



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 26, 2024

7:00 PM

Council Chamber

ROLL CALL

Councilor Forsman attending the meeting virtually.

Present: 8 - 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

Absent: 1 - Councilor Azrin Awal

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [24-010](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2024-02-12, Minutes](#)

These Minutes were approved.

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 FORSMAN (FINANCE)

- 2. [24-0147R](#) RESOLUTION AUTHORIZING A CONTRACT WITH HANOVER INSURANCE COMPANY FOR PROPERTY INSURANCE AT THE COST NOT TO EXCEED \$298,200.

This Resolution was adopted unanimously.
Absent: Councilor Awal

BY COUNCILOR DURRWACHTER (PURCHASING & LICENSING)

- 3. [24-0120R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

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

This Resolution was adopted unanimously.
Absent: Councilor Awal

- 4. [24-0122R](#) RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISES PERMIT TO THE WOODLAND AMATEUR HOCKEY ASSOCIATION.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

- 5. [24-0123R](#) RESOLUTION APPROVING THE TRANSFER OF AN ON SALE INTOXICATING LIQUOR LICENSE HELD BY PDMM, INC.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

Absent: Councilor Awal

- 6. [24-0126R](#) RESOLUTION APPROVING THE ISSUANCE OF AN ON SALE COMBINATION WINE & BEER LICENSE TO WIRED WHISKER, LLC.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

- 7. [24-0127R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF JMM, LLLP.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

BY VICE PRESIDENT TOMANEK (PERSONNEL)

- 8. [24-0124R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DAN MARKHAM TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

This Resolution was adopted unanimously.
Absent: Councilor Awal

BY COUNCILOR NEPHEW (PLANNING & ECONOMIC DEVELOPMENT)

- 9. [24-0116R](#) RESOLUTION RESCINDING RESOLUTION 23-0500 AND AUTHORIZING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DULUTH AND HNH, LLC, FOR THE DEVELOPMENT OF THE PLAT "REARRANGEMENT OF PART OF WESTERN WOODS DIVISION" LOCATED SOUTHEAST OF ANDERSON ROAD AND DECKER ROAD.

Indexes:

Attachments: [Exhibit A - Development Agreement FINAL](#)
[Exhibit B - Plat - Rearrangement of Part of Western Woods](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

- 10. [24-0133R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30869 WITH STANTEC CONSULTING SERVICES, INC., FOR ARCHAEOLOGICAL SERVICES AS PART OF THE ENVIRONMENTAL ASSESSMENT PROCESS FOR THE CENTRAL HIGH SCHOOL SITE REDEVELOPMENT PROJECT, FOR AN INCREASE OF \$10,564 AND A

TOTAL AMOUNT NOT TO EXCEED \$133,064.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

11. [24-0140R](#) RESOLUTION RESCINDING RESOLUTION 23-0992 AND AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR ENGINEERING SERVICES FOR A SITE ASSESSMENT AND EVALUATION FOR SOLAR PV & STORAGE PROJECT FOR AN AMOUNT NOT TO EXCEED \$180,474.00.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

12. [24-0141R](#) RESOLUTION APPROVING DEDA RESOLUTION 24D-09 AUTHORIZING AGREEMENT WITH AMI CONSULTING ENGINEERS P.A. TO PROVIDE DEVELOPMENT OF PLANS AND SPECIFICATIONS FOR PERFORMING MAINTENANCE DREDGING TO ALLOW FOR CRUISE SHIPS TO BERTH ALONG THE SEAWALL BEHIND THE DULUTH ENTERTAINMENT CONVENTION CENTER (DECC) IN AN AMOUNT OF \$74,100.

Indexes:

Attachments: [231236_DECC Seawall Dredging Proposal - 2024.02.05](#)
[AMI_DECC Seawall Dredging Agreement_FINAL](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

13. [24-0149R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO SUB-RECIPIENT FUNDING AGREEMENTS WITH SOAR CAREER SOLUTIONS, ISD 709 DULUTH ADULT EDUCATION, FOND DU LAC TRIBAL AND COMMUNITY COLLEGE, AND THE BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES ON BEHALF OF LAKE SUPERIOR COLLEGE FOR EMPLOYMENT AND TRAINING SERVICES FUNDED THROUGH THE STATE OF MINNESOTA'S PATHWAYS TO PROSPERITY GRANT PROGRAM.

Indexes:

Attachments: [Attachment A - SOAR P2P SFY24 & SFY25 - Sub-recipient Agreement](#)
[Attachment B - ISD 709 DAE P2P SFY24 & SFY25 - Sub-recipient Agreement](#)
[Attachment C - FDLTCC P2P SFY24 & SFY25 - Sub-recipient Agreement](#)
[Attachment D - LSC P2P SFY24 & SFY25 - Sub-recipient Agreement](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

BY PRESIDENT RANDORF (COMMITTEE OF THE WHOLE)

14. [24-0125R](#) RESOLUTION APPOINTING ELECTION JUDGES FOR THE MARCH 5, 2024 PRESIDENTIAL NOMINATION PRIMARY ELECTION AND FOR THE MAY 14, 2024 SCHOOL BOARD SPECIAL ELECTION.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

BY COUNCILOR MAYOU (PUBLIC WORKS & UTILITIES)

15. [24-0108R](#) RESOLUTION AMENDING MNDOT CONTRACT NO. 1053870 FOR THE WEST SUPERIOR STREET RECONSTRUCTION PROJECT UNDER STATE PROJECT NO. 118-109-021 TO INCREASE THE CONTRACT BY \$45,557.62 FOR A NEW TOTAL OF \$99,719.51.

Indexes:

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

This Resolution was adopted unanimously.
Absent: Councilor Awal

16. [24-0129R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH HKA GLOBAL, LLC, FOR EXPERT ACCOUNTING SERVICES IN THE AMOUNT NOT TO EXCEED \$80,000.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

17. [24-0132R](#) RESOLUTION AUTHORIZING A FIFTH AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH GREENE ESPEL, PLLP, INCREASING THE CONTRACT AMOUNT BY \$250,000 FOR A

TOTAL CONTRACT AMOUNT NOT TO EXCEED \$710,000.

Indexes:

Attachments: [Exhibit A.](#)

This Resolution was adopted unanimously.

Absent: Councilor Awal

18. [24-0134R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH GOODPOINTE TECHNOLOGY, LLC. FOR A COMPREHENSIVE ROAD NETWORK SURVEY FOR AN AMOUNT NOT TO EXCEED \$146,520.00

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Awal

19. [24-0138R](#) RESOLUTION AUTHORIZING APPLICATION FOR AND, IF OFFERED, ACCEPTANCE OF A GRANT FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION'S REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) FOR IMPROVEMENTS TO THE AERIAL LIFT BRIDGE.

This Resolution was adopted unanimously.

Absent: Councilor Awal

BY COUNCILOR SWENSON (PUBLIC SAFETY)

20. [24-0118R](#) RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF BRANDON HOULE V. CITY OF DULUTH, ET. AL. IN THE AMOUNT OF \$90,000.00 PURSUANT TO THE TERMS OF THE SETTLEMENT AGREEMENT.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

Absent: Councilor Awal

21. [24-0150R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE CITY OF VIRGINIA PROVIDING FOR THE CREATION OF THE MINNESOTA TASK FORCE TWO URBAN SEARCH AND RESCUE TEAM.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

BY COUNCILOR AWAL (RECREATION, LIBRARIES & AUTHORITIES)

22. [24-0130R](#) RESOLUTION AUTHORIZING A CONTRACT WITH A PLUS CONTRACTORS FOR THE LOWER SPIRIT MOUNTAIN NORDIC TRAIL PROJECT FOR AN AMOUNT NOT TO EXCEED \$423,007.50.

Indexes:

Attachments: [Lower Spirit Nordic Center - Phase II](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

23. [24-0131R](#) RESOLUTION AUTHORIZING A CONTRACT WITH A PLUS CONTRACTORS FOR THE SPIRIT MOUNTAIN SNOWMOBILE TRAILS PROJECT FOR AN AMOUNT NOT TO EXCEED \$179,825.00.

Indexes:

Attachments: [Spirit Mountain Snowmobile Trails](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

24. [24-0137R](#) RESOLUTION AUTHORIZING A THREE-YEAR NON-EXCLUSIVE USE AGREEMENT WITH EASTERN LITTLE LEAGUE OF DULUTH, INC. FOR THE USE OF COMO PARK BASEBALL FIELDS, JOHN BAGGS MEMORIALS BASEBALL FIELD, AND TONY EMANUEL BASEBALL FIELD.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

25. [24-0139R](#) RESOLUTION AUTHORIZING A THREE-YEAR NON-EXCLUSIVE USE AGREEMENT WITH DULUTH GIRLS FASTPITCH LEAGUE FOR THE USE OF THE HELMER CARLSON FIELDS AND PIEDMONT FIELD.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Awal

26. [24-0143R](#) RESOLUTION AUTHORIZING APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES GRANT PROGRAM FOR UP

TO \$1,500,000 TO CONTINUE FORESTRY RESPONSE TO EMERALD ASH BORER DAMAGE AND IMPROVE DULUTH'S URBAN FOREST.

This Resolution was adopted unanimously.

Absent: Councilor Awal

27. [24-0144R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO AN AGREEMENT WITH THE DULUTH AMATEUR HOCKEY ASSOCIATION FOR THE TERM NOVEMBER 1, 2020 THROUGH OCTOBER 31, 2023 RELATING TO THE USE AND OPERATION OF THE CITY'S OUTDOOR HOCKEY FACILITIES AND ADJOINING PROPERTIES.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

Absent: Councilor Awal

28. [24-0145R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH DULUTH AMATEUR HOCKEY ASSOCIATION, INC. FOR USE AND OPERATION OF THE CITY'S OUTDOOR HOCKEY FACILITIES AND ADJOINING PROPERTIES FOR NOMINAL CONSIDERATION.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

Absent: Councilor Awal

29. [24-0146R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH DULUTH AMATEUR HOCKEY ASSOCIATION, INC. FOR LEASE OF THE CITY'S FRYBERGER ARENA FOR NOMINAL CONSIDERATION.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

Absent: Councilor Awal

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY VICE PRESIDENT TOMANEK (PERSONNEL)

30. [24-0148R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ROBERTA CICH

TO THE HOUSING AND REDEVELOPMENT AUTHORITY.

**This Resolution was adopted unanimously.
Absent: Councilor Awal**

31. [24-0163R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF AUDRA FLANAGAN TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

**This Resolution was adopted unanimously.
Absent: Councilor Awal**

32. [24-0161R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JUDY BREUER TO THE DULUTH TRANSIT AUTHORITY.

**This Resolution was adopted unanimously.
Absent: Councilor Awal**

33. [24-0162R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MATT GOTTWALD TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

**This Resolution was adopted unanimously.
Absent: Councilor Awal**

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

Attest: Ian B. Johnson, City Clerk

Passed: February 27, 2024

Approved: February 28, 2024

Roger Reiner, Mayor