

**AGENDA FOR THE DULUTH CITY COUNCIL MEETING**

**REPLACEMENT**

Monday, February 23, 2009, 7:00 p.m.

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES** - September 8, 18 and 22, 2008.

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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**

\* 09-0223-01 Jeff Madill, et al. (three signatures), petition to vacate 48th Avenue East from Colorado Street south 140 feet to alley. -- Assessor

\* 09-0223-02 Brian Ronstrom petition to vacate 33 foot wide easement abutting property at 3860 East Superior Street described as southeast corner of Lot 1, south 33 feet, east 58.22 feet and north 192.65 feet. -- Assessor

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**REPORTS FROM OTHER OFFICERS**

\* 09-0223-03 Assessor letters of sufficiency of petitions to vacate:  
(a) 48th Avenue East from Colorado Street south 140 feet to alley;  
(b) Utility easement abutting property at 3860 East Superior Street. -- Received

\* 09-0223-04 Clerk applications to the Minnesota gambling control board for exemption from lawful gambling licenses (raffles) from: (a) Holy Family Catholic Church on September 19; (b) St. Louis and Carlton County of Pheasants Forever on April 17; (c) St. Luke's Foundation on July 13; (d) United Northern Sportsman Club on April, 24, 2009. -- Received

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**REPORTS OF BOARDS AND COMMISSIONS**

\* 09-0223-05 Duluth airport authority balance sheet of November 30, 2008. -- Received

\* 09-0223-06 Duluth Seaway Port authority financial statement for December 2008. -- Received

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\* 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 PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)**

09-0059R - RESOLUTION AUTHORIZING AN AGREEMENT WITH FRANK MADDEN & ASSOCIATES FOR LEGAL SERVICES RELATED TO LABOR NEGOTIATIONS IN AN AMOUNT NOT TO EXCEED \$50,000.  
(TABLED 2/10)

**COMMITTEE 3**

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

09-0084R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH INTER-CITY OIL COMPANY, INC., FOR BOTH BULK AND SERVICE STATION FUELS AND DELIVERY SERVICE AS NEEDED DURING YEAR 2009 FOR AN AMOUNT NOT TO EXCEED \$1,200,000.  
(TABLED 2/10)

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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 FEDORA (FINANCE)**

**NEW** 09-0133R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF SIP 2008 FOR LAKESIDE-NORWOOD.

**NEW** 09-0134R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF SIP 2008 FOR MORLEY HEIGHTS.

**NEW** 09-0135R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF SIP 2008 FOR FAIRMOUNT NORTH.

**NEW** 09-0136R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF SIP 2008 FOR LAKESIDE-ROCKVIEW.

**BY COUNCILOR KRAUSE (PURCHASING & LICENSING)**

09-0112R - RESOLUTION APPROVING THE ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO GRANDMA'S MARATHON - DULUTH, INC., CANAL PARK DRIVE AND BUCHANAN STREET.

**BY COUNCILOR GARDNER (PERSONNEL)**

09-0126R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH MIDWEST EAP SOLUTIONS, INC. TO PROVIDE EMPLOYEE ASSISTANCE PROGRAM SERVICES FOR THE CITY FOR YEAR 2009 AT AN ESTIMATED COST OF \$8,976.

**COMMITTEE 1**

**BY COUNCILOR GARDNER (PERSONNEL)**

09-0127R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH SUPERIOR USA BENEFITS CORPORATION TO PROVIDE ADMINISTRATIVE SERVICES FOR A FLEXIBLE BENEFITS PLAN FOR THE CITY FOR YEAR 2009 AT AN ESTIMATED COST OF \$14,860.

**COMMITTEE 2**

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

09-0119R - RESOLUTION AUTHORIZING SECOND AMENDMENT TO SKYWALK AGREEMENT WITH IRET PROPERTIES PERTAINING TO THE LIVINGSTON'S BUILDING.

09-0120R - RESOLUTION AUTHORIZING A TRANSFER OF \$10,231 FROM THE 2006 HUD CDBG CONTINGENCY ACCOUNT TO THE 2008 HUD CDBG PROGRAM COMMUNITY DEVELOPMENT STREET ASSISTANCE PROGRAM.

09-0130R - RESOLUTION APPROVING SETTLEMENT OF THE CLAIM OF AMERICAN VOYAGEUR MOTEL, INC., IN THE AMOUNT OF \$456,000.

**COMMITTEE 3**

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

09-0103R - RESOLUTION AMENDING RESOLUTION 06-0134 AND CITY CONTRACT C-20060 WITH MSA PROFESSIONAL SERVICES, INC. FOR PROFESSIONAL AND ENGINEERING SERVICES RELATED TO THE WATER, WASTEWATER AND GAS UTILITY SCADA SYSTEM, TO INCREASE THE AMOUNT BY \$219,491 FOR A NEW TOTAL OF \$322,713.59.

09-0108R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH MANEY INTERNATIONAL, INC., FOR OEM PARTS, SUPPLIES AND LABOR AS NEEDED DURING YEAR 2009 AT AN ESTIMATED AMOUNT OF \$60,000.

09-0110R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH LARSON CHEVROLET-OLDSMOBILE, INC., FOR OEM PARTS AND LABOR FOR GENERAL MOTORS VEHICLES AS NEEDED DURING YEAR 2009 AT AN ESTIMATED AMOUNT OF \$30,000.

09-0111R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH NORTHSTAR FORD, LLC, FOR OEM FORD PARTS AND LABOR AS NEEDED DURING YEAR 2009 AT AN ESTIMATED AMOUNT OF \$40,000.

09-0115R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH TWIN PORT MAILING FOR POSTAGE AND DAILY MAILING SERVICES DURING YEAR 2009 FOR AN ESTIMATED AMOUNT OF \$205,200.

09-0122R - RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY AND TO ENTER INTO A LOAN/GRANT AGREEMENT FOR THE CONSTRUCTION OF THE LAKESIDE INTERCEPTOR SANITARY SEWER OVERFLOW (SSO) STORAGE FACILITY - BASIN #2 AT 20TH AVENUE EAST AND WATER STREET.

09-0123R - RESOLUTION AMENDING RESOLUTION 08-0497 AWARDED A CONTRACT FOR A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH SALO ENGINEERING, INC. FOR THE YEAR 2009 MUNICIPAL STATE AID PROJECT LOCATED ON WOODLAND AVENUE BETWEEN KENT ROAD AND ARROWHEAD ROAD IN THE AMOUNT OF \$138,779.31 FOR A NEW TOTAL OF \$514,905.88.

**COMMITTEE 3**

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

09-0124R - RESOLUTION AMENDING RESOLUTION 07-0547 AWARDING A CONTRACT TO KRECH OJARD & ASSOCIATES FOR ENGINEERING SERVICES FOR YEAR 2008 STREET IMPROVEMENT PROGRAM FOR LAKESIDE - ROCKVIEW IN THE AMOUNT OF \$3,981.96 FOR A NEW TOTAL OF \$205,181.96.

**BY COUNCILOR CUNEO (PUBLIC SAFETY)**

09-0113R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES IN CANAL PARK ON JUNE 20, 2009, IN CONJUNCTION WITH GRANDMA'S MARATHON AND SUBJECT TO CERTAIN CONDITIONS.

09-0114R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH MINNESOTA POWER, A DIVISION OF ALLETE, INC., FOR THE INSTALLATION OF 31 EMERGENCY SIREN POLES AT VARIOUS LOCATIONS FOR A TOTAL AMOUNT OF \$40,000.

09-0116R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH ST. LOUIS COUNTY DEPARTMENT OF COMMUNICATIONS FOR COMPUTER-AIDED DISPATCH SYSTEM ACCESS IN THE AMOUNT OF \$26,160.

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

09-0104R - RESOLUTION AUTHORIZING AGREEMENT BETWEEN DULUTH PUBLIC LIBRARY AND INDEPENDENT SCHOOL DISTRICT 709 AS FISCAL HOST FOR DULUTH IEIC.

09-0121R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH FOND DU LAC TRIBE OF LAKE SUPERIOR PROVIDING FOR USE OF THE WASHINGTON RECREATION CENTER FOR SENIOR ACTIVITY PROGRAMMING.

**END OF CONSENT AGENDA**

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

**COMMITTEE 1**

**BY COUNCILOR KRAUSE (PURCHASING & LICENSING)**

**NEW** 09-0140R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR UMD DUCKS UNLIMITED.

**BY COUNCILOR GARDNER (PERSONNEL)**

**NEW** 09-0137R - RESOLUTION CONFIRMING THE APPOINTMENT OF MARK WINSON AS THE CHIEF ADMINISTRATIVE OFFICER FOR THE CITY OF DULUTH.

**NEW** 09-0138R - RESOLUTION CONFIRMING THE APPOINTMENT OF LISA POTSWALD AS THE DIRECTOR OF PUBLIC ADMINISTRATION FOR THE CITY OF DULUTH.

**COMMITTEE 2**

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

09-0128R - RESOLUTION AUTHORIZING AN AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT WITH MA & POP'S 4TH STREET MARKET, INC. AND THE EXECUTION OF A SATISFACTION OF MORTGAGE.

09-0131R - RESOLUTION DENYING A REQUEST TO AMEND CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 27 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-B, ONE-FAMILY RESIDENTIAL, AND S, SUBURBAN, TO C-5, PLANNED COMMERCIAL, FOR PROPERTY LOCATED ON BOTH SIDES OF SUNDBY ROAD, NORTH OF PAGE STREET (MISSION DEVELOPMENT LLC/ARROWHEAD COMMERCIAL PARTNERS, LLC).

**(REPLACEMENT)**

**BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)**

**NEW** 09-0132R - RESOLUTION SETTING INFRASTRUCTURE PROJECT PRIORITIES FOR FEDERAL STIMULUS FUNDING.

**COMMITTEE 3**

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

09-0117R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH CAR TRUCK CITY FOR THE PURCHASE AND DELIVERY OF TWO 2009 CHEVROLET SILVERADO EXTENDED CAB 4X4 PICKUP TRUCKS IN THE AMOUNT OF \$48,299.61.

09-0118R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH NELSON AUTO CENTER FOR THE PURCHASE AND DELIVERY OF TWO 2009 GMC SAVANNA 1-TON CARGO VANS IN THE AMOUNT OF \$42,612.31.

09-0129R - RESOLUTION AUTHORIZING AN AGREEMENT WITH SEH, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE LAKEWALK EAST EXTENSION, PHASE III, ESTIMATED AT \$80,300.

**BY COUNCILOR CUNEO (PUBLIC SAFETY)**

09-0125R - RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FROM FEMA IN THE AMOUNT OF \$184,314 FOR THE PURPOSE OF SECURING AND INSTALLING TWO-WAY VIDEO CONFERENCING EQUIPMENT IN FIRE HALLS AND COMMITTING LOCAL SHARE.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**ORDINANCES TABLED**

**COMMITTEE 2**

**BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)**

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. (TABLED 2/10)

**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. (TABLED 2/10)

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

**COMMITTEE 2**

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

09-006-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 27 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-B, ONE-FAMILY RESIDENTIAL, AND S, SUBURBAN, TO C-5, PLANNED COMMERCIAL, FOR PROPERTY LOCATED ON BOTH SIDES OF SUNDBY ROAD, NORTH OF PAGE STREET (MISSION DEVELOPMENT, LLC/ARROWHEAD COMMERCIAL PARTNERS, LLC). (REPLACEMENT)

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

**COMMITTEE 1**

**BY COUNCILOR GARDNER (PERSONNEL)**

09-005-O - AN ORDINANCE AMENDING SECTION 2-44 OF THE DULUTH CITY CODE, 1959, AS AMENDED, BY MODIFYING THE MEMBERSHIP OF THE PARKS AND RECREATION COMMISSION. (AMENDMENT)

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**COUNCILOR QUESTIONS AND COMMENTS**  
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