



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Meeting Agenda - 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 10, 2022

7:00 PM

Council Chamber

NOTICE: *The Duluth City Council will be holding the January 6, 2022 Agenda Session and January 10, 2022 Council Meeting by other electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 pandemic. Some members of the City Council will be participating through video conference. Due to the COVID-19 pandemic, public comment will not be taken in person. However, members of the public can monitor the meeting and provide public comment on agenda items through WebEx Events. Visit <https://duluthmn.gov/live-meeting> to access the meeting. The public is also encouraged to submit written comment to council@duluthmn.gov prior to the meeting. Please include "Council Agenda" in the subject line, and include your name and address and the agenda item you are speaking to. Please note that all public comment is considered Public Data. The public is also encouraged to watch both meetings online at <https://duluthmn.gov/city-council/> (Select "Council Meeting Media") or by tuning into Public Access Television, Channel 180.*

ROLL CALL

PLEDGE OF ALLEGIANCE

ELECTION OF OFFICERS

President - standing nomination for Arik Forsman

Vice President - standing nomination for Janet Kennedy

APPROVAL OF MINUTES

1. [22-004](#) Meeting Minutes of the Duluth City Council

Attachments: [2021-12-20, Minutes](#)

PUBLIC HEARING

2. [22-005](#) Public Hearing: Esmond ARPA Funding

Attachments: [Notice of Public Hearing: Esmond ARPA Funding](#)

REPORTS FROM THE ADMINISTRATION**REPORTS FROM OTHER OFFICERS****REPORTS OF COUNCIL COMMITTEES****REPORTS OF COUNCIL OPEN ISSUES****OPPORTUNITY FOR CITIZENS TO BE HEARD****CONSENT AGENDA****BY COUNCILOR MEDVED (FINANCE)**

3. [22-0011R](#) RESOLUTION APPROVING BUDGET AND COST SHARING FORMULA OF MINNEAPOLIS-DULUTH/SUPERIOR AND PASSENGER RAIL ALLIANCE AND AUTHORIZING PAYMENT OF CITY'S COST SHARE OF \$15,000.

Attachments: [Exhibit A](#)

4. [22-0019R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SPIRIT MOUNTAIN RECREATION AREA AUTHORITY FOR 2022 IN THE AMOUNT OF \$440,000 FOR OPERATING ASSISTANCE AND \$145,700 FOR ADVENTURE PARK LEASE PAYMENTS.

Attachments: [Exhibit A](#)

5. [22-0028R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DEPOT FOUNDATION IN THE AMOUNT OF \$200,000.

Attachments: [Exhibit A](#)

6. [22-0030R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE NORTH SHORE SCENIC RAILROAD AND LAKE SUPERIOR RAILROAD MUSEUM IN THE AMOUNT OF \$50,000.

Attachments: [Exhibit A](#)

7. [22-0031R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH GREAT LAKES AQUARIUM IN THE AMOUNT OF \$320,000.

Attachments: [Exhibit A](#)

8. [22-0032R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY IN THE AMOUNT OF \$50,000.

Attachments: [Exhibit A](#)

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

9. [22-0046R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE WINE LICENSE FROM HARALU CORP (DULUTH INDIA PALACE) TO TAGYAL CORP (DULUTH INDIA PALACE), 319 W SUPERIOR STREET

Attachments: [Attachment A](#)

10. [22-0047R](#) RESOLUTION APPROVING THE ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE TO THE LESTER RIVER BREWING COMPANY, LLC (LAKE SUPERIOR BREWING COMPANY), 5324 EAST SUPERIOR STREET

Attachments: [Attachment B](#)

11. [22-0049R](#) RESOLUTION AUTHORIZING THE RENEWAL OF AGREEMENT 23359 WITH TYLER TECHNOLOGIES, INC. FOR NEW WORLD SYSTEMS SOFTWARE MAINTENANCE AND SUPPORT FOR YEAR 2022 FOR AN AMOUNT NOT TO EXCEED \$233,821.37

BY COUNCILOR KENNEDY (PERSONNEL)

12. [22-0036R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF COUNCILOR RENEE VAN NETT TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY REPLACING COUNCILOR ZACK FILIPOVICH.

13. [22-0054R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF OPIOID PROGRAM TECHNICIAN, INCLUDING A TITLE CHANGE TO PEER RECOVERY SPECIALIST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Attachments: [Exhibit A](#)

BY COUNCILOR AWAL (PLANNING & ECONOMIC DEVELOPMENT)

14. [22-0018R](#) RESOLUTION APPROVING AMERICAN RESCUE PLAN ACT AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND MERGE LLC FOR THE DEVELOPMENT OF THE URBANE DULUTH PROJECT.

Attachments: [Exhibit A ARPA Agreement Esmond](#)

15. [22-0033R](#) RESOLUTION VACATING THE UNIMPROVED UTILITY EASEMENT LOCATED ON THE REAR OF LOTS 1 THROUGH 3, BLOCK 1, MONT DU VUE FIRST ADDITION.

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

16. [22-0039R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT \$150,000 FROM VIKING EXPEDITION LTD AND FURTHER AUTHORIZING EXECUTION OF A FUNDING AGREEMENT WITH VIKING EXPEDITION LTD AND THE DULUTH ENTERTAINMENT CONVENTION CENTER.

Attachments: [Exhibit A Funding Agreement](#)

17. [22-0040R](#) RESOLUTION APPROVING THE 2022 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.

18. [22-0041R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2022 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

Attachments: [Exhibit A CDBG Econ Development Template](#)
 [Exhibit B CDBG Housing Template](#)
 [Exhibit C CDBG Public Facilities Template](#)
 [Exhibit D CDBG Public Service Template](#)

19. [22-0042R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD HOME INVESTMENT PARTNERSHIP FUNDS FOR THE 2022 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

Attachments: [Exhibit A Rental Development Template](#)
 [Exhibit B Single Family Development Template](#)
 [Exhibit C Tenant Based Rental Template](#)

20. [22-0043R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD EMERGENCY SOLUTIONS GRANTS PROGRAM (ESG) FUNDING FOR THE 2022 PROGRAM YEAR, AUTHORIZING CONTRACTS, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

Attachments: [Exhibit A ESG Contract Template](#)

BY PRESIDENT VAN NETT (COMMITTEE OF THE WHOLE)

21. [22-0057R](#) RESOLUTION DESIGNATING POLLING PLACES FOR THE AUGUST 9, 2022 PRIMARY ELECTION AND THE NOVEMBER 8, 2022 GENERAL ELECTION

BY COUNCILOR MAYOU (PUBLIC WORKS & UTILITIES)

22. [22-0008R](#) RESOLUTION AUTHORIZING A UTILITY DESIGN SERVICES AGREEMENT WITH MNDOT FOR REIMBURSEMENT TO THE CITY FOR ENGINEERING SERVICES IN THE AMOUNT OF \$38,964.00.

Attachments: [22-0008R Exhibit A](#)
 [22-0008R Map](#)

23. [22-0009R](#) RESOLUTION AUTHORIZING A UTILITY DESIGN SERVICES AGREEMENT WITH MNDOT FOR REIMBURSEMENT TO THE CITY FOR ENGINEERING SERVICES IN THE AMOUNT OF \$70,152.00.

Attachments: [22-0009R Exhibit A](#)
 [22-0009R Map](#)

24. [22-0012R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR THE TH 53 AND TH 535 UTILITY RELOCATIONS IN THE AMOUNT OF \$73,532.00.

Attachments: [Exhibit A](#)

25. [22-0017R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR UTILITY PURPOSES FROM ST. LOUIS COUNTY ON BEHALF OF THE STATE OF MINNESOTA OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE PIEDMONT NEIGHBORHOOD FOR \$150.

Attachments: [Exhibit 1.pdf](#)

26. [22-0029R](#) RESOLUTION AWARDED A CONTRACT TO ISCO INDUSTRIES INC., FOR HDPE PIPE AND FITTINGS FOR VARIOUS 2022 CITY OF DULUTH PROJECTS IN THE AMOUNT OF \$310,031.87

27. [22-0035R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH FRONTIER ENERGY, INC. FOR PROFESSIONAL SERVICES RELATING TO PUBLIC WORKS AND UTILITIES COMMERCIAL AND INDUSTRIAL CONSERVATION IMPROVEMENT PROGRAM FOR A TOTAL NOT TO EXCEED \$75,000.

Attachments: [Exhibit A](#)

BY COUNCILOR ANDERSON (PUBLIC SAFETY)

28. [22-0006R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$37,127.00 AND FURTHER AUTHORIZING EXECUTION OF GRANT AGREEMENT WITH ST. LOUIS COUNTY.

Attachments: [Document A - Grant Agreement](#)
 [Document B - Partner Agreement](#)

29. [22-0007R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A TASK FORCE AGREEMENT BETWEEN THE DULUTH POLICE DEPARTMENT AND HOMELAND SECURITY INVESTIGATIONS (HSI) AND FURTHER AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT MONIES FROM HSI FOR OVERTIME EXPENSES INCURRED IN SUPPORT OF THE TASK FORCE.

Attachments: [Document A - MOU](#)

30. [22-0055R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE AN MOU WITH MENDING THE SACRED HOOP AND NATIVE LIVES MATTER COALITION FOR THE PURPOSE OF CREATING A REWARD FUND PROGRAM TO HELP LAW ENFORCEMENT AGENCIES SOLVE VIOLENT CRIMES AGAINST INDIGENOUS WOMEN, GIRLS AND 2 SPIRIT.

Attachments: [20220104 MOU Final](#)

BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)

31. [22-0004R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH AMI CONSULTING ENGINEERS FOR THE MARTEN TRAIL SHORELINE RESTORATION DESIGN FOR AN AMOUNT NOT TO EXCEED \$88,936.00.

Attachments: [Exhibit A](#)

32. [22-0010R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE CHESTER BOWL IMPROVEMENT CLUB FOR THE OPERATION AND MANAGEMENT OF CHESTER BOWL PARK AND CHALET FOR \$25,562 PER YEAR.

Attachments: [Exhibit 1 2022.pdf](#)

33. [22-0038R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH IRRIGATION CONSULTING, INC. FOR DESIGN, COST ESTIMATING, AND BIDDING SERVICES FOR A NEW 27-HOLE IRRIGATION SYSTEM, PUMP INFRASTRUCTURE, IRRIGATION POND SIZING, AND WELL PIPING TO THE EXPANDED IRRIGATION POND AT ENGER PARK GOLF COURSE FOR AN AMOUNT NOT TO EXCEED \$57,365.00

Attachments: [Exhibit A](#)

34. [22-0044R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY DIVISION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES (BRIC) PROGRAM FUNDS TO MITIGATE DAMAGE TO THE LAKEWALK.

Attachments: [Exhibit I Downtown Shoreline Hazard Mitigation Phasing](#)

35. [22-0045R](#) RESOLUTION AUTHORIZING APPLICATION TO THE US FOREST SERVICE COMMUNITY FOREST AND OPEN SPACE CONSERVATION

PROGRAM FOR FUNDS TO ACQUIRE 72.5 ACRES FROM THE FOREST HILL CEMETERY FOR RECREATION AND PRESERVATION.

Attachments: [Exhibit A - Forest Hill](#)
 [Exhibit B - Forest Hill Land Use](#)

36. [22-0048R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30428 WITH EMMONS AND OLIVIER RESOURCES, INC. FOR ADDITIONAL PROFESSIONAL SERVICES FOR THE DEVELOPMENT OF THE DULUTH NATURAL RESOURCES MANAGEMENT PROGRAM PLAN FOR AN INCREASE OF \$10,000 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$133,114.

Attachments: [Exhibit A](#)

37. [22-0053R](#) RESOLUTION AUTHORIZING APPLICATION TO THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) GREAT LAKES FISH HABITAT RESTORATION PARTNERSHIP GRANTS PROGRAM FOR FUNDS TO RESTORE THE COASTAL HABITAT AT BRIGHTON BEACH

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

38. [22-0072R](#) AN EMERGENCY RESOLUTION REQUESTING THAT THE MAYOR EXERCISE HER EXECUTIVE POWERS TO SAFEGUARD THE COMMUNITY AS NEEDED DURING THE COVID-19 COMMUNITY HEALTH CRISIS AND ISSUE PUBLIC HEALTH MANDATES AS NEEDED BASED ON THE EVALUATION OF THE PUBLIC HEALTH CRISIS IN PARTNERSHIP WITH ST. LOUIS COUNTY AND OTHER HEALTH OFFICIALS.

Sponsors: Randorf and Medved

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

BY COUNCILOR RANDORF (PURCHASING & LICENSING)

39. [22-005-O](#) AN EMERGENCY ORDINANCE AMENDING CHAPTER 17 OF THE DULUTH CITY CODE TO ALLOW THE MAYOR TO ISSUE PUBLIC HEALTH MANDATES DURING EMERGENCY HEALTH CRISIS.

Sponsors: Randorf and Medved

BY COUNCILOR TOMANEK (INTERGOVERNMENTAL RELATIONS)

40. [22-003-O](#) AN EMERGENCY ORDINANCE AMENDING CHAPTER 34 OF THE

DULUTH CITY CODE BY ADDING SECTIONS 34-45.1 THROUGH 34.45.5 REQUIRING FACE COVERINGS IN INDOOR SPACES OF PUBLIC ACCOMMODATION. (REPLACEMENT)

41. [22-004-O](#) AN ORDINANCE AMENDING CHAPTER 34 OF THE DULUTH CITY CODE BY ADDING SECTION 34-45 REQUIRING FACE COVERINGS IN INDOOR SPACES OF PUBLIC ACCOMMODATION.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS