

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, June 8, 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

*09-0608-01 Minnesota state auditor Lake Superior Center authority audit report for the year ended December 31, 2007. -- Received

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REPORTS FROM OTHER OFFICERS

*09-0608-02 Assessor letter of sufficiency regarding petition to vacate the alley between Lots 1 and 27-30, Block 81, Central Dickson Division. -- Received

*09-0608-03 Clerk application to the Minnesota gambling control board for exemption from lawful gambling license (raffle) from Domestic Abuse Intervention Programs on August 3, 2009. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

*09-0608-04 Board of zoning appeals minutes of April 28, 2009, meeting. -- Received

*09-0608-05 Building appeal board minutes of April 8, 2009, meeting. -- Received

*09-0608-06 Duluth transit authority: (a) February 2009 income statement; (b) Minutes of: (1) March 16; (2) March 25, 2009, meetings. -- Received

*09-0608-07 Library board minutes of April 28, 2009, meeting. -- Received

*09-0608-08 Special board of review minutes and report of May 13, 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 FOR RECONSIDERATION

COMMITTEE 2

BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)

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). (AS AMENDED)

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).

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RESOLUTION TABLED

COMMITTEE 3

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

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. (TABLED 5/26 FOR MORE INFORMATION)

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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 KRAUSE (PURCHASING & LICENSING)

09-0333R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH THE JAMAR COMPANY FOR REROOFING OF 40TH AVENUE WEST TOOL HOUSE IN THE AMOUNT OF \$35,800.

09-0351R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH ARCHITECTURE ADVANTAGE, LLP, FOR MISCELLANEOUS PROFESSIONAL ARCHITECTURAL AND INTERIOR DESIGN SERVICES FOR AN AMOUNT NOT TO EXCEED \$10,000.

09-0380R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR LAKEHEAD RACING ASSOCIATION AND SPIRIT VALLEY CITIZENS NEIGHBORHOOD DEVELOPMENT ASSOCIATION.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0381R - RESOLUTION APPROVING THE ISSUANCE OF AN ON SALE WINE LICENSE TO LAKEHEAD RACING ASSOCIATION (PROCTOR SPEEDWAY), 800 BOUNDARY AVENUE.

09-0382R - RESOLUTION APPROVING THE 2:00 A.M. BEVERAGE LICENSE FOR JMMP ENTERPRISES, LLC (KOM ON INN), 332 NORTH 57TH AVENUE WEST.

09-0387R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH DUNCAN TECHNOLOGIES, INC. - A DUNCAN SOLUTIONS COMPANY, FOR PARKING METERS AND METER REPLACEMENT PARTS IN THE AMOUNT OF \$42,577.37.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0346R - RESOLUTION VACATING THE UTILITY EASEMENT ABUTTING PROPERTY AT 3860 EAST SUPERIOR STREET (BRIAN RONSTROM).

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-0367R - RESOLUTION AUTHORIZING A \$375,000 GRANT AGREEMENT BETWEEN THE CITY OF DULUTH AND THE UNITED STATES DEPARTMENT OF THE ARMY FOR THE 2009 CURED-IN-PLACE PIPE REHABILITATION OF SANITARY SEWERS AT VARIOUS LOCATIONS.

09-0368R - RESOLUTION AUTHORIZING A \$2,010,000 GRANT AGREEMENT BETWEEN THE CITY OF DULUTH AND THE UNITED STATES DEPARTMENT OF THE ARMY FOR LIFT STATION NO. 6 RECONSTRUCTION, COLLECTION SYSTEM AND DIVERSION STRUCTURE PIPING IMPROVEMENTS.

09-0370R - RESOLUTION AWARDED A CONTRACT TO RICE LAKE CONSTRUCTION GROUP FOR THE LAKESIDE INTERCEPTOR SANITARY SEWER OVERFLOW STORAGE FACILITY IN BASIN NO. 2 IN THE AMOUNT OF \$5,884,400.

09-0375R - RESOLUTION AUTHORIZING THE EXTENSION OF AND AMENDMENTS TO A LICENSE AGREEMENT WITH THE DEPARTMENT OF THE ARMY TO ALLOW REPAIRS TO THE DULUTH AERIAL LIFT BRIDGE.

09-0376R - RESOLUTION AWARDED A CONTRACT TO JMF CONSTRUCTION, INC., FOR THE 2009 CDBG PHASE 6 DOWNTOWN AREA ACCESSIBILITY PROJECT - CURB RAMPS AND SIDEWALK REPLACEMENT IN THE AMOUNT OF \$126,266.30.

09-0377R - RESOLUTION AWARDED A CONTRACT TO BRANDON KUBIS, DBA B.K. CLEANERS, FOR PAINTING OF 2,573 GAS METER PIPING SETS THROUGHOUT THE CITY OF DULUTH IN THE AMOUNT OF \$30,824.54.

09-0378R - RESOLUTION AWARDED A CONTRACT TO INSTRUMENT CONTROL SYSTEMS FOR THE COMPREHENSIVE SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM (SCADA) IN THE AMOUNT OF \$2,797,789.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-0386R - RESOLUTION OF INTENT TO IMPROVE PORTIONS OF CODY STREET, SUPERIOR STREET, MICHIGAN STREET AND KENWOOD AVENUE AND TO ASSESS A PORTION OF THE COSTS THEREOF.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-0374R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE UNIVERSITY OF MINNESOTA-DULUTH AUTHORIZING THE SHARING OF LAW ENFORCEMENT DATA.

09-0379R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH LARSON CHEVROLET, INC., FOR THE PURCHASE AND DELIVERY OF A TAX EXEMPT 2009 CHEVROLET TAHOE SPECIAL SERVICES VEHICLE WITH OPTIONS IN THE AMOUNT OF \$28,987.

09-0388R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH ULTRAMAX AMMUNITION FOR THE PURCHASE AND DELIVERY OF AMMUNITION IN YEAR 2009 FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$36,072.61.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0329R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH KTM PAVING, INC., FOR BITUMINOUS OVERLAYS AT FIRE STATIONS #1, 4 AND 7 IN THE AMOUNT OF \$156,265.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-0390R - RESOLUTION OF INTENT REGARDING THE CREATION AND ADOPTION OF THE DULUTH PRIVATE SEWER SERVICE GRANT/LOAN PROGRAM AND PROGRAM GUIDELINES.

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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)

09-032-O - AN ORDINANCE TO AMEND THE DISTRIBUTION OF THE TAX LEVY OF THE CITY OF DULUTH FOR THE YEAR 2009 BY TRANSFERRING A PORTION OF THE DEBT SERVICE LEVY TO THE GENERAL FUND SUPPORT LEVY.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-031-O - AN ORDINANCE MODIFYING CHAPTER 41 PURCHASING PROVISIONS, AMENDING SECTIONS 41-1, 41-6, 41-10, 41-15, 41-16, 41-23, 41-24, 41-28, AND REPEALING SECTIONS 41-7, 41-8, 41-11, 41-12, 41-13, 41-14, 41-25, 41-26 AND 41-31 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

(REPLACEMENT)

BY COUNCILORS KRAUSE AND ECKENBERG

NEW 09-034-O - AN ORDINANCE REGULATING RUBBISH AND TALL GRASS, AMENDING SECTIONS 24-6 AND 24-37 OF THE DULUTH CITY CODE.

BY COUNCILOR GARDNER (PERSONNEL)

NEW 09-035-O - AN ORDINANCE AMENDING SECTIONS 33-5, 45-6.1 AND 45-6.2 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING THE USE OF ROLLERBLADES, ROLLERSKATES AND SKATEBOARDS.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-033-O - AN ORDINANCE AUTHORIZING CREATION OF THE DULUTH PRIVATE SEWER SERVICE GRANT/LOAN PROGRAM AND INCREASING THE AMOUNT OF THE CLEAN WATER FUND SURCHARGE, AMENDING SECTION 43-11.1 AND 43-33.1 OF THE CODE.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-008-O - AN ORDINANCE AMENDING SECTION 34-1 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

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.

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COUNCILOR QUESTIONS AND COMMENTS

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