



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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, August 27, 2018

7:00 PM

Council Chamber

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### ROLL CALL

Present: 8 - Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westertund, Councilor Renee Van Nett and President Noah Hobbs

Absent: 1 - Councilor Gary Anderson

### PLEDGE OF ALLEGIANCE

### APPROVAL OF MINUTES

1. 18-180

indexes:

Attachments: August 13, 2018 - City Council Meeting

This Minutes was approved.

**REPORTS FROM THE ADMINISTRATION - Update on Lester Park Golf Course Development**

**REPORTS FROM OTHER OFFICERS**

**REPORTS OF BOARDS AND COMMISSIONS**

2. 18-179

Indexes:

Attachments: Duluth Charter Comm Oaths

Duluth Charter Comm Order 20180718

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 FOSLE (PURCHASING & LICENSING)**

3. 18-0616R RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF OSAKA DULUTH, INC. D/B/A OSAKA SUSHI HIBACHI STEAKHOUSE, 5115 BURNING TREE ROAD #309, DULUTH, MINNESOTA 55811.

Indexes:

Attachments: Osaka Report to Duluth City Council

This Resolution was adopted unanimously.

4. 18-0624R RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE TO GRANDMA'S ANGIE'S INC. (LITTLE ANGIE'S CANTINA).

Indexes:

Attachments: Exhibit A

This Resolution was adopted unanimously,

**BY COUNCILOR ANDERSON (PERSONNEL)**

- 5. 18-0621R RESOLUTION CONFIRMING THE APPOINTMENT OF TOM SZUKIS TO THE DULUTH TRANSIT AUTHORITY.

This Resolution was adopted unanimously.

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

- 6. 18-0615R RESOLUTION AUTHORIZING A FUNDING AGREEMENT WITH THE DULUTH SEAWAY PORT AUTHORITY AND THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY RELATED TO THE PURCHASE OF INFORMATION TECHNOLOGY EQUIPMENT FOR US CUSTOMS & BORDER PATROL OFFICE TO PROCESS ENTRY OF PASSENGER CRUISE SHIPS IN THE PORT OF DULUTH

This Resolution was adopted unanimously.

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

- 7. 18-0607R

This Resolution was adopted unanimously.

- 8. 18-0614R RESOLUTION ACCEPTING PERMANENT EASEMENT FOR ROADWAY AND UTILITY PURPOSES FROM CMA MANAGEMENT LLC OVER A PORTION OF THE EASTERN VACATED HALF OF 33RD AVENUE WEST AT NO COST TO THE CITY.

Indexes:

Attachments: Exhibit 1.pdf

This Resolution was adopted unanimously.

- 9. 18-0604R RESOLUTION AUTHORIZING A CONTRACT WITH THE JAMAR COMPANY FOR THE REPLACEMENT OF THE BUILDING AUTOMATION SYSTEM AT GARFIELD AVENUE PUBLIC WORKS FACILITY FOR AN AMOUNT NOT TO EXCEED \$145,995.00.

This Resolution was adopted unanimously.

**BY COUNCILOR VAN NETT (PUBLIC SAFETY)**

10. 18-0606R RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE PARTNER AGREEMENT BETWEEN THE CITY OF DULUTH, ST. LOUIS COUNTY, AND PROGRAM FOR AID TO VICTIMS OF SEXUAL ASSAULT, INC., REGARDING THE FY 2015 NATIONAL SEXUAL ASSAULT KIT INITIATIVE TO VICTIMS OF SEXUAL ASSAULT, TO EXTEND THE TERM OF THE AGREEMENT FROM SEPTEMBER 30, 2018 TO SEPTEMBER 30, 2019.

Indexes:

Attachments: Exhibit A

This Resolution was adopted 7-0 with one absent and Councilor Westerlund abstained.

11. 18-0620R RESOLUTION AUTHORIZING THE PURCHASE OF A 2018 SPARTAN CUSTOM FIRE PUMPER FIRE TRUCK FROM CUSTOM FIRE IN AN AMOUNT NOT TO EXCEED \$600,000.

This Resolution was adopted unanimously.

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

12. 18-0603R RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A COASTAL STAR FUND GRANT OF \$10,000 FOR A NATURAL RESOURCE MANAGEMENT PLAN AT HARTLEY.

This Resolution was adopted unanimously.

13. 18-0613R RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY ADJACENT TO HARTLEY PARK FROM INDEPENDENT SCHOOL DISTRICT NO. 709 IN THE AMOUNT OF \$390,250, PLUS CLOSING COSTS IN AN AMOUNT UP TO \$6,000, FOR A TOTAL AMOUNT NOT TO EXCEED \$396,250.

Indexes:

Attachments: Exhibit 1.pdf

Exhibit 2.pdf

This Resolution was adopted unanimously.

- 14. 18-0618R - RESOLUTION AUTHORIZING THE PURCHASE OF A 2018 PISTENBULLY NORDIC SNOW TRAIL GROOMER FROM KASSBOHRER ALL TERRAIN VEHICLES, INC., IN THE AMOUNT OF \$274,900

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

The following entitled resolutions are also to be considered:

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

- 15. 18-0611R RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO REDUCE THE REQUIRED MINIMUM LOT FRONTAGE FROM 250 FT TO 0 FT TO CONSTRUCT A DWELLING IN THE RR-1 ZONE DISTRICT BY EDWARD BARBO JR. AND CANDACE BARBO.

~~Index:~~

- Attachments: Attachment 1
- Attachment 2
- Attachment 3
- Attachment 4
- Attachment 5
- Attachment 6
- Attachment 7

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

- Yea: 3 - Councilor Forsman, Councilor Fosle and Councilor Van Nett
- Nay: 5 - Councilor Filipovich, Councilor Russ, Councilor Sipress, Councilor Westertund and President Hobbs
- Absent: 1 - Councilor Anderson

- 16. 18-0612R - RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO REDUCE THE REQUIRED MINIMUM LOT FRONTAGE FROM 250 FT TO 0 FT TO CONSTRUCT A

DWELLING IN THE RR-1 ZONE DISTRICT BY EDWARD BARBO JR. AND CANDACE BARBO.

Indexes:

Attachments: Attachment 1

Attachment 2

Attachment 3

Attachment 4

Attachment 5

Attachment 6

Attachment 7

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

Yea: 5 - Councilor Filipovich, Councilor Russ, Councilor Sipress, Councilor Westertund and President Hobbs

Nay: 3 - Councilor Forsman, Councilor Fosle and Councilor Van Nett

Absent: 1 - Councilor Anderson

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

17. 18-0578R RESOLUTION AMENDING ENERGY LOAN PROGRAM GUIDELINES AUTHORIZING LOANS FOR PRIVATE WATER AND SANITARY SEWER REPAIR OR REPLACEMENT.

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

Yea: 8 - Councilor Filipovich, Councilor Forsman, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Westertund, Councilor Van Nett and President Hobbs

Absent: 1 - Councilor Anderson

**BY COUNCILOR VAN NETT (PUBLIC SAFETY)**

18. 18-0617R RESOLUTION AUTHORIZING THE PURCHASE OF A 2018 PIERCE 100FT AERIAL TOWER FIRE TRUCK FROM MACQUEEN EMERGENCY GROUP IN AN AMOUNT NOT TO EXCEED \$1,375,000.00

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

Yea: 7 - Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Sipress,  
Councilor Westerlund, Councilor Van Nett and President Hobbs

Nay: 1 - Councilor Fosle

~~Absent~~ 1 - Councilor Anderson

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

**BY COUNCILOR FILIPOVICH (FINANCE)**

19. 18-041-0 ORDINANCE AMENDING THE REQUIREMENTS FOR ESTABLISHING CITY FEES, AMENDING SECTIONS 2-5, 31-6, and 31-8 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

This Ordinance was read for the first time.

20. 18-045-0 ORDINANCE AMENDING THE BUDGET OF THE CITY OF DULUTH FOR 2018 BY INCREASING THE BUDGET BY \$1,375,000 TO FINANCE THE PURCHASE OF AN AERIAL FIRE TRUCK.

This Ordinance was read for the first time.

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

21. 18-044-0 AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 4610 WEST ARROWHEAD ROAD FROM RURAL RESIDENTIAL-1 (RR-1) TO MIXED USE-BUSINESS (MU-B).

**Indexes:**

**Attachments:** Attachment 1

Attachment 2

This Ordinance was read for the first time.

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

**BY COUNCILOR FILIPOVICH (FINANCE)**

22. 18-043-0 AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION WATER UTILITY REVENUE BONDS OF THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$4,200,000 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.**

Yea: 8- Councilor Filipovich, Councilor Forsman, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

Absent: 1- Councilor Anderson

COUNCILOR QUESTLONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS