



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 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

Present: 9 - Councilor Azrin Awal, Councilor Gary Anderson, Councilor Mike Mayou, Councilor Derek Medved, Councilor Roz Randorf, Councilor Terese Tomanek, Councilor Renee Van Nett, President Arik Forsman and Vice President Janet Kennedy

PLEDGE OF ALLEGIANCE

ELECTION OF OFFICERS

President - standing nomination for Arik Forsman

Vice President - standing nomination for Janet Kennedy

A motion was made by Councilor Anderson to approve the slate of Councilor Forsman for President, Councilor Kennedy as Vice President. The motion was seconded by Councilor Randorf. The motion passed unanimously.

APPROVAL OF MINUTES

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

Indexes:

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

A motion was made by Councilor Van Nett to approve the Minutes. The motion was seconded by Councilor Medved. The motion passed unanimously. The Minutes were approved unanimously.

PUBLIC HEARING

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

Indexes:

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

This Public Hearing was held.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

Andrea Rubesch, Anna Marie, and Betty Greene spoke in support of a mask mandate.

Gerald Sternal and Katie Tintor spoke in opposition to a mask mandate.

Babette Sandman and Kathleen Spencer spoke in support of Resolution 22-0055.

Rene Ann Goodrich spoke on behalf of Native Lives Coalition in support of Resolution 22-055R

CONSENT AGENDA

A motion was made by Councilor Randorf to pass the Consent Agenda. The motion was seconded by Councilor Mayou. The motion passed unanimously.

The Consent Agenda passed unanimously.

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.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

Indexes:

Attachments: [Exhibit A](#)

This Resolution was returned to Administration

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

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

- 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

Indexes:

Attachments: [Attachment B](#)

This Resolution was adopted unanimously.

- 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

This Resolution was adopted unanimously.

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.

This Resolution was adopted unanimously.

- 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.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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.

Indexes:

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

This Resolution was adopted unanimously.

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.

Indexes:

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

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [Exhibit A Funding Agreement](#)

This Resolution was adopted unanimously.

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.

This Resolution was adopted unanimously.
Councilor Awal abstains due to employer conflict.

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.

Indexes:

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

This Resolution was adopted unanimously.
Councilor Awal abstains due to employer conflict.

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

Indexes:

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

This Resolution was adopted unanimously.

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.

Indexes:

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

This Resolution was adopted unanimously.
Councilor Awal abstains due to employer conflict.

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

This Resolution was adopted unanimously.

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.

Indexes:

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

[22-0008R Map](#)

This Resolution was adopted unanimously.

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.

Indexes:

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

[22-0009R Map](#)

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

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

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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.

Indexes:

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

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [Document A - MOU](#)

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [20220104 MOU Final](#)

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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.

Indexes:

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

This Resolution was adopted unanimously.

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

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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.

Indexes:

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

This Resolution was adopted unanimously.

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.

Indexes:

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

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

This Resolution was adopted unanimously.

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.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

This Resolution was adopted unanimously.

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.

A motion was made by Councilor Randorf to pass the Resolution. The motion was seconded by Councilor Medved. The motion passed unanimously.
The Preamble passed unanimously.
The Resolution passed unanimously.

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.

A motion was made by Councilor Randorf to pass this emergency Ordinance. The motion was seconded by Councilor Medved. The preamble passed unanimously.
The motion failed by the following vote:

Yea: 2 - Councilor Medved and Councilor Randorf

Nay: 7 - Councilor Awal, Councilor Anderson, Councilor Mayou, Councilor Tomanek, Councilor Van Nett, President Forsman and Vice President Kennedy

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)

A motion was made by Councilor Tomanek to pass this emergency Ordinance. The motion was seconded by Councilor Mayou. The preamble failed with the following vote:

Yea: 7 - Councilor Awal, Councilor Anderson, Councilor Mayou, Councilor Tomanek, Councilor Van Nett, President Forsman and Vice President Kennedy

Nay: 2 - Councilor Medved and Councilor Randorf

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.

This Ordinance was withdrawn.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

ATTEST:

Ian B. Johnson, CITY CLERK

Passed: January 10, 2022

Approved: January 11, 2022

Emily Larson, MAYOR