



# 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]*

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Monday, August 27, 2018

7:00 PM

Council Chamber

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### ROLL CALL

#### ROLL CALL

**Present:** 9 - 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

**Absent:** 1 - Councilor Gary Anderson

### PLEDGE OF ALLEGIANCE

#### PLEDGE OF ALLEGIANCE

### APPROVAL OF MINUTES

#### APPROVAL OF MINUTES

1. [18-180](#) Duluth City Council Meeting Minutes: August 13th, 2018

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

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

2. [18-179](#) Duluth Charter Commission - Order and Oaths

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 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 FOSLE (PURCHASING & LICENSING)

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)

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)

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)

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

7.     [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.**

8.     [18-0607R](#)     RESOLUTION AUTHORIZING THE PURCHASE OF 7,000 TONS OF ROAD SALT FROM MORTON SALT, INC. IN THE AMOUNT OF \$248,680

**This Resolution was adopted unanimously.**

9.     [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.**

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

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 unanimously.**

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)

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

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)

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.

**Indexes:**

**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 Westerlund 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 Westerlund and President Hobbs

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

**Absent:** 1 - Councilor Anderson

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

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.

**This Resolution was adopted unanimously.**

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

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:

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

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

19 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.

**This Ordinance was read for the first time.**

20 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.

**This Ordinance was read for the first time.**

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

21 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).

**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)



22 18-043-O: 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 passed unanimously.**

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS