

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, July 13, 2009, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - April 13 and 27, 2009.

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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

* 09-0713-01 A&L Properties concurrent use permit application to construct a skywalk between the Technology Village building and the Wieland block building (11-16 East Superior Street). -- Planning commission

* 09-0713-02 Richard Hoag, by Cheryl Fosdick, et al. (five signatures), petition to vacate Wyoming Street between 60th Avenue East and Occidental Boulevard (Lot 3, Block 36, Lester Park Third Division). -- Assessor

* 09-0713-03 David J. Staniger, et al. (three signatures), petition to include the installation of separate water and sewer services in the 2009 Lakeside street improvement program for properties described as 801, 809 and 813 North 46th Avenue East. -- Assessor

* 09-0713-04 Minnesota state auditor:
(a) Duluth airport authority audit report for the years ended December 31, 2008 and 2007;
(b) Duluth transit authority audit report for the years ended December 31, 2008 and 2007;
(c) Western Lake Superior Sanitary District:
(1) Comprehensive annual financial report for the year ended December 31, 2008;
(2) Management and compliance report for the year ended December 31, 2008.

-- Received

* 09-0713-05 The following communications regarding reversing/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) (09-0428R and 09-0429R): (a) April McGovern; (b) Linda Zurn. -- Received.

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REPORTS FROM OTHER OFFICERS

* 09-0713-06 Assessor:
(a) Affidavit of mailing of notice of public hearing by the special assessment board at 7:00 p.m. on July 7, and at 1:15 p.m. on July 8, 2009, both to be held in the City Council Chambers, Third Floor, City Hall on ordering of proposed construction for the 2009 street preservation program on Cody Street, Kenwood Avenue and West Superior Street;
(b) Assessment roll of delinquent solid waste collecting expenses during the period of March 1, 2008, to June 1, 2009, for which the licensed collector has not been reimbursed;
(c) Letter of sufficiency of petition to include the installation of separate water and sewer services in the 2009 Lakeside street improvement program for properties described as 801, 809 and 813 North 46th Avenue East. -- Received

* 09-0713-07 Auditor comprehensive annual financial report for the city of Duluth for the year ended December 31, 2008. -- Received

* 09-0713-08 Clerk applications to the Minnesota gambling control board for exemption from lawful gambling licenses from: (a) Ducks Unlimited Chapter Arrowhead 023 on September 10, 2009 (raffle); (b) Duluth Amateur Hockey on January 8, 2010 (raffle); (c) Duluth East Athletic Association on May 3, 2010 (raffle); (d) St. Margaret Mary Church on September 13, 2009 (bingo and raffle). -- Received

* 09-0713-09 Parks and recreation division manager use agreement with Mount of Olives Baptist Church for the Duluth Heights Community Recreation Center, 33 West Mulberry Street, pursuant to Section 2-35, Duluth City Code. -- Mayor for execution

* 09-0713-10 Property manager lease agreement with Two Harbors Chamber of Commerce for the Lester River tourist information building adjacent to Highway 61, pursuant to Section 2-35, Duluth City Code. -- Mayor for execution

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REPORTS OF BOARDS AND COMMISSIONS

* 09-0713-11 Building appeal board minutes of May 13, 2009, meeting. -- Received

* 09-0713-12 Duluth airport authority minutes of: (a) May 19; (b) May 27, 2009, meetings. -- Received

* 09-0713-13 Duluth legacy endowment fund advisory board minutes of May 20, 2009, meeting. -- Received

* 09-0713-14 Duluth transit authority: (a) Income statement for April, 2009; (b) Minutes of April 29, 2009, meeting. -- Received

* 09-0713-15 Entertainment and convention center authority minutes of: (a) June 17; (b) June 30, 2009, meetings. -- Received

* 09-0713-16 Housing and redevelopment authority of Duluth financial and compliance report for the year ended September 30, 2008. -- Received

* 09-0713-17 Library board minutes of May 26, 2009, meeting. -- Received

* 09-0713-18 Planning commission minutes of May 12, 2009, meeting. -- Received

* 09-0713-19 Seaway Port authority of Duluth minutes of: (a) January 13; (b) January 29; (c) March 18, 2009, meetings. -- Received

* 09-0713-20 Spirit Mountain recreation area authority minutes of May 21, 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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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)

09-0422R - RESOLUTION CONFIRMING ASSESSMENT LEVIED FOR REINSTATEMENT OF A CANCELED GARBAGE ASSESSMENT.

09-0432R - RESOLUTION ACCEPTING A STATE BONDING GRANT IN THE AMOUNT OF \$4,900,000 AND AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF MINNESOTA ALL RELATED TO THE FIRST PHASE OF THE NEW AIRPORT TERMINAL PROJECT AT THE DULUTH INTERNATIONAL AIRPORT.

09-0439R - RESOLUTION REQUESTING THE PARKS AND RECREATION COMMISSION REVIEW THE FEASIBILITY OF CREATING A NEIGHBORHOOD PLAYGROUND EQUIPMENT REVITALIZATION PROGRAM.

09-0453R - RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF A \$796,835 GENERAL OBLIGATION SEWER UTILITY REVENUE NOTE, SERIES 2009, AND PROVIDING FOR ITS PAYMENT.

09-0460R - RESOLUTION APPROVING THE PROPOSED REORGANIZATION OF CHARTER COMMUNICATIONS, INC.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0443R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH ENVENTIS TELECOM, INC., FOR THE PURCHASE AND DELIVERY OF HARDWARE TO UPGRADE THE TELEPHONE SYSTEM AT REMOTE SITES IN THE AMOUNT OF \$23,490.

09-0447R - RESOLUTION APPROVING THE 2:00 A.M. BEVERAGE LICENSE FOR BLACK WATER AT GREYSOLON, LLC, (BLACK WATER AT GREYSOLON), 213 EAST SUPERIOR STREET.

09-0448R - RESOLUTION ISSUING TEMPORARY ON SALE 3.2 MALT LIQUOR LICENSES TO VARIOUS LICENSEES.

09-0449R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO RIDGEVIEW COUNTRY CLUB, 700 WEST REDWING STREET.

09-0450R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSES OF FOND DU LAC MANAGEMENT, INC. (FOND DU LUTH CASINO), 129 EAST SUPERIOR STREET AND CLUB FRICTION, LLC, (SCORE SPORTS BAR & GRILL), 21 NORTH FOURTH AVENUE WEST.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0444R - RESOLUTION OF INTENT TO ESTABLISH AN APPEALS PROCESS AS PART OF THE CITY'S INFLOW AND INFILTRATION (I&I) PROGRAM.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0445R - RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN TAX FORFEITED PROPERTY IN LESTER PARK FROM THE STATE OF MINNESOTA THROUGH ST. LOUIS COUNTY.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-0425R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF DANIEL AND ALANA HATFIELD IN THE AMOUNT OF \$31,067.38.

09-0430R - RESOLUTION AMENDING CONTRACT NO. C20188 WITH MSA PROFESSIONAL SERVICES, INC. FOR IMPLEMENTING FALL PROTECTION IMPROVEMENTS AT WASTEWATER LIFT STATIONS IN THE ESTIMATED AMOUNT OF \$5,063.50 FOR A NEW TOTAL OF \$61,496.50.

09-0435R - RESOLUTION ESTABLISHING BICYCLE LANES ON KENWOOD AVENUE FROM SKYLINE PARKWAY TO ARROWHEAD ROAD.

09-0436R - RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE REGENTS OF THE UNIVERSITY OF MINNESOTA FOR THE FURNISHING OF PROFESSIONAL AND TECHNICAL SERVICES IN CONJUNCTION WITH THE DULUTH STREAMS PROJECT.

09-0440R - RESOLUTION ORDERING THE IMPROVEMENT TO PORTIONS OF CODY STREET, SUPERIOR STREET, MICHIGAN STREET, AND KENWOOD AVENUE AT AN ESTIMATED COST OF \$2,216,960.

09-0441R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH LAKEHEAD CONSTRUCTORS, INC., FOR DEMOLITION AND REMOVAL OF ONE EXISTING COAL BUCKET ELEVATOR AND INSTALLATION OF A NEW COAL BUCKET ELEVATOR AT THE DULUTH STEAM UTILITY DISTRICT ONE PLANT IN THE AMOUNT OF \$76,758.

09-0442R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH DAKOTA SUPPLY GROUP FOR THE PURCHASE AND DELIVERY OF ITRON FC300SR HANDHELDS IN THE AMOUNT OF \$18,515.02.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-0420R - RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FROM MINNESOTA DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION IN THE AMOUNT OF \$20,000 FOR THE PURPOSE OF MAINTAINING LOCAL EMERGENCY MANAGEMENT PROGRAM.

09-0421R - RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FROM MINNESOTA DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION IN THE AMOUNT OF \$70,000 FOR THE PURPOSE OF SUPPORTING THE FIRE DEPARTMENT'S CHEMICAL ASSESSMENT TEAM.

09-0434R - RESOLUTION ESTABLISHING A PARKING METER ZONE ON THE NORTH SIDE OF SUPERIOR STREET AT SIXTH AVENUE EAST.

09-0437R - RESOLUTION AUTHORIZING CITY OFFICIALS TO GIVE TO OFFICER STEVE PETERSON THE POLICE CANINE NERO.

09-0438R - RESOLUTION AUTHORIZING CITY OFFICIALS TO GIVE TO OFFICER REBECKA KOPP THE POLICE CANINE NIKO.

COMMITTEE 3

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-0446R - RESOLUTION AMENDING RESOLUTION 09-0244, INCREASING THE GRANT AMOUNT FOR ASSISTANCE TO THE LAKE SUPERIOR DRUG AND GANG TASK FORCE BY \$8,000.

09-0456R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ST. LOUIS COUNTY (SHERIFF) FOR FOUR QUARTERS OF SHIELD MAINTENANCE SOFTWARE ASSOCIATED WITH NEMESIS (NORTHEASTERN MINNESOTA ENFORCEMENT AND SAFETY INFORMATION SYSTEM) IN THE AMOUNT OF \$52,582.

09-0457R - RESOLUTION AUTHORIZING ACCEPTING A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$372,529 AND AUTHORIZES SUBGRANT AGREEMENTS.

09-0458R - RESOLUTION APPROVING COOPERATIVE LAW ENFORCEMENT AGREEMENTS WITH U.S. FOREST SERVICE FOR LAW ENFORCEMENT SERVICES IN THE AMOUNT OF \$5,000.

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

09-0431R - RESOLUTION AUTHORIZING AGREEMENT BETWEEN DULUTH PUBLIC LIBRARY AND INDEPENDENT SCHOOL DISTRICT 709 AS FISCAL HOST FOR DULUTH IEIC.

09-0433R - RESOLUTION DESIGNATING LAKEWALK PROPERTY FROM 23RD TO 25TH AVENUES EAST AS PARK LAND.

09-0454R - RESOLUTION AUTHORIZING THE CITY OF DULUTH TO ENTER INTO A SERVICE AGREEMENT WITH THE DULUTH POLICE EXPLORER POST 224 AND THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR PARKING ON DEDA-OWNED AND CITY-OWNED LOTS DURING THE BAYFRONT BLUES FESTIVAL.

09-0455R - RESOLUTION GOVERNING THE SEASONAL DEER HUNT IN DULUTH BY DESIGNATING CERTAIN "HOT SPOTS" AVAILABLE FOR HUNTING DURING THE 2009 SEASON ONLY.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0451R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF PLAYER'S GRANDSTAND, INC. (PLAYER'S GRANDSTAND), 4024 GRAND AVENUE.

09-0459R - RESOLUTION DENYING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF PLAYER'S GRANDSTAND, INC. (PLAYER'S GRANDSTAND), 4024 GRAND AVENUE.

BY COUNCILOR GARDNER (PERSONNEL)

NEW 09-0463R - RESOLUTION APPOINTING MEMBERS TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0428R - 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).

09-0429R - 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).

BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)

NEW 09-0464R - RESOLUTION AUTHORIZING SETTLEMENT OF LAWSUIT BETWEEN FINLEY STALVIG AND THE CITY OF DULUTH IN THE AMOUNT OF \$45,000.

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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)

09-036-O - AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE 1809, REPEALING SECTION 1 OF ORDINANCE 1809 AND REPEALING ORDINANCE 1917 IN ITS ENTIRETY, ALL RELATING TO THE CITY PLANNING COMMISSION.

09-037-O - AN ORDINANCE AUTHORIZING A DEVELOPMENT AGREEMENT WITH DIAMOND WILLOW, LLC, PROVIDING FOR THE SALE OF CERTAIN PROPERTY AND FOR CONSTRUCTION OF A RESIDENTIAL CARE FACILITY AND A MEDICAL CLINIC IN LESTER PARK.

NEW 09-038-O - AN ORDINANCE AUTHORIZING GRANTING OF A RESTRICTED AREA EASEMENT TO THE STATE OF MINNESOTA, DEPARTMENT OF MILITARY AFFAIRS, AND APPROVING THE GRANTING BY THE DULUTH AIRPORT AUTHORITY OF THE SAME, OVER PROPERTY AT THE DULUTH INTERNATIONAL AIRPORT.

COMMITTEE 3

BY COUNCILOR CUNEO (PUBLIC SAFETY)

NEW 09-039-O - AN ORDINANCE DECLARING STATUTORY AND CODE VIOLATIONS AS CIVIL OFFENSES, AUTHORIZING CIVIL PENALTIES THEREFORE, AUTHORIZING CORRECTIVE ORDERS AND ESTABLISHING HEARING AND ENFORCEMENT PROCEDURES WITH REGARD THERETO, ADDING A NEW CHAPTER 12 TO THE CODE AND REPEALING SECTIONS 2-7 AND 2-7.1 THEREOF.

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COUNCILOR QUESTIONS AND COMMENTS

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