

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

Monday, July 27, 2009, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - 7:00 p.m. - Private sewer service policies.

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]

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

* 09-0727-01 Minnesota state auditor management and compliance report for the city of Duluth for the year ended December 31, 2008. -- Received

* 09-0727-02 Gail King communication regarding appointments to DEDA (09-0463R(a) and 09-0484R). -- Received

REPORTS FROM THE ADMINISTRATION

* 09-0727-03 Mayor Ness notice of termination to Michael Ashcroft as city of Duluth chief administrative officer. -- Received

REPORTS FROM OTHER OFFICERS

* 09-0727-04 Assessor letter of sufficiency of petition to vacate Wyoming Street between 60th Avenue East and Occidental Boulevard (Lot 3, Block 36, Lester Park Third Division). -- Received

REPORTS OF BOARDS AND COMMISSIONS

* 09-0727-05 American Indian commission minutes of June 15, 2009, meeting. -- Received

* 09-0727-06 Duluth airport authority: (a) Balance sheet for month ending May 31, 2009; (b) Minutes of June 11, 2009, meeting. -- Received

* 09-0727-07 Planning commission minutes of June 9, 2009, meeting. -- Received

* Listed only, not copied.

REPORTS OF COUNCIL COMMITTEES

OPPORTUNITY FOR CITIZENS TO BE HEARD

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RESOLUTIONS TABLED

COMMITTEE 1

BY COUNCILOR GARDNER (PERSONNEL)

09-0463R(a) - RESOLUTION APPOINTING MEMBER TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY. (TABLED 7/13 FOR INTERVIEW)

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. (TABLED 7/13)

09-0445R - RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN TAX FORFEITED PROPERTY IN LESTER PARK FROM THE STATE OF MINNESOTA THROUGH ST. LOUIS COUNTY. (TABLED 7/13 FOR CONSIDERATION WITH 09-037-O)

COMMITTEE 3

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-0434R - RESOLUTION ESTABLISHING A PARKING METER ZONE ON THE NORTH SIDE OF SUPERIOR STREET AT SIXTH AVENUE EAST. (TABLED 7/13)

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

09-0433R - RESOLUTION DESIGNATING LAKEWALK PROPERTY FROM 23RD TO 25TH AVENUES EAST AS PARK LAND. (TABLED 7/13)

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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)

09-0426R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE NORSHOR EXPERIENCE, INC. (NORSHOR EXPERIENCE), 211 EAST SUPERIOR STREET.

09-0465R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF SHOTZ BAR, INC. (SHOTZ BAR), 1321 COMMONWEALTH AVENUE.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0466R - RESOLUTION OF INTENT TO DEVELOP AND ADOPT A MORE STRINGENT CITY COUNCIL CONFLICT OF INTEREST POLICY.

09-0479R - RESOLUTION AUTHORIZING AGREEMENT WITH NATIONAL PHARMACEUTICAL SERVICES FOR THE ADMINISTRATION OF THE 2010 RETIREE DRUG SUBSIDY FOR A TOTAL AMOUNT NOT TO EXCEED \$13,000.

BY COUNCILOR GARDNER (PERSONNEL)

09-0473R - RESOLUTION CONFIRMING THE APPOINTMENT OF DONNA BLUE BIRD TO THE AMERICAN INDIAN COMMISSION, REPLACING LINDA GROVER.

09-0474R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF JOHN ARNOLD III AND MARK EMMEL AND APPOINTMENT OF NICK PATRONAS, REPLACING ROBERT BEAUDIN, TO THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY.

09-0475R - RESOLUTION CONFIRMING THE APPOINTMENT OF TIMOTHY MEYER TO THE HERITAGE PRESERVATION COMMISSION, REPLACING ROBERT AHO.

09-0476R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF WILLARD MUNGER, JR., NANCY NELSON AND NEALE ROTH AND THE APPOINTMENT OF JANE GILBERT-HOWARD, REPLACING KEN BUEHLER, TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

09-0484R - RESOLUTION APPOINTING A MEMBER TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0478R - RESOLUTION APPROVING THE VACATION OF AN ALLEY ADJACENT TO 110TH AVENUE WEST (HAROLD AND JANE GLOWACKI).

09-0480R - RESOLUTION REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF ST. LOUIS COUNTY TO WITHHOLD FROM SALE CERTAIN TAX FORFEITED PARCELS (ANNUAL LIST).

BY COUNCILOR ECKENBERG (INTERGOVERNMENTAL RELATIONS)

09-0462R - RESOLUTION ENTERING INTO AN AGREEMENT ACCEPTING A GRANT OF \$344,008 FROM SENIOR SERVICE AMERICA, INC., TO OPERATE THE SENIOR AIDES PROGRAM FROM JULY 1, 2009, THROUGH JUNE 30, 2010; PROGRAM FUNDS WILL BE ACCEPTED UPON RECEIPT OF NOTICES OF FUNDS AVAILABLE.

09-0477R - RESOLUTION ADDING AN ADDENDUM TO A CONTRACT WITH MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT'S JOB SERVICE TO OPERATE THE STATE AND FEDERAL DISLOCATED WORKER PROGRAMS FOR THE PERIOD JULY 1, 2008, THROUGH JUNE 30, 2009.

09-0485R - RESOLUTION APPROVING STIPULATIONS FOR AWARD FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR PAST ROAD RIGHT-OF-WAY ACQUISITIONS ALONG TRINITY ROAD IN THE AMOUNT OF \$35,500 PLUS STATUTORY INTEREST.

COMMITTEE 2

BY COUNCILOR ECKENBERG (INTERGOVERNMENTAL RELATIONS)

09-0486R - RESOLUTION AUTHORIZING THE GRANT OF A TEMPORARY EASEMENT TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION ON PROPERTY IN THE VICINITY OF 49TH AVENUE WEST AND ONEOTA STREET IN THE AMOUNT OF \$1,100.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-0468R - RESOLUTION AMENDING RESOLUTION 09-0299 AND ADJUSTING THE ORIGINAL PURCHASE ORDER WITH HD SUPPLY WATERWORKS, LTD., FOR THE PURCHASE AND DELIVERY OF FIRE HYDRANTS DURING YEAR 2009 FOR AN INCREASE OF \$16,249.27 AND A NEW TOTAL OF \$49,191.85.

09-0469R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH COONS AGGREGATE SUPPLY, A DIVISION OF WISSOTA SAND AND GRAVEL, FOR 6,000 TONS OF WASHED SAND FOR YEAR 2009 AT A TOTAL AMOUNT OF \$61,068.38.

09-0471R - RESOLUTION AUTHORIZING AN AGREEMENT WITH SALO ENGINEERING, INC., FOR PROFESSIONAL ENGINEERING SERVICES FOR THE GLENWOOD STREET RECONSTRUCTION IN THE AMOUNT OF \$450,241.37.

09-0472R - RESOLUTION AWARDED A CONTRACT TO RAINBOW, INC., FOR THE PAINTING AND GENERAL STRUCTURAL REHABILITATION OF THE AERIAL LIFT BRIDGE, PHASE 3, IN THE AMOUNT OF \$4,900,000.

09-0487R - RESOLUTION ADOPTING GUIDELINES FOR THE PRIVATE SEWER SERVICE GRANT PROGRAM.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-0461R - RESOLUTION SUPPORTING *NATIONAL NIGHT OUT* ON AUGUST 4, 2009.

09-0481R - RESOLUTION TO RESCIND THE DESIGNATION AND ESTABLISHMENT AS A ONE WAY STREET THAT PART OF FIRST STREET BETWEEN 21ST AVENUE WEST AND 22ND AVENUE WEST.

09-0482R - RESOLUTION AUTHORIZING ACCEPTING A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$77,044 AND AUTHORIZING A SUBGRANT AGREEMENT WITH ST. LOUIS COUNTY.

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

09-0470R - RESOLUTION AUTHORIZING THE ACCEPTANCE OF A ZOO ACCREDITATION GRANT FROM THE DEPARTMENT OF NATURAL RESOURCES IN THE AMOUNT OF \$33,000.

09-0483R - RESOLUTION AUTHORIZING A CONSULTANT AGREEMENT WITH HOISINGTON KOEGLER GROUP, INC., FOR PROVIDING CERTAIN PROFESSIONAL SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH THE PARKS AND RECREATION MASTER PLAN IN AN AMOUNT NOT TO EXCEED \$81,950.

END OF CONSENT AGENDA

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

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)

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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