

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, August 24, 2009, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - May 7, 11, 26 and June 8, 2009.

PUBLIC HEARING - 7:00 p.m. - Proposed amendment to City Charter, Section 8, eliminating a stated dollar amount for certain contracts (09-040-O).

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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

* 09-0824-01 Greater Downtown Council, et al. (59 signatures), submitting petition to extend the term of the Downtown Waterfront Special Service District. -- Assessor

* 09-0824-02 The following communications regarding renewal and issuance of the on sale intoxicating liquor, additional bar on sale dancing and 2:00 a.m. beverage licenses of Norshor Experience, Inc. (09-0527R and 09-0528R): (a) Betty Gordon; (b) J.P. Rennquist; (c) Verne Wagner. -- Received

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REPORTS FROM OTHER OFFICERS

* 09-0824-03 Assessor letters of sufficiency of petitions to:
(a) Extend the term of the Downtown Waterfront Special Service District which boundaries include Mesaba Avenue and Bayfront Park to the west, Second Street to the north, Tenth Avenue East to the east and Lake