576R](#) RESOLUTION AUTHORIZING THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY'S ACQUISITION OF CERTAIN REAL PROPERTY IN THE DOWNTOWN DISTRICT FROM GARRICK LAND, LLC

**Indexes:**

**Attachments:** [FINAL Purchase Agreement Garrick Land LLC and DEDA](#)

[Attachment A Demolition Proposal](#)

[Attachment B Structural Narrative](#)

This Resolution was adopted.

15. [24-0577R](#) RESOLUTION TO REFER DULUTH COMMERCIAL HISTORIC DISTRICT DESIGN GUIDELINES TO THE HERITAGE PRESERVATION COMMISSION FOR RECOMMENDATION

**Indexes:**

**Attachments:** [Attachment A Duluth Commercial Historic District Design Guidelines](#)

This Resolution was adopted.

16. [24-0578R](#) RESOLUTION APPROVING DEDA RESOLUTION 24D-32 AUTHORIZING DEDA TO CONTRIBUTE UP TO \$115,000 TO PLOVER PLACE, LLC FOR EXPENSES RELATED TO THE PLOVER PLACE DEVELOPMENT AND APPROVING DEDA'S SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH PLOVER PLACE LLC FOR CONSTRUCTION OF THE NEW MODEL OF HOUSING FOR HOMELESS

**Indexes:**

**Attachments:** [Exhibit A-2nd Amendment to Plover Place DA](#)  
[Exhibit B-Plover Place Current Budget](#)

This Resolution was adopted.

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

17. [24-0535R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE PUBLIC ENERGY AUTHORITY OF KENTUCKY (PEAK) FOR THE PURCHASE OF NATURAL GAS AT AN ANNUAL COST TO BE DETERMINED BY PLATT'S MONTHLY INDEX PRICING.

**Indexes:**

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

This Resolution was adopted.

18. [24-0557R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 13,600 TONS OF ROAD SALT FROM MORTON SALT, INC. IN THE AMOUNT OF \$851,648 FOR THE 2024-25 WINTER SEASON.

This Resolution was adopted.

19. [24-0572R](#) RESOLUTION AMENDING A CONTRACT WITH CORNWELL ENGINEERING GROUP TO PROVIDE CONSULTING SERVICES FOR THE EVALUATION OF THE CORROSION CONTROL TREATMENT PROCESSES USED FOR THE CITY'S WATER DISTRIBUTION SYSTEM, TO INCREASE THE AMOUNT BY \$17,750.00 FOR A NEW TOTAL NOT TO EXCEED \$67,350.00.

**Indexes:**

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

This Resolution was adopted.

20. [24-0573R](#) RESOLUTION RESCINDING RESOLUTION 24-0328R AND AUTHORIZING AN AGREEMENT WITH CORNWELL ENGINEERING GROUP FOR ENGINEERING, DESIGN AND COMMISSIONING

SERVICES FOR THE WATER SYSTEM CORROSION CONTROL PROJECT FOR A TOTAL AMOUNT NOT TO EXCEED \$230,720.00.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

21. [24-0579R](#) RESOLUTION AUTHORIZING A CHANGE ORDER TO CONSTRUCTION CONTRACT L31025 WITH A.W. KUETTEL & SONS, INC. FOR INSTALLING A HOT WATER SERVICE LATERAL FROM THE AMSOIL ARENA TO THE GREAT LAKES AQUARIUM, INCREASING THE CONTRACT BY \$17,950.00 FOR A NEW TOTAL OF \$163,450.00.

This Resolution was adopted.

**BY COUNCILOR SWENSON (PUBLIC SAFETY)**

22. [24-0580R](#) RESOLUTION AUTHORIZING THE DULUTH FIRE DEPARTMENT TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT FOR STRUCTURAL FIREFIGHTING.

This Resolution was adopted.

23. [24-0584R](#) RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF AARON KIRK AND AMY KIRK V. CITY OF DULUTH, ET. AL., IN THE AMOUNT OF \$135,000.00 PURSUANT TO THE TERMS OF THE SETTLEMENT AGREEMENT.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted.

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

24. [24-0552R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30827 WITH TKDA FOR ADDITIONAL PROFESSIONAL DESIGN AND ENGINEERING SERVICES FOR THE SPIRIT MOUNTAIN SNOWMOBILE TRAIL PROJECT FOR AN INCREASE OF \$18,760.00 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$83,160.00.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

25. [24-0555R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30872 WITH KTM PAVING FOR ADDITIONAL CONSTRUCTION SERVICES FOR KNOWLTON CREEK BRIDGE ABUTMENT PROJECT FOR AN INCREASE OF \$103,076.95 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$498,732.28

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

26. [24-0556R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30830 WITH TKDA FOR ADDITIONAL PROFESSIONAL DESIGN AND ENGINEERING SERVICES FOR THE LOWER SPIRIT NORDIC CENTER TRAIL PROJECT FOR AN INCREASE OF \$18,840.00 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$77,940.00.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

27. [24-0571R](#) RESOLUTION AUTHORIZING A COOPERATIVE AGREEMENT WITH THE U.S. DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE TO ACCEPT A FINANCIAL AWARD OF \$1,275,000 TO SUPPORT PROGRAMMING AND THE EXTENSION OF WAABIZHESHKANA: THE MARTEN TRAIL.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

## END OF CONSENT AGENDA

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

**BY COUNCILOR FORSMAN (FINANCE)**

28. [24-0588R](#) A RESOLUTION REAFFIRMING THE CITY'S SUPPORT FOR THOSE EXPERIENCING HOMELESSNESS AND REQUESTING ALLOCATION OF \$500,000 FROM AMERICAN RESCUE PLAN FUNDING FOR THE PURPOSES OF ACCELERATING CREATION OF NEW TRIAGE SHELTER CAPACITY.

**A motion was made that this Resolution be adopted The motion carried by the following vote:**

- Yea:** 8 - Councilor Awal, Councilor Durrwachter, Councilor Forsman, Councilor Kennedy, Councilor Mayou, Councilor Nephew, Vice President Tomanek and President Randorf
- Nay:** 1 - Councilor Swenson

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

**BY COUNCILOR SWENSON (PUBLIC SAFETY)**

29. [24-039-O](#) AN ORDINANCE REPEALING SECTION 34-14 OF CHAPTER 34 OF THE DULUTH CITY CODE RELATING TO FALSE SOLICITING.

This Ordinance was read for the first time.

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

**BY COUNCILOR KENNEDY (INTERGOVERNMENTAL RELATIONS)**

30. [24-026-O](#) AN ORDINANCE AUTHORIZING AN ACCESS EASEMENT TO THE DULUTH SEAWAY PORT AUTHORITY OVER, UNDER AND ACROSS REAL PROPERTY IN THE ONEOTA NEIGHBORHOOD FOR NOMINAL CONSIDERATION.

**Indexes:**

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

This Ordinance was adopted.

**BY COUNCILOR SWENSON (PUBLIC SAFETY)**

31. [24-027-O](#) AN ORDINANCE AMENDING ARTICLE I, SECTION 30-1 OF CHAPTER 30 OF THE DULUTH CITY CODE TO REDEFINE ABANDONED PROPERTY.

**Indexes:**

**Attachments:** [Motion to Amend \(Mayou/Awal\) - Failed. 3-6 \(Mayou, Durrwachter and Awal: Yes\)](#)

**A motion was made that this Ordinance be adopted. The motion carried by the following vote:**



**Yea:** 6 - Councilor Forsman, Councilor Kennedy, Councilor Nephew, Councilor Swenson, Vice President Tomanek and President Randorf

**Nay:** 3 - Councilor Awal, Councilor Durrwachter and Councilor Mayou

32. [24-028-O \(A\)](#) AN ORDINANCE AMENDING SECTION 34-5 OF CHAPTER 34 OF THE DULUTH CITY CODE TO ESTABLISH DISTURBING THE NEIGHBORHOOD AS A MISDEMEANOR OFFENSE.

**Indexes:**

**Attachments:** [MOTION TO SPLIT ORDINANCE 24-028-O Mayou \(Passed unanimously\)](#)  
[Motion to Amend \(Durrwachter/Awal\) - Failed. 3-6 \(Mayou, Durrwachter and Awal: Yes\)](#)

**A motion was made that this Ordinance be adopted. The motion carried by the following vote:**

**Yea:** 6 - Councilor Forsman, Councilor Kennedy, Councilor Nephew, Councilor Swenson, Vice President Tomanek and President Randorf

**Nay:** 3 - Councilor Awal, Councilor Durrwachter and Councilor Mayou

33. [24-028-O \(B\)](#) AN ORDINANCE AMENDING SECTIONS 34-14 OF CHAPTER 34 OF THE DULUTH CITY CODE TO MODIFY LANGUAGE FOR FALSE SOLICITING.

**A motion was made that this Ordinance be failed. The motion failed by the following vote:**

**Yea:** 1 - Councilor Forsman

**Nay:** 8 - Councilor Awal, Councilor Durrwachter, Councilor Kennedy, Councilor Mayou, Councilor Nephew, Councilor Swenson, Vice President Tomanek and President Randorf

34. [24-029-O](#) AN ORDINANCE AMENDING SECTIONS 34-41(b) and 34-41(c) OF CHAPTER 34 OF THE DULUTH CITY CODE TO AMEND THE DEFINITION OF GRAFFITI STICK AND ESTABLISH DEFACEMENT AND/OR POSSESSION OF GRAFFITI IMPLEMENTS AS A MISDEMEANOR OFFENSE.

**Indexes:**

**Attachments:** [Motion to Amend \(Awal\) - Failed. 3-6 \(Mayou, Durrwachter and Awal: Yes\)](#)

**A motion was made that this Ordinance be adopted. The motion carried by the following vote:**

**Yea:** 6 - Councilor Forsman, Councilor Kennedy, Councilor Nephew, Councilor Swenson, Vice President Tomanek and President Randorf

**Nay:** 3 - Councilor Awal, Councilor Durrwachter and Councilor Mayou

35. [24-030-O](#) AN ORDINANCE AMENDING CHAPTER 34 OF THE DULUTH CITY CODE TO ADD SECTION 34-46 PROHIBITING CAMPING ON CITY PROPERTY.

**Indexes:**

**Attachments:** [Motion to Amend \(Randorf, Forsman, Nephew, & Tomanek\) - Passed \(8-1: Swenson opposed\)](#)  
[Motion to Amend \(Mayou/Awal\) - Failed. 3-6 \(Mayou, Durrwachter and Awal: Yes\)](#)

**A motion was made that this Ordinance be adopted The motion carried by the following vote:**

- Yea:** 5 - Councilor Forsman, Councilor Kennedy, Councilor Nephew, Vice President Tomanek and President Randorf  
**Nay:** 4 - Councilor Awal, Councilor Durrwachter, Councilor Mayou and Councilor Swenson

36. [24-031-O](#) AN ORDINANCE AMENDING CHAPTER 35 OF THE DULUTH CITY CODE TO MAKE VIOLATIONS APPLICABLE ON PUBLICLY OWNED PROPERTY AND MAKE CERTAIN VIOLATIONS MISDEMEANORS.

**Indexes:**

**Attachments:** [Motion to Amend \(Awal\) - Failed. 3-6 \(Mayou, Durrwachter and Awal: Yes\)](#)

**A motion was made that this Ordinance be adopted The motion carried by the following vote:**

- Yea:** 6 - Councilor Forsman, Councilor Kennedy, Councilor Nephew, Councilor Swenson, Vice President Tomanek and President Randorf  
**Nay:** 3 - Councilor Awal, Councilor Durrwachter and Councilor Mayou

37. [24-032-O](#) AN ORDINANCE AMENDING ARTICLE I, SECTIONS 44A-2 AND 44A-3, OF CHAPTER 44A OF THE DULUTH CITY CODE TO MAKE DEFACING THE SKYWALK A MISDEMEANOR OFFENSE AND PROHIBITING SMOKING OR VAPING IN THE SKYWALK SYSTEM.

**Indexes:**

**Attachments:** [Motion to Amend \(Awal\) - Failed. 3-6 \(Mayou, Durrwachter and Awal: Yes\)](#)

**A motion was made that this Ordinance be adopted The motion carried by the following vote:**

- Yea:** 6 - Councilor Forsman, Councilor Kennedy, Councilor Nephew, Councilor Swenson, Vice President Tomanek and President Randorf  
**Nay:** 3 - Councilor Awal, Councilor Durrwachter and Councilor Mayou

38. [24-033-O \(A\)](#) AN ORDINANCE AMENDING ARTICLE I, SECTIONS 45-1 OF CHAPTER 45 OF THE DULUTH CITY CODE TO PROVIDE FOR A MISDEMEANOR

OFFENSE FOR BLOCKING PASSAGE ON STREETS AND SIDEWALKS.

**Indexes:**

**Attachments:** [MOTION TO SPLIT ORDINANCE 24-033-O AWAL\(Passed unanimously\)](#)  
[Motion to Amend \(Mayou/Awal\) - Failed. 3-6 \(Mayou, Durrwachter and Awal: Yes\)](#)

**A motion was made that this Ordinance be adopted The motion carried by the following vote:**

**Yea:** 6 - Councilor Forsman, Councilor Kennedy, Councilor Nephew, Councilor Swenson, Vice President Tomanek and President Randorf

**Nay:** 3 - Councilor Awal, Councilor Durrwachter and Councilor Mayou

39. [24-033-O \(B\)](#) AN ORDINANCE AMENDING ARTICLE I, SECTIONS 45-6.3 OF CHAPTER 45 OF THE DULUTH CITY CODE TO PROVIDE FOR A MISDEMEANOR OFFENSE FOR OPERATING AN ATV UNLAWFULLY ON PUBLIC LAND.

**This Ordinance was adopted.**

40. [24-034-O](#) AN ORDINANCE AMENDING ARTICLE I, SECTION 49-8.2 OF CHAPTER 49 OF THE DULUTH CITY CODE TO PROVIDE FOR A MISDEMEANOR PENALTY FOR UNLAWFULLY POSSESSION OR FIRING OF AN AIRGUN OR GEL SOFT GUN.

**This Ordinance was adopted.**

41. [24-035-O](#) AN ORDINANCE AMENDING ARTICLE I, SECTION 21-5 AND SECTION 21-8, OF CHAPTER 21 OF THE DULUTH CITY CODE TO UPDATE THE CITY'S OPEN BURNING AND TENT AND MEMBRANE STRUCTURES ORDINANCES.

**This Ordinance was adopted.**

42. [24-036-O](#) AN ORDINANCE AMENDING SECTION 34-38 OF CHAPTER 34 OF THE DULUTH CITY CODE TO PROHIBIT MARKING OR PLACING SIGNS ON PRILEY FOUNTAIN.

**A motion was made that this Ordinance be adopted The motion carried by the following vote:**

**Yea:** 6 - Councilor Forsman, Councilor Kennedy, Councilor Nephew, Councilor Swenson, Vice President Tomanek and President Randorf

**Nay:** 3 - Councilor Awal, Councilor Durrwachter and Councilor Mayou

11:00p.m.: A motion was made to suspend the rules and extend the meeting to 12:00a.m. - this motion passed unanimously.

11:59p.m.: A motion was made to extend the meeting to 12:30a.m. - this motion passed unanimously.

## **COUNCILOR QUESTIONS AND COMMENTS**

## **COUNCILOR PREVIEW OF UPCOMING BUSINESS**