

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Tuesday, May 26, 2009, 7:00 p.m.

**ROLL CALL
PLEDGE OF ALLEGIANCE**

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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

- * 09-0526-01 Harold and Jane Glowacki petition to vacate the alley between Lots 1 and 27-30, Block 81, Central Dickson Division. -- Assessor
- * 09-0526-02 Minnesota state auditor audit report for Duluth/North Shore Sanitary District for the year ended December 31, 2007. -- Received

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REPORTS FROM OTHER OFFICERS

- * 09-0526-03 Assessor affidavit of mailing of notice of public hearing by the special assessment board to be held on June 9, 2009, 2:30 p.m., Room 106A, City Hall, on reassessment and levying of assessments against real estate especially benefitted, Plat 3970 Parcel 01090 (33 Riverside Drive), delinquent solid waste (assessable amount: \$6,593.34 (2001 - 2006)). -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 09-0526-04 Entertainment and convention center authority special business meeting minutes of May 12, 2009. -- Received
- * 09-0526-05 Planning commission minutes of April 14, 2009, meeting. -- Received
- * 09-0526-06 Tree commission minutes of March 17, 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 FEDORA (FINANCE)

09-0301R - RESOLUTION SETTING 2010 FEES FOR THE NEW ALARM SYSTEM USER PERMIT CATEGORIES. (TABLED 5/11 FOR CONSIDERATION WITH 09-011-O)

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. (TABLED 5/11)

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. (TABLED 5/11 FOR CONSIDERATION WITH 09-0318R)

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UNFINISHED BUSINESS

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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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 09-0297R - RESOLUTION ESTABLISHING ANNUAL BONDING PLAN FOR 2009. **(REPLACEMENT 2)**

09-0320R - RESOLUTION REALLOCATING \$90,800 IN THE TOURISM TAX FUND.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0291R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSES OF VARIOUS LICENSEES.

09-0321R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 MALT LIQUOR LICENSE TO DULUTH SOFTBALL PLAYERS ASSOCIATION, WHEELER FIELD.

09-0327R - RESOLUTION AUTHORIZING THE APPROVAL OF ADDITIONAL SERVICES DIRECTIVE NO. 1 TO CONTRACT NO. 20308 WITH KRECH OJARD & ASSOCIATES, P.A., ENGINEERS AND ARCHITECTS, FOR PROVIDING CERTAIN ADDITIONAL PROFESSIONAL SERVICES IN CONNECTION WITH THE EAST DULUTH VEHICLE STORAGE FACILITY IN THE AMOUNT OF \$35,522 FOR A NEW TOTAL OF \$63,958.

09-0328R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH PETERSON BROTHERS ROOFING AND CONSTRUCTION, INC., FOR DULUTH CITY HALL ROOF REPLACEMENT IN THE AMOUNT OF \$419,975.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0331R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH LIPE BROTHERS CONSTRUCTION, INC., FOR REROOFING OF IRVING RECREATION CENTER IN THE AMOUNT OF \$31,200 AND LAFAYETTE RECREATION CENTER IN THE AMOUNT OF \$44,900 FOR A TOTAL CONTRACT AMOUNT OF \$76,100.

09-0332R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH FOUR STAR CONSTRUCTION, INC., FOR REROOFING OF PARK POINT BEACH HOUSE IN THE AMOUNT OF \$138,698.

09-0334R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH A.W. KUETTEL AND SONS, INC., FOR INSTALLATION OF ELASTOMERIC ROOF COATING OVER EXISTING METAL ROOF AT THE WOODLAND COMMUNITY CENTER IN THE AMOUNT OF \$21,710.

09-0352R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH ELEVATOR ADVISORY GROUP, INC., FOR ELEVATOR CONSULTING SERVICES AT AN AMOUNT NOT TO EXCEED \$13,725.

09-0353R - RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 2 TO CONTRACT NO. 20767 WITH LIPE BROTHERS CONSTRUCTION FOR ADDITIONAL CONSTRUCTION COSTS FOR BATHROOM REMODELING AT FIRE STATION #11 IN THE AMOUNT OF \$12,837.71 FOR A NEW TOTAL OF \$54,937.71.

BY COUNCILOR GARDNER (PERSONNEL)

09-0324R - RESOLUTION DESIGNATING THE RESPONSIBLE AUTHORITY FOR DATA PRACTICES UNDER MINNESOTA STATUTES.

09-0350R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF GAS CONTROL OPERATOR I.

09-0354R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF METER READER.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0325R - RESOLUTION AMENDING RESOLUTION 08-0702, CHANGING THE OWNER'S NAME TO RENDFIELD LAND COMPANY.

09-0340R - RESOLUTION AUTHORIZING A DECREASE OF \$343 IN THE 2009 HUD EMERGENCY SHELTER GRANT PROGRAM (ESGP).

09-0341R - RESOLUTION AUTHORIZING AN INCREASE OF \$16,317 IN THE 2009 HUD HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM.

09-0344R - RESOLUTION AUTHORIZING DECREASE OF \$72,060 IN THE 2009 HUD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

09-0355R - RESOLUTION AMENDING THE 2008 ANNUAL ACTION PLAN ADDING ADDITIONAL FUNDING OF \$760,123 IN CDBG-R FUNDS.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0356R - RESOLUTION APPROVING THE VACATION OF PART OF ELINOR STREET AND AN ALLEY FOR INDEPENDENT SCHOOL DISTRICT 709.

09-0358R - RESOLUTION APPROVING THE VACATION OF PART OF ST. LOUIS AVENUE, PART OF 11TH STREET AND AN EASEMENT LOCATED ON PARK POINT FOR GLOBE DULUTH ENTERPRISES, INC.

09-0359R - RESOLUTION APPROVING THE VACATION OF PART OF 48TH AVENUE EAST FOR JEFF MADILL.

BY COUNCILOR ECKENBERG (INTERGOVERNMENTAL RELATIONS)

09-0326R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH ELIZABETH THIEDE, INDEPENDENT LICENSED TEACHER, TO PROVIDE BASIC EDUCATION SERVICES AT THE DULUTH WORKFORCE CENTER AT A COST OF \$47,000.

09-0347R - RESOLUTION ACCEPTING TWO QUIT CLAIM DEEDS FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION OF RECONVEYANCE PROPERTIES ALONG THE LAKEWALK.

BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)

09-0330R - RESOLUTION APPROVING BUDGET AND COST SHARING FORMULA OF MINNEAPOLIS - DULUTH/SUPERIOR PASSENGER RAIL ALLIANCE AND AUTHORIZING PAYMENT OF CITY'S COST SHARE OF \$50,000.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-0345R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH NORTHLAND CONSTRUCTORS OF DULUTH, LLC, AND MONARCH PAVING COMPANY FOR THE PURCHASE OF BITUMINOUS MATERIAL, HOT MIX FINE, AS NEEDED FROM JUNE 1, 2009, THROUGH MAY 31, 2010, FOR A TOTAL ESTIMATED AMOUNT OF \$1,018,515.95.

NEW 09-0369R - RESOLUTION AUTHORIZING A CONTRACT WITH KGM CONTRACTORS, INC., FOR THE 2009 STREET IMPROVEMENT PROGRAM - LAKESIDE LOWER CENTRAL IN THE AMOUNT OF \$1,678,652.40.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-0335R - RESOLUTION TO ESTABLISH A PARKING METER ZONE IN FRONT OF 508 EAST SUPERIOR STREET.

09-0338R - RESOLUTION TO ESTABLISH A NEW PARKING METER ZONE ON THE EAST SIDE OF HARBOR DRIVE BETWEEN RAILROAD STREET AND SOUTH HARBOR DRIVE, AND ESTABLISHING TIME LIMITS AND RATES THEREFOR.

09-0339R - RESOLUTION TO ESTABLISH PARKING METER ZONES AND METER ENFORCEMENT TIMES IN CANAL PARK.

COMMITTEE 3

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-0360R - 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.

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

09-0336R - RESOLUTION SUBMITTING A PROPOSED AMENDMENT TO SECTION 21 OF THE CITY CHARTER TO THE VOTERS AT A GENERAL ELECTION ON NOVEMBER 3, 2009.

09-0357R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH THE DULUTH AREA FAMILY YMCA FOR THE OPERATION OF VARIOUS CITY PARK FACILITIES.

09-0364R - RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE AGREEMENT WITH SECRET SERVICE ENTERTAINMENT, LLC, THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND LAKE SUPERIOR CENTER AUTHORITY RELATED TO SPECIAL EVENTS HELD AT BAYFRONT FESTIVAL PARK.

09-0365R - RESOLUTION AUTHORIZING AN AGREEMENT WITH SECRET SERVICE ENTERTAINMENT, LLC, FOR PARKING LOT MANAGEMENT SERVICES RELATED TO CITY-OWNED LOT A IN BAYFRONT.

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)

09-0361R - RESOLUTION OF INTENT TO INCLUDE \$200,000 IN THE 2010, 2011, 2012, 2013 AND 2014 GENERAL FUND BUDGETS AS A VOLUNTARY PAYMENT TO THE BUSINESS IMPROVEMENT DISTRICT.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0362R - RESOLUTION DENYING AN APPLICATION FOR ZONING CODE VARIANCE BY COMMONWEAL DEVELOPMENT FOR PROPERTY LOCATED AT THE CORNER OF KENWOOD AVENUE AND ARROWHEAD ROAD (1402 WEST ARROWHEAD ROAD PROPOSED ADDRESS).

09-0363R - RESOLUTION GRANTING AN APPLICATION FOR ZONING CODE VARIANCE BY COMMONWEAL DEVELOPMENT FOR PROPERTY LOCATED AT THE CORNER OF KENWOOD AVENUE AND ARROWHEAD ROAD (1402 WEST ARROWHEAD ROAD PROPOSED ADDRESS).

NEW 09-0371R - RESOLUTION REVERSING THE DECISION OF THE BOARD OF ZONING APPEALS TO GRANT A VARIANCE TO ISD #709 TO ALLOW FRONT YARD PARKING ON PROPERTY LOCATED AT 301 NORTH 40TH AVENUE EAST (ORDEAN SCHOOL).

NEW 09-0372R - RESOLUTION AFFIRMING THE DECISION OF THE BOARD OF ZONING APPEALS TO GRANT A VARIANCE TO ISD #709 TO ALLOW FRONT YARD PARKING ON PROPERTY LOCATED AT 301 NORTH 40TH AVENUE EAST (ORDEAN SCHOOL).

COMMITTEE 2

BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)

09-0342R - RESOLUTION AMENDING RESOLUTION 89-0323 ESTABLISHING THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY, SAID AMENDMENT RELATED TO THE EXECUTIVE DIRECTOR, DEDA PERSONNEL AND THE COMPOSITION OF MEMBERSHIP OF THE AUTHORITY. **(REPLACEMENT 2)**

COMMITTEE 3

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

NEW 09-0366R - RESOLUTION RESOLUTION OF INTENT REGARDING THE ISSUANCE OF A DEMOLITION PERMIT FOR THE HISTORIC ST. LOUIS COUNTY JAIL BUILDING AND RESCINDING RESOLUTION NO. 09-0317R.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

09-024-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF \$4,700,000 GENERAL OBLIGATION REVENUE BONDS OR NOTE OF THE CITY OF DULUTH FOR THE IMPROVEMENT OF THE MUNICIPAL SEWER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

09-026-O - AN ORDINANCE AMENDING SECTION 29A-34 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO RENTAL LICENSING APPEAL PROCEDURES.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-027-O - AN ORDINANCE AMENDING SECTIONS 44-23, 50-21 AND 50-35 OF THE DULUTH CITY CODE, AS AMENDED.

09-029-O - AN ORDINANCE GRANTING TO VINEYARD CHRISTIAN FELLOWSHIP A CONCURRENT USE PERMIT TO PLACE LANDSCAPE/SIGNAGE IN THE RIGHT-OF-WAY AT 1533 WEST ARROWHEAD ROAD.

09-030-O - AN ORDINANCE AMENDING SECTION 50-35 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

BY COUNCILORS STAUBER AND KRAUSE

09-025-O - AN ORDINANCE AMENDING SECTION 29A-32.1 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO RENTAL LICENSING.

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

COUNCILOR QUESTIONS AND COMMENTS
