



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Minutes

### 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, September 11, 2023

7:00 PM

Council Chamber

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#### ROLL CALL

#### PLEDGE OF ALLEGIANCE

#### PUBLIC HEARING - Proposed Charter Changes

#### APPROVAL OF MINUTES

1. Meeting Minutes of the Duluth City Council

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 COUNCILOR TOMANEK (PUBLIC SAFETY)**

2. RESOLUTION AMENDING RESOLUTION 22-0941, ADOPTING THE 2023 FEE SCHEDULE FOR LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES TO AMEND THE FEE SCHEDULE BY ADDING PENALTIES FOR VIOLATING CHAPTER 28, SECTION 28-64, OF THE DULUTH CITY CODE.

This Resolution was adopted unanimously.

Absent: Councilor Alstead

**CONSENT AGENDA****BY COUNCILOR ALSTEAD (PURCHASING & LICENSING)**

3. RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF VARIOUS LICENSEES.

This Resolution was adopted unanimously.

Absent: Councilor Alstead

4. RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE LIQUOR LICENSE TO VARIOUS LICENSEES.

This Resolution was adopted unanimously.

Absent: Councilor Alstead

**BY VICE PRESIDENT RANDORF (FINANCE)**

5. RESOLUTION AUTHORIZING ACCEPTANCE OF A \$70,000 CRIME VICTIM SERVICES PROSECUTORIAL GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, TO PARTIALLY FUND A VICTIM SERVICES SPECIALIST POSITION IN THE CITY ATTORNEY'S OFFICE.

This Resolution was adopted unanimously.

**Absent: Councilor Alstead**

6. RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2024.

**This Resolution was adopted unanimously.**

**Absent: Councilor Alstead**

**BY COUNCILOR AWAL (PERSONNEL)**

7. RESOLUTION CONFIRMING THE REAPPOINTMENT OF PETER SINGLER AND LAURA MULLEN TO THE DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY.

**This Resolution was adopted unanimously.**

**Absent: Councilor Alstead**

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

8. RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO JOINT POWERS AGREEMENTS WITH AND ACCEPT A TOTAL AMOUNT NOT TO EXCEED \$46,000 FROM THE STATE OF MINNESOTA, ACTING THROUGH ITS DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT, TO PROVIDE WEEKLY REQUIRED RECEPTION AND CAREERLAB DUTIES AND SITE MANAGEMENT SERVICES FOR VOCATIONAL REHABILITATION FOR THE PERIOD OF SEPTEMBER 1, 2023 - DECEMBER 31, 2024.

**This Resolution was adopted unanimously.**

**Absent: Councilor Alstead**

9. RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE CENTER FOR WORKFORCE INCLUSION, IN AN AMOUNT OF \$192,616 FOR THE PURPOSE OF PROVIDING COMMUNITY SERVICE OPPORTUNITIES TO OLDER ADULTS.

**This Resolution was adopted unanimously.**

**Absent: Councilor Alstead**

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

10. RESOLUTION AUTHORIZING MNDOT AGREEMENT NO. 1053871 FOR THE WEST SUPERIOR STREET RECONSTRUCTION PROJECT UNDER CITY PROJECT NO. 118-109-021 WITH THE CITY MATCHING CONTRIBUTION LIMITED TO \$8,307.40.

**This Resolution was adopted unanimously.**

**Absent: Councilor Alstead**

11. RESOLUTION AUTHORIZING MNDOT AGREEMENT NO. 1053870 FOR THE WEST SUPERIOR STREET RECONSTRUCTION PROJECT UNDER CITY PROJECT NO. 118-109-021 WITH THE CITY MATCHING CONTRIBUTION LIMITED TO \$10,832.38.

**This Resolution was adopted unanimously.**

**Absent: Councilor Alstead**

12. RESOLUTION AMENDING A CONTRACT WITH LHB, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE AERIAL LIFT BRIDGE REHABILITATION PROJECT, TO INCREASE THE AMOUNT BY \$435,235.00 FOR A NEW TOTAL OF \$652,979.00.

**This Resolution was adopted unanimously.**

**Absent: Councilor Alstead**

13. RESOLUTION AUTHORIZING CROSSING SURFACE INSTALLATION AGREEMENTS WITH THE BNSF RAILROAD COMPANY FOR IMPROVEMENTS TO BNSF RAILROAD CROSSINGS AT 59TH AVE W. AND 63RD AVE W. IN THE CITY OF DULUTH.

**This Resolution was adopted unanimously.**

**Absent: Councilor Alstead**

14. RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR THE 2024 CHIP SEAL PROJECT AT VARIOUS LOCATIONS IN THE CITY OF DULUTH.

**This Resolution was adopted unanimously.**

**Absent: Councilor Alstead**

15. RESOLUTION AMENDING A CONTRACT WITH JMF CONSTRUCTION, INC. FOR CONSTRUCTION OF OREGON CREEK CULVERT EMERGENCY REPAIRS, TO INCREASE THE AMOUNT BY \$100,000.00 FOR A NEW TOTAL NOT TO EXCEED \$225,000.00.

**This Resolution was adopted unanimously.**

**Absent: Councilor Alstead**

16. RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30708 WITH TKDA FOR ADDITIONAL ENGINEERING DESIGN SERVICES FOR THE DEVONSHIRE STREET RECONSTRUCTION, FROM ATLANTIC AVE WESTERLY, AND LINCOLN PARK SAFE ROUTES TO SCHOOL IMPROVEMENTS PROJECT FOR AN INCREASE OF \$20,307.26 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$76,007.26.

**This Resolution was adopted unanimously.**

**Absent: Councilor Alstead**

17. RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR THE DULUTH HEIGHTS STORMWATER STUDY AND EKLUND AVE. RECONSTRUCTION PROJECT IN THE AMOUNT OF \$140,090.

**This Resolution was adopted unanimously.**

**Absent: Councilor Alstead**

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

18. RESOLUTION AUTHORIZING A SUBRECIPIENT AGREEMENT WITH ECOLIBRIUM 3 TO FUND COMMUNITY RESEARCH AND RESILIENCY PLANNING IN ASSOCIATION WITH THE RACER GRANT FOR AN AMOUNT NOT TO EXCEED \$280,226.

**This Resolution was adopted unanimously.**

**Absent: Councilor Alstead**

19. RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE UNITED STATES DEPARTMENT OF ENERGY'S RENEWABLES ADVANCING COMMUNITY RESILIENCE (RACER) PROGRAM FOR THE

FORM FOLLOWS FUNCTION (F3) RESILIENCE PLANNING PROGRAM

**This Resolution was adopted unanimously.**

**Absent: Councilor Alstead**

- 20.** RESOLUTION AUTHORIZING A CONTRACT WITH RACHEL CONTRACTING, LLC FOR THE CANAL PARK STATE DISASTER SHORELINE REHABILITATION PROJECT FOR AN AMOUNT NOT TO EXCEED \$149,532.00.

**This Resolution was adopted unanimously.**

**Absent: Councilor Alstead**

- 21.** RESOLUTION AUTHORIZING A CONTRACT WITH WREN WORKS FOR THE DULUTH COASTAL INFRASTRUCTURE REHABILITATION PROJECT FOR AN AMOUNT NOT TO EXCEED \$14,408,739.13.

**This Resolution was adopted unanimously.**

**Absent: Councilor Alstead**

- 22.** RESOLUTION AUTHORIZING ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES LAKE SUPERIOR COASTAL PROGRAM GRANT IN AN AMOUNT NOT TO EXCEED \$100,000 FOR FUNDS TO ACQUIRE APPROXIMATELY 68 ACRES FROM THE DULUTH CEMETERY ASSOCIATION FOR RECREATION AND PRESERVATION

**This Resolution was adopted unanimously.**

**Absent: Councilor Alstead**

- 23.** RESOLUTION AUTHORIZING ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES LAKE SUPERIOR COASTAL PROGRAM GRANT IN AN AMOUNT NOT TO EXCEED \$100,000 FOR FUNDS TO REPLACE A BEACH DUNE-CROSSING BOARDWALK ON MINNESOTA POINT

**This Resolution was adopted unanimously.**

**Absent: Councilor Alstead**

24. RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE DULUTH AREA HORSE TRAIL ALLIANCE FOR TRAIL MAINTENANCE THROUGH 2025 AT NO COST TO THE CITY

This Resolution was adopted unanimously.

Absent: Councilor Alstead

25. RESOLUTION AUTHORIZING AN APPLICATION TO THE MINNESOTA HISTORICAL SOCIETY FOR UP TO \$166,000 FROM THE MINNESOTA HISTORICAL AND CULTURAL HERITAGE GRANTS PROGRAM TO IMPLEMENT PORTIONS OF THE LAKEWALK INTERPRETIVE PLAN.

This Resolution was adopted unanimously.

Absent: Councilor Alstead

26. RESOLUTION AUTHORIZING A CONTRACT WITH KTM PAVING, INC. FOR THE KNOWLTON CREEK TRAIL BRIDGE ABUTMENTS PROJECT FOR AN AMOUNT NOT TO EXCEED \$317,000.00.

This Resolution was adopted unanimously.

Absent: Councilor Alstead

## **END OF CONSENT AGENDA**

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

### **BY VICE PRESIDENT RANDORF (FINANCE)**

27. RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2024.

This Resolution was tabled unanimously.

Absent: Councilor Alstead

28. RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2024.

This Resolution was adopted unanimously.

Absent: Councilor Alstead

29. RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2024.

This Resolution was adopted unanimously.

Absent: Councilor Alstead

30. RESOLUTION DISTRIBUTING THE ESTIMATED 2024 HOTEL-MOTEL AND FOOD AND BEVERAGE TOURISM TAXES.

This Resolution was tabled unanimously.

Absent: Councilor Alstead

Abstained: Councilor Hobbs & Councilor Mayou, citing employer conflicts.

**BY COUNCILOR TOMANEK (PUBLIC SAFETY)**

31. RESOLUTION AUTHORIZING THE PURCHASE OF AN ARMORED RESCUE VEHICLE FROM LENCO INDUSTRIES INC. IN THE AMOUNT OF \$377,315.60.

This Resolution was adopted unanimously.

Absent: Councilor Alstead

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

**BY PRESIDENT KENNEDY (COMMITTEE OF THE WHOLE)**

32. AN ORDINANCE AMENDING THE DULUTH HOME RULE CHARTER, 1912, AS AMENDED, MAKING NON-SUBSTANTIVE CHANGES TO MODERNIZE CHARTER LANGUAGE AND UPDATE TERMINOLOGY.

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



**BY VICE PRESIDENT RANDORF (FINANCE)**

33. AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION STEAM UTILITY REVENUE BONDS OF THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$4,500,000 UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

**This Ordinance was adopted unanimously.**

**Absent: Councilor Alstead**

34. AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION LAKE FRONT RESTORATION BONDS OF THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$2,700,000 UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PROVIDING FOR THE PAYMENT THEREOF.

**This Ordinance was adopted unanimously.**

**Absent: Councilor Alstead**

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