

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

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

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - November 10, 20, 24 and December 1, 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

*09-0323-01 Globe Duluth Enterprises, Inc, by bpd architects, LLP, petition to vacate part of 11th Street and St. Louis Avenue, Plat of Upper Duluth. -- Assessor

*09-0323-06 Alex M. Johnson communication regarding the proposed rezoning of property on both sides of Sundry Road (09-0131R and 09-006-O). -- Received

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REPORTS FROM OTHER OFFICERS

*09-0323-02 Assessor letters of sufficiency of petitions to:
(a) Reclassify Lots 14-17, Block 1, Grant Park Division of Duluth from R-1-b to C-1;
(b) Vacate:
(1) 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;
(2) Ensign Street from the west line of Chambersburg Street to the east line of Church Street;
(3) 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. -- Received

*09-0323-03 Building official appeal of board of zoning appeals denial of variances in sign sizes and placement at 222 East Superior Street (AH Zeppa Foundation, by Foundations Architecture). -- Committee 2 (planning and economic development)

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REPORTS OF BOARDS AND COMMISSIONS

*09-0323-04 Duluth transit authority: (a) December 2008 income statement; (b) Minutes of January 28, 2009, meeting. -- Received

*09-0323-05 Parks and recreation commission minutes of February 11, 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).

(REPLACEMENT)

(TABLED 2/23 FOR COMMITTEE MEETING)

BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)

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

(TABLED 3/9 FOR 4/6 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 COUNCILOR FEDORA (FINANCE)

09-0176R - RESOLUTION AUTHORIZING AGREEMENT WITH PRO-WEST AND ASSOCIATES, INC., FOR PROFESSIONAL SERVICES IN CONNECTION WITH SURVEYING AND LOCATING SPECIFIED GOVERNMENT AND PLAT CORNERS AT A COST NOT TO EXCEED \$93,000.

(REPLACEMENT)

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0168R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO COLLEGE OF ST. SCHOLASTICA, 1200 KENWOOD AVENUE.

09-0169R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO MARSHALL SCHOOL (MARSHALL AUCTION), 1215 RICE LAKE ROAD, AND NORTHLAND VIETNAM VETERANS ASSOCIATION (BLUES FEST), BAYFRONT PARK.

09-0175R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH CARLSON BROS. MECHANICAL CONTRACTING FOR REMOVAL OF EXISTING STEAM BOILER SYSTEM AND INSTALLATION OF INDIRECT GAS-FIRED HEATING SYSTEM AT LAKEWOOD PUMP HOUSE IN THE AMOUNT OF \$79,800.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0183R - RESOLUTION RECOMMENDING APPROVAL OF THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR ST. JOHN'S SCHOOL.

09-0186R - RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 TO CONTRACT NO. 20787 WITH DONALD HOLM CONSTRUCTION, INC., FOR ADDITIONAL CONSTRUCTION COSTS FOR THE REMODELING OF FIRE STATION #10 IN THE AMOUNT OF \$31,501 FOR A NEW TOTAL OF \$183,447.

BY COUNCILOR GARDNER (PERSONNEL)

09-0171R - RESOLUTION REAPPOINTING MICHELLE HOOEY TO THE CIVIL SERVICE BOARD.

09-0172R - RESOLUTION DESIGNATING THE RESPONSIBLE AUTHORITY FOR DATA PRACTICES UNDER MINNESOTA STATUTES.

09-0177R - RESOLUTION CONFIRMING THE APPOINTMENT OF MAUREEN BOOTH TO THE HOUSING AND REDEVELOPMENT AUTHORITY, REPLACING BETSY LITTLE.

09-0178R - RESOLUTION APPOINTING AND REAPPOINTING MEMBERS TO CITY BOARDS AND COMMISSIONS.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0174R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE MINNESOTA HOUSING FINANCE AGENCY (MINNESOTA HOUSING) RELATED TO THE LOW INCOME HOUSING TAX CREDIT PROGRAM.

09-0181R - RESOLUTION APPROVING THE VACATION OF PART OF THE WEST SECOND STREET ALLEY (AMERICAN INDIAN COMMUNITY HOUSING CORPORATION).

09-0187R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO ST. LOUIS COUNTY FOR A SHARED PUBLIC IMPOUND LOT AT 2501 RICE LAKE ROAD.

09-0188R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO WESTERN LAKE SUPERIOR SANITARY DISTRICT TO CONSTRUCT A LOADING DOCK TO SERVE THE EXISTING APPLIANCE PAD AT THE MATERIALS RECOVERY CENTER AT 4587 RIDGEVIEW ROAD.

BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)

09-0170R - RESOLUTION ADDING AN INITIATIVE TO SUPPORT MINNESOTA SENATE BILL S.F. NO. 847 CREATING A LICENSE REINSTATEMENT DIVERSION PILOT PROGRAM TO THE CITY'S LEGISLATIVE AGENDA FOR 2009.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-0173R - RESOLUTION AUTHORIZING AN AGREEMENT WITH QWEST TO INSTALL A TEMPORARY LINE AND SUBSEQUENTLY PLACE NEW CABLE RELATED TO THE RECONSTRUCTION OF WOODLAND AVENUE FROM KENT ROAD TO ARROWHEAD ROAD IN AN AMOUNT NOT TO EXCEED \$210,010.

NEW 09-0193R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF MOHAMMED EL DAMIR IN THE AMOUNT OF \$13,560.73.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-0139R - RESOLUTION TO ESTABLISH NO PARKING ON WOODLAND AVENUE.

09-0151R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH THANE HAWKINS POLAR CHEVROLET FOR THE PURCHASE AND DELIVERY OF A 2009 CHEVROLET EXPRESS 1500 ALL WHEEL DRIVE (AWD) PASSENGER VAN WITH OPTIONS IN THE AMOUNT OF \$28,391.68.

09-0153R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH MUNICIPAL EMERGENCY SERVICES, INC., FOR THE PURCHASE AND DELIVERY OF FIRE DEPARTMENT TURNOUT GEAR DURING CONTRACT YEAR JUNE 1, 2009, THROUGH MAY 31, 2010, FOR A TOTAL AMOUNT OF \$33,206.04.

09-0184R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH PORTER LEE CORPORATION FOR THE PURCHASE AND INSTALLATION OF BEAST EVIDENCE TRACKING SOFTWARE AND HARDWARE FOR THE DULUTH POLICE DEPARTMENT IN THE AMOUNT OF \$23,459.61.

09-0191R - RESOLUTION AUTHORIZING AGREEMENT WITH ST. LOUIS COUNTY IN THE AMOUNT OF \$288,260 FOR SERVICES PERTAINING TO OPERATION STONE GARDEN DULUTH 2008.

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

09-0180R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH YAMAHA GOLF & UTILITY, INC., FOR THE FOUR-YEAR LEASE OF GOLF CARTS AND GAS UTILITY CART TURF VEHICLES IN THE AMOUNT OF \$284,500.80.

END OF CONSENT AGENDA

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

COMMITTEE 2

BY COUNCILORS STAUBER, FEDORA AND ANDERSON

09-0185R - RESOLUTION REQUESTING THE CHARTER COMMISSION EXAMINE AN AMENDMENT TO SECTION 5 OF THE CITY CHARTER SUPPORTING A REDUCTION IN CITY COUNCILOR COMPENSATION. **(AMENDMENTS)**

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

NEW 09-0197R - RESOLUTION REQUESTING THE CHARTER COMMISSION EXAMINE AN AMENDMENT TO SECTION 6 OF THE CITY CHARTER REGARDING CITY COUNCIL INTERNS.

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

09-0189R - RESOLUTION REQUESTING THE CHARTER COMMISSION TO RECOMMEND ADOPTION OF AN AMENDMENT TO CHAPTER IV, SECTION 21, OF THE CITY CHARTER RELATING TO CITY EMPLOYEES RUNNING FOR CITY OFFICES.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

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)
(TABLED 3/9 FOR COMMITTEE MEETING)

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-010-O - AN ORDINANCE GRANTING TO HERITAGE FOUNDATION, INC., (AKA DULUTH AREA FAMILY YMCA) A CONCURRENT USE PERMIT FOR A SKYWALK INTO AND OVER THE RIGHT-OF-WAY OF THE WEST FIRST STREET ALLEY FOR PROPERTY LOCATED AT 302 WEST FIRST STREET.

The following entitled ordinances are to be read for the second 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. (REPLACEMENT)

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COUNCILOR QUESTIONS AND COMMENTS