



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]*

Tuesday, October 15, 2024

7:00 PM

Council Chamber

ROLL CALL

All councilors were present. Councilors Tomanek and Awal periodically left chambers.

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

APPROVAL OF MINUTES

1. [24-048](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2024-09-28, Minutes](#)

This Minutes was approved.

PUBLIC HEARING: Downtown Waterfront Special Service District Renewal

This Public Hearing was held.

PUBLIC HEARING: Tax Abatement Property

This Public Hearing was held.

PUBLIC HEARING: Business Subsidy for Sofidel (TIF)

This Public Hearing was held.

PUBLIC HEARING: Sofidel DEED Applications

This Public Hearing was held.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [24-049](#) Board and Commissions Meeting Minutes

Indexes:

- Attachments:** [August 2024 - Duluth Public Utilities Commission](#)
[August 2024 - Natural Resources Commission](#)
[June 2023 - Building Appeal Board](#)
[August 2023 - Building Appeal Board](#)
[October 2023 - Building Appeal Board](#)
[January 2024 - Building Appeal Board](#)
[August 2024 - Library Board Minutes](#)
[September 2024 - Duluth Parking Commission](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY PRESIDENT RANDORF (COMMITTEE OF THE WHOLE)

3. [24-0742R](#) RESOLUTION PROVIDING FOR THE IMPOSITION OF SERVICE CHARGES WITHIN THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT.

This Resolution was adopted.
Absent: Councilor Tomanek.

4. [24-0743R](#) RESOLUTION AUTHORIZING ENTERING INTO A SERVICE CONTRACT WITH THE GREATER DOWNTOWN COUNCIL TO PROVIDE SERVICES TO IMPLEMENT THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

5. [24-0744R](#) RESOLUTION AUTHORIZING ENTERING INTO A MEMORANDUM OF UNDERSTANDING WITH THE GREATER DOWNTOWN COUNCIL, D/B/A DOWNTOWN DULUTH, SETTING FORTH THE ESTABLISHED LEVEL OF SERVICES FOR THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted.

CONSENT AGENDA

BY COUNCILOR FORSMAN (FINANCE)

6. [24-0815R](#) RESOLUTION ESTABLISHING SUPPORT BY THE CITY OF DULUTH FOR A NEWLY CONSTRUCTED ACADEMIC HEALTH SCIENCES CENTER IN THE DOWNTOWN REGIONAL EXCHANGE DISTRICT.

This Resolution was adopted.

BY COUNCILOR DURRWACHTER (PURCHASING & LICENSING)

7. [24-0802R](#) RESOLUTION AUTHORIZING A 3-YEAR AGREEMENT WITH CALL TOWER FOR INTERNET-BASED PHONE SERVICES IN THE AMOUNT OF \$122,928.12.

Indexes:

Attachments: [Exhibit A.pdf](#)

This Resolution was adopted.

BY COUNCILOR NEPHEW (PLANNING & ECONOMIC DEVELOPMENT)

8. [24-0737R](#) RESOLUTION APPROVING DEDA RESOLUTION 24D-39 AUTHORIZING A GRANT AGREEMENT WITH THE 1200 FUND, INC. TO IMPLEMENT A STOREFRONT LOAN PROGRAM IN THE AMOUNT OF \$500,000.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

This Resolution was adopted.

9. [24-0781R](#) RESOLUTION VACATING A DRAINAGE AND UTILITY EASEMENT IN LOT 1, BLOCK 5 KAYAK BAY PLAT.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted.

10. [24-0794R](#) RESOLUTION CALLING PUBLIC HEARING ON THE PROPOSED ESTABLISHMENT OF THE BRAE VIEW TAX INCREMENT FINANCING DISTRICT WITHIN PROJECT AREA NO. 1 AND THE PROPOSED ADOPTION OF THE TAX INCREMENT FINANCING PLAN RELATING THERETO AS PROPOSED BY THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA.

Indexes:

Attachments: [Exhibit-A](#)

This Resolution was adopted.

BY COUNCILOR KENNEDY (INTERGOVERNMENTAL RELATIONS)

11. [24-0801R](#) RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES OF AMERICA FOR THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO THE DULUTH CIVIC CENTER PLAZA.

Indexes:

Attachments: [Exhibit 1-USA MOU Resolution](#)

This Resolution was adopted.

BY COUNCILOR MAYOU (PUBLIC WORKS & UTILITIES)

12. [24-0758R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH EVER-GREEN

ENERGY FOR ENGINEERING SERVICES TO REDESIGN DULUTH ENERGY SYSTEMS' BOILER SYSTEM FOR A TOTAL AMOUNT NOT TO EXCEED \$243,650.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

13. [24-0775R](#) RESOLUTION AUTHORIZING A COOPERATIVE AGREEMENT WITH ST. LOUIS COUNTY FOR THE 2025 TOWNSHIPS AND CITIES MAINTENANCE STRIPING PROGRAM FOR ROAD LINE STRIPING AT VARIOUS LOCATIONS IN THE CITY OF DULUTH AT AN ESTIMATED COST OF \$87,462.

