



# 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]*

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Monday, May 8, 2023

7:00 PM

Council Chamber

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### ROLL CALL

**Present:** 9 - Councilor Hannah Alstead, Councilor Gary Anderson, Councilor Azrin Awal, Councilor Arik Forsman, Councilor Noah Hobbs, Councilor Mike Mayou, Councilor Terese Tomanek, Vice President Roz Randorf and President Janet Kennedy

### PLEDGE OF ALLEGIANCE

### APPROVAL OF MINUTES

1. [23-032](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2023-04-24, Minutes](#)

These Minutes were approved.

### REPORTS FROM THE ADMINISTRATION

### REPORTS FROM OTHER OFFICERS

2. [23-031](#) Planning Commission Appeal (PL 23-053) Kinseth Hotel Corporation - EAW

Indexes:

**Attachments:** [PL 23-053](#)[2023-04-14, Request to Appeal](#)[2023-04-11, Planning Commission Meeting Audio](#)[2023-4-11 Poster submitted by Mulenburg to PC](#)[2023-4-11 Written public comments to PC](#)[2023-05-04 Mulenburg document for appeal hearing](#)[KINSETH - Letter to Council - 832731v1](#)

This Informational Report was received.

**REPORTS OF COUNCIL COMMITTEES****REPORTS OF COUNCIL OPEN ISSUES****OPPORTUNITY FOR CITIZENS TO BE HEARD****CONSENT AGENDA****BY COUNCILOR ALSTEAD (PURCHASING & LICENSING)**

3. [23-0316R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

**Indexes:****Attachments:** [Attachment A](#)

This Resolution was adopted unanimously.

4. [23-0318R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE AND SUNDAY LICENSE TO CORKTOWN, LLC

**Indexes:****Attachments:** [Attachment A](#)

This Resolution was adopted unanimously.

5. [23-0319R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE AND SUNDAY LICENSE TO MBMH, INC.

**Indexes:****Attachments:** [Attachment A](#)

This Resolution was adopted unanimously.

6. [23-0320R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF VARIOUS LICENSEES.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

7. [23-0321R](#) RESOLUTION APPROVING THE TRANSFER OF AN ON SALE INTOXICATING LIQUOR LICENSE AND SUNDAY LICENSE TO NEW ASIAN BISTRO, INC.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

8. [23-0322R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE WINE LICENSE AND ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO HARRISON LAND CO, LLC.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

9. [23-0361R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH PARAGON DEVELOPMENT SYSTEMS, INC FOR THE PURCHASE OF NETWORK HARD DRIVE STORAGE IN THE AMOUNT OF \$236,509.90.

This Resolution was adopted unanimously.

10. [23-0363R](#) RESOLUTION AUTHORIZING A PURCHASE FROM PARAGON DEVELOPMENT SYSTEMS, INC. FOR NETWORK SERVER VIRTUALIZATION HARDWARE EQUIPMENT REPLACEMENTS IN THE AMOUNT OF \$212,342.90.

This Resolution was adopted unanimously.

**BY COUNCILOR AWAL (PERSONNEL)**

11. [23-0354R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ROBERTA PIRKOLA TO THE SPECIAL BOARD OF REVIEW

This Resolution was adopted unanimously.

12. [23-0381R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JOSIE LAPORTE TO THE PARKS AND RECREATION COMMISSION.

This Resolution was adopted unanimously.

13. [23-0382R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF ELISSA HANSEN TO THE DULUTH AIRPORT AUTHORITY.

This Resolution was adopted unanimously.

**BY COUNCILOR ANDERSON (PLANNING & ECONOMIC DEVELOPMENT)**

14. [23-0355R](#) RESOLUTION APPROVING BUSINESS SUBSIDY FINANCING AGREEMENT WITH ST. LOUIS COUNTY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

15. [23-0370R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE MINNESOTA HOUSING FINANCE AGENCY RELATED TO THE LOW-INCOME HOUSING TAX CREDIT PROGRAM FOR THE YEAR 2024.

Indexes:

Attachments: [EXHIBIT A - Joint Power Agreement 2023-2024](#)

This Resolution was adopted unanimously.

16. [23-0371R](#) RESOLUTION OF SUPPORT FOR ONE ROOF COMMUNITY HOUSING'S REQUEST TO THE STATE OF MINNESOTA FOR QUALIFYING MULTIFAMILY FUNDING AND THE CONDITIONAL COMMITMENT OF UP TO \$3,857,143 OF AMERICAN RESCUE PLAN ACT FUNDING AND INTENT TO APPROVE A HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH TAX INCREMENT FINANCE PLAN TO PROVIDE UP TO \$1,000,000 FOR THE CONSTRUCTION OF THE 72 UNIT BRAE VIEW SENIOR APARTMENTS PROJECT.

Indexes:

Attachments: [EXHIBIT A - Location Map Brae View](#)

This Resolution was adopted unanimously.

**Abstains:** Councilor Hobbs, stating employer conflict.

17. [23-0372R](#) RESOLUTION OF SUPPORT FOR ONE ROOF COMMUNITY HOUSING'S REQUEST TO THE STATE OF MINNESOTA FOR QUALIFYING MULTIFAMILY FUNDING AND THE CONDITIONAL PRE-COMMITMENT OF UP TO \$500,000 OF CITY BROWNFIELD REVOLVING LOAN FUNDING FOR THE REHABILITATION OF THE 121 UNIT FAITH HAVEN APARTMENTS PROJECT.

**Indexes:**

**Attachments:** [EXHIBIT A - Location Map Faith Haven](#)

**This Resolution was adopted unanimously.**

**Abstains:** Councilor Hobbs, stating employer conflict.

18. [23-0373R](#) RESOLUTION OF SUPPORT FOR ARTSPACE PROJECTS INCORPORATED'S REQUEST TO THE STATE OF MINNESOTA FOR QUALIFYING MULTIFAMILY FUNDING AND THE CONDITIONAL COMMITMENT OF UP TO \$1,800,000 OF AMERICAN RESCUE PLAN ACT FUNDING FOR THE REHABILITATION AND RECONFIGURATION OF THE WASHINGTON STUDIOS PROJECT.

**Indexes:**

**Attachments:** [EXHIBIT A - Location Map Washington Studios](#)

**This Resolution was adopted unanimously.**

19. [23-0374R](#) RESOLUTION OF SUPPORT FOR CENTER CITY HOUSING CORPORATION'S REQUEST TO THE STATE OF MINNESOTA FOR QUALIFYING MULTIFAMILY FUNDING AND A CONDITIONAL PRE-COMMITMENT OF \$300,000 FISCAL YEAR 2024 FUNDING ALLOCATION TO THE CITY OF DULUTH FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND INTENT TO APPROVE A HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH TAX INCREMENT FINANCE PLAN TO PROVIDE UP TO \$1,400,000 FOR THE CONSTRUCTION OF THE 30 UNIT WELCH PLACE PROJECT.

**Indexes:**

**Attachments:** [EXHIBIT A - Location Map Welch Place](#)

**This Resolution was adopted unanimously.**

20. [23-0375R](#) RESOLUTION OF SUPPORT FOR CENTER CITY HOUSING CORPORATION'S REQUEST TO THE STATE OF MINNESOTA FOR QUALIFYING MULTIFAMILY FUNDING AND A CONDITIONAL PRE-COMMITMENT OF \$200,000 FISCAL YEAR 2024 FUNDING ALLOCATION TO THE CITY OF DULUTH FROM THE DEPARTMENT OF

HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE REDEVELOPMENT OF THE 70 UNIT NEW SAN MARCO APARTMENTS PROJECT.

Indexes:

Attachments: [EXHIBIT A - Location Map New San Marco](#)

This Resolution was adopted unanimously.

21. [23-0376R](#) RESOLUTION VACATING A PORTION OF THE PLATTED DRAINAGE EASEMENT IN LOT 2, BLOCK 1, KAYAK BAY.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

22. [23-0377R](#) RESOLUTION VACATING A PORTION OF THE PLATTED DRAINAGE AND UTILITY EASEMENT IN LOT 1, BLOCK 4, KAYAK BAY.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

23. [23-0380R](#) RESOLUTION VACATING PORTIONS OF TWO UNIMPROVED PLATTED ALLEYS BETWEEN 52ND AND 53RD AVENUES WEST NORTH OF WADENA STREET.

Indexes:

Attachments: [Exhibit A-Exhibit](#)

[Exhibit B-Resolution](#)

[Exhibit C - PL23-029 Staff Report - final with attachments](#)

This Resolution was adopted unanimously.

**BY PRESIDENT KENNEDY (COMMITTEE OF THE WHOLE)**

24. [23-0362R](#) RESOLUTION AMENDING 22-1002R DESIGNATING POLLING PLACES FOR THE AUGUST 8, 2023 PRIMARY ELECTION AND THE NOVEMBER 7, 2023 ELECTION.

This Resolution was adopted unanimously.

**BY COUNCILOR MAYOU (PUBLIC WORKS & UTILITIES)**

25. [23-0330R](#) RESOLUTION AWARDDING CONTRACTS TO ULLAND BROTHERS, INC.; NORTHLAND CONSTRUCTORS OF DULUTH, INC.; AND MONARCH PAVING COMPANY FOR BITUMINOUS (HOT MIX BLACKTOP) FOR STREET MAINTENANCE ACTIVITIES IN 2023.

This Resolution was adopted unanimously.

26. [23-0368R](#) RESOLUTION AUTHORIZING AGREEMENT WITH MP FOR JOINT CONSTRUCTION OF UTILITIES IN 1ST AVENUE EAST AND 2ND STREET ALLEY.

Indexes:

Attachments: [MN Power Agreement](#)

[Map](#)

This Resolution was adopted unanimously.

27. [23-0369R](#) RESOLUTION AMENDING A CONTRACT WITH LHB, INC. TO PROVIDE PROFESSIONAL ENGINEERING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE EAST FIRST STREET AND EAST FIRST STREET ALLEY RECONSTRUCTION PROJECT, TO INCREASE THE AMOUNT BY \$63,172.00 FOR A NEW TOTAL OF \$517,252.00.

Indexes:

Attachments: [Map](#)

[Cost Proposal](#)

This Resolution was adopted unanimously.

28. [23-0378R](#) RESOLUTION AWARDDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, INC FOR THE 1ST AVE EAST RECONSTRUCTION PROJECT IN THE AMOUNT OF \$5,635,100.00.

Indexes:

Attachments: [MAP](#)

This Resolution was adopted unanimously.

**BY COUNCILOR HOBBS (RECREATION, LIBRARIES & AUTHORITIES)**

29. [23-0356R](#) RESOLUTION AUTHORIZING ACCEPTANCE AND EXECUTION OF A ONE-YEAR HOST SITE AGREEMENT WITH TRUE NORTH AMERICORPS FOR PLACEMENT AT THE DULUTH PUBLIC LIBRARY AT NO COST TO THE CITY.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

30. [23-0357R](#) RESOLUTION ACCEPTING REIMBURSEMENT MONEY IN THE AMOUNT OF \$42,000 FROM THE ARROWHEAD LIBRARY SYSTEM FOR THE PURCHASE OF LIBRARY MATERIALS.

This Resolution was adopted unanimously.

31. [23-0358R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE A FUNDING AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 709 TO ACCEPT FUNDING FOR THE FULL PROJECT COST TO INSTALL A PLAYGROUND ADDITION AT WASHINGTON CENTER.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

32. [23-0379R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE A FUNDING AGREEMENT WITH THE DULUTH CROSS-COUNTRY SKI CLUB TO ACCEPT A DONATION OF \$114,000 FOR PHASE II OF THE SPIRIT MOUNTAIN NORDIC CENTER PROJECT.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

33. [23-0383R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A CONNECTING PEOPLE TO THE OUTDOORS TRACK WHEELCHAIR GRANT IN THE AMOUNT OF \$14,280 THROUGH THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION TO EXPAND RECREATIONAL ACCESS TO DULUTH PARKS AND TRAILS

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**



***The following entitled resolutions are also to be considered:***

**BY COUNCILOR ANDERSON (PLANNING & ECONOMIC DEVELOPMENT)**

34.     [23-0365R](#)     RESOLUTION APPROVING AN UPDATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DULUTH AND BEN AND ADELINE GRAMS (FORMERLY ADELINE NEE GREEN), FOR THE DEMOLITION AND DEVELOPMENT OF 2309 WEST 8TH STREET.

Indexes:

Attachments:   [Exhibit A](#)

This Resolution was adopted unanimously.

35.     [23-0366R](#)     RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO GRANT THE PETITION FOR AN ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) FOR A HOTEL AT SUNDBY ROAD AND WEST PAGE STREET.

This Resolution was failed.

36.     [23-0367R](#)     RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO GRANT THE PETITION FOR AN ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) FOR A HOTEL AT SUNDBY ROAD AND WEST PAGE STREET.

This Resolution was adopted unanimously.

**BY COUNCILOR MAYOU (PUBLIC WORKS & UTILITIES)**

37.     [23-0364R](#)     RESOLUTION AUTHORIZING A THIRD AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH GREENE ESPEL, PLLP, INCREASING THE CONTRACT AMOUNT BY \$100,000 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$260,000.

Indexes:

Attachments:   [Exhibit A](#)

This Resolution was adopted unanimously.

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

**BY PRESIDENT KENNEDY (COMMITTEE OF THE WHOLE)**

38.     [23-014-O](#)     AN ORDINANCE AMENDING SECTION 7 OF ORDINANCE 10824 TO INCREASE THE APPROPRIATION FOR THE CITY'S GENERAL FUND BY \$382,950 FOR THE FISCAL YEAR 2023.

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

**Yea:**   8 -   Councilor Alstead, Councilor Anderson, Councilor Awal, Councilor Forsman, Councilor Hobbs, Councilor Mayou, Councilor Tomanek and President Kennedy

**Nay:**   1 -   Vice President Randorf

## **COUNCILOR QUESTIONS AND COMMENTS**

## **COUNCILOR PREVIEW OF UPCOMING BUSINESS**