



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, May 23, 2022

7:00 PM

Council Chamber

ROLL CALL

Present: 8 - Councilor Gary Anderson, Councilor Azrin Awal, Noah Hobbs, Councilor Mike Mayou, Councilor Roz Randorf, Councilor Terese Tomanek, Vice President Janet Kennedy and President Arik Forsman

Absent: 1 - Councilor Renee Van Nett

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [22-041](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [2022-05-09, Minutes](#)

These Minutes were approved unanimously.
Absent: Councilor Van Nett

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [22-042](#) Commission on Disabilities Meeting Minutes

Indexes:

Attachments: [April 2022 - COD Minutes](#)

This Board or Commission Report was received.

3. [22-043](#) Planning Commission Meeting Minutes

Indexes:

Attachments: [February 2022 - Planning Commission Minutes](#)

[March 2022 - Planning Commission Minutes](#)

[April 2022 - Planning Commission Minutes](#)

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 VICE PRESIDENT KENNEDY (FINANCE)

4. [22-0416R](#) RESOLUTION AUTHORIZING AMENDMENT TO AGREEMENT 24227 WITH GDC FOR A SOCIAL SERVICES OUTREACH PROFESSIONAL.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Van Nett

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

5. [22-0412R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

Absent: Councilor Van Nett

6. [22-0413R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF VARIOUS LICENSEES.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.
Absent: Councilor Van Nett

7. [22-0414R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE LIQUOR LICENSE OF VARIOUS LICENSEES.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.
Absent: Councilor Van Nett

8. [22-0415R](#) RESOLUTION APPROVING THE ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE TO UP NORTH TAPS, LLC. (7 WEST TAPHOUSE), 7 WEST SUPERIOR STREET

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.
Absent: Councilor Van Nett

9. [22-0435R](#) RESOLUTION AUTHORIZING THE PURCHASE OF AIR HANDLING UNITS, FLUID COOLER & AIR-COOLED HEAT PUMP EQUIPMENT AS PART OF THE CITY HALL MECHANICAL ELECTRICAL PLUMBING RENEWAL PROJECT FROM SVL, INC. IN THE AMOUNT OF \$312,075.

This Resolution was adopted unanimously.
Absent: Councilor Van Nett

10. [22-0436R](#) RESOLUTION AUTHORIZING THE PURCHASE OF VARIABLE REFRIGERANT FLOW EQUIPMENT AS PART OF THE CITY HALL MECHANICAL, ELECTRICAL, AND PLUMBING RENEWAL PROJECT FROM TRANE TECHNOLOGIES COMPANY, LLC IN THE AMOUNT OF \$424,950.00.

This Resolution was adopted unanimously.
Absent: Councilor Van Nett

BY COUNCILOR VAN NETT (PERSONNEL)

11. [22-0417R](#) RESOLUTION CLARIFYING DULUTH RESIDENCY REQUIREMENTS FOR CITY COUNCIL CONFIRMATIONS OF MAYORAL APPOINTMENTS TO THE DULUTH AIRPORT AUTHORITY BOARD OF DIRECTORS.

Indexes:

Attachments: [April 12, 2022 DAA Resolution Seeking Exception to Duluth City Council Resolution No. 01-0324R](#)
[01-0324R Resolution Declaring Council's Policy on Residency of Members of the Boards and Commissions](#)

This Resolution was adopted unanimously.

Absent: Councilor Van Nett

12. [22-0437R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF DATA RELEASE COORDINATOR.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Van Nett

13. [22-0444R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF STREET MAINTENANCE LEADWORKER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Van Nett

14. [22-0445R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF MASTER ELECTRICIAN - PROPERTY & FACILITIES, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Van Nett

15. [22-0446R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PARK MAINTENANCE WORKER.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Van Nett

16. [22-0447R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF LIBRARY SAFETY SPECIALIST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Van Nett

BY COUNCILOR RANDORF (PLANNING & ECONOMIC DEVELOPMENT)

17. [22-0410R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH J & M DISPLAYS INC. FOR THE CREATION AND EXECUTION OF A FIREWORKS DISPLAY FOR JULY 4, 2022 FOR A TOTAL NOT TO EXCEED \$60,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Van Nett

18. [22-0419R](#) RESOLUTION AUTHORIZING TERMINATION AGREEMENT WITH NEW BURNHAM, LLC AND TRANSFER OF UP TO \$1,164,240 TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR ASSISTANCE TO AFFORDABLE HOUSING PROJECTS.

Indexes:

Attachments: [Exhibit A Termination Agreement](#)

[Exhibit B New Burnham DA](#)

[Exhibit C Merge Urbane Duluth DA](#)

This Resolution was adopted unanimously.
Absent: Councilor Van Nett

19. [22-0421R](#) RESOLUTION VACATING A 16 FOOT WIDE ALLEY BETWEEN BLOCK 11 AND BLOCK 6 OF THE RECORDED PLAT OF DODGES ADDITION TO DULUTH.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.
Absent: Councilor Van Nett

20. [22-0426R](#) RESOLUTION AUTHORIZING REPROGRAMMING OF \$47,541.91 OF HOME FUNDS (\$44,717.83 FROM 2017 HOME PROGRAM YEAR AND \$2,824.08 FROM 2018 HOME PROGRAM) FOR THE 2021 COMMUNITY LAND TRUST ACQUISITION AND REHAB PROGRAM OPERATED BY ONE ROOF COMMUNITY HOUSING.

This Resolution was adopted unanimously.
Absent: Councilor Van Nett

21. [22-0427R](#) RESOLUTION AUTHORIZING REPROGRAMMING OF \$122,854.19 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (\$83,118.19 FROM 2019 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR AND \$39,736 FROM 2018 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM) FOR THE 2021 ACQUISITION DEMOLITION PROGRAM AND AMENDING THE 2019, 2020, and 2021 ACTION PLANS.

This Resolution was adopted unanimously.
Absent: Councilor Van Nett

BY COUNCILOR MAYOU (PUBLIC WORKS & UTILITIES)

22. [22-0420R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR THE RALEIGH STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$110,759.00.

Indexes:

Attachments: [22-0420R Map](#)

This Resolution was adopted unanimously.
Absent: Councilor Van Nett

23. [22-0424R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF ROADWAY AND STORM SEWER ADJACENT TO TRUNK HIGHWAY 535 FROM 0.7 MILES SOUTH OF TRUNK HIGHWAY 35 TO 0.5 MILES NORTH OF MINNESOTA STATE LINE WITHIN THE CORPORATE CITY LIMITS UNDER STATE PROJECT NO. 6980-62, MNDOT CONTRACT NO. 1049671.

Indexes:

Attachments: [22-0424R Exhibit A & Map](#)

This Resolution was adopted unanimously.

Absent: Councilor Van Nett

24. [22-0425R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF ROADWAY, SIDEWALK, STORM SEWER AND LIGHTING ADJACENT TO TRUNK HIGHWAY 53 FROM WEST MICHIGAN STREET TO 100 FEET SOUTH OF WEST FOURTH STREET WITHIN THE CORPORATE CITY LIMITS UNDER STATE PROJECT NO. 6915-138, MNDOT CONTRACT NO. 1049670.

Indexes:

Attachments: [22-0425R Exhibit A & Map](#)

**This Resolution was adopted unanimously.
Absent: Councilor Van Nett**

25. [22-0431R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM VONCO V DULUTH, LLC OVER, UNDER, AND ACROSS REAL PROPERTY IN THE GARY-NEW DULUTH NEIGHBORHOOD FOR NOMINAL CONSIDERATION.

Indexes:

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

**This Resolution was adopted unanimously.
Absent: Councilor Van Nett**

26. [22-0441R](#) RESOLUTION AWARDED A CONTRACT TO PEC SOLUTIONS LLC DBA PARSONS ELECTRIC FOR THE LIFT STATION 17 IMPROVEMENTS PROJECT IN THE AMOUNT OF \$183,450.00.

Indexes:

Attachments: [22-0441R Map](#)

**This Resolution was adopted unanimously.
Absent: Councilor Van Nett**

27. [22-0442R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH MINNESOTA POWER FOR JOINT CONSTRUCTION OF UTILITIES IN MICHIGAN STREET.

Indexes:

Attachments: [22-0442 Map](#)

**This Resolution was adopted unanimously.
Absent: Councilor Van Nett**

28. [22-0443R](#) RESOLUTION AWARDED A CONTRACT TO NORTHLAND

CONSTRUCTORS OF DULUTH INC., FOR THE CONSTRUCTION OF THE MICHIGAN STREET UTILITY RECONSTRUCTION PROJECT FOR WATER, GAS, AND ELECTRICAL DUCT UTILITIES IN THE AMOUNT OF \$2,489,700.00.

Indexes:

Attachments: [22-0443 Map](#)

This Resolution was adopted unanimously.
Absent: Councilor Van Nett

BY COUNCILOR ANDERSON (PUBLIC SAFETY)

29. [22-0409R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$100,000 GRANT AWARD FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY, HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA) PROGRAM, TO BE USED FOR EXPENSES INCURRED DURING PARTICIPATION IN THE LAKE SUPERIOR DRUG CORRIDOR INITIATIVE.

Indexes:

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

This Resolution was adopted unanimously.
Absent: Councilor Van Nett

BY COUNCILOR TOMANEK (RECREATION, LIBRARIES & AUTHORITIES)

30. [22-0408R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A CONSERVATION PARTNERS LEGACY METRO PROGRAM GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$400,000 FOR THE ACQUISITION OF 83 ACRES OF LAND FROM THE DULUTH CEMETERY ASSOCIATION FOR RECREATION AND PRESERVATION.

Indexes:

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

This Resolution was adopted unanimously.
Absent: Councilor Van Nett

31. [22-0428R](#) RESOLUTION AUTHORIZING APPLICATION TO THE LESSARD-SAMS OUTDOOR HERITAGE COUNCIL OUTDOOR HERITAGE FUND FOR A GRANT OF UP TO \$800,000 TO RESTORE THE STREAM CHANNEL AND AQUATIC AND RIPARIAN HABITAT OF BUCKINGHAM CREEK.

This Resolution was adopted unanimously.

Absent: Councilor Van Nett

32. [22-0429R](#) RESOLUTION AUTHORIZING APPLICATION TO THE LEGISLATIVE CITIZENS COMMISSION ON MINNESOTA RESOURCES (LCCMR) FOR UP TO \$2,750,000 FROM THE ENVIRONMENTAL AND NATURAL RESOURCES TRUST FUND TO PROVIDE IMPROVED RECREATIONAL ACCESS TO THE RESTORED ST LOUIS RIVER ESTUARY

This Resolution was adopted unanimously.

Absent: Councilor Van Nett

33. [22-0430R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30530 WITH DESIGN WORKSHOP, INC. FOR DULUTH PARKS, RECREATION, OPEN SPACE, AND TRAILS MASTER PLANNING SERVICES FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$10,000, FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$213,275, AND EXTENDING THE COMPLETION DATE TO OCTOBER 30, 2022

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Van Nett

34. [22-0432R](#) RESOLUTION AUTHORIZING A TWENTY-YEAR AGREEMENT WITH ST. LOUIS AND LAKE COUNTIES REGIONAL RAILROAD AUTHORITY FOR THE CONSTRUCTION, MAINTENANCE, INSPECTION, REPAIR, REPLACEMENT, AND USE OF THE PORTION OF THE LAKEWALK LOCATED APPROXIMATELY BETWEEN 2ND AND 20TH AVENUES EAST, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit A.pdf](#)

This Resolution was adopted unanimously.

Absent: Councilor Van Nett

35. [22-0440R](#) RESOLUTION AUTHORIZING A CONTRACT FOR SERVICES WITH THE DULUTH AREA FAMILY YMCA FOR AN AMOUNT NOT TO EXCEED \$52,500 FOR LIFEGUARDING SERVICES PROVIDED AT THE CITY'S PARK POINT BEACH HOUSE AND RECREATION AREA DURING THE 2022 OPERATING SEASON.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Van Nett

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

36. [22-0423R](#) RESOLUTION ESTABLISHING AN ORDINANCE REVIEW AND MODERNIZATION TASK FORCE.

This Resolution was adopted unanimously.

Absent: Councilor Van Nett

BY COUNCILOR RANDORF (PLANNING & ECONOMIC DEVELOPMENT)

37. [22-0433R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 120 ASPEN LANE.

Indexes:

Attachments: [Attachment A](#)

[Attachment B](#)

This Resolution was adopted unanimously.

Absent: Councilor Van Nett

38. [22-0434R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO APPROVE AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 120 ASPEN LANE.

Indexes:

Attachments: [Attachment A](#)

[Attachment B](#)

This Resolution was failed.

BY COUNCILOR TOMANEK (RECREATION, LIBRARIES & AUTHORITIES)

39. [22-0439R](#) RESOLUTION APPROVING THE ARROWHEAD ZOOLOGICAL SOCIETY'S LAKE SUPERIOR ZOO MASTER PLAN

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Van Nett

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

BY COUNCILOR RANDORF (PLANNING & ECONOMIC DEVELOPMENT)

40. [22-022-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY 1.1 ACRES FROM RESIDENTIAL-TRADITIONAL (R-1) TO RESIDENTIAL-URBAN (R-2) AND TO RECLASSIFY 0.7 ACRES FROM R-2 TO R-1 SEVERAL AREAS NEAR THE SOUTHWEST CORNER OF PALM STREET AND BLACKMAN AVENUE.

Indexes:

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

This Ordinance was read for the first time.

BY COUNCILOR MAYOU (PUBLIC WORKS & UTILITIES)

41. [22-021-O](#) AN ORDINANCE AMENDING SECTION 43-67.1 OF THE DULUTH CITY CODE, 1959, AS AMENDED, MODIFYING CREDITS AVAILABLE UNDER THE STORMWATER UTILITY.

This Ordinance was read for the first time.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

ATTEST;
Ian B. Johnson, City Clerk

Passed on May 23, 2022
Approved on May 24, 2022
Emily Larson, Mayor