



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, August 15, 2022

7:00 PM

Council Chamber

ROLL CALL

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

Absent: 1 - Councilor Roz Randorf

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [22-052](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2022-07-18, Minutes](#)

These Minutes were approved

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [22-053](#) Fairmont Cottage Village - Pre-business Subsidy Report

Indexes:

Attachments: [Pre-business Subsidy Report Fairmont Cottage Village](#)

This Board or Commission Report was received.

3. [22-054](#) Heritage Preservation Commission Meeting Minutes

Indexes:

Attachments: [June 2022 - HPC Minutes](#)

This Board or Commission Report was received.

4. [22-055](#) Planning Commission Meeting Minutes

Indexes:

Attachments: [June 2022 - PC Minutes](#)

REPORTS OF COUNCIL COMMITTEES**REPORTS OF COUNCIL OPEN ISSUES****OPPORTUNITY FOR CITIZENS TO BE HEARD****CONSENT AGENDA****BY VICE PRESIDENT KENNEDY (FINANCE)**

5. [22-0664R](#) RESOLUTION AUTHORIZING A CONSULTING AGREEMENT WITH INSIGHT PUBLIC SECTOR FOR MICROSOFT TEAMS CONSULTING AND PROFESSIONAL SERVICES FOR AN AMOUNT NOT TO EXCEED \$58,350.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Randorf.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

6. [22-0654R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.
Absent: Councilor Randorf.

7. [22-0656R](#) RESOLUTION APPROVING RENEWAL AND ISSUANCE OF ON AND OFF SALE INTOXICATING LIQUOR, ON SALE THEATER, ON SALE SUNDAY, ADDITIONAL BAR, 2:00 A.M. SERVICE, WINE, ON AND OFF SALE 3.2 PERCENT MALT LIQUOR, AND LATE HOUR ENTERTAINMENT LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2022, AND ENDING AUGUST 31, 2023.

Indexes:

Attachments: [Liquor License Renewal List](#)

This Resolution was adopted unanimously.
Absent: Councilor Randorf.

8. [22-0659R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF VARIOUS LICENSEES.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.
Absent: Councilor Randorf.

BY COUNCILOR ALSTEAD (PERSONNEL)

9. [22-0676R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF RYAN LOGAN TO THE CIVIL SERVICE BOARD.

This Resolution was adopted unanimously.
Absent: Councilor Randorf.

10. [22-0677R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ANTHONY SERTICH TO THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY

This Resolution was adopted unanimously.
Absent: Councilor Randorf.

11. [22-0678R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF LORI STEINBACH TO THE LIBRARY BOARD.

This Resolution was adopted unanimously.
Absent: Councilor Randorf.

BY COUNCILOR RANDORF (PLANNING & ECONOMIC DEVELOPMENT)

12. [22-0602R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG-CV-3) AUTHORIZED BY THE 2020 CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT) AGREEMENT WITH DAMIANO OF DULUTH, INC.

Indexes:

Attachments: [Exhibit A amendment](#)

This Resolution was adopted unanimously.

Absent: Councilor Randorf.

13. [22-0655R](#) RESOLUTION RESCINDING RESOLUTION 22-0600 AND AUTHORIZING A REVISED FUNDING AGREEMENT WITH CHURCHES UNITED IN MINISTRY GRANTING UP TO \$150,000 FOR THE PURPOSE OF PROVIDING INFRASTRUCTURE ASSISTANCE FOR OUTDOOR LIVING ZONES AND WARMING CENTERS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Randorf.

14. [22-0657R](#) RESOLUTION VACATING ALL THAT PART OF LEXINGTON STREET (SIXTH STREET PER PLAT) LYING EAST OF THE EAST LINE OF 62ND AVENUE WEST (MADISON AVENUE PER PLAT) AND LYING WEST OF THE WEST LINE OF 61ST AVENUE WEST (JEFFERSON AVENUE PER PLAT) AS DEDICATED ON KIMBERLEY AND STRYKER'S ADDITION TO DULUTH.

Indexes:

Attachments: [Attachment 2](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

Absent: Councilor Randorf.

BY COUNCILOR MAYOU (PUBLIC WORKS & UTILITIES)

15. [22-0613R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY 4 (RICE LAKE ROAD).

Indexes:

Attachments: [22-0613R Map](#)

This Resolution was adopted unanimously.

Absent: Councilor Randorf.

Abstain: Councilor Alstead, stating employer conflict.

16. [22-0640R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM ST. LOUIS COUNTY ON BEHALF OF THE STATE OF MINNESOTA OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE DULUTH HEIGHTS NEIGHBORHOOD FOR \$150.

Indexes:

Attachments: [Exhibit A-Resolution](#)

[Exhibit B-Resolution](#)

This Resolution was adopted unanimously.

Absent: Councilor Randorf.

17. [22-0645R](#) RESOLUTION AUTHORIZING THE PURCHASE OF AN ENCLOSED SERVICE VAN FROM I STATE TRUCK CENTER IN THE AMOUNT OF \$179,494.

This Resolution was adopted unanimously.

Absent: Councilor Randorf.

18. [22-0660R](#) RESOLUTION AWARDED A CONTRACT TO JMF CONSTRUCTION, INC. FOR THE 2022 CITYWIDE LEAD WATER SERVICE REPLACEMENT, PHASE 2, IN THE AMOUNT OF \$1,269,814.72.

Indexes:

Attachments: [22-0660R Map](#)

This Resolution was adopted unanimously.

Absent: Councilor Randorf.

BY COUNCILOR TOMANEK (RECREATION, LIBRARIES & AUTHORITIES)

19. [22-0631R](#) RESOLUTION APPROVING APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION FOR GRANT FUNDING IN THE AMOUNT OF UP TO \$1,500,000 TO PROVIDE IMPROVED RECREATIONAL ACCESS TO THE ST LOUIS RIVER ESTUARY.

This Resolution was adopted unanimously.

Absent: Councilor Randorf.

20. [22-0641R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 709 FOR USE OF

SPACE IN THE WASHINGTON CENTER FOR ITS HEAD START AND EARLY CHILDHOOD FAMILY EDUCATION PROGRAMS.

Indexes:

Attachments: [Exhibit 1-Resolution](#)

This Resolution was adopted unanimously.

Absent: Councilor Randorf.

21. [22-0642R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY REGARDING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE LESTER PARK NEIGHBORHOOD.

Indexes:

Attachments: [Exhibit 1-Resolution](#)

This Resolution was adopted unanimously.

Absent: Councilor Randorf.

22. [22-0644R](#) RESOLUTION AMENDING A CONTRACT WITH SAS+ASSOCIATES, INC. TO PROVIDE PROFESSIONAL LANDSCAPE ARCHITECTURAL SERVICES AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE CITY HALL GROUNDS IMPROVEMENT PROJECT, TO INCREASE THE AMOUNT BY \$6,000 FOR A NEW TOTAL OF \$41,920.

Indexes:

Attachments: [City Hall Grounds - CA Proposal](#)

This Resolution was adopted unanimously.

Absent: Councilor Randorf.

23. [22-0646R](#) RESOLUTION AUTHORIZING ACCEPTANCE FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES PREPARING FOR EAB GRANT PROGRAM (22-018R TITLE CORRECTED FROM PROTECT COMMUNITY FORESTS) TO PROVIDE FUNDS TO REMOVE AND REPLACE DISEASED BOULEVARD ASH TREES, NOT TO EXCEED \$150,000.

This Resolution was adopted unanimously.

Absent: Councilor Randorf.

24. [22-0649R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES PROTECT COMMUNITY FORESTS EAB GRANT FOR \$99,081 TO REMOVE AND REPLACE DISEASED BOULEVARD ASH TREES.

This Resolution was adopted unanimously.
Absent: Councilor Randorf.

25. [22-0650R](#) RESOLUTION AUTHORIZING A CONTRACT WITH RACHEL CONTRACTING INC. FOR THE LAKEWALK SHORELINE RESTORATION SITES B AND C FOR AN AMOUNT NOT TO EXCEED \$1,008,348.02.

This Resolution was adopted unanimously.
Absent: Councilor Randorf.

26. [22-0658R](#) 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 2022 HOLIDAY SEASON.

Indexes:

Attachments: [8.3.22 2022-2023 Bentleyville Agreement.pdf](#)

This Resolution was adopted unanimously.
Absent: Councilor Randorf.

27. [22-0665R](#) RESOLUTION OF INTENT FOR CITY SUPPORT OF THE ENVISIONED SPIRIT VALLEY CENTER FOR YOUTH AND COMMUNITY WELLNESS FOLLOWING A MODEL REPRESENTED BY PARTNERSHIPS WITH HARTLEY NATURE CENTER AND THE GARY NEW DULUTH DEVELOPMENT ALLIANCE.

This Resolution was adopted unanimously.
Absent: Councilor Randorf.

28. [22-0666R](#) RESOLUTION OF INTENT FOR GEOGRAPHICALLY EQUITABLE EXPENDITURE OF PARK FUND LEVY PROCEEDS ACROSS WEST, CENTRAL, AND EAST DULUTH.

This Resolution was adopted unanimously.
Absent: Councilor Randorf.

29. [22-0668R](#) RESOLUTION APPROVING DULUTH TRANSIT AUTHORITY'S PURCHASE OF ALL SHARES OF ATE MANAGEMENT OF DULUTH, INC. FROM FIRSTGROUP MANAGEMENT, INC. FOR A TOTAL AMOUNT OF \$250.

Indexes:

Attachments: [Exhibit A - DTA Resolution 401 Approving ATE of Duluth Stock Aquisition](#)
[Exhibit B - DTA & First Transit MOU - ATE of Duluth Purchase](#)

This Resolution was adopted unanimously.

