

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, January 26, 2009, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

ELECTION OF VICE PRESIDENT

PUBLIC HEARING - 7:00 p.m. - Issuance of capital improvement bonds and reallocation of \$80,000 of proceeds of G.O. capital improvement bonds, Series 2007C.

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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

* 09-0126-01 The following communications regarding the proposed vacation of alleyways within a block bounded by Arrowhead Road, Humes Avenue, Cleveland Street and Kenwood Avenue (09-0070R and 09-0071R): (a) Bretman Corporation; (b) D & C Letourneau Enterprises; (c) Duluth Teacher's Credit Union; (d) Mary B. Gallegos; (e) Donald Michels; (f) Sharon Nelson; (g) Todd Rothe; (h) Forrest Vodden; (i) Steve Wahvila. -- Received

* 09-0126-02 The following communications regarding the proposed agreement with Lake Superior Zoological Society, Inc., for zoo operations (08-0764R): (a) Mary Beth Bujold; (b) Melissa Colt; (c) Christine and John Johanson; (d) Trisha Meints; (e) Georgia A. Miller; (f) Becki Peterson; (g) Gail and Jim Reynolds; (h) Liz Schwartz; (i) Marcia Semerau. -- Received

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REPORTS FROM THE ADMINISTRATION

* 09-0126-03 Mayor order of appointment of Jeff Anderson as acting mayor. -- Received

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REPORTS FROM OTHER OFFICERS

* 09-0126-04 Clerk applications to the Minnesota gambling control board for exemption from lawful gambling licenses (raffles) from Lincoln Park Business Group on: (a) June 20; (b) October 15, 2009. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

* 09-0126-05 Charter commission minutes of October 8, 2008, meeting. -- Received

* 09-0126-06 Duluth legacy endowment fund advisory board minutes of November 24, 2008, meeting. -- Received

* 09-0126-07 Entertainment and convention center authority minutes of January 12, 2009, building committee meeting. -- Received

* 09-0126-08 Planning commission minutes of December 9, 2008, meeting. -- Received

* 09-0126-09 Seaway Port authority minutes of: (a) May 22; (b) July 24; (c) October 2; (d) November 6; (e) December 10, 2008, meetings. -- 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 1

BY COUNCILOR FEDORA (FINANCE)

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 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. (TABLED 1/12)

BY COUNCILOR ECKENBERG (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. (TABLED 1/12)

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)

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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 COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0044R - RESOLUTION DESIGNATING THE DULUTH NEWS TRIBUNE AS THE OFFICIAL NEWSPAPER OF THE CITY DULUTH FOR YEAR 2009 AND AUTHORIZING A CONTRACT WITH THE NEWSPAPER FOR AN ESTIMATED ANNUAL COST OF \$31,000.

09-0045R - RESOLUTION EXTENDING CONTRACT #19944 WITH MINNESOTA ELEVATOR, INC., THROUGH DECEMBER 31, 2009, FOR THE MONTHLY MAINTENANCE AND UPGRADE OF CITY ELEVATORS FOR THE AMOUNT OF \$29,419.40.

09-0065R - RESOLUTION IN THE MATTER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF MALLOW ENTERPRISES, INC. (BIG BOTTLE SHOP), 2401 WEST SUPERIOR STREET.

09-0066R - RESOLUTION IN THE MATTER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF GOLDEN EAGLE LIQUORS, LLC (SPORTSMEN'S LIQUOR), 3904 GRAND AVENUE.

09-0067R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF MITCH'S, INC. (MITCH'S BAR & GRILL), 2113 WEST SUPERIOR STREET.

09-0068R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF RAY'S B&G, INC. (NORTH POLE BAR/RAY'S GRILL), 5606-5610 RALEIGH STREET.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0047R - RESOLUTION APPROVING THE 2009 ACTION PLAN PORTION OF THE 2005-2009 CONSOLIDATED PLAN AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME PROGRAM AND EMERGENCY SHELTER GRANT PROGRAM (ESGP) PROGRAM FUNDS.

09-0048R - RESOLUTION AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2009 PROGRAM YEAR AS WELL AS APPROVING THE REALLOCATION OF CERTAIN PRIOR CDBG FUNDS AND AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

09-0049R - RESOLUTION AUTHORIZING A REQUEST FOR HUD HOME FUNDS FOR THE 2009 PROGRAM YEAR, AS WELL AS APPROVING THE REALLOCATION OF CERTAIN PRIOR HOME FUNDS, AND AUTHORIZING CONTRACTS.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0050R - RESOLUTION AUTHORIZING A REQUEST FOR HUD EMERGENCY SHELTER GRANT PROGRAM (ESGP) FUNDS FOR THE 2009 PROGRAM YEAR, AS WELL AS APPROVING THE REALLOCATION OF CERTAIN PRIOR ESGP FUNDS, AND AUTHORIZING CONTRACTS.

09-0053R - RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) RELATING TO PARTICIPATION BY DEDA IN THE CITY OF DULUTH SELF INSURANCE FUND PROGRAM FOR 2009.

09-0056R - RESOLUTION APPROVING A SPECIAL USE PERMIT AMENDMENT TO VERIZON WIRELESS FOR AN EQUIPMENT BUILDING AT 416 WEST TENTH STREET (JAMES NELSON, BUELL CONSULTING).

09-0072R - RESOLUTION AUTHORIZING ACCEPTANCE OF \$250,000 IN HOME CHDO FUNDS TO DEVELOP ENERGY EFFICIENT-FRIENDLY HOUSING FOR LOW INCOME FAMILIES AND AUTHORIZING A 2008 HOME PROGRAM AGREEMENT WITH NORTHERN COMMUNITIES LAND TRUST (NCLT) TO IMPLEMENT A GREEN REHABILITATION PROGRAM.

BY COUNCILOR ECKENBERG (INTERGOVERNMENTAL RELATIONS)

09-0055R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT FUNDS FROM ST. LOUIS COUNTY TO PROVIDE MINNESOTA FAMILY INVESTMENT PROGRAM, DIVERSIONARY WORK PROGRAM AND E-3 INNOVATION PROGRAM EMPLOYMENT AND TRAINING SERVICES IN AN AMOUNT NOT LESS THAN \$938,864 FOR THE PERIOD JANUARY 1, 2009, THROUGH DECEMBER 31, 2009.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-0040R - RESOLUTION AUTHORIZING CITY OFFICIALS TO AMEND AND EXTEND AGREEMENT NO. 20458 WITH MINNESOTA POWER FOR PROFESSIONAL SERVICES IN THE ACQUISITION, TRANSPORTATION AND MANAGEMENT OF NATURAL GAS SUPPLIES IN YEAR 2009 AT AN AMOUNT NOT TO EXCEED \$31,800.

09-0043R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH BOBCAT OF DULUTH FOR THE PURCHASE AND DELIVERY OF A BOBCAT 5600 TURBO TOOLCAT WITH OPTIONS IN THE AMOUNT OF \$50,416.52.

09-0058R - RESOLUTION AUTHORIZING LEASE AGREEMENT WITH COMPUDYNE, INC., FOR INSTALLATION OF WIRELESS COMMUNICATIONS EQUIPMENT ON THE HIGHLAND WATER TOWER.

09-0064R - RESOLUTION AUTHORIZING A CONSULTANT AGREEMENT WITH NORTHLAND CONSULTING ENGINEERS, LLP, FOR PROVIDING PROFESSIONAL ENGINEERING SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH THE CITY HALL STEAM VAULTS IN AN AMOUNT NOT TO EXCEED \$75,000.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

08-0041R - RESOLUTION AUTHORIZING CITY OFFICIALS TO REIMBURSE ST. LOUIS COUNTY PROPERTY MANAGEMENT 50 PERCENT OF THE 2008 COSTS IN UPGRADING THE SHARED PUBLIC IMPOUND LOT ON NORTH ARLINGTON AVENUE IN DULUTH FOR THE AMOUNT OF \$30,480.43.

COMMITTEE 3

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-0054R - RESOLUTION AUTHORIZING ACCEPTANCE OF A NIGHTCAP PROGRAM GRANT FROM THE MINNESOTA COMMISSIONER OF PUBLIC SAFETY, STATE PATROL DIVISION, IN THE AMOUNT OF \$19,800.

NEW 09-0075R - RESOLUTION AMENDING RESOLUTION 07-0189, INCREASING THE GRANT AMOUNT FOR THE HAZARDOUS MATERIALS CHEMICAL ASSESSMENT TEAM BY \$45,000.

NEW 09-0078R - RESOLUTION AMENDING RESOLUTION 08-0704, A CONTRACT FOR THE PURCHASE OF TWO 2009 DODGE CHARGERS FOR USE AS MARKED POLICY SQUADS IN THE AMOUNT OF \$42,420.10, BY CHANGING THE VENDOR FROM DENNY HECKER'S AUTOMALL TO NELSON AUTO CENTER.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

09-0051R - RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, STATING THE INTENT TO ISSUE AN AMOUNT NOT TO EXCEED \$1,800,000 GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2009, AND TO REALLOCATE PRIOR CAPITAL IMPROVEMENT BOND PROCEEDS.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0012R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE NORSHOR EXPERIENCE, INC. (NORSHOR EXPERIENCE), 211 EAST SUPERIOR STREET. **(AMENDMENT)**

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0057R - RESOLUTION DENYING A REQUEST TO AMEND CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 21 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM M-1, MANUFACTURING, TO R-3, APARTMENT RESIDENTIAL, PROPERTY LOCATED ON WEST FIRST STREET BETWEEN 24TH AVENUE WEST AND 25TH AVENUE WEST (THOMAS SWANSON).

09-0069R - RESOLUTION VACATING PART OF WEST FOURTH STREET BETWEEN 44TH AVENUE WEST AND 45TH AVENUE WEST (INDEPENDENT SCHOOL DISTRICT #709).

09-0070R - RESOLUTION APPROVING THE VACATION OF ALLEYWAYS WITHIN A CITY BLOCK BOUNDED BY ARROWHEAD ROAD, HUMES AVENUE, CLEVELAND STREET AND KENWOOD AVENUE (DULUTH TEACHERS CREDIT UNION).

09-0071R - RESOLUTION DENYING THE VACATION OF ALLEYWAYS WITHIN A CITY BLOCK BOUNDED BY ARROWHEAD ROAD, HUMES AVENUE, CLEVELAND STREET AND KENWOOD AVENUE (DULUTH TEACHERS CREDIT UNION).

COMMITTEE 2

BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)

09-0029R - RESOLUTION AMENDING RESOLUTION 08-0344 RETAINING KENNEDY & GRAVEN, CHARTERED, AS SPECIAL COUNSEL TO ASSIST THE CITY ATTORNEY IN RETIREE HEALTHCARE LITIGATION BY \$30,000, FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$80,000.

09-0063R - RESOLUTION AUTHORIZING AGREEMENT WITH LOCKRIDGE GRINDAL NAUEN, PLLP, FOR FEDERAL LEGISLATIVE SERVICES NOT TO EXCEED \$48,000.

09-0074R - RESOLUTION AUTHORIZING AN AGREEMENT WITH HISTORIC UNION DEPOT, INC., IN THE AMOUNT OF \$151,800.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-0061R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE A FOUR-YEAR AGREEMENT WITH NORTHERN ENERGETICS FOR ENERGY CONSULTING SERVICES AND AUDITS FOR A TOTAL AMOUNT NOT TO EXCEED \$272,000.

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

09-0052R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIAL TO ACCEPT A GRANT FROM THE NATIONAL ASSOCIATION OF AGING AND NUTRITIONAL SERVICES PROGRAMS IN THE AMOUNT OF \$10,000 AND TO EXECUTE THE GRANT AGREEMENT.

NEW 09-0060R - RESOLUTION ACCEPTING GRANTS FROM THE DULUTH LEGACY ENDOWMENT FUND FOR HARRISON COMMUNITY RECREATION CENTER RAIN WATER DISPLACEMENT PROJECT IN THE AMOUNT OF \$500, CHESTER BOWL IMPROVEMENT CLUB - SKI CADET PROGRAM IN THE AMOUNT OF \$500, DULUTH PUBLIC SCHOOLS FOCUS PLUS AND ARCH PROGRAMS - LINCOLN PARK IMPROVEMENT PROJECT IN THE AMOUNT OF \$1,000, AND DULUTH PUBLIC LIBRARY BOOK TIME WITH YOUR BABY PROGRAM IN THE AMOUNT OF \$1,000.

09-0062R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH BENTLEYVILLE TOUR OF LIGHTS, INC., AND THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY FOR THE PRODUCTION, PROMOTION AND MANAGEMENT OF THE 2009 BENTLEYVILLE TOUR OF LIGHTS.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

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 ordinances are to be read for the first time:

COMMITTEE 1

BY COUNCILOR GARDNER (PERSONNEL)

09-004-O - AN ORDINANCE AMENDING SECTIONS 18 AND 21 OF THE CITY CHARTER TO ALLOW APPOINTMENT OF ADDITIONAL OFFICERS AND TO AUTHORIZE ADOPTION OF JOB SPECIFICATIONS BY RESOLUTION.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-002-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 21 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM M-1, MANUFACTURING, TO R-3, APARTMENT RESIDENTIAL, PROPERTY LOCATED ON WEST FIRST STREET BETWEEN 24TH AVENUE WEST AND 25TH AVENUE WEST (THOMAS SWANSON).

COMMITTEE 3

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

09-003-O - AN ORDINANCE AMENDING CHAPTER IV, SECTION 21, OF THE CITY CHARTER RELATING TO POLITICAL ACTIVITIES OF CITY EMPLOYEES.

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

COMMITTEE 1

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.

COUNCILOR QUESTIONS AND COMMENTS
