

## AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, March 9, 2009, 7:00 p.m.

### ROLL CALL

### PLEDGE OF ALLEGIANCE

### APPROVAL OF MINUTES - October 13 and 27, 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

\* 09-0309-01 Duluth Lakewalk Office Phase II, LLC, by Mark D. Pilon, attorney, further petition (five signatures) to reclassify Lots 14-17, Block 1, Grant Park Division of Duluth (2900 Piedmont Avenue), from R-1-b to C-1. -- Assessor

\* 09-0309-02 Independent School District No. 709 petitions to vacate portions of:  
(a) Elinor Street from the west line of North 54th Avenue West to the east line of North Central Avenue alley; and Central Avenue alley from the south line of Central Place to the north line of Elinor Street;

(b) Ensign Street from the west line of Chambersburg Street to the east line of Church Street;

(c) North 53rd Avenue East from the north line of Oneida Street to the south line of Glenwood Street; all that part of the alley between the west line of North 53rd Avenue East to a line 16 feet east of the west line of Lots 11 and 22, Block 2, Altered Plat of London Park Addition to Duluth; and dedication of a new alley easement running north/south on the west edge of Lots 11 and 22, Block 2, Altered Plat of London Park Addition to Duluth from the north line of Oneida Street to the south line of Glenwood Street. -- Assessor

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### REPORTS FROM OTHER OFFICERS

\* 09-0309-03 Clerk application to the Minnesota gambling control board for exemption from lawful gambling license (raffle) from Regents of the University of Minnesota on April 30, 2009. -- Received

\* 09-0309-04 Purchasing agent emergency order awarded to Braun Pump and Controls for repair of lift pump No. 1, high and low pumps in the amount of \$76,882.44. -- Received

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### REPORTS OF BOARDS AND COMMISSIONS

\* 09-0309-05 Board of zoning appeals minutes of: (a) September 23, 2008; (b) January 27, 2009, meetings. -- Received

\* 09-0309-06 Duluth airport authority: (a) Balance sheet of December 31, 2008; (b) Minutes of January 20, 2009, meeting. -- Received

\* 09-0309-07 Duluth transit authority minutes of January 7, 2009, meeting. -- Received

- \* 09-0309-08 Entertainment and convention center authority minutes of February 24, 2009, meeting. -- Received
- \* 09-0309-09 Library board minutes of January 27, 2009, meeting. -- Received
- \* 09-0309-10 Parks and recreation commission minutes of January 14, 2009, meeting. -- Received
- \* 09-0309-11 Planning commission minutes of January 13, 2009, meeting. -- Received
- \* 09-0309-12 Spirit Mountain recreation area authority board minutes of January 22, 2009, 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)**

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).

(TABLED 2/23 FOR CONSIDERATION WITH 09-006-O)

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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)**

09-0106R - RESOLUTION AMENDING RESOLUTION 08-0760 CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE WATERMAIN IN OSAGE AVENUE FROM PAGE STREET TO 410 FEET NORTH OF THE CENTER LINE, DECREASING THE ASSESSMENT AMOUNT BY \$4,503.41 FOR A NEW TOTAL OF \$54,218.59.

09-0109R - RESOLUTION AMENDING RESOLUTION 08-0759 CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE WATERMAIN IN ETHEL AVENUE FROM SPRINGVALE ROAD TO 365 FEET NORTHERLY, DECREASING THE ASSESSMENT AMOUNT BY \$6,307.85 FOR A NEW TOTAL OF \$90,913.15.

**COMMITTEE 1**

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

09-0100R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH WASTE MANAGEMENT OF NORTHERN MINNESOTA FOR GARBAGE/REFUSE REMOVAL AND RECYCLING PICKUP AS NEEDED DURING 2009, FOR A TOTAL ESTIMATED AMOUNT OF \$90,000.

09-0144R - RESOLUTION IN THE MATTER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF CANAL PARK LIQUOR, LLC (CANAL PARK LIQUOR), 302 LAKE AVENUE SOUTH.

09-0145R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF VA BENE CAFÉ, INC. (VA BENE), 734 EAST SUPERIOR STREET.

09-0146R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF GONZALEZ RAMOS, INC. (MAYA FAMILY MEXICAN RESTAURANT), 1725 MILLER TRUNK HIGHWAY.

09-0147R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HIPPO DOWN THE STREET, LLC (CARMODY IRISH PUB), 308 EAST SUPERIOR STREET.

09-0149R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH DULUTH LAWN AND SPORT FOR THE PURCHASE AND DELIVERY OF TWO JOHN DEERE 1435 SERIES II COMMERCIAL FRONT MOWERS FOR A TOTAL AMOUNT OF \$54,956.92.

09-0150R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH RICK'S TREE AND STUMP REMOVAL FOR TREE REMOVAL SERVICES DURING 2009 FOR AN ESTIMATED AMOUNT OF \$30,000.

09-0152R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH LISCOMB-HOOD-MASON COMPANY FOR PROPERTY INSURANCE COVERING CITY OWNED BUILDINGS, EQUIPMENT AND BUSINESS PERSONAL PROPERTY DURING YEAR 2009 IN THE AMOUNT OF \$79,581.72.

09-0161R - RESOLUTION APPROVING THE ISSUANCE OF LAWFUL GAMBLING PREMISE PERMITS TO IRVING COMMUNITY ASSOCIATION AND DULUTH SOFTBALL PLAYERS ASSOCIATION.

09-0165R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR SECOND HARVEST NORTHERN LAKES FOOD BANK.

**BY COUNCILOR GARDNER (PERSONNEL)**

09-0148R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SUPERVISOR, PARKING AND TRAFFIC MAINTENANCE, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**COMMITTEE 2**

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

09-0154R - RESOLUTION VACATING A PORTION OF THE SKYWALK LOCATED IN THE LAKE SUPERIOR PLACE BUILDING AT 21 WEST SUPERIOR STREET (MINNESOTA POWER).

09-0162R - RESOLUTION REQUESTING THE FREE CONVEYANCE OF TAX FORFEITED LAND FOR STORMWATER DRAINAGE PURPOSES LOCATED ON THE SOUTH SIDE OF MORGAN PARK ENTRANCE ROAD NEAR THE INTERSECTION WITH ARBOR STREET.

**COMMITTEE 2**

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

09-0163R - RESOLUTION REQUESTING THE FREE CONVEYANCE OF TAX FORFEITED LAND FOR ROADWAY PURPOSES LOCATED ON THE SOUTHEAST SIDE OF GRAND AVENUE AT RIVERSIDE DRIVE.

**BY COUNCILOR ECKENBERG (INTERGOVERNMENTAL RELATIONS)**

09-0142R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT FUNDS FROM THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR PROVISION OF WORKFORCE INVESTMENT ACT TITLE I SERVICES, MINNESOTA YOUTH PROGRAM SERVICES AND OLDER AMERICAN PROGRAM SERVICES FOR THE PERIOD 2009 - 2012.

**COMMITTEE 3**

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

09-0141R - RESOLUTION AMENDING RESOLUTION 02-0304 AWARDING A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES TO LHB ENGINEERS AND ARCHITECTS FOR THE PRELIMINARY AND FINAL DESIGN FOR THE REHABILITATION OF BRIDGE NO. 93402, LOCATED ON SECOND STREET AT CHESTER CREEK, INCREASING THE AMOUNT BY \$15,224 FOR A NEW TOTAL OF \$57,738.

09-0143R - RESOLUTION AUTHORIZING FIRST AMENDMENTS TO LEASE AGREEMENTS WITH CLEARWIRE US, LLC, FOR INSTALLATION OF ADDITIONAL WIRELESS COMMUNICATIONS EQUIPMENT AT THE ORPHANAGE AND PROCTOR WATER TOWERS.

09-0155R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DRIFT TOPPERS SNOWMOBILE CLUB FOR GROOMING THE CROSS COUNTRY SNOWMOBILE TRAIL-EAST FOR AN AMOUNT NOT TO EXCEED \$7,672.

09-0156R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE OVER THE HILL NIGHT RIDERS SNOWMOBILE CLUB FOR GROOMING THE CROSS COUNTRY SNOWMOBILE TRAIL-WEST FOR AN AMOUNT NOT TO EXCEED \$12,604.

09-0157R - RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH LAKE SUPERIOR WAREHOUSING COMPANY, INC., TO DISPOSE OF SNOW ON PROPERTY OWNED BY THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

**BY COUNCILOR CUNEO (PUBLIC SAFETY)**

09-0158R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH DSC COMMUNICATIONS FOR THE PURCHASE AND DELIVERY OF IN-CAR VIDEO SURVEILLANCE EQUIPMENT AND ASSOCIATED KITS/DEVICES FOR WIRELESS UPGRADE IN POLICE EMERGENCY VEHICLES IN THE AMOUNT OF \$52,650.

**END OF CONSENT AGENDA**

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

**COMMITTEE 2**

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

09-0166R - RESOLUTION AUTHORIZING HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH TO FORGIVE A COMMUNITY DEVELOPMENT BLOCK GRANT REHABILITATION LOAN MADE UNDER THE PROPERTY REHABILITATION PROGRAM.

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

09-0160R - RESOLUTION AUTHORIZING CONSENT DECREE IN SETTLEMENT OF THE CLAIM OF UNITED STATES, ET AL.

**NEW** 09-0167R - RESOLUTION SUBMITTING A PROPOSED AMENDMENT TO SECTIONS 18 AND 21 OF THE CITY CHARTER TO THE VOTERS AT A GENERAL ELECTION ON NOVEMBER 3, 2009.

**COMMITTEE 3**

**BY COUNCILOR CUNEO (PUBLIC SAFETY)**

09-0159R - RESOLUTION AUTHORIZING ACCEPTING A GRANT FROM THE DULUTH SKYLINE ROTARY CLUB IN THE AMOUNT OF \$5,000 FOR GET ALARMED DULUTH PROJECT.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

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

**COMMITTEE 2**

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

09-007-O - AN ORDINANCE NAMING AN UNNAMED PUBLIC THOROUGHFARE NICK GLUMAC DRIVE LOCATED IN THE FORMER ATLAS CEMENT PLANT, MORGAN PARK (BILL ULLAND, IKONICS CORPORATION).

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

09-009-O - AN ORDINANCE MODIFYING PROCESS FOR CONVEYING CITY-OWNED REAL ESTATE, AMENDING ARTICLE XXXIII OF CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

The following entitled ordinance is to be read for the second 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).

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**COUNCILOR QUESTIONS AND COMMENTS**

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