



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, June 26, 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

This Public Hearing was held.

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.

Indexes:

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

This Informational Report was received.

APPROVAL OF MINUTES

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

Indexes:

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

These Minutes were approved unanimously.

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.

Indexes:

Attachments: [Attachment A](#)

[Attachment B](#)

This Resolution was adopted unanimously.

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

Indexes:

Attachments: [Attachment A](#)

[Attachment B](#)

This Resolution was adopted unanimously.

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

Indexes:

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

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR AWAL (PERSONNEL)

10. [23-0510R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE

CLASSIFICATION OF MANAGER, PARKS & RECREATION.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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.

This Resolution was adopted unanimously.

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.

This Resolution was adopted unanimously.

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.

Indexes: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

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

This Resolution was adopted unanimously.

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

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

This Resolution was adopted unanimously.
Councilor Hobbs abstained, stating employer conflict

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.

Indexes:

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

This Resolution was adopted unanimously.

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.

Indexes:

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

This Resolution was adopted unanimously.

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

Indexes:

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

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [EXHIBIT A](#)

[MAP](#)

[Amendment No. 2](#)

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [MAP](#)

This Resolution was adopted unanimously.

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.

Indexes:

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

This Resolution was adopted unanimously.

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

Indexes:

Attachments: [Document A - Contract](#)

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [Document A - Amendment](#)

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [Document A - Contract](#)

This Resolution was adopted unanimously.

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.

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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.

Indexes:

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

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [Exhibit 1-ROE](#)

This Resolution was adopted unanimously.

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

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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 WAABIZHESHIKANA: THE MARTEN TRAIL.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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.

A motion was made by Councilor Anderson to amend this Resolution by requiring a 1.6 million dollar bond that must be paid by 4:00 p.m. on July 10th, 2023. This amendment passed unanimously.

A motion was made to adopt this Resolution as amended, the motion passed unanimously.

This resolution was adopted as amended unanimously.

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.

This Resolution was failed.

BY COUNCILOR HOBBS (RECREATION, LIBRARIES & AUTHORITIES)

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

Indexes:

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

This Resolution was adopted unanimously.

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).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

 This Ordinance was adopted.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS