



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, September 10, 2018

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

Present: 10 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Arik Forsman, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund, Councilor Renee Van Nett and President Noah Hobbs

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

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1. [18-184](#) Duluth City Council Meeting Minutes: August 27th, 2018

Indexes:

Attachments: [August 27, 2018 - City Council Meeting](#)

Approved.

Yea: 9 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

PUBLIC HEARING

PUBLIC HEARING

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

2. [18-186](#) Duluth Seaway Port Authority June and July Financials 2018

Indexes:

Attachments: [Duluth Seaway Port Authority July 2018 Financials](#)
[Duluth Seaway Port Authority June 2018 Financials](#)

This Board or Commission Report was received.

3. [18-185](#) Duluth Public Utilities May and June Minutes 2018

Indexes:

Attachments: [DPUC June Minutes 2018](#)
[DPUC May Minutes 2018](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

4. [18-0630R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2018B, IN THE APPROXIMATE AMOUNT OF \$1,460,000; 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](#)[Exhibit D](#)

This Resolution was adopted unanimously.

5. [18-0650R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND THE CONFIDENTIAL UNIT OF THE CITY OF DULUTH FOR THE YEARS 2018-2020.

Indexes:Attachments: [Exhibit A](#)[Final Confidential CBA for 2018-2020 redline](#)

This Resolution was adopted unanimously.

6. [18-0631R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2018C, IN THE APPROXIMATE AMOUNT OF \$4,055,000; 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.

7. [18-0632R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION WATER UTILITY REVENUE BONDS, SERIES 2018D, IN THE APPROXIMATE AMOUNT OF \$3,825,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDED THE SALE THEREOF.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

8. [18-0602R](#) RESOLUTION AUTHORIZING A CONTRACT WITH HUNT ELECTRIC CORPORATION TO FURNISH AND INSTALL A REDUNDANT GENERATOR FOR THE DATA CENTER FOR AN AMOUNT NOT TO EXCEED \$183,842.

This Resolution was adopted unanimously.

9. [18-0628R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR ARROWHEAD ZOOLOGICAL SOCIETY DBA LAKE SUPERIOR ZOO AND COLLEGE OF ST. SCHOLASTICA, INC.

This Resolution was adopted unanimously.

10. [18-0644R](#) RESOLUTION AUTHORIZING A FIVE-YEAR AGREEMENT WITH CISCO SYSTEMS, INC. VIA COMPUTER DISCOUNT WAREHOUSE (CDW) FOR FLEX COLLABORATION SERVICES FOR AN ANNUAL AMOUNT OF \$61,029.24 AND A TOTAL AMOUNT NOT TO EXCEED \$305,146.20.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

11. [18-0625R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ALICIA CYR TO THE COMMUNITY DEVELOPMENT COMMITTEE REPLACING CRUZ MENDOZA.

Indexes:

Attachments: [Application Redacted Cyr](#)

This Resolution was adopted unanimously.

12. [18-0638R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF WATER CONVEYANCE TECHNICIAN.

Indexes:

Attachments: [Exhibit A](#)
[Water Conveyance Technician \(strikeout\)](#)

This Resolution was adopted unanimously.

13. [18-0639R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF INFORMATION TECHNICIAN.

Indexes:

Attachments: [Exhibit A](#)
[Information Technician \(strikeout\)](#)

This Resolution was adopted unanimously.

14. [18-0640R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF ADMINISTRATIVE INFORMATION SPECIALIST.

Indexes:

Attachments: [Exhibit A](#)
[Administrative Information Specialist \(strikeout\)](#)

This Resolution was adopted unanimously.

15. [18-0646R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF ANTOINETTE

PEARSON AND AARON STOLP TO THE SPIRIT MOUNTAIN
RECREATION AREA AUTHORITY.

Indexes:

Attachments: [Antoinette Pearson](#)

[Aaron Stolp](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

16. [18-0610R](#) RESOLUTION VACATING A PORTION OF A SANITARY SEWER
EASEMENT IN OUTLOT D OF MORGAN PARK.

Indexes:

Attachments: [Attachment 2](#)

This Resolution was adopted unanimously.

17. [18-0637R](#) RESOLUTION VACATING PORTIONS OF TWO UTILITY EASEMENTS
AT 10 PIEDMONT AVENUE.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

18. [18-0642R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR ROADWAY
AND UTILITY PURPOSES FROM NORTHERN TIER RETAIL, LLC OVER
PROPERTY ADJACENT TO SUPERIOR STREET IN THE LAKESIDE
NEIGHBORHOOD AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

19. [18-0643R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR UTILITY
PURPOSES FROM THE STATE OF MINNESOTA OVER
TAX-FORFEITED PROPERTY ACROSS FROM THE GRAND AVENUE
CHALET WITHIN THE SPIRIT MOUNTAIN RECREATION AREA FOR
\$196.

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

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

20. [18-0626R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ST. LOUIS COUNTY TO PERFORM POLICE SERVICES PURSUANT TO 2017 OPERATION STONEGARDEN GRANT OPERATIONS ORDER AND ACCEPTING REIMBURSEMENT THROUGH ST. LOUIS COUNTY IN THE AMOUNT OF \$27,630.

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

This Resolution was adopted unanimously.

21. [18-0629R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF AN AWARD FROM THE MINNESOTA BOARD OF FIREFIGHTER TRAINING AND EDUCATION TOTALING \$34,795.80 FOR THE PURPOSE OF SUPPORTING FIRE DEPARTMENT PERSONNEL TRAINING.

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

The following entitled resolutions are also to be considered:

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

22. [18-0649R](#) RESOLUTION AMENDING RESOLUTION NO. 18-0612 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: [Motion to Amend - Sipress.Forsman \(9.10.2018\)](#)

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

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

Nay: 2 - Councilor Forsman and Councilor Fosle

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

23. [18-046-O](#) AN ORDINANCE AMENDING SECTION 50-15.6 MIXED USE WATERFRONT.

Indexes:Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

24. [18-047-O](#) AN ORDINANCE AMENDING SECTION 50-39, ENFORCEMENT AND PENALTIES.

Indexes:Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

25. [18-048-O](#) AN ORDINANCE AMENDING SECTION 50-21, DIMENSIONAL STANDARDS.

Indexes:Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

26. [18-049-O](#) AN ORDINANCE AMENDING SECTIONS 50-23, CONNECTIVITY AND CIRCULATION, 50-20.2 PUBLIC, INSTITUTIONAL, AND CIVIC USES, AND 50-41-9 DEFINITIONS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

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

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

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

27. [18-041-O](#) 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.

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

Yea: 9 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

28. [18-045-O](#) 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.

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

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

Nay: 1 - Councilor Fosle

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

29. [18-044-O](#) 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](#)

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

Yea: 9 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS