

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, May 11, 2009, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - February 5, 10, 23, March 9 and 23, 2009..

- PUBLIC HEARINGS** - 7:00 p.m. - Charter amendment to increase the number of deputy fire chiefs.
- 7:00 p.m. - Charter amendment relating to city employees running for city offices.
- 7:00 p.m. - DEDA organizational amendment.

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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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REPORTS OF BOARDS AND COMMISSIONS

- * 09-0511-01 Board of zoning appeals minutes of: (a) February 24; (b) March 24, 2009, meetings. -- Received
- * 09-0511-02 Building appeal board minutes of: (a) January 14; (b) February 11; (c) March 11, 2009, meetings. -- Received
- * 09-0511-03 Duluth transit authority: (a) Income statement for January, 2009; (b) Minutes of February 25, 2009, meeting. -- Received
- * 09-0511-04 Community development committee minutes of December 2, 2008, meeting. -- Received
- * 09-0511-05 Housing and redevelopment authority minutes of: (a) February 24; (b) March 11, 2009, meetings. -- Received
- * 09-0511-06 Library board minutes of March 24, 2009, meeting. -- Received
- * 09-0511-07 Spirit Mountain recreation area authority minutes of March 19, 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)

09-0268R - 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).

(TABLED 4/27 FOR CONSIDERATION WITH 09-020-O)

COMMITTEE 3

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-0282R - RESOLUTION AUTHORIZING A COUNCIL LETTER TO THE BUILDING APPEAL BOARD.
(TABLED 4/27)

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MOTIONS AND RESOLUTIONS

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0318R - RESOLUTION AMENDING RULE 14 OF THE STANDING RULES OF THE CITY COUNCIL PERTAINING TO COMMITTEE APPOINTMENTS.

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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)

09-0272R - RESOLUTION IN THE MATTER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF RED CARPET BOTTLE HOUSE, INC. (SHANTY BOTTLE SHOP), 1231 EAST FOURTH STREET.

09-0273R - RESOLUTION IN THE MATTER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF LAST CHANCE OF DULUTH, INC. (LAST CHANCE LIQUOR), 619 EAST FOURTH STREET.

09-0274R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HOSPITALITY ASSOCIATES OF DULUTH, LLC (ACES ON FIRST), 113 WEST FIRST STREET.

09-0298R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH MINNESOTA RESOURCE CONSERVATION, INC., FOR PROFESSIONAL SERVICES IN CONDUCTING AN ENERGY SURVEY AND COMPLETING STATE OF MINNESOTA B-3 BENCHMARKING OF VARIOUS CITY BUILDINGS FOR AN AMOUNT NOT TO EXCEED \$20,000.

09-0305R - RESOLUTION APPROVING THE ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO COLLEGE OF ST. SCHOLASTICA, 1200 KENWOOD AVENUE.

09-0306R - RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF CW CHIPS GRILL & BAR, INC. (TWINS BAR), 501 EAST FOURTH STREET.

09-0307R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE AND APPLICATION FOR A 2:00 A.M. BEVERAGE LICENSE FROM SHAND, LLC (BLUE CRAB BAR), 1909 WEST SUPERIOR STREET, TO CLOUGH ENTERPRISES, LLC (NORTHSTAR PUB), SAME ADDRESS.
(REPLACEMENT)

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0308R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE TO TAKK FOR MATEN/KIPPIS, LLC (TAKK FOR MATEN CAFÉ, KIPPIS TOPAS BAR), 11 EAST SUPERIOR STREET.

09-0309R - RESOLUTION APPROVING THE ISSUANCE OF LAWFUL GAMBLING PREMISE PERMITS TO IRVING COMMUNITY ASSOCIATION, DULUTH CURLING CLUB, AND R.E.A.C.H. **(REPLACEMENT)**

BY COUNCILOR GARDNER (PERSONNEL)

09-0292R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF JOHN VIGEN TO THE BOARD OF ZONING APPEALS.

09-0293R - RESOLUTION CONFIRMING THE APPOINTMENTS OF FRANK HOLAPPA AND KATELYN KUOR TO THE PLANNING COMMISSION, REPLACING ROGER WEDIN AND RUTH EATON.

09-0311R - RESOLUTION CONFIRMING THE APPOINTMENT OF KIM RIORDAN TO THE DULUTH HUMAN RIGHTS COMMISSION, REPLACING TRUDIE HUGHES.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0295R - RESOLUTION REQUESTING THAT CITY ADMINISTRATION CAUSE THE SNOWPLOWING OF DEDA LOTS B, C AND D IN BAYFRONT FOR THE 2009/2010 AND 2010/2011 WINTER SEASONS.

09-0315R - RESOLUTION ACCEPTING AN EDA GRANT IN THE AMOUNT OF \$1,431,033 FOR SITE INFRASTRUCTURE AT THE NORTH BUSINESS DEVELOPMENT AREA AND AUTHORIZING AN AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY (DAA) WHICH DESIGNATES THE DAA AS THE LEAD AGENT ON THE PROJECT.

09-0316R - RESOLUTION AMENDING THE 2008 ANNUAL ACTION PLAN ADDING ADDITIONAL FUNDING OF THE HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM / EMERGENCY SHELTER GRANT PROGRAM.

BY COUNCILOR ECKENBERG (INTERGOVERNMENTAL RELATIONS)

09-0252R - RESOLUTION ENTERING INTO AN AGREEMENT ACCEPTING \$74,898 FROM SENIOR SERVICE AMERICA, INC., TO OPERATE THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM FROM FEBRUARY 17, 2009, THROUGH JUNE 30, 2010; PROGRAM FUNDS WILL BE ACCEPTED UPON RECEIPT OF NOTICES OF FUNDS AVAILABLE.

09-0296R - RESOLUTION AUTHORIZING THE EXECUTION OF TWO SEPARATE AGREEMENTS WITH THE STATE OF MINNESOTA, DEPARTMENT OF NATURAL RESOURCES, FOR THE SUMMER MAINTENANCE OF THE CLYDE AVENUE (MUNGER ACCESS) AND RICE'S POINT BOAT LAUNCH SITES.

COMMITTEE 3

BY COUNCILOR FOSLE

(PUBLIC WORKS & UTILITIES)

09-0275R - RESOLUTION AUTHORIZING A COOPERATIVE CONSTRUCTION AGREEMENT WITH MN/DOT FOR LIGHTING, PARKING LANES AND SIDEWALK CONSTRUCTION PERFORMED ON T.H. 23 (COMMONWEALTH AVENUE) WITHIN THE CORPORATE CITY LIMITS IN THE AMOUNT OF \$10,481.87.

09-0284R - RESOLUTION AUTHORIZING AN AGREEMENT WITH MSA PROFESSIONAL SERVICES, INC., FOR PROFESSIONAL ENGINEERING SERVICES FOR PRELIMINARY DESIGN MODIFICATIONS FOR THE HIGHLAND PUMP STATION IN THE AMOUNT OF \$23,357.

09-0285R - RESOLUTION AMENDING CONTRACT C-19868 FOR PROFESSIONAL ENGINEERING SERVICES WITH CAMP, DRESSER AND McKEE, INC., FOR THE DEVELOPMENT OF A LONG TERM PLAN FOR EVALUATION AND ELIMINATION OF OVERFLOWS IN THE CITY'S SANITARY SEWER COLLECTION SYSTEM IN THE ESTIMATED AMOUNT OF \$423,756 FOR A NEW TOTAL OF \$1,009,769.

09-0287R - RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY AND TO ENTER INTO A LOAN/GRANT AGREEMENT FOR THE RECONSTRUCTION OF ARLINGTON PUMP STATION.

09-0288R - RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY AND TO ENTER INTO A LOAN/GRANT AGREEMENT FOR THE WEST DULUTH RESERVOIR RECONSTRUCTION.

09-0289R - RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY AND TO ENTER INTO A LOAN/GRANT AGREEMENT FOR HIGHLAND PUMP STATION IMPROVEMENTS. **(REPLACEMENT)**

09-0299R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH HD SUPPLY WATERWORKS, LTD., FOR THE PURCHASE AND DELIVERY OF FIRE HYDRANTS DURING YEAR 2009 FOR A TOTAL AMOUNT OF \$32,942.58.

09-0304R - RESOLUTION AUTHORIZING A CONTRACT WITH ULLAND BROTHERS, INC., FOR THE RECONSTRUCTION OF WOODLAND AVENUE FROM ARROWHEAD ROAD TO KENT ROAD IN THE AMOUNT OF \$4,065,000.

09-0314R - RESOLUTION AUTHORIZING AN AGENCY AGREEMENT BETWEEN THE CITY AND MN/DOT FOR FEDERAL PARTICIPATION IN THE PRELIMINARY ENGINEERING FOR THE MUNGER TRAIL EXTENSION.

BY COUNCILOR CUNEO

(PUBLIC SAFETY)

09-0310R - RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, IN THE AMOUNT OF \$16,234.24 FOR PURCHASE OF BULLETPROOF VESTS.

09-0312R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH VIDEO GUIDANCE, FOR THE PURCHASE & INSTALLATION OF TWO-WAY VIDEO CONFERENCING HARDWARE, IN THE AMOUNT OF \$219,491.34.

COMMITTEE 3

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

09-0290R - RESOLUTION ACCEPTING REIMBURSEMENT MONEY IN THE AMOUNT OF \$36,218.79 FROM THE ARROWHEAD LIBRARY SYSTEM FOR THE PURCHASE OF LIBRARY MATERIALS AND ONLINE RESOURCES.

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)

09-0297R - RESOLUTION ESTABLISHING ANNUAL BONDING PLAN FOR 2009.

09-0301R - RESOLUTION SETTING 2010 FEES FOR THE NEW ALARM SYSTEM USER PERMIT CATEGORIES.

09-0317R - RESOLUTION OF INTENT REGARDING THE ISSUANCE OF A DEMOLITION PERMIT FOR THE HISTORIC ST. LOUIS COUNTY JAIL BUILDING.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0300R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH ACME ELECTRIC TOOL CRIB OF THE NORTH FOR THE PURCHASE AND DELIVERY OF A GENIE SELF PROPELLED ARTICULATING BOOM IN THE AMOUNT OF \$63,367.50.

09-0303R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH NELSON AUTO CENTER FOR THE PURCHASE AND DELIVERY OF A 2009 GMC SIERRA 3500HD 4WD EXTENDED CAB AND CHASSIS 4X4 WORK TRUCK WITH V-PLOW AND OPTIONS IN THE AMOUNT OF \$39,288.25.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0319R - RESOLUTION AMENDING RESOLUTION 89-0323 ESTABLISHING THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) TO CHANGE THE COMPOSITION OF THE MEMBERSHIP OF THE AUTHORITY.

BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)

09-0294R - RESOLUTION AUTHORIZING AN AGREEMENT WITH LATHAM AND ASSOCIATES, INC., FOR STRATEGIC, VALUATION AND SALE ADVISORY SERVICES PERTAINING TO THE CITY STEAM FACILITIES IN AN AMOUNT NOT TO EXCEED \$60,000.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-0313R - RESOLUTION OF INTENT TO INSTALL PARKING KIOSKS IN CANAL PARK.

NEW 09-0323R - RESOLUTION RESCINDING AWARD OF A CONTRACT TO NELS NELSON & SONS, INC., FOR CONSTRUCTION OF THE LAKEWALK EAST EXTENSION, PHASE II, IN THE AMOUNT OF \$608,912.68, AND AWARDING THE CONTRACT TO VEIT & CO., INC., IN THE AMOUNT OF \$658,343.85.

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

09-0283R - RESOLUTION AUTHORIZING A SERVICE AGREEMENT WITH DULUTH SISTER CITIES INTERNATIONAL, INC., IN THE AMOUNT OF \$34,000.

09-0302R - RESOLUTION AMENDING RESOLUTION 08-0742 ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2009; ADDING DOMESTIC PARTNERSHIP REGISTRATION APPLICATION FEE.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-023-O - AN ORDINANCE ADDING NEW SECTIONS 45-82.4 AND 45-82.5 TO THE DULUTH CITY CODE, 1959, AS AMENDED, AUTHORIZING PRIVATE WORK IN CONJUNCTION WITH CITY SIDEWALK CONTRACTS.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-011-O - AN ORDINANCE AMENDING CHAPTER 29B OF THE DULUTH CITY CODE, 1959, AS AMENDED, MODIFYING REGULATIONS FOR ALARM SYSTEMS AND FALSE ALARM CALLS.

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

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

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

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

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COUNCILOR QUESTIONS AND COMMENTS

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