Absent: Councilor Randorf.

30. [22-0669R](#) RESOLUTION APPROVING DULUTH TRANSIT AUTHORITY'S PERPETUAL TERM MANAGEMENT AND OPERATING AGREEMENT WITH ATE OF DULUTH, INC.

Indexes:

Attachments: [Exhibit A - DTA Motion and Resolution Approving Operating Agreement with ATE of Duluth](#)
[Exhibit B - DTA & ATE of Duluth Management Services Agreement](#)

This Resolution was adopted unanimously.

Absent: Councilor Randorf.

31. [22-0670R](#) RESOLUTION SUBMITTING PROPOSED ORDINANCE TO VOTERS AT SPECIAL ELECTION ON NOVEMBER 8, 2022 AMENDING AND INCREASING THE PARKS FUND SPECIAL LEVY FROM A FIXED AMOUNT OF \$2,600,000 ANNUALLY TO A FIXED PERCENTAGE OF 0.0472654 ANNUALLY ON THE REFERENDUM MARKET VALUE OF ALL TAXABLE PROPERTY WITHIN THE CITY AND SETTING THE BALLOT QUESTION FOR THE NOVEMBER 8, 2022 ELECTION

Indexes:

Attachments: [Laws of Minnesota, 1953, Chapter 560 - Duluth; additional taxing powers](#)

This Resolution was adopted unanimously.

Absent: Councilor Randorf.

32. [22-0679R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT AWARD FROM THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION CONNECTING PEOPLE TO THE OUTDOORS PROGRAM IN THE AMOUNT OF \$167,783 TO EXPAND ACCESS TO THE DULUTH TRAVERSE, A DESIGNATED REGIONAL TRAIL.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR RANDORF (PLANNING & ECONOMIC DEVELOPMENT)

33. [22-0661R](#) RESOLUTION APPROVING THE FIFTH AND SIXTH AMENDMENTS TO THE DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND LAKEWALK PROPERTIES LLC FOR THE DEVELOPMENT OF THE LAKEVIEW APARTMENTS PROJECT.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

A motion was made that this Resolution be adopted. The motion carried by the following vote:

Yea: 7 - Councilor Alstead, Councilor Anderson, Councilor Awal, Councilor Hobbs, Councilor Tomanek, Vice President Kennedy and President Forsman

Nay: 1 - Councilor Mayou

Absent: 1 - Councilor Randorf

BY COUNCILOR ANDERSON (PUBLIC SAFETY)

34. [22-0612R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE CRIME AND JUSTICE INSTITUTE FOR PROFESSIONAL SERVICES TO PERFORM A RACIAL BIAS AUDIT FOR AN AMOUNT NOT TO EXCEED \$273,465.00.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was returned to Administration.

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

BY COUNCILOR RANDORF (PLANNING & ECONOMIC DEVELOPMENT)

35. [22-027-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8, 50-20.1, AND 50-41.9 RELATED TO UDC UPDATES FOR INTERIM OUTDOOR LIVING SITES, ESTABLISHING STANDARDS FOR THE USE AND A ONE-YEAR LIMIT FOR SUCH TEMPORARY OUTDOOR LIVING SITES LOCATED ON PRIVATELY OWNED PROPERTY

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

BY COUNCILOR TOMANEK (RECREATION, LIBRARIES & AUTHORITIES)

36. [22-028-O](#) ORDINANCE AMENDING SECTION 9-2 AND SECTION 9-3 OF THE DULUTH CITY CODE TO CLARIFY DEFINITIONS AND PROHIBIT RIDING BICYCLES, ELECTRIC-ASSIST BICYCLES, WHEELED RECREATIONAL DEVICES, AND MOTORIZED FOOT SCOOTERS ON PORTIONS OF THE LAKEWALK AND BAYWALK AT MORE THAN 10 MPH.

This Ordinance was read for the first time.

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

BY COUNCILOR RANDORF (PLANNING & ECONOMIC DEVELOPMENT)

37. [22-025-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF REAL PROPERTY IN THE FAIRMOUNT NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR NOMINAL CONSIDERATION.

Indexes:

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

This Ordinance was adopted unanimously.

BY COUNCILOR TOMANEK (RECREATION, LIBRARIES & AUTHORITIES)

38. [22-026-O](#) ORDINANCE AMENDING SECTION 2 OF ORDINANCE 10102 LEVYING A TAX TO FUND THE CITY'S PARK FUND AND SETTING FORTH THE PROCESS APPLICABLE THERETO, SUBJECT TO REFERENDUM PROVIDED FOR IN LAWS OF MINNESOTA, 1953, CHAPTER 560, SECTION 1.

Indexes:

Attachments: [MTA - Randorf - Passed 7-0-2](#)

This Ordinance was adopted as amended.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS