



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, January 23, 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, Vice President Roz Randorf and President Janet Kennedy

Absent: 1 - Councilor Terese Tomanek

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [23-012](#) Duluth City Council Meeting Minutes

Indexes:

Attachments: [2023-01-10, Minutes](#)

These Minutes were approved.

PUBLIC HEARING - Unmanned Aerial Systems (UAS) Operations Policy - DPD

2. [23-011](#) Unmanned Aerial Systems Policy (UAS)

Indexes:

Attachments: [Unmanned Aerial Systems Policy](#)

This Informational Report was received.

REPORTS OF BOARDS AND COMMISSIONS

3. [23-008](#) Duluth Parking Commission Meeting Minutes

Indexes:

Attachments: [January 2023 DPC Minutes](#)

This Board or Commission Report was received.

4. [23-009](#) Heritage Preservation Commission Meeting Minutes

Indexes:

Attachments: [December 2022 HPC Minutes](#)

This Board or Commission Report was received.

5. [23-010](#) Planning Commission Meeting Minutes

Indexes:

Attachments: [December 2022 PC Minutes](#)

This Board or Commission Report was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

6. [23-007](#) Pre-Business Subsidy Report

Indexes:

Attachments: [Pre-business Subsidy Report Skyridge Flats](#)

This Informational 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)

7. [23-0084R](#) RESOLUTION PROVIDING AN ADDITIONAL \$35,000 TO THE MINNEAPOLIS-DULUTH/SUPERIOR PASSENGER RAIL ALLIANCE TO BE USED FOR LEGISLATIVE EFFORTS IN ST. PAUL.

Indexes:

Attachments: [NLX Letter add'l \\$35k \(002\).pdf](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

BY COUNCILOR ALSTEAD (PURCHASING & LICENSING)

8. [23-0008R](#) RESOLUTION AUTHORIZING AN ANNUAL CONTRACT FOR ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS, SUPPLIES AND LABOR FOR 2023 FROM ZIEGLER, INC. FOR AN AMOUNT NOT TO EXCEED \$250,000.

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

9. [23-0009R](#) RESOLUTION AUTHORIZING AN ANNUAL CONTRACT FOR ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS, SUPPLIES AND LABOR FOR 2023 FROM MID-STATE TRUCK SERVICE, INC. FOR AN AMOUNT NOT TO EXCEED \$185,000.

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

10. [23-0045R](#) 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 Tomanek

11. [23-0046R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE TO THE MINNESOTA BALLET.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

BY COUNCILOR AWAL (PERSONNEL)

12. [23-0067R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MOLLY FLOEN TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

This Resolution was adopted unanimously.
Absent: Councilor Tomanek

BY COUNCILOR ANDERSON (PLANNING & ECONOMIC DEVELOPMENT)

13. [23-0055R](#) RESOLUTION APPROVING THE 2023 ANNUAL ACTION PLAN AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME PROGRAM (HOME), AND EMERGENCY SOLUTIONS GRANT PROGRAM (ESG) PROGRAM FUNDS.

Indexes:

Attachments: [2023 Draft Action Plan- January 2023](#)

This Resolution was adopted unanimously.
Absent: Councilor Tomanek
Abstain: Councilor Hobbs, stating employer conflict.

14. [23-0056R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2023 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

This Resolution was adopted unanimously.
Absent: Councilor Tomanek
Abstain: Councilor Hobbs, stating employer conflict.

15. [23-0057R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD HOME INVESTMENT PARTNERSHIP FUNDS FOR THE 2023 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

This Resolution was adopted unanimously.
Absent: Councilor Tomanek
Abstain: Councilor Hobbs, stating employer conflict.

16. [23-0058R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD EMERGENCY SOLUTIONS GRANTS PROGRAM (ESG) FUNDING FOR THE 2023 PROGRAM YEAR, AUTHORIZING CONTRACTS, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

This Resolution was adopted unanimously.
Absent: Councilor Tomanek

Abstain: Councilor Hobbs, stating employer conflict.

17. [23-0059R](#) RESOLUTION AUTHORIZING REPROGRAMMING OF \$7,000 OF FUNDS FROM 2020 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND \$739.26 FROM THE 2021 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR THE 2023 COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE DULUTH PROPERTY REHAB PROGRAM.

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

Abstain: Councilor Hobbs, stating employer conflict.

18. [23-0060R](#) RESOLUTION AUTHORIZING REPROGRAMMING OF \$23,628.03 OF HOME FUNDS FROM THE 2020 HOME PROGRAM FOR THE HOMELESS RENTAL ASSISTANCE PROGRAM OPERATED BY THE DULUTH HOUSING AUTHORITY TO THE 2023 COMMUNITY LAND TRUST NEW CONSTRUCTION PROGRAM OPERATED BY ONE ROOF COMMUNITY HOUSING.

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

Abstain: Councilor Hobbs, stating employer conflict.

19. [23-0061R](#) RESOLUTION AUTHORIZING REPROGRAMMING OF \$16,000 OF ESG FUNDS FROM 2022 EMERGENCY SOLUTIONS PROGRAM FOR THE 2023 EMERGENCY SOLUTIONS PROGRAM SAFE HAVEN SHELTER PROGRAM.

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

20. [23-0062R](#) RESOLUTION AUTHORIZING REPROGRAMMING OF \$22,438.71 OF EMERGENCY SOLUTIONS GRANT (ESG-CV1) FUNDS FROM THE HRA EVICTION PREVENTION PROGRAM TO THE SAFE HAVEN SHELTER PROGRAM.

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

21. [23-0063R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ARROWHEAD ECONOMIC OPPORTUNITY AGENCY PROVIDING STAFFING SERVICES AT THE DULUTH CAREERFORCE CENTER.

Indexes:Attachments: [Document A](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

22. [23-0075R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT PROVIDING STAFFING SERVICES AT THE DULUTH CAREERFORCE CENTER.

Indexes:Attachments: [Document A](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

BY PRESIDENT KENNEDY (COMMITTEE OF THE WHOLE)

23. [23-0064R](#) RESOLUTION APPROVING AGREEMENT WITH FRYBERGER, BUCHANAN, SMITH AND FREDERICK, P.A., FOR LEGISLATIVE SERVICES NOT TO EXCEED \$72,000.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

BY COUNCILOR MAYOU (PUBLIC WORKS & UTILITIES)

24. [23-0006R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR UTILITIES AND CONSTRUCTION.

Indexes:Attachments: [EXHIBIT A](#)[map](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

25. [23-0012R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF SIDEWALK ADJACENT TO TRUNK HIGHWAY 23 FROM 1.35 MILES EAST OF TRUNK HIGHWAY 210 TO TRUNK HIGHWAY 39 WITHIN THE CORPORATE CITY LIMITS UNDER STATE PROJECT NO. 6910-105 (T.H. 23=185), MNDOT

CONTRACT NO. 1051989.

Indexes:

Attachments: [23-0012R MAP](#)

[EXHIBIT A](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

26. [23-0040R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 9,500 TONS OF ROAD SALT FROM MORTON SALT, INC. IN THE AMOUNT OF \$583,277.

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

27. [23-0047R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH BRAUN INTERTEC CORPORATION, FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR AN ANNUAL ESTIMATED AMOUNT OF \$150,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$750,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

28. [23-0053R](#) RESOLUTION AUTHORIZING THE PURCHASE OF PRE-INSULATED PIPE, FITTINGS, VALVES AND ACCESSORIES FOR THE 1ST AVENUE EAST RECONSTRUCTION PROJECT FROM ARMOUR VALVE INC. IN THE AMOUNT OF \$319,265.10.

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

29. [23-0054R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH ALLIANT ENGINEERING, INC., FOR PROFESSIONAL TRAFFIC ENGINEERING SERVICES FOR AN ANNUAL ESTIMATED AMOUNT OF \$50,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.

Indexes:

Attachments: [Alliant rate table](#)

[Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

30. [23-0065R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A HAZARD MITIGATION ASSISTANCE PROGRAM THROUGH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION, TO PROVIDE BACKUP POWER TO THE CITY'S WATER TREATMENT PLANT.

Indexes:

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

This Resolution was adopted unanimously.
Absent: Councilor Tomanek

31. [23-0066R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH EPC ENGINEERING & TESTING, FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR AN ESTIMATED ANNUAL AMOUNT OF \$150,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$750,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Tomanek

32. [23-0068R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH TWIN PORTS TESTING, INC., FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR AN ESTIMATED ANNUAL AMOUNT OF \$150,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$750,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Tomanek

33. [23-0069R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH SHORT ELLIOTT HENDRICKSON, INC., FOR PROFESSIONAL SURVEY AND FIELD DATA COLLECTION SERVICES FOR AN ESTIMATED ANNUAL AMOUNT OF \$50,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

34. [23-0070R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH LHB, INC., FOR PROFESSIONAL SURVEY AND FIELD DATA COLLECTION SERVICES FOR AN ESTIMATED ANNUAL AMOUNT OF \$50,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

35. [23-0074R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH WSB & ASSOCIATES, INC., FOR GEOTECHNICAL AND MATERIAL TESTING, SURVEY, AND FIELD DATA COLLECTION SERVICES FOR AN ESTIMATED ANNUAL AMOUNT OF \$200,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,000,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

BY COUNCILOR HOBBS (RECREATION, LIBRARIES & AUTHORITIES)

36. [23-0073R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA POLLUTION CONTROL AGENCY FOR \$100,000 FOR A PLANNING GRANT FOR STORMWATER, WASTEWATER, AND COMMUNITY RESILIENCE PLANNING FOR A STORMWATER NEEDS ANALYSIS FOR SPIRIT MOUNTAIN.

Indexes:

Attachments: [Planning Grants for SWC Resilience Sample Grant Agreement](#)

This Resolution was adopted unanimously.

Absent: Councilor Tomanek

37. [23-0076R](#) RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM BNSF RAILWAY COMPANY IN THE IRVING NEIGHBORHOOD FOR \$67,000, PLUS RELATED COSTS IN AN AMOUNT UP TO \$2500, FOR A TOTAL AMOUNT NOT TO EXCEED \$69,500.

Indexes:

Attachments: [Exhibit 1-Resolution](#)

[Exhibit 2-Resolution](#)

This Resolution was adopted unanimously.
Absent: Councilor Tomanek

38. [23-0077R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FROM THE LAKE SUPERIOR CENTER AUTHORITY FOR THE CONSTRUCTION, OPERATION, REPAIR, AND MAINTENANCE OF A SEAWALL AND RELATED APPARATUS AFFECTING REAL PROPERTY NEAR BAYFRONT FESTIVAL PARK FOR NOMINAL CONSIDERATION.

Indexes:

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

This Resolution was adopted unanimously.
Absent: Councilor Tomanek

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR HOBBS (RECREATION, LIBRARIES & AUTHORITIES)

39. [23-0095R](#) RESOLUTION SUPPORTING EXTENSION OF AN EXISTING ONE-HALF-OF-ONE-PERCENT INCREMENT IN THE CITY OF DULUTH FOOD AND BEVERAGE TAX AND THE CITY OF DULUTH LODGING TAX FOR THE PURPOSE OF FUNDING UP TO \$36 MILLION IN CAPITAL IMPROVEMENTS TO PARKS-BASED PUBLIC ATHLETIC FACILITIES IN SUPPORT OF SPORTS TOURISM AND QUALITY OF LIFE IN NORTHEAST MINNESOTA.

This Resolution was adopted unanimously.
Absent: Councilor Tomanek

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

BY COUNCILOR ANDERSON (PLANNING & ECONOMIC DEVELOPMENT)

40. [23-001-O](#) AN ORDINANCE AMENDING SECTIONS 50-20 USE SPECIFIC STANDARDS; 50-21 DIMENSIONAL STANDARDS; 50-36 REVIEWERS AND DECISION MAKERS; 50-37 REVIEW AND APPROVAL PROCEDURES; 50-38 NON-CONFORMITIES; AND 50-41 DEFINITIONS RELATED TO DWELLING FRONT ENTRANCES, PARKING FOR

VACATION DWELLING UNITS, ACCESSORY HOME SHARES, ACCESSORY SOLAR PANELS, ACCESSORY STRUCTURES/DECKS, AND APPEALS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

41. [23-002-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY 0.7 ACRES FROM RESIDENTIAL-TRADITIONAL (R-1) TO RESIDENTIAL-URBAN (R-2) ADJACENT TO PLATTED ELIZABETH STREET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

BY COUNCILOR HOBBS (RECREATION, LIBRARIES & AUTHORITIES)

42. [23-003-O](#) ORDINANCE AUTHORIZING THE DULUTH AIRPORT AUTHORITY TO ACCEPT FEDERAL AND STATE OF MINNESOTA GRANTS FOR IMPROVEMENTS TO THE DULUTH INTERNATIONAL AIRPORT AND SKY HARBOR AIRPORT AND TO EXECUTE GRANT DOCUMENTS ON BEHALF OF THE CITY FOR YEAR 2023.

This Ordinance was read for the first time.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS