



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, February 12, 2024

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Azrin Awal, Councilor Wendy Durrwachter, Councilor Arik Forsman, Councilor Janet Kennedy, Councilor Mike Mayou, Councilor Lynn Nephew, Councilor Tara Swenson, Vice President Terese Tomanek and President Roz Randorf

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

1. [24-009](#) NOTICE OF PUBLIC HEARING ON THE INTENTION BY THE CITY OF DULUTH, MINNESOTA, TO ISSUE GENERAL OBLIGATION STEAM UTILITY REVENUE BONDS

Indexes:

Attachments: [Notice of Public Hearing-Steam](#)

This public hearing was held.

APPROVAL OF MINUTES

2. [24-005](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2024-01-22, Minutes](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

3. [24-006](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [Nov. 2023](#)

This Board or Commission Report was received.

4. [24-007](#) Housing and Redevelopment Authority of Duluth Meeting Minutes

Indexes:

Attachments: [Minutes - September 2023](#)

[Minutes - October 2023](#)

This Board or Commission Report was received.

5. [24-008](#) Library Board Meeting Minutes

Indexes:

Attachments: [Minutes - Nov. 2023](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR DURRWACHTER (PURCHASING & LICENSING)

6. [24-0115R](#) RESOLUTION APPROVING THE FORM OF THE RENTAL AGREEMENT USED BY THE ST. LOUIS COUNTY HERITAGE AND ARTS CENTER FOR EVENTS WHERE LIQUOR IS TO BE SOLD.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (FINANCE)

- 7. [24-0104R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION STEAM UTILITY REVENUE BONDS, SERIES 2024A, IN AN AMOUNT NOT TO EXCEED \$4,100,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDDING THE SALE THEREOF.

Indexes:

Attachments: [Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)

This Resolution was adopted unanimously.

BY COUNCILOR NEPHEW (PLANNING & ECONOMIC DEVELOPMENT)

- 8. [24-0092R](#) RESOLUTION VACATING A 66 FOOT WIDE AND 140 FOOT LONG PLATTED RIGHT OF WAY KNOWN AS 49TH AVENUE EAST ON THE CROSLY PARK ADDITION TO DULUTH.

Indexes:

Attachments: [A - Signed exhibit 49th Ave E](#)
[B - PL23-187 Staff Report and Attachments](#)

This Resolution was adopted unanimously.

- 9. [24-0098R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A FOURTH AMENDMENT TO GENERAL FUND APPROPRIATION BOND MASTER GRANT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT (DEED) FOR THE DULUTH REGIONAL EXCHANGE DISTRICT PROJECT.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted unanimously.

- 10. [24-0099R](#) RESOLUTION APPROVING THE DULUTH PRODUCTION INCENTIVE PROGRAM TO INCENTIVIZE VISUAL MEDIA PRODUCTION IN DULUTH,

REAFFIRMING PROGRAM GUIDELINES FOR THE PROGRAM AND AUTHORIZING AGREEMENT WITH UPPER MIDWEST FILM OFFICE FOR PROGRAM ADMINISTRATIVE SERVICES.

Indexes:

Attachments: [Exhibit A Duluth Production Incentive Program Guidelines 2024](#)
[Exhibit B Duluth Administration 2024](#)
[24D-08-UMFO PSA 2024-Final](#)

This Resolution was adopted unanimously.

BY COUNCILOR MAYOU (PUBLIC WORKS & UTILITIES)

11. [24-0074R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2023 FORD VAN WITH ENVIROSIGHT ROVER X FROM MACQUEEN EQUIPMENT, INC. IN THE AMOUNT OF \$315,947.09.

This Resolution was adopted unanimously.

12. [24-0086R](#) RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF WINTER MAINTENANCE VEHICLE RAVEN-CAMERAS AND ASSOCIATED MONTHLY SOFTWARE SERVICES FOR FOUR YEARS FROM TELUS COMMUNICATIONS (U.S.) INC. FOR A TOTAL AMOUNT NOT TO EXCEED \$178,452.50.

This Resolution was adopted unanimously.

13. [24-0087R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH KLM ENGINEERING, INC. FOR REMOTE OPERATED VEHICLE EVALUATIONS OF 14 RESERVOIRS THROUGHOUT THE CITY FOR AN AMOUNT NOT TO EXCEED \$50,500.00.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

14. [24-0090R](#) RESOLUTION AUTHORIZING AGREEMENT WITH WORK IN PROGRESS LLC, AS AGENT FOR DOMINO'S PIZZA LLC, TO FUND SNOW REMOVAL IN THE AMOUNT OF \$25,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

15. [24-0097R](#) RESOLUTION AUTHORIZING A SOLE SOURCE PURCHASE OF GAS AND WATER METERS FROM UNITED SYSTEMS AND SOFTWARE, INC. IN THE AMOUNT OF \$142,832.

This Resolution was adopted unanimously.

16. [24-0103R](#) RESOLUTION REQUESTING A VARIANCE FROM STANDARD FOR STATE-AID OPERATION FOR PROJECT NO. SAP 069-600-050, CITY PROJECT NO. 1940.

Indexes:

Attachments: [MAP](#)

This Resolution was adopted unanimously.

17. [24-0105R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH LHB, INC. FOR ENGINEERING SERVICES FOR THE BRIGHTON BEACH ROAD RECONSTRUCTION PROJECT FOR AN INCREASE OF \$361,504.00 FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$437,104.00, CITY PROJECT NO 1940, SAP 069-600-050.

Indexes:

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

This Resolution was adopted unanimously.

18. [24-0107R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FROM PARK POINT LAND CO., LLC FOR UTILITY PURPOSES OVER, UNDER AND ACROSS CERTAIN REAL PROPERTY LOCATED ON PARK POINT, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1-Resolution](#)

This Resolution was adopted unanimously.

19. [24-0112R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA POLLUTION CONTROL AGENCY IMPLEMENTATION GRANTS FOR STORMWATER RESILIENCY TO FUND THE RETROFIT OF PALM STREET STORMWATER POND AND CONSTRUCT STORMWATER DRAINAGE IMPROVEMENTS IN THE 32ND AVENUE WEST CREEK WATERSHED OF DULUTH.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR SWENSON (PUBLIC SAFETY)

20. [24-0073R](#) RESOLUTION AUTHORIZING THE PURCHASE OF EIGHT 2024 FORD POLICE INTERCEPTORS FROM TENVOORDE FORD, INC. FOR THE AMOUNT OF \$342,199.04

This Resolution was adopted unanimously.

21. [24-0100R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, COMMISSION OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, PROVIDING FOR THE CITY OF DULUTH POLICE DEPARTMENT TO CONTINUE PARTICIPATION IN THE MINNESOTA INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM.

Indexes:

Attachments: [Document A - BCA ICAC JPA - 242561](#)

This Resolution was adopted unanimously.

BY COUNCILOR AWAL (RECREATION, LIBRARIES & AUTHORITIES)

22. [24-0088R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2024 TRACKLESS MT57 MUNICIPAL TRACTOR FROM MACQUEEN EQUIPMENT, INC. FOR A TOTAL AMOUNT NOT TO EXCEED \$184,089.

This Resolution was adopted unanimously.

23. [24-0101R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30801 WITH AMI CONSULTING ENGINEERS FOR COASTAL ENGINEERING SERVICES RELATED TO THE CONGDON BOULEVARD STATE DISASTER SHORELINE REHABILITATION PROJECT, FOR AN INCREASE OF \$5,000.00 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$206,450.00.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

24. [24-0102R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30873 WITH RACHEL CONTRACTING, LLC FOR THE CANAL PARK STATE DISASTER SHORELINE REHABILITATION PROJECT, TO

INCREASE THE AMOUNT BY \$5,848.96 FOR A NEW TOTAL OF \$155,380.96.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR NEPHEW (PLANNING & ECONOMIC DEVELOPMENT)

- 25. [24-0106R](#) RESOLUTION AUTHORIZING A DEVELOPMENT AGREEMENT WITH CHESTER CREEK VIEW LLC AND INCLINE PLAZA DEVELOPMENT LLC FOR CONSTRUCTION OF THE INCLINE PLAZA PROJECT

Indexes:

Attachments: [230660 Duluth Incline Lakeview TIF District Report](#)
[TIF Plan.Draft.Incline37](#)
[24D-06-Development Agmt - Incline Plaza](#)

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

- Yea:** 8 - Councilor Awal, Councilor Forsman, Councilor Kennedy, Councilor Mayou, Councilor Nephew, Councilor Swenson, Vice President Tomanek and President Randorf
- Nay:** 1 - Councilor Durrwachter

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

Attest: Ian B. Johnson, City Clerk

*Passed: February 12, 2024
Approved: February 13, 2024
Roger Reiner, Mayor*