



# 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, October 28, 2024

7:00 PM

Council Chamber

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#### ROLL CALL

**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. [24-050](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2024-10-15, Minutes](#)

This Minutes was received.

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

#### REPORTS OF BOARDS AND COMMISSIONS

2. [24-051](#) Board and Commissions Meeting Minutes

Indexes:

- Attachments: [October 2023 - Charter Commission](#)  
[August 2024 - Building Appeal Board](#)  
[September 2024 - Duluth Public Utilities Commission](#)

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 COUNCILOR FORSMAN (FINANCE)**

- 3. [24-0811R](#) RESOLUTION ADOPTING THE 2025 FEE SCHEDULE FOR LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES.

Indexes:

- Attachments: [Exhibit A - Proposed 2025 Fee Schedule](#)  
[Exhibit B - Fee Schedule Memorandum](#)

This Resolution was adopted unanimously.

**BY VICE PRESIDENT TOMANEK (PERSONNEL)**

- 4. [24-0780R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF BRIAN MURPHY TO THE SEAWAY PORT AUTHORITY OF DULUTH

This Resolution was adopted unanimously.

- 5. [24-0817R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF CONSTRUCTION SERVICES PERMIT COORDINATOR II, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

- Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 6. [24-0818R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE

NEW CIVIL SERVICE CLASSIFICATION OF UTILITY METER & APPLIANCE TECHNICIAN, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**Indexes:**

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

**This Resolution was adopted unanimously.**

7. [24-0855R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF TERRI L. LEHR AS CITY ATTORNEY, TERMINATING THE APPOINTMENT OF JESSICA J. FRALICH AND AUTHORIZING THE EXECUTION OF AN EMPLOYMENT CONTRACT WITH TERRI L. LEHR.

**Indexes:**

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

**This Resolution was adopted unanimously.**

8. [24-0862R](#) RESOLUTION APPROVING SETTLEMENT OF A GRIEVANCE OF THE CITY OF DULUTH SUPERVISORY ASSOCIATION AGAINST THE CITY OF DULUTH IN THE AMOUNT OF \$75,000.00 PURSUANT TO THE TERMS OF THE SETTLEMENT AGREEMENT.

**Indexes:**

**Attachments:** [Exhibit 1](#)

**This Resolution was adopted unanimously.**

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

9. [24-0821R](#) RESOLUTION PARTIALLY VACATING A UTILITY EASEMENT IN LOTS 1 AND 2, BLOCK 44; LOT 8, BLOCK 45; LOT 9, BLOCK 68; AND LOTS 1 AND 2, BLOCK 69, PLAT OF RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH.

**Indexes:**

**Attachments:** [Attachment 1 - Signed Exhibit](#)

[Attachment 2 - PLVAC-2409-0006 Staff Report and Attachments](#)

**This Resolution was adopted unanimously.**

10. [24-0847R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH STANTEC CONSULTING SERVICES, INC. FOR PROFESSIONAL ENVIRONMENTAL SERVICES FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.

**Indexes:**

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

This Resolution was adopted unanimously.

11. [24-0850R](#) RESOLUTION VACATING CERTAIN UTILITY EASEMENTS WITHIN THE PLAT OF AIRPORT DIVISION.

**Indexes:**

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

[Exhibit B](#)

This Resolution was adopted unanimously.

12. [24-0851R](#) RESOLUTION VACATING CERTAIN PLATTED RIGHTS OF WAY WITHIN THE PLAT OF AIRPORT DIVISION.

**Indexes:**

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

[Exhibit B](#)

This Resolution was adopted unanimously.

13. [24-0854R](#) RESOLUTION PARTIALLY VACATING A UTILITY, PEDESTRIAN WAY, AND RECREATIONAL TRAIL EASEMENT IN THE BRISTOL BEACH 1ST DIVISION PLAT.

**Indexes:**

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

[Exhibit B](#)

This Resolution was adopted unanimously.

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

14. [24-0822R](#) RESOLUTION AWARDED A CONTRACT TO CONTOUR INC. FOR THE HIGH PRIORITY LEAD WATER SERVICE REPLACEMENTS FOR SITES 60,61 and 64 FOR A TOTAL AMOUNT NOT TO EXCEED \$63,895.00.

This Resolution was adopted unanimously.

15. [24-0823R](#) RESOLUTION AUTHORIZING A PROFESSIONAL ENGINEERING AGREEMENT FOR FINAL DESIGN OF THE PALM STREET STORMWATER PROJECT WITH LHB, INC FOR AN AMOUNT NOT TO EXCEED \$147,604.00.

**Indexes:**

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

This Resolution was adopted unanimously.

16. [24-0824R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30936 FOR ENGINEERING SERVICES FOR THE 2025 LEAD WATER SERVICE REPLACEMENT FOR HILLSIDE WITH MSA PROFESSIONAL SERVICES, INC., INCREASING THE AMOUNT BY \$69,500.00 FOR A NEW TOTAL OF \$236,310.00.

**Indexes:**

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

This Resolution was adopted unanimously.

17. [24-0825R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30935 FOR ENGINEERING SERVICES FOR THE 2025 LEAD WATER SERVICE REPLACEMENT FOR LOWER-LINCOLN PARK WITH LHB, INC., INCREASING THE AMOUNT BY \$48,776.00 FOR A NEW TOTAL OF \$244,886.00.

**Indexes:**

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

This Resolution was adopted unanimously.

18. [24-0852R](#) RESOLUTION APPROVING THE SERVICE CALL RATES FOR CALCULATION FOR DULUTH ENERGY SYSTEMS.

**Indexes:**

**Attachments:** [DES 2024-25 Service Call Rates](#)

This Resolution was adopted unanimously.

#### BY COUNCILOR SWENSON (PUBLIC SAFETY)

19. [24-0848R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ST. LOUIS COUNTY TO PERFORM POLICE SERVICES PURSUANT TO 2022 OPERATION STONEGARDEN GRANT OPERATIONS ORDER AND ACCEPTING REIMBURSEMENT THROUGH ST. LOUIS COUNTY IN THE AMOUNT OF \$60,433.

**Indexes:**

**Attachments:** [Document B - Partner Agreement](#)  
[Exhibit A - Cover Sheet \(nonpublic data\)](#)

This Resolution was adopted unanimously.

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

20. [24-0853R](#) RESOLUTION ACCEPTING A GREATER MINNESOTA LEGACY GRANT FOR \$531,590 FROM THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION AND MINNESOTA DEPARTMENT OF NATURAL RESOURCES TO SUPPLEMENT THE 2021 SPIRIT MOUNTAIN LEGACY CAPITAL IMPROVEMENTS GRANT.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

21. [24-0856R](#) RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A GENERAL FUND APPROPRIATION GRANT FROM THE STATE OF MINNESOTA FOR EXPENSES DIRECTLY RELATED TO DESIGN AND CONSTRUCT NEW FACILITIES AND TO RENEW, REPLACE AND REPAIR EXISTING FACILITIES AT THE SPIRIT MOUNTAIN RECREATION AREA IN THE CITY OF DULUTH, IN THE AMOUNT OF \$13,000,000.

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

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

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

22. [24-050-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY THREE HALF BLOCKS ALONG E 4TH STREET FROM MIXED-USE NEIGHBORHOOD (MU-N) AND MIXED USE-INSTITUTIONAL (MU-I) TO FORM DISTRICT 6 (F-6)

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

23. [24-052-O](#) AN ORDINANCE GRANTING MINNESOTA POWER A CONCURRENT USE PERMIT FOR A LOADING DOCK ALONG WEST MICHIGAN STREET.

Indexes:

- Attachments: [Attachement 1 - CUP Exhibits](#)  
[Attachment 2 - PLCUP-2409-0002 Staff Report and Attachments](#)

This Ordinance was read for the first time.

24. [24-053-O](#) AN ORDINANCE GRANTING FESTIES INC A CONCURRENT USE PERMIT FOR A STOOP AND RETAINING WALL AT 711 MARTHA STREET.

Indexes:

- Attachments: [Attachment 1 - Exhibit](#)  
[Attachment 2 - PLCUP-2409-0001 Staff Report and Attachments](#)

This Ordinance was read for the first time.

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

25. [24-054-O](#) AN ORDINANCE DEDICATING PERPETUAL EASEMENTS FOR UTILITY PURPOSES OVER CITY-OWNED PROPERTY.

Indexes:

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

This Ordinance was read for the first time.

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

**BY VICE PRESIDENT RANDORF (FINANCE)**

26. [24-045-O](#) AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION SPIRIT MOUNTAIN BONDS OF THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$13,500,000 UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PROVIDING FOR THE PAYMENT THEREOF.

This Ordinance was adopted.

27. [24-049-O](#) AN ORDINANCE AMENDING SECTIONS 50-20.3 U(10) AND 50-20.5 M(14) TO PROVIDE AN EXEMPTION TO THE CAP ON VACATION DWELLING UNITS AND ACCESSORY VACATION DWELLING UNITS IN RR-1 AND RR-2 DISTRICTS WITHIN 300 FEET OF A MU-C DISTRICT

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was withdrawn.

**BY COUNCILOR SWENSON (PUBLIC SAFETY)**

28. [24-043-O](#) AN ORDINANCE AMENDING CHAPTER 33, ARTICLE VII, SECTIONS 97.1, 97.2, 97.3, 97.5, 97.6, OF THE DULUTH CITY CODE AND REPEALING CHAPTER 33, ARTICLE VII, SECTION 97.7 OF THE DULUTH CITY CODE RELATED TO A SNOW EMERGENCY TO CARRY OUT SNOWPLOWING.

Indexes:

Attachments: [Snow Parking Emergency Resolution](#)

This Ordinance was adopted.

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

29. [24-051-O](#) AN ORDINANCE REPEALING ORDINANCE 10908.

This Ordinance was adopted.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**