

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, January 12, 2009, 7:00 p.m.

ROLL CALL PLEDGE OF ALLEGIANCE

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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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]

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PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

* 09-0112-15 Roger Reinert resignation from the Duluth City Council effective at 11:59 a.m., Tuesday, January 6, 2009. -- Received

* 09-0112-01 The following communications regarding the proposed agreement with Lake Superior Zoological Society, Inc., for zoo operations (08-0764R): (a) Dan Ahonen; (b) Stacey Harter. -- Received

* 09-0112-02 The following communications regarding the proposed closures of portions of Eklund Avenue, Ideal Street, Maple Grove Road and Lakeview Avenue (09-0001R; 09-0002R; 09-0003R; 09-0004R): (a) Katie Larson; (b) Jill and Eric Miller; (c) Jack and Joan Setterlund; (d) Marge Swor; (e) Roy Trousdell; (f) Elizabeth Wahman; (g) Carol Zuck. -- Received

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REPORTS FROM OTHER OFFICERS

* 09-0112-03 Assessor:
(a) Letter of insufficiency of petition to reclassify Lots 14-17, Block 1, Grant Park Division of Duluth (2900 Piedmont Avenue), from R-1-b to C-1;
(b) Letter of sufficiency of petitions to reclassify:
(1) From R-1 to C-5 property north and east of Sundby Road at 2115 Miller Trunk Highway;
(2) From M-1 to R-3, property described as follows: Beginning at the point of intersection of the centerline of the alley running east-west between West Superior Street and West First Street, with the east line of North 25th Avenue West; then go north along the east line of North 25th Avenue West to the south line of West First Street; then go east along the south line of West First Street to the west line of North 24th Avenue West; then go south along the west line of North 24th Avenue West to the centerline of said alley; then west along the centerline of said alley to North 25th Avenue West and the point of beginning. -- Received

* 09-0112-04 Parks and recreation division manager Lake Superior zoological society minutes of: (a) November 14; (b) December 17, 2008, meetings. -- Received

* 09-0112-05 Purchasing agent emergency order awarded to Stout Mechanical for steam vault repair in First Avenue East and Superior Street in the amount of \$41,685. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

* 09-0112-06 American Indian commission minutes of October 20, 2008, meeting. -- Received

- * 09-0112-07 Duluth airport authority minutes of November 18, 2008, meeting. -- Received
- * 09-0112-08 Duluth legacy endowment advisory board minutes of October 28, 2008, meeting. -- Received
- * 09-0112-09 Duluth transit authority: (a) Income statement for September, 2008; (b) Minutes of October 29, 2008, meeting. -- Received
- * 09-0112-10 Entertainment and convention center authority minutes of: (a) December 19 (regular); (b) December 23, (building committee); (c) December 23, 2008, (regular) meetings. -- Received
- * 09-0112-11 Library board minutes of October 28, 2008, meeting. -- Received
- * 09-0112-12 Parks and recreation commission minutes of November 12, 2008, meeting. -- Received
- * 09-0112-13 Planning commission minutes of November 12, 2008, meeting. -- Received
- * 09-0112-14 Spirit Mountain recreation area authority minutes of November 20, 2008, meeting. -- Received

* Listed only, not copied.

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REPORTS OF COUNCIL COMMITTEES
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OPPORTUNITY FOR CITIZENS TO BE HEARD
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RESOLUTIONS TABLED

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0757R - RESOLUTION AMENDING RESOLUTION 89-0323 ESTABLISHING THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY, SAID AMENDMENT RELATED TO THE EXECUTIVE DIRECTOR AND OTHER DEDA PERSONNEL. (TABLED 12/15/2008)

COMMITTEE 3

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

08-0764R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH ARROWHEAD ZOOLOGICAL SOCIETY, INC. (TABLED 12/15/2008 FOR 1/12 COMMITTEE MEETING)

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MOTIONS AND RESOLUTIONS

CONSENT AGENDA

All matters listed under the consent agenda are considered routine and/or noncontroversial and will be enacted by one unanimous motion. If a councilor requests, or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

COMMITTEE 1

BY PRESIDENT GILBERT (FINANCE)

09-0024R - RESOLUTION AMENDING RESOLUTION 08-0742 ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2009; SETTING THE NEW SPECIAL PROSECUTOR REQUEST FEE.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0008R - RESOLUTION IN THE MATTER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF PIEDMONT BOTTLE SHOP, INC. (PIEDMONT BOTTLE SHOP), 2818 PIEDMONT AVENUE.

09-0009R - RESOLUTION IN THE MATTER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF JNC LIQUORS, INC. (WILD WEST LIQUOR), 318 NORTH CENTRAL AVENUE.

09-0010R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF CURLY'S BAR, INC. (CURLY'S BAR), 2013 WEST SUPERIOR STREET.

09-0011R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF BERGEY'S, LLC (BERGEY'S), 2232 WEST SUPERIOR STREET.

09-0026R - RESOLUTION APPROVING THE ISSUANCE OF LAWFUL GAMBLING PREMISE PERMITS TO COMMUNITY CHARITIES OF MINNESOTA. **(REPLACEMENT)**

BY COUNCILOR GARDNER (PERSONNEL)

09-0034R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF JIM BOOTH TO THE HOUSING AND REDEVELOPMENT AUTHORITY.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0005R - RESOLUTION VACATING A PORTION OF UTILITY EASEMENT WITHIN THE VACATED WATER STREET (LAKEWALK TOWNHOMES).

09-0037R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH MXD DEVELOPMENT STRATEGISTS LTD. OF RICHMOND, BRITISH COLUMBIA, CANADA FOR PROFESSIONAL SERVICES RELATING TO THE DEVELOPMENT OF A MARKET STUDY IN AN AMOUNT NOT TO EXCEED \$25,000.

BY COUNCILOR FEDORA (INTERGOVERNMENTAL RELATIONS)

09-0014R - RESOLUTION ADDING AN INITIATIVE TO SUPPORT REVISIONS TO THE STATE OF MINNESOTA ELECTRICAL CODE REQUIREMENTS FOR SUMP PUMP INSTALLATION TO THE CITY'S LEGISLATIVE AGENDA FOR 2009.

COMMITTEE 2

BY COUNCILOR FEDORA (INTERGOVERNMENTAL RELATIONS)

09-0022R - RESOLUTION IN SUPPORT OF THE DULUTH AIRPORT AUTHORITY'S REQUEST FOR REPAYMENT OF \$15,000,000 INTO THE STATE AIRPORTS FUND FROM THE GENERAL FUND IN FISCAL YEAR 2009.

BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)

09-0007R - RESOLUTION APPROVING AGREEMENT WITH MAKI AND OVEROM CHARTERED FOR LEGAL SERVICES NOT TO EXCEED \$10,000.

09-0027R - RESOLUTION TO ACCEPT GRANTS AND ENROLL IN THE NATIONAL CITIZEN SURVEY PROGRAM AT A COST NOT TO EXCEED \$11,600.

09-0036R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DULUTH-SUPERIOR PUBLIC ACCESS COMMUNITY TELEVISION, INC., FOR COMMUNITY ACCESS CABLECASTING, TRAINING, PRODUCTION AND ADMINISTRATION SERVICES IN 2009 IN THE NET AMOUNT OF \$162,000.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-0030R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH HAWKINS, INC., DBA HAWKINS WATER TREATMENT GROUP - SUPERIOR, FOR 145 TONS OF HYDROFLUOROSILICIC ACID FOR A TOTAL AMOUNT OF \$115,046.63.

09-0031R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH AIRGAS SPECIALTY PRODUCTS FOR 40,000 POUNDS OF LIQUID ANHYDROUS AMMONIA FOR A TOTAL AMOUNT OF \$33,228.

09-0032R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH HAWKINS, INC., DBA HAWKINS WATER TREATMENT GROUP - SUPERIOR, FOR 55 TONS OF LIQUID CHLORINE FOR A TOTAL AMOUNT OF \$26,651.63.

09-0033R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH THUNDER BAY CHEMICALS, LTD., FOR 150,000 GALLONS OF LIQUID ALUMINUM SULFATE FOR A TOTAL AMOUNT OF \$172,370.25.

09-0035R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH UNIVAR USA, INC., FOR 100,000 GALLONS OF CAUSTIC SODA FOR A TOTAL AMOUNT OF \$373,527.45.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-0038R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT AN AMENDED GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE TOTAL AMOUNT OF \$670,000 FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND GANG TASK FORCE.

END OF CONSENT AGENDA

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The following entitled resolutions are also for consideration at this meeting:

COMMITTEE 1

BY COUNCILOR GILBERT (FINANCE)

09-0023R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION UTILITIES REVENUE BONDS.

BY COUNCILOR GARDNER (PERSONNEL)

09-0039R - RESOLUTION APPOINTING _____ TO FILL THE VACANT AT LARGE CITY COUNCIL SEAT.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0028R - RESOLUTION RESCINDING RESOLUTION 08-0396 AND REQUESTING THE ADMINISTRATION ALLOW PARKING ALONG MORLEY PARKWAY FROM SNIVELY ROAD TO LEICESTER AVENUE.

BY COUNCILORS STAUBER, FEDORA AND GARDNER

09-0042R - RESOLUTION URGING THE ADMINISTRATION TO RESOLVE THE HANDLING OF THE PERSONNEL ISSUE SPECIFIC TO ADMINISTRATIVE LEAVE WITH PAY. (REPLACEMENT)

BY COUNCILOR GILBERT (COMMITTEE OF THE WHOLE)

09-0025R - RESOLUTION ACCEPTING GIFT OF \$111,574.58 FROM THE ESTATE OF KATHERINE J. HOOEY.

COMMITTEE 3

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-0001R - RESOLUTION ORDERING THE REMOVAL OF THE EXISTING TEMPORARY CLOSURE OF EKLUND AVENUE AT SWAN LAKE ROAD AND DENYING THE PERMANENT CLOSURE OF THE SOUTHBOUND LANE OF EKLUND AVENUE, IDEAL STREET WEST OF FOSTER STREET AND EASTBOUND MAPLE GROVE ROAD EAST OF JOSHUA AVENUE.

09-0002R - RESOLUTION ORDERING THE PERMANENT CLOSURE OF THE SOUTHBOUND LANE OF EKLUND AVENUE AT SWAN LAKE ROAD, IDEAL STREET WEST OF FOSTER STREET AND EASTBOUND MAPLE GROVE ROAD EAST OF JOSHUA AVENUE.

09-0003R - RESOLUTION ORDERING THE REMOVAL OF THE TEMPORARY CLOSURE OF THE NORTHBOUND LANE OF LAKEVIEW DRIVE AND DENYING THE PERMANENT CLOSURE THEREOF.

09-0004R - RESOLUTION ORDERING THE PERMANENT CLOSURE OF THE NORTHBOUND LANE OF LAKEVIEW DRIVE AT SNIVELY ROAD.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

COMMITTEE 2

BY COUNCILOR FEDORA (INTERGOVERNMENTAL RELATIONS)

08-100-O - AN ORDINANCE PERTAINING TO CITY BONDING, AMENDING CHAPTER 20 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO ADD A NEW ARTICLE III.

(TABLED 1/5 FOR 1/12 COMMITTEE MEETING)
(REPLACEMENT)

The following entitled ordinance is to be read for the first time:

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-001-O - AN ORDINANCE AUTHORIZING CONVEYANCE BACK TO THE STATE OF MINNESOTA OF 80 ACRES OF PROPERTY KNOWN AS THE BAYVIEW FOREST PARK AND AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE PROCTOR SCHOOL DISTRICT REGARDING THE USE OF THE PROPERTY.

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COUNCILOR QUESTIONS AND COMMENTS

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