This Resolution was adopted.

14. [24-0782R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE OPERATIONS AND MAINTENANCE AGREEMENT BETWEEN ST. LOUIS COUNTY AND THE CITY OF DULUTH.

Indexes:

Attachments: [Exhibit A First Amendment to Operations and Maintenance Agreement](#)

This Resolution was adopted.

15. [24-0797R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR UTILITY PURPOSES FROM SPIRIT VALLEY LAND COMPANY, LLC OVER, UNDER, AND ACROSS CERTAIN REAL PROPERTY IN THE PLAT OF KAYAK BAY, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1-Resolution](#)

This Resolution was adopted.

16. [24-0798R](#) RESOLUTION AWARDED A CONTRACT TO CONTOUR INC. FOR THE HIGH PRIORITY LEAD WATER SERVICE REPLACEMENTS FOR SITES 38, 57, 58, 62 AND 63 FOR A TOTAL AMOUNT NOT TO EXCEED \$89,187.00.

This Resolution was adopted.

17. [24-0807R](#) RESOLUTION AMENDING CONTRACT L30789 WITH MSA PROFESSIONAL SERVICES, INC. TO INCLUDE SURVEYING, CONSTRUCTION ADMINISTRATION, AND INSPECTION SERVICES

FOR THE WOODLAND BOOSTER STATION IMPROVEMENTS PROJECT, TO INCREASE THE AMOUNT BY \$416,321 FOR A NEW TOTAL OF \$756,513.

Indexes:

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

This Resolution was adopted.

BY COUNCILOR SWENSON (PUBLIC SAFETY)

18. [24-0783R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH DONLAR CONSTRUCTION COMPANY TO UTILIZE PARKING STALLS IN THE MEDICAL DISTRICT RAMP AT NO COST TO THE CITY.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted.

19. [24-0790R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A MINNESOTA DEPARTMENT OF PUBLIC SAFETY HAZARD MITIGATION GRANT OF \$198,398.48 FOR ACQUISITION AND DEMOLITION OF A STRUCTURE AT 13005 CASS STREET.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

20. [24-0805R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN (OVW), IN THE TOTAL AMOUNT OF \$500,000 AND AUTHORIZING AN AGREEMENT WITH PROGRAM FOR AID TO VICTIMS OF SEXUAL ASSAULT (PAVSA) FOR THEIR PARTICIPATION IN THE OVW FY2024 IMPROVING CRIMINAL JUSTICE RESPONSE TO SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING GRANT PROGRAM.

Indexes:

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

This Resolution was adopted.

21. [24-0814R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A

GRANT FROM AND EXECUTE A GRANT AGREEMENT WITH THE STATE OF MINNESOTA IN THE AMOUNT OF \$9,500.00 FOR HAZMAT TRAINING.

Indexes:

Attachments: [A-HMEP-2022-DULUTHFD-004 GA-ExhA](#)

This Resolution was adopted.

BY COUNCILOR AWAL (RECREATION, LIBRARIES & AUTHORITIES)

22. [24-0760R](#) RESOLUTION OF SUPPORT FOR CONTINUED ASSESSMENT AND COMPLETE DESIGN OF A PROPOSED FLOW RESTRICTIVE CULVERT AT HARTLEY DAM

This Resolution was adopted.

23. [24-0788R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY IN THE AMOUNT OF \$455,000 TO IMPROVE PUBLIC ACCESS TO THE ST. LOUIS RIVER ESTUARY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

24. [24-0789R](#) RESOLUTION TO ACCEPT A \$3,485 DONATION FROM THE DULUTH PRESERVATION ALLIANCE TO FUND THE PURCHASE OF FOUR INTERPRETIVE SIGNS FOR THE INCLINE STAIRWAY TRAIL.

This Resolution was adopted.

25. [24-0799R](#) RESOLUTION AUTHORIZING FOUR-YEAR AGREEMENT WITH THE LAKESIDE - LESTER PARK COMMUNITY CLUB FOR THE USE AND OPERATIONS OF THE FORMER LESTER PARK LIBRARY, ALSO KNOWN AS, THE LAKESIDE - LESTER PARK COMMUNITY CENTER.

Indexes:

Attachments: [Exhibit 1 - Resolution](#)

This Resolution was adopted.

26. [24-0800R](#) RESOLUTION AUTHORIZING THE EXECUTION AND FILING OF AN AMENDED AND RESTATED DECLARATION OVER A PORTION OF SARGENT CREEK.

Indexes:

Attachments: [Exhibit 1-Resolution](#)

This Resolution was adopted.

27. [24-0804R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A COOPERATIVE AGREEMENT WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR UP TO \$7,500 TO SUPPORT THE OPERATION AND MAINTENANCE OF PUBLIC WATER ACCESS LOCATIONS ALONG THE ST. LOUIS RIVER.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

28. [24-0808R](#) RESOLUTION IN SUPPORT OF THE DULUTH-BASED PORTIONS OF THE SUPERIOR HIKING TRAIL MASTER PLAN AND APPLICATION FOR REGIONAL PARK OR TRAIL DESIGNATION THROUGH THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR FORSMAN (FINANCE)

29. [24-0785R](#) RESOLUTION RELATING TO A TAX ABATEMENT; GRANTING THE ABATEMENT FOR THE ENGER PARK GOLF COURSE PROJECT.

This Resolution was adopted.
Absent: Councilor Awal

30. [24-0786R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION BONDS, SERIES 2024B, IN THE APPROXIMATE PRINCIPAL AMOUNT OF \$7,790,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREOF; AND PROVIDING FOR AWARDED THE SALE THEREOF.

Indexes:

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

This Resolution was adopted.
Absent: Councilor Awal

- 31. [24-0787R](#) RESOLUTION AUTHORIZING INTERFUND LOAN FROM THE GENERAL FUND TO THE CAPITAL IMPROVEMENT FUND FOR THE SPIRIT MOUNTAIN RESTORATION PROJECT IN AN AMOUNT OF \$13,000,000 TO PROVIDE FINANCING FOR THE SPIRIT MOUNTAIN RESTORATION PROJECT.

This Resolution was adopted.
Absent: Councilor Awal

BY COUNCILOR NEPHEW (PLANNING & ECONOMIC DEVELOPMENT)

- 32. [24-0795R](#) RESOLUTION AUTHORIZING A CLEANUP GRANT APPLICATION TO THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR THE DULUTH PAPER MILL EXPANSION

Indexes:

Attachments: [Business Subsidy Report](#)

This Resolution was adopted.

- 33. [24-0796R](#) RESOLUTION AUTHORIZING A DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND SOFIDEL AMERICA CORP. FOR THE DEVELOPMENT OF THE DULUTH PAPER MILL

Indexes:

Attachments: [Business Subsidy Report Sofidel 9.18.24](#)
[Exhibit A: Development Agreement](#)
[Exhibit B: DEDA Resolution 24D-41](#)

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

- 34. [24-0813R](#) RESOLUTION AUTHORIZING MINNESOTA INVESTMENT FUND SUBGRANT AGREEMENT WITH SOFIDEL AMERICA CORP.

Indexes:

- Attachments: [Exhibit A City of Duluth and DEED Grant Agreement](#)
[Exhibit B City of Duluth and Sofidel Subgrant Agreement](#)

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

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

BY COUNCILOR FORSMAN (FINANCE)

35. [24-045-O](#) AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION SPIRIT MOUNTAIN BONDS OF THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$13,500,000 UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PROVIDING FOR THE PAYMENT THEREOF.

This Ordinance was read for the first time.

36. [24-048-O](#) AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF TAXABLE GRANT ANTICIPATION REVENUE NOTES IN AN AMOUNT NOT TO EXCEED \$8,218,142 OF THE CITY OF DULUTH FOR THE IMPROVEMENT OF THE MUNICIPAL WATER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

This Ordinance was adopted.

37. [24-049-O](#) AN ORDINANCE AMENDING SECTIONS 50-20.3 U(10) and 50-20.5 M(14) TO PROVIDE AN EXEMPTION TO THE CAP ON VACATION DWELLING UNITS AND ACCESSORY VACATION DWELLING UNITS I RR-1 AND RR-2 DISTRICTS WITHIN 300 FEET OF A MU-C DISTRICT.

Indexes:

- Attachments: [Attachment 1](#)
[Attachment 2](#)

This Ordinance was read for the first time.

38. [24-051-O](#) AN ORDINANCE REPEALING ORDINANCE 10908.

This Ordinance was read for the first time.

39. [24-043-O](#) AN ORDINANCE AMENDING CHAPTER 33, ARTICLE VII, SECTIONS 97.1, 97.2, 97.3, 97.5, 97.6, OF THE DULUTH CITY CODE AND REPEALING CHAPTER 33, ARTICLE VII, SECTION 97.7 OF THE DULUTH CITY CODE RELATED TO A SNOW EMERGENCY TO CARRY OUT SNOWPLOWING.

Indexes:

Attachments: [Snow Parking Emergency Resolution](#)

This Ordinance was read for the first time.

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

BY PRESIDENT RANDORF (COMMITTEE OF THE WHOLE)

40. [24-042-O](#) AN ORDINANCE RENEWING THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT.

Indexes:

Attachments: [Exhibit A](#)

This Ordinance was adopted.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS