



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]*

Monday, June 26, 2023

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

1. [23-039](#) Request: To Stay the decision of the City Council regarding the reversal of Planning Commission's decision to require an EAW (PL23-053/23-0367R) until the appeal of the City Council's decision is decided by the Court of Appeals.

Attachments: [Stay Request Letter](#)
[EXHIBIT A EAW Form](#)
[EXHIBIT B Pervenanze email](#)

APPROVAL OF MINUTES

2. [23-038](#) Meeting Minutes of the Duluth City Council

Attachments: [2023-06-12, Minutes](#)

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS**REPORTS OF COUNCIL COMMITTEES****REPORTS OF COUNCIL OPEN ISSUES****OPPORTUNITY FOR CITIZENS TO BE HEARD****CONSENT AGENDA****BY COUNCILOR ALSTEAD (PURCHASING & LICENSING)**

3. [23-0512R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF VARIOUS LICENSEES.

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

4. [23-0513R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

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

5. [23-0514R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF VARIOUS LICENSEES.

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

BY VICE PRESIDENT RANDORF (FINANCE)

6. [23-0436R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT UTILITY FEES DURING THE PERIOD OF JANUARY 1, 2022, TO DECEMBER 31, 2022.

Attachments: [Exhibit A](#)

7. [23-0437R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR DELINQUENT ASSESSMENTS LEVIED AGAINST PROPERTY WITH REGARD TO PROPERTY VIOLATIONS DURING PERIOD OF APRIL 1, 2022, TO APRIL 1, 2023.

Attachments: [Exhibit A](#)

8. [23-0438R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT SOLID WASTE COLLECTION FEES DURING PERIOD OF MARCH 1, 2022, TO JUNE 1, 2023.

Attachments: [Exhibit A](#)

9. [23-0483R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN UPDATED AGREEMENT WITH THE MINNESOTA DEPARTMENT OF REVENUE TO ADMINISTER THE CITY OF DULUTH'S GENERAL SALES AND USE TAX.

Attachments: [Exhibit A](#)

BY COUNCILOR AWAL (PERSONNEL)

10. [23-0510R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF MANAGER, PARKS & RECREATION.

Attachments: [Exhibit A](#)

BY PRESIDENT KENNEDY (COMMITTEE OF THE WHOLE)

11. [23-0507R](#) RESOLUTION APPROVING LAWS OF MINNESOTA 2023, CHAPTER 64, ARTICLE 8, SECTION 10 AND AUTHORIZING THE CITY CLERK TO FILE CERTIFICATE WITH SECRETARY OF STATE.
12. [23-0508R](#) RESOLUTION APPROVING LAWS OF MINNESOTA 2023, CHAPTER 64, ARTICLE 8, SECTION 7 AND AUTHORIZING THE CITY CLERK TO FILE CERTIFICATE WITH SECRETARY OF STATE.

BY COUNCILOR ANDERSON (PLANNING & ECONOMIC DEVELOPMENT)

13. [23-0488R](#) RESOLUTION AUTHORIZING AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) FOR STORAGE OF MATERIALS ON LOT D.

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

14. [23-0491R](#) RESOLUTION APPROVING A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DULUTH AND CENTER CITY HOUSING CORP. FOR THE WADENA WEST RESIDENTIAL PROJECT

Attachments: [Exhibit A Agreement](#)

15. [23-0492R](#) RESOLUTION AUTHORIZING TRANSFER OF \$128,000 TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND APPROVAL OF A FIRST AMENDMENT TO DEVELOPMENT AGREEMENT WITH PLOVER PLACE, LLC FOR CONSTRUCTION OF THE NEW MODEL OF HOUSING FOR HOMELESS

Attachments: [Exhibit A Amendment](#)

16. [23-0500R](#) RESOLUTION AUTHORIZING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DULUTH AND HNH, LLC, FOR THE DEVELOPMENT OF THE PLAT "REARRANGEMENT OF PART OF WESTERN WOODS DIVISION" LOCATED SOUTHEAST OF ANDERSON ROAD AND DECKER ROAD.

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

17. [23-0504R](#) RESOLUTION VACATING UNIMPROVED, PLATTED RIGHTS-OF-WAY IN THE PLAT OF WESTERN WOODS DIVISION CONTINGENT ON THE REPLATTING OF CERTAIN LAND INTO THE PLAT OF REARRANGEMENT OF PART OF WESTERN WOODS DIVISION.

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

18. [23-0506R](#) RESOLUTION VACATING A BUILDING LINE EASEMENT LOCATED ON PART OF LOT 4, BLOCK 19, HARRISON'S DIVISION.

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

BY COUNCILOR MAYOU (PUBLIC WORKS & UTILITIES)

19. [23-0456R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO CONTRACT L30475 WITH SHORT ELLIOTT HENDRICKSON, INC., FOR THE CROSS CITY TRAIL PHASE 3, IN THE AMOUNT OF \$69,590 FOR A NEW TOTAL OF \$185,790.00.

Attachments: [EXHIBIT A](#)
 [MAP](#)
 [Amendment No. 2](#)

20. [23-0486R](#) RESOLUTION AWARDED A CONTRACT TO JMF CONSTRUCTION, INC. FOR THE 2023 CITYWIDE PATCH AND SIDEWALK PROJECT IN THE AMOUNT OF \$151,558.50.

Attachments: [MAP](#)

BY COUNCILOR TOMANEK (PUBLIC SAFETY)

21. [23-0482R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES LAKE SUPERIOR COASTAL PROGRAM GRANT TO PURCHASE AND INSTALL FOUR AUTOMATED RIP CURRENT WARNING SYSTEM UNITS IN THE AMOUNT OF \$4,500.

Attachments: [23-0482 Exhibit A](#)

22. [23-0487R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH CENTRALSQUARE TECHNOLOGIES, LLC TO ASSIST IN THE ENFORCEMENT OF THE FALSE ALARM ORDINANCE.

Attachments: [Document A - Contract](#)

23. [23-0489R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND 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 FOR CADT TO PROVIDE A GRADUATE LICENSED SOCIAL WORKER AND ONE TREATMENT BED FOR A TOTAL SUM NOT TO EXCEED \$101,611.00.

Attachments: [Document A - Amendment](#)

24. [23-0490R](#) RESOLUTION AUTHORIZING THE EXECUTION OF AN AGENCY AGREEMENT WITH LEADSONLINE, LLC, PROVIDING FOR THE UTILIZATION OF AN ELECTRONIC PAWN REPORTING SERVICE FOR THREE YEARS FOR A TOTAL SUBSCRIPTION FEE OF \$46,828.00.

Attachments: [Document A - Contract](#)

BY COUNCILOR HOBBS (RECREATION, LIBRARIES & AUTHORITIES)

25. [23-0493R](#) RESOLUTION TO ACCEPT A \$22,000 DONATION FROM THE GENEROUS COMMUNITY MEMBERS, FRIENDS, AND LOVED ONES OF THE BARRY FAMILY TO SUPPORT PLAYGROUND IMPROVEMENTS AT CHESTER PARK IN HONOR AND MEMORY OF RIANA, SEAN, SHIWAY, AND SADIE BARRY.

26. [23-0495R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30521 WITH LHB, INC. FOR PROFESSIONAL LANDSCAPE ARCHITECTURAL AND COASTAL ENGINEERING SERVICES FOR DULUTH LAKEWALK AND BRIGHTON BEACH, FOR AN INCREASE OF \$8,990.00 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$455,817.00.

Attachments: [Exhibit A](#)

27. [23-0497R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30107 WITH LHB, INC. FOR ADDITIONAL ENGINEERING DESIGN SERVICES AND CONSTRUCTION ADMINISTRATION FOR LINCOLN PARK RESTORATION FOR AN INCREASE OF \$11,750.00 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$236,400.

Attachments: [Exhibit A](#)

28. [23-0498R](#) RESOLUTION AUTHORIZING A CHALLENGE PARTNERSHIP AGREEMENT WITH THE DEPARTMENT OF THE ARMY, U.S. ARMY CORPS OF ENGINEERS TO DONATE A PORTION OF A PEDESTRIAN WALKWAY THAT WAS INADVERTENTLY CONSTRUCTED ON PROPERTY OWNED BY THE UNITED STATES OF AMERICA.

Attachments: [Exhibit 1-Challenge Partnership Agreement](#)

29. [23-0501R](#) RESOLUTION AUTHORIZING A RIGHT-OF-ENTRY WITH THE UNITED STATES OF AMERICA TO ALLOW FOR USE OF CERTAIN CITY-OWNED PROPERTY IN CANAL PARK IN CONNECTION WITH A CONSTRUCTION PROJECT ON ADJACENT PROPERTY OWNED BY THE UNITED STATES OF AMERICA.

Attachments: [Exhibit 1-ROE](#)

30. [23-0502R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A MINNESOTA'S LAKE SUPERIOR COASTAL PROGRAM GRANT IN AN AMOUNT NOT TO EXCEED \$1,000.

Attachments: [Exhibit A](#)

31. [23-0503R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES FEDERAL RECREATIONAL TRAIL PROGRAM GRANT FOR \$150,000 FOR REHABILITATION OF SNOWMOBILE INFRASTRUCTURE IN THE SPIRIT MOUNTAIN AREA.

Attachments: [Exhibit A](#)

32. [23-0505R](#) RESOLUTION AUTHORIZING THE FIRST AMENDMENT TO AGREEMENT 24401 WITH THE US DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE TO INCREASE THE FUNDING AWARD BY \$140,000 FOR THE CONTINUED DESIGN AND DEVELOPMENT OF WAABIZHESHKANA: THE MARTEN TRAIL.

Attachments: [Exhibit A](#)

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR ANDERSON (PLANNING & ECONOMIC DEVELOPMENT)

33. [23-0519R](#) RESOLUTION GRANTING RELATOR REBECCA MULENBURG'S MOTION TO STAY THE CITY COUNCIL'S MAY 8, 2023 DECISION REVERSING THE PLANNING COMMISSION'S DECISION TO GRANT THE PETITION FOR AN ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) FOR A HOTEL AT SUNDBY ROAD AND WEST PAGE STREET.
34. [23-0520R](#) RESOLUTION DENYING RELATOR REBECCA MULENBURG'S MOTION TO STAY THE CITY COUNCIL'S MAY 8, 2023 DECISION REVERSING THE PLANNING COMMISSION'S DECISION TO GRANT THE PETITION FOR AN ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) FOR A HOTEL AT SUNDBY ROAD AND WEST PAGE STREET.

BY COUNCILOR HOBBS (RECREATION, LIBRARIES & AUTHORITIES)

35. [23-0494R](#) RESOLUTION AUTHORIZING APPROVAL AND IMPLEMENTATION OF THE LAKEWALK INTERPRETIVE PLAN.

Attachments: [6-14-23 lakewalk-interpretive-plan-final-combined-compressed](#)

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

BY COUNCILOR ANDERSON (PLANNING & ECONOMIC DEVELOPMENT)

36. [23-015-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT THE FORMER DWP SITE IN THE FAIRMOUNT NEIGHBORHOOD FROM RESIDENTIAL-TRADITIONAL (R-1) AND RESIDENTIAL-URBAN (R-2) TO RESIDENTIAL-PLANNED (R-P).

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

COUNCILOR QUESTIONS AND COMMENTS**COUNCILOR PREVIEW OF UPCOMING BUSINESS**