

Monday, June 15, 2009, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - 7:00 p.m. - North Star Aerospace 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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PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

- * 09-0615-01 Minnesota state auditor entertainment and convention center authority audit report for the years ended December 31, 2008 and 2007. -- Received
- * 09-0615-02 Kelly Boedigheimer communication regarding proposed creation of the Duluth private sewer service grant/loan program and increasing the amount of the clean water fund surcharge (09-0390R and 09-033-O). -- Received
- * 09-0615-03 Morgan Park Community Club communication regarding proposed curfew amendment (09-008-O). -- Received
- * 09-0615-04 The following communications regarding proposed amendment of Sections 44-23, 50-21 and 50-35 of the Duluth City Code (09-027-O): (a) Karen Heisick; (b) Gina Phingsten; (c) Jim Thole. -- Received
- * 09-0615-05 The following communications regarding reconsideration of resolutions pertaining to variance request by ISD No. 709 to allow front yard parking on property located at 301 North 40th Avenue East (Ordean School) (09-0371R and 09-0372R): (a) Arnelle Monson; (b) Rodger Pearson. -- Received

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REPORTS FROM OTHER OFFICERS

- * 09-0615-06 Police department local solicitation application for city council review of the Edward Byrne memorial justice assistance grant (JAG) program for 2009 (Grant No. 2009-G9101-MNDJ). -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 09-0615-07 Commission on disabilities minutes of May 6, 2009, meeting. -- Received
- * 09-0615-08 Parks and recreation commission minutes of: (a) March 11; (b) April 15; (c) May 13, 2009, meetings. -- Received
- * 09-0615-09 Spirit Mountain recreation area authority minutes of April 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 2

BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)

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) (RECONSIDERED AND TABLED 6/8)

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). (RECONSIDERED AND TABLED 6/8)

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. (TABLED 6/8 FOR CONSIDERATION WITH 09-033-O)

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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)

09-0322R - RESOLUTION AUTHORIZING EXECUTION OF A SUPPLEMENTAL LABOR AGREEMENT WITH THE CITY OF DULUTH FIREFIGHTERS UNION.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0401R - RESOLUTION ISSUING TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSES TO VARIOUS ORGANIZATIONS.

09-0402R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSES OF VARIOUS LICENSEES.

09-0405R - RESOLUTION AUTHORIZING A CONTRACT WITH TOTAL PARKING SOLUTIONS FOR THE PURCHASE AND DELIVERY OF FOUR SOLAR-OPERATED PARKING KIOSKS IN THE AMOUNT OF \$48,996.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0413R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH ERLING HANSEN GENERAL CONTRACTOR, INC., FOR CONSTRUCTION OF ARLINGTON MAINTENANCE BUILDING AT 601 SOUTH ARLINGTON AVENUE IN THE AMOUNT OF \$68,300.

09-0414R - RESOLUTION REQUESTING THE CHARTER COMMISSION RECOMMEND ADOPTION OF AN AMENDMENT TO SECTION 8 OF THE CITY CHARTER RELATING TO CONTRACTS WHICH ARE NOT SUBJECT TO COMPETITIVE BIDDING REQUIREMENTS.

BY COUNCILOR GARDNER (PERSONNEL)

09-0343R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF FIRE MARSHAL.

09-0348R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF CONSTRUCTION INSPECTION LEADWORKER AND SPECIFYING CONTRACT BENEFITS FOR SAME.

09-0349R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF UTILITY OPERATIONS SUPERVISOR.

09-0394R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF MELANIE HENDRICKSON AND WALTER KRAMER AND THE APPOINTMENT OF JOHN BROSTROM, REPLACING SARAH CHAMBERS, TO THE DULUTH TRANSIT AUTHORITY.

09-0395R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF PAUL HELLER TO THE SANITARY SEWER BOARD OF THE WLSSD.

09-0397R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF CONRAD FIRLING AND ROBERT PEARSON AND THE APPOINTMENT OF MICHAEL LUNDSTROM, REPLACING MICHAEL ORMAN, TO THE DULUTH AIRPORT AUTHORITY.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0407R - RESOLUTION APPROVING THE VACATION OF PART OF ENSIGN STREET (INDEPENDENT SCHOOL DISTRICT #70. (REPLACEMENT)

09-0408R - RESOLUTION ISSUING A C-5 PLAN APPROVAL TO KOHLS DEPARTMENT STORES, INC. FOR RELOCATION OF DRIVEWAYS AND PEDESTRIAN ACCESS, TO RECONFIGURE THE EXISTING PARKING LOT, ADD A DELIVERY TRUCK ACCESS DRIVE, CONSTRUCT A NEW ELEVATED PARKING STRUCTURE AND PROVIDE LANDSCAPING/SCREENING AT 2115 MILLER TRUNK HIGHWAY. (REPLACEMENT)

09-0409R - RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE MINNESOTA INVESTMENT FUND (MIF) AGREEMENT WITH THE STATE OF MINNESOTA AND FURTHER AUTHORIZING A SECOND AMENDMENT TO THE MIF LOAN AGREEMENT AND A SECOND PROMISSORY NOTE MODIFICATION AGREEMENT WITH NORTHSTAR MACHINE & TOOL, INC., D.B.A. NORTHSTAR AEROSPACE, ALLOWING INTEREST-ONLY PAYMENTS FOR AN ADDITIONAL SIX-MONTH PERIOD.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0410R - RESOLUTION OBJECTING TO THE PROPOSED RECLASSIFICATION TO NON-CONSERVATION AND SALE OF CERTAIN TAX FORFEITED PARCELS BY THE BOARD OF COMMISSIONERS OF SAINT LOUIS COUNTY (MAY 21, 2009, RECLASSIFICATION). (REPLACEMENT)

09-0415R - RESOLUTION AUTHORIZING APPLICATIONS TO THE DEPARTMENT OF ENERGY FOR AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDING.

BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)

09-0373R - RESOLUTION DESIGNATING POLLING PLACES FOR THE SEPTEMBER 15, 2009, MUNICIPAL AND SCHOOL BOARD PRIMARY ELECTION AND THE NOVEMBER 3, 2009, MUNICIPAL AND SCHOOL BOARD GENERAL ELECTION.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-0383R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH MSA PROFESSIONAL SERVICES, INC., FOR PREPARATION OF A STUDY EVALUATING THE POTENTIAL COST SAVINGS FOR UPGRADING ELECTRICAL CONTROLS AT LAKEWOOD PUMP STATION AND WATER TREATMENT PLANT, FOR AN AMOUNT NOT TO EXCEED \$23,979.

09-0391R - RESOLUTION AUTHORIZING CITY OFFICIALS TO AMEND AND EXECUTE JOINT POWERS AGREEMENT NO. 20604 WITH THE DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY FOR THE OPERATION OF THE MINNESOTA SLIP PEDESTRIAN DRAW BRIDGE DURING YEAR 2009 FOR A TOTAL AMOUNT NOT TO EXCEED \$34,200.

09-0396R - RESOLUTION AWARDED A CONTRACT TO JMF CONSTRUCTION, INC., FOR THE 2009 SANITARY AND STORM MANHOLE ADJUSTMENT PROGRAM IN THE AMOUNT OF \$73,882.84.

09-0398R - RESOLUTION AWARDED A CONTRACT TO ULLAND BROTHERS, INC., FOR THE RECONDITIONING OF EAST SECOND STREET FROM MESABA AVENUE TO 24TH AVENUE EAST IN THE AMOUNT OF \$3,521,440.14.

09-0399R - RESOLUTION AMENDING CONTRACT NO 20484 WITH BONESTROO, INC., FOR PROFESSIONAL SERVICES RELATED TO THE CITY OF DULUTH SANITARY SEWER USER RATE STRUCTURE, TO INCREASE THE AMOUNT BY \$5,000, FOR A TOTAL CONTRACT AMOUNT OF \$10,000.

09-0400R - RESOLUTION AUTHORIZING AGREEMENT WITH FRIENDS OF THE MINNESOTA CONSERVATION CORPS FOR SERVICES RELATED TO THE LAKESIDE STORMWATER RUNOFF REDUCTION PROJECT AT A COST NOT TO EXCEED \$16,000.

09-0404R - RESOLUTION AUTHORIZING THE SALE AND REMOVAL OF FOUR PROPANE TANKS TO SUPERIOR FUEL COMPANY IN THE AMOUNT OF \$112,000.

COMMITTEE 3

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-0385R - RESOLUTION AUTHORIZING A PUBLIC HOUSING COMMUNITY BASED POLICE OFFICER AGREEMENT WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA (HRA), PAYMENT IN THE AMOUNT OF \$50,000 TO BE MADE BY THE HRA TO THE CITY.

09-0389R - RESOLUTION AUTHORIZING PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES ON SUPERIOR STREET AND FIRST STREET IN CONJUNCTION WITH GREATER DOWNTOWN COUNCIL COMMUNITY EVENTS.

09-0403R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES IN WEST DULUTH IN CONJUNCTION WITH SPIRIT VALLEY DAYS AND SUBJECT TO CERTAIN CONDITIONS.

09-0406R - RESOLUTION APPROVING AGREEMENTS WITH OCDEF FOR INVESTIGATIVE SERVICES RELATED TO FEDERAL CRIMINAL INVESTIGATIONS IN THE TOTAL AMOUNT OF \$45,000.

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

09-0412R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A FACILITY USE AGREEMENT WITH THE DULUTH PUBLIC SCHOOLS ISD 709 EARLY CHILDHOOD FAMILY EDUCATION PROGRAM FOR THE USE OF WASHINGTON CENTER ROOMS 110 AND 114 FOR A RENTAL FEE OF \$350 PER MONTH.

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)

09-0417R - RESOLUTION AUTHORIZING THE CITY TO PROVIDE A \$2,000,000 CONSTRUCTION LINE OF CREDIT TO THE DULUTH AIRPORT AUTHORITY TO ASSIST IN THE MANAGEMENT OF CASH FLOW RELATED TO THE NEW AIRPORT TERMINAL CONSTRUCTION PROJECT.

BY COUNCILOR GARDNER (PERSONNEL)

09-0393R - RESOLUTION PROHIBITING THE RIDING OR THE PROPELLING OF ANY SKATEBOARD ON ANY PUBLIC PROPERTY LOCATED IN SUBDISTRICT 1, SUBDISTRICT B OR SUBDISTRICT C IN THE DOWNTOWN WATERFRONT MIXED USE-DESIGN(DWMX-D) REVIEW DISTRICT.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0416R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO CITY OF DULUTH, MAINTENANCE OPERATIONS, FOR TEMPORARY STORAGE OF VARIOUS AGGREGATES AT 1630 RICE LAKE ROAD.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

NEW 09-0423R - RESOLUTION SUBMITTING A PROPOSITION AT THE NEXT MUNICIPAL ELECTION TO THE VOTERS OF DULUTH TO APPROVE ORDINANCE 09-027.

NEW 09-0424R - RESOLUTION SUBMITTING AN ADVISORY PROPOSITION AT THE NEXT MUNICIPAL ELECTION TO THE VOTERS OF DULUTH TO PROVIDE DIRECTION TO THE CITY ON REQUESTS FOR VARIANCES, SPECIAL USE PERMITS AND EASEMENT VACATIONS FOR PURPOSES OF IMPLEMENTING ISD 709'S LONG RANGE FACILITY PLAN.

BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)

09-0384R - RESOLUTION AMENDING RESOLUTION 08-0344 (AS AMENDED) RETAINING KENNEDY & GRAVEN, CHARTERED, AS SPECIAL COUNSEL TO ASSIST THE CITY ATTORNEY IN RETIREE HEALTHCARE LITIGATION BY \$100,000.

09-0418R - RESOLUTION APPROVING THE SUBMISSION OF STATE BONDING REQUESTS FOR THE 2010 CAPITAL BUDGET.

COMMITTEE 3

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

09-0392R - RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM THE FRIENDS OF THE DULUTH PUBLIC LIBRARY FOR THE BENEFIT OF THE LIBRARY.

09-0411R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH THE FRIENDS OF THE PARKS, DULUTH FOR THE OPERATION OF LOWER CHESTER COMMUNITY RECREATION CENTER.

09-0419R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH THE IRVING RECREATION AND EVENTS ASSOCIATION FOR THE OPERATION OF IRVING COMMUNITY RECREATION CENTER.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

09-026-O - AN ORDINANCE AMENDING SECTION 29A-34 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO RENTAL LICENSING APPEAL PROCEDURES. (TABLED 6/8)

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. *[re: signs, building height variances and off-site parking for schools]* (TABLED 6/8)

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. (TABLED 6/8)

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

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) (AMENDMENT)

BY COUNCILORS KRAUSE AND ECKENBERG

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

BY COUNCILOR GARDNER (PERSONNEL)

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 INLINE SKATES, ROLLERSKATES AND SKATEBOARDS. (REPLACEMENT 2) (AMENDMENT)

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. *[re: curfew]*

COUNCILOR QUESTIONS AND COMMENTS

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