



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, July 24, 2023

7:00 PM

Council Chamber

ROLL CALL

Present: 8 - Councilor Hannah Alstead, Councilor Gary Anderson, Councilor Azrin Awal, Councilor Arik Forsman, Councilor Noah Hobbs, Councilor Mike Mayou, Councilor Terese Tomanek and Vice President Roz Randorf

Absent: 1 - President Janet Kennedy

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [23-045](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2023-07-10, Minutes](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [23-046](#) Housing and Redevelopment Authority of Duluth Meeting Minutes

Indexes:

Attachments: [HRA Minutes - May 2023](#)

This Board or Commission Report was received.

- 3. [23-047](#) Duluth Nonbinary, Queer, Trans, Two Spirit, Lesbian, Gay, Bisexual, Intersex & Asexual Commission (NQT2SLGBIA) Commission Meeting Minutes

Indexes:

Attachments: [Minutes May NQT2SLGBIA Meeting](#)

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 VICE PRESIDENT RANDORF (FINANCE)

- 4. [23-0554R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$510,000 GRANT FROM THE STATE OF MINNESOTA FOR THE LAKE SUPERIOR ZOO.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

- 5. [23-0562R](#) RESOLUTION AUTHORIZING A FIVE-YEAR AGREEMENT WITH OPTIONAL ANNUAL RENEWALS WITH EHLERS AND ASSOCIATES, INC., FOR MUNICIPAL ADVISOR SERVICES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

BY COUNCILOR ALSTEAD (PURCHASING & LICENSING)

6. [23-0558R](#) RESOLUTION AUTHORIZING FIVE YEAR EXTENSION TO AGREEMENT WITH KARPEL COMPUTER SYSTEMS INC. FOR LEGAL DOCUMENT MANAGEMENT SOFTWARE SERVICES FOR THE YEARS 2023 THROUGH 2028 FOR A TOTAL AMOUNT NOT TO EXCEED \$150,000.

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

7. [23-0564R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF VARIOUS LICENSEES.

Indexes:

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

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

8. [23-0565R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

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

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

9. [23-0566R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH COFFEE COMPANY, INC.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

10. [23-0574R](#) RESOLUTION AUTHORIZING A FIVE-YEAR AGREEMENT WITH BENCH STRENGTH PARTNERS, INC. TO NEGOTIATE CELL TOWER LEASES AND INSTALLATION OF SMALL CELL COMMUNICATION SYSTEMS ON CITY PROPERTY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

BY COUNCILOR AWAL (PERSONNEL)

11. [23-0572R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF NOMI OSTRANDER TO THE DULUTH HUMAN RIGHTS COMMISSION.

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

12. [23-0573R](#) RESOLUTION APPOINTING KAYLA LORENZ TO THE DULUTH NONBINARY, QUEER, TRANS, TWO SPIRIT, LESBIAN, GAY, BISEXUAL, INTERSEX & ASEXUAL COMMISSION (NQT2SLGBIA).

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

BY COUNCILOR ANDERSON (PLANNING & ECONOMIC DEVELOPMENT)

13. [23-0561R](#) RESOLUTION VACATING TWO UTILITY EASEMENTS IN LOT 4, BLOCK 1, AIRPORT DIVISION.

Indexes:

Attachments: [Exhibit A- SIGNED VACATION EXHIBIT](#)
[Exhibit B - PL 23-099 Staff Report and Attachments](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

14. [23-0567R](#) RESOLUTION VACATING THE UNIMPROVED UTILITY EASEMENT LYING ADJACENT TO AND ABUTTING LOT 8 AND LOT 9, LEVI ACRES.

Indexes:

Attachments: [Exhibit 1](#)
[Exhibit 2](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

15. [23-0571R](#) RESOLUTION VACATING A PORTION OF A UTILITY EASEMENT IN THE LONDON EAST DIVISION.

Indexes:

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

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

16. [23-0578R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT ANY POSSIBLE FUNDING FROM THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR PROVISION OF WORKFORCE INNOVATION AND OPPORTUNITY ACT TITLE I SERVICES, MINNESOTA YOUTH PROGRAM SERVICES, MINNESOTA DISLOCATED WORKER PROGRAM SERVICES, ADULT CAREER PATHWAYS SERVICES, AND OLDER AMERICAN PROGRAM SERVICES FOR THE PERIOD JULY 1, 2023 - JUNE 30, 2028.

Indexes:

Attachments: [Master Grant Contract DULUTH 2024M - July 2023-June 2028](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

17. [23-0581R](#) RESOLUTION VACATING A DRAINAGE EASEMENT IN LOT 4, BLOCK 2, ATLAS INDUSTRIAL PARK.

Indexes:

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

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

BY COUNCILOR MAYOU (PUBLIC WORKS & UTILITIES)

18. [23-0555R](#) RESOLUTION AUTHORIZING SUBSTITUTION OF FINAL SCHEDULE "1" TO MNDOT AGREEMENT NO. 1036093 FOR STATE PROJECT 6982-331, INCREASING THE CITY'S SHARE OF COSTS IN THE AMOUNT OF \$78,074.38 FOR A NEW TOTAL OF \$219,112.08.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

19. [23-0560R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 10,880 TONS OF ROAD SALT FROM MORTON SALT, INC. IN THE AMOUNT OF \$680,979 FOR THE 2023-24 WINTER SEASON.

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

20. [23-0569R](#) RESOLUTION APPROVING SETTLEMENT IN THE AMOUNT OF \$28,750.00 TO DANA HORLOCKER FOR PERSONAL INJURY CLAIMS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

21. [23-0580R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR UTILITY PURPOSES FROM SPIRIT VALLEY LAND COMPANY, LLC OVER, UNDER, AND ACROSS CERTAIN REAL PROPERTY IN THE PLAT OF KAYAK BAY, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1-Resolution](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

BY COUNCILOR TOMANEK (PUBLIC SAFETY)

22. [23-0563R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF COMMERCE IN THE AMOUNT OF \$321,804.53 FOR AN AUTO THEFT INVESTIGATOR AND RELATED OVERTIME, TRAVEL, AND TRAINING EXPENSES.

Indexes:

Attachments: [Document A - Dedicated Investigator](#)
[Document B - Overtime](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

23. [23-0575R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE PARKING MANAGEMENT AGREEMENT BETWEEN THE CITY OF DULUTH, THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND INTERSTATE PARKING COMPANY OF MINNESOTA LLC ENABLING INTERSTATE PARKING COMPANY OF MINNESOTA LLC TO PURCHASE AND UTILIZE GATELESS ACCESS AND REVENUE TECHNOLOGY AT A COST OF \$3,375.00 PER MONTH.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted unanimously.

Absent: Councilor Kennedy

BY COUNCILOR HOBBS (RECREATION, LIBRARIES & AUTHORITIES)

24. [23-0570R](#) RESOLUTION AUTHORIZING A GREATER MINNESOTA LEGACY GRANT APPLICATION OF \$3,300,000 TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION AND MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR THE SPIRIT MOUNTAIN RECREATION AREA RENEWAL PROJECT.

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

25. [23-0579R](#) RESOLUTION AUTHORIZING AN EXCLUSIVE USE PERMIT AGREEMENT WITH BENTLEYVILLE TOUR OF LIGHTS, INC., FOR THE PRODUCTION, PROMOTION, AND MANAGEMENT OF THE BENTLEYVILLE TOUR OF LIGHTS IN BAYFRONT FESTIVAL PARK FOR THE 2023 HOLIDAY SEASON.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR FORSMAN (INTERGOVERNMENTAL RELATIONS)

26. [23-0576R](#) RESOLUTION NAMING THE LINCOLN PARK STONE PAVILION IN HONOR AND MEMORY OF COUNCILOR RENEE VAN NETT.

This Resolution was adopted unanimously.
Absent: Councilor Kennedy

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

BY COUNCILOR ANDERSON (PLANNING & ECONOMIC DEVELOPMENT)

27. [23-019-O](#) AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XXXII, SECTION

2-171, OF THE DULUTH CITY CODE TO INCREASE THE MEMBERSHIP OF THE HOUSING TRUST FUND REVIEW COMMITTEE TO SEVEN MEMBERS AND REQUIRING THAT ONE MEMBER BE A ST. LOUIS COUNTY OFFICIAL.

Indexes:

Attachments: [20230724 MTA 23-019-O Hobbs.pdf](#)

This Ordinance was read for the first time.

BY COUNCILOR FORSMAN (INTERGOVERNMENTAL RELATIONS)

28. [23-020-O](#) AN ORDINANCE AMENDING CHAPTER 28, ARTICLE VII, SECTIONS 28-62, 28-63, 28-64, 28-69 and 28-72, OF THE DULUTH CITY CODE TO CLARIFY THAT SMOKING CANNABINOID IS PROHIBITED TO THE SAME EXTENT AS TOBACCO IN CERTAIN CITY LOCATIONS, UPDATE THE DEFINITION OF ELECTRONIC CIGARETTES, AND DELETE REDUNDANT LANGUAGE.

Indexes:

Attachments: [20230724 MTA 23-020-O Hobbs and Alstead .pdf](#)

This Ordinance was read for the first time.

29. [23-021-O](#) AN ORDINANCE AMENDING CHAPTER 35, ARTICLE I, SECTIONS 35-8, OF THE DULUTH CITY CODE TO PROHIBIT SMOKING OR VAPING OF ANY CANNABINOID IN A PUBLIC PARK.

This Ordinance was read for the first time.

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

BY PRESIDENT KENNEDY (COMMITTEE OF THE WHOLE)

30. [23-016-O](#) AN ORDINANCE AMENDING THE DULUTH HOME RULE CHARTER, 1912, AS AMENDED, MAKING NON-SUBSTANTIVE CHANGES TO MODERNIZE CHARTER LANGUAGE AND UPDATE TERMINOLOGY.

This Ordinance was tabled.

BY COUNCILOR MAYOU (PUBLIC WORKS & UTILITIES)

31. [23-017-O](#) AN ORDINANCE DEDICATING A PERPETUAL EASEMENT FOR UTILITY PURPOSES OVER CITY-OWNED PROPERTY.

Indexes:

Attachments: [Exhibit A-Ordinance](#)

This Ordinance was adopted.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS