

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, April 27, 2009, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - January 5, 12 and 26, 2009.

PUBLIC HEARING - 7:00 p.m. - Woodland Avenue from Kent Road to Arrowhead Road project.

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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

- * 09-0427-01 Arrowhead Bowhunters Alliance 2008 Duluth hunt review, pursuant to Resolution 08-0288. -- Received

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REPORTS FROM OTHER OFFICERS

- * 09-0427-02 Assessor affidavit of mailing of notice of public hearings at 5:00 p.m. on April 21, and at 7:00 p.m. on April 27, 2009, to be held in the Council Chamber, Third Floor, City Hall, regarding the proposed street improvement of Woodland Avenue from Kent Road to Arrowhead Road. -- Clerk
- * 09-0427-09 Parks and recreation department manager rental agreement with Klancy Kennedy for residential dwelling unit located at Duluth Heights Community Recreation Center, 33 West Mulberry Street, pursuant to Section 2-35, Duluth City Code. -- Mayor for execution

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REPORTS OF BOARDS AND COMMISSIONS

- * 09-0427-03 American Indian commission minutes of February 23, 2009, meeting. -- Received
- * 09-0427-04 Charter commission minutes of January 14, 2009, meeting. -- Received
- * 09-0427-05 Duluth legacy endowment fund advisory board minutes of: (a) December 22, 2008; (b) January 13; (c) March 23, 2009, meetings. -- Received
- * 09-0427-06 Entertainment and convention center authority minutes of April 13, 2009, meeting. -- Received
- * 09-0427-07 Library board minutes of February 24, 2009, meeting. -- Received
- * 09-0427-08 Planning commission minutes of: (a) March 10; (b) March 16, 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 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0207R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH MERCURY ASSOCIATES, INC., FOR PROFESSIONAL SERVICES IN EVALUATING AND DETERMINING THE APPROPRIATENESS OF THE CURRENT CITY FLEET REPLACEMENT PLAN AT AN AMOUNT NOT TO EXCEED \$24,420.

(TABLED 4/13)

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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)

09-0270R - RESOLUTION AMENDING RESOLUTION 08-0742 ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2009; INCREASING FEE FOR DEER HUNTING QUALIFICATION CERTIFICATE.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0248R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH BLACK GOOSE CHIMNEY AND DUCT FOR CLEANING OF HEATING AND VENTILATING SYSTEMS AT CITY HALL IN THE AMOUNT OF \$29,120.

09-0249R - RESOLUTION AUTHORIZING A CONSULTANT AGREEMENT WITH NORTHLAND CONSULTING ENGINEERS, LLP, FOR PROVIDING PROFESSIONAL ENGINEERING SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH THE REPAIRS TO CITY HALL RETAINING WALL AND STAIRS IN AN AMOUNT NOT TO EXCEED \$16,400.

09-0250R - RESOLUTION AUTHORIZING A CONSULTANT AGREEMENT WITH ARCHITECTURE ADVANTAGE, LLP, FOR PROVIDING CERTAIN PROFESSIONAL SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH THE REPLACEMENT OF CITY HALL WINDOWS IN AN AMOUNT NOT TO EXCEED \$28,000.

09-0251R - RESOLUTION AUTHORIZING A CONSULTANT AGREEMENT WITH ARCHITECTURE ADVANTAGE, LLP, FOR PROVIDING CERTAIN PROFESSIONAL SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH THE RELOCATION AND REMODELING FOR HOUSING STAFF FROM BUILDING SAFETY TO FIRE STATION #1 AND RELOCATION OF RADIO SHOP FROM FIRE STATION #1 TO MAINTENANCE SHOP IN AN AMOUNT NOT TO EXCEED \$27,000.

09-0255R - RESOLUTION APPROVING THE ISSUANCE OF OFF SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS AND 2:00 AM BEVERAGE LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY 1, 2009, AND ENDING APRIL 30, 2010.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0256R - RESOLUTION APPROVING THE ISSUANCE OF ON SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY 1, 2009, AND ENDING APRIL 30, 2010.

09-0257R - RESOLUTION RECOMMENDING APPROVAL OF THE CONSUMPTION AND DISPLAY LICENSE RENEWAL OF THE ORDER OF THE OWLS, DULUTH NEST #1200, FOR THE PERIOD BEGINNING APRIL 1, 2009, AND ENDING MARCH 31, 2010.

09-0259R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH INSIGHT PUBLIC SECTOR, INC., FOR COMPUTER HARDWARE AND RELATED PRODUCTS AS NEEDED IN YEAR 2009; NOT TO EXCEED THE BUDGET ALLOCATION OF \$80,000.

09-0262R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH HEWLETT-PACKARD COMPANY FOR COMPUTER HARDWARE AND RELATED PRODUCTS AS NEEDED IN YEAR 2009; NOT TO EXCEED THE BUDGET ALLOCATION OF \$65,000.

09-0263R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH SOFTWARE HOUSE INTERNATIONAL FOR COMPUTER SOFTWARE PRODUCTS AS NEEDED IN YEAR 2009; NOT TO EXCEED THE BUDGET ALLOCATION OF \$200,000.

09-0266R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH NELSON AUTO CENTER FOR THE PURCHASE AND DELIVERY OF A 2009 GMC SIERRA 3500 ONE-TON 4WD REGULAR CAB AND CHASSIS FOR A TOTAL AMOUNT OF \$30,650.17.

COMMITTEE 2

BY COUNCILOR ECKENBERG (INTERGOVERNMENTAL RELATIONS)

09-0264R - RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE ST. LOUIS AND LAKE COUNTIES REGIONAL RAILROAD AUTHORITY FOR EXCLUSIVE USE OF MUNICIPAL LOT D FOR THE PERIOD JUNE 1, 2009, THROUGH SEPTEMBER 30, 2009, AT NO COST TO AUTHORITY.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-0246R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF METLIFE AUTO & HOME AS SUBROGEE OF BRUCE G. MARS IN THE AMOUNT OF \$15,361.26.

09-0254R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF NORTH SHORE BANK OF COMMERCE IN THE AMOUNT OF \$54,359.29.

09-0260R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH NELSON AUTO CENTER FOR THE PURCHASE AND DELIVERY OF THREE 2009 GMC SAVANNA MODEL 3500 ONE-TON CARGO VANS IN THE AMOUNT OF \$64,222.

09-0265R - RESOLUTION AWARDED A CONTRACT TO ULLAND BROTHERS, INC., FOR CONSTRUCTION OF HIGH PRESSURE GAS MAINS AND SERVICES IN VARIOUS LOCATIONS IN THE AMOUNT OF \$270,436.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-0269R - RESOLUTION AUTHORIZING A CONTRACT WITH LHB ENGINEERS AND ARCHITECTS, INC., FOR PROFESSIONAL ENGINEERING SERVICES FOR THE AERIAL LIFT BRIDGE PAINTING AND STRUCTURAL REHABILITATION, PHASE 3, IN THE AMOUNT OF \$304,172.

09-0271R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH ARROWHEAD CONCRETE WORKS, INC., FOR THE PURCHASE AND DELIVERY OF APPROXIMATELY 450 CUBIC YARDS OF READY-MIX CONCRETE DURING YEAR 2009 AS NEEDED FOR AN ESTIMATED AMOUNT OF \$45,605.43.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-0244R - RESOLUTION APPROVING AGREEMENT WITH CITY OF CHISHOLM ACCEPTING REIMBURSEMENT IN THE AMOUNT OF \$201,020 FOR SERVICES OF CRIMINAL ANALYST FOR LAKE SUPERIOR DRUG AND GANG TASK FORCE.

09-0253R - RESOLUTION AMENDING RESOLUTION 09-0232 TO CORRECT A LOCATIONAL ERROR.

09-0258R - RESOLUTION TO ESTABLISH NO PARKING ON GRAND FORKS AVENUE AND ON WINNIPEG AVENUE.

09-0261R - RESOLUTION TO ESTABLISH A PARKING METER ZONE ON THE NORTH SIDE OF SUPERIOR STREET BETWEEN NINTH AVENUE EAST AND TENTH AVENUE EAST.

09-0267R - RESOLUTION REQUESTING PARKING COMMISSION REVIEW OF PARKING RELATED ITEMS AT VARIOUS AREAS, WITH APPROPRIATE RECOMMENDATIONS BROUGHT BACK TO COUNCIL FOR CONSIDERATION.

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

09-0245R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE NECESSARY AGREEMENTS TO ACCEPT A STATE GRANT IN THE AMOUNT OF \$600,000 FOR THE CONSTRUCTION OF THE POLAR SHORES EXHIBIT AT THE LAKE SUPERIOR ZOO AND COMMITTING THE LOCAL MATCH OF \$200,000.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR GARDNER (PERSONNEL)

09-0247R - RESOLUTION CONFIRMING THE APPOINTMENT OF MICHAEL ASHCRAFT AS THE CHIEF ADMINISTRATIVE OFFICER FOR THE CITY OF DULUTH.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0268R - RESOLUTION DENYING A REQUEST TO AMEND CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 19 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-b, ONE-FAMILY RESIDENTIAL, TO C-1, COMMERCIAL, AT 2900 PIEDMONT AVENUE (DULUTH LAKEWALK OFFICES PHASE II, LLC).

NEW 09-0280R - RESOLUTION GRANTING A DEMOLITION PERMIT TO ST. LOUIS COUNTY FOR THE DEMOLITION OF THE HISTORIC ST. LOUIS COUNTY JAIL.

NEW 09-0281R - RESOLUTION DENYING A DEMOLITION PERMIT TO ST. LOUIS COUNTY FOR THE DEMOLITION OF THE HISTORIC ST. LOUIS COUNTY JAIL.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-0182R - RESOLUTION ORDERING THE IMPROVEMENT OF WOODLAND AVENUE FROM KENT ROAD TO ARROWHEAD ROAD AT AN ESTIMATED COST OF \$4,800,000.

NEW 09-0276R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH ZIEGLER, INC., FOR THE PURCHASE AND DELIVERY OF A CATERPILLAR ARTICULATING ASPHALT ROLLER IN THE AMOUNT OF \$126,223.55.

NEW 09-0277R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH SWANSTON EQUIPMENT COMPANY FOR THE PURCHASE AND DELIVERY OF A 2009 ETNYRE S-2000 OIL DISTRIBUTOR IN THE AMOUNT OF \$131,120.

NEW 09-0278R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH ZIEGLER, INC., FOR THE PURCHASE AND DELIVERY OF A TRAIL KING TANDEM TILT TRAILER IN THE AMOUNT OF \$25,876.25.

NEW 09-0279R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH RUFFRIDGE-JOHNSON EQUIPMENT COMPANY, INC., FOR THE PURCHASE AND DELIVERY OF A 2009 BOMAG MODEL BF815 ASPHALT PAVER IN THE AMOUNT OF \$123,091.64.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

NEW 09-0282R - RESOLUTION AUTHORIZING A COUNCIL LETTER TO THE BUILDING APPEAL BOARD.

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

NEW 09-0286R - RESOLUTION HONORING CITY OF DULUTH LIBRARY EMPLOYEES.

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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)

09-020-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 19 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-b, ONE FAMILY RESIDENTIAL, TO C-1, COMMERCIAL, OF PROPERTY LOCATED AT 2900 PIEDMONT AVENUE (DULUTH LAKEWALK OFFICES PHASE II, LLC).

NEW 09-022-O - AN ORDINANCE AUTHORIZING AGREEMENT WITH KOHL'S ILLINOIS, INC., CONVEYING CERTAIN PROPERTY IN EXCHANGE FOR CONVEYANCE OF OTHER PROPERTY, BOTH ADJACENT TO KOHL'S DEPARTMENT STORE.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-019-O - AN ORDINANCE MODIFYING AND ESTABLISHING PROCEDURES FOR ASSESSING FOR LOCAL IMPROVEMENTS, AMENDING CHAPTER 45 OF THE CODE.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-017-O - AN ORDINANCE AMENDING SECTION 36 OF THE CITY CHARTER INCREASING THE NUMBER OF DEPUTY FIRE CHIEFS FROM ONE TO TWO.

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

09-018-O - AN ORDINANCE AMENDING CHAPTER IV, SECTION 21, OF THE CITY CHARTER RELATING TO CITY EMPLOYEES RUNNING FOR CITY OFFICES.

BY COUNCILORS ANDERSON, CUNEO, GARDNER AND ECKENBERG

NEW 09-021-O - AN ORDINANCE ADDING A NEW CHAPTER 29D OF THE DULUTH CITY CODE, 1959, AS AMENDED, ESTABLISHING A DOMESTIC PARTNER REGISTRY.

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-014-O - AN ORDINANCE REPEALING SECTION 29A-32.1(h) OF THE DULUTH CITY CODE, 1959, AS AMENDED; PROVIDING FOR A VARIANCE FROM THE RENTAL LICENSE RESTRICTION PROVIDED FOR IN SECTIONS 29A-32.1(a) AND 29A-32.1(b) OF CHAPTER 29A.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-015-O - AN ORDINANCE AMENDING SECTION 2-132 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ESTABLISHING THE MEMBERSHIP OF THE ENVIRONMENTAL ADVISORY COUNCIL.

COMMITTEE 3

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-013-O - AN ORDINANCE MODIFYING PARKING REGULATIONS, ALLOWING FOR USE OF DIFFERENT PARKING METERING EQUIPMENT, AMENDING SECTIONS 33-101, 33-102, 33-104, 33-106, 33-107, 33-108, 33-109, 33-110, 33-111 AND 33-112 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

09-016-O - AN ORDINANCE REPEALING CHAPTER 6, ARTICLE V, AND AMENDING SECTIONS 6-3, 6-4, 6-12, 6-27, 6-39, 6-82, 6-84, 6-85, 6-86, 6-87 AND 6-96 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO THE ANIMAL HUMANE BOARD.

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COUNCILOR QUESTIONS AND COMMENTS

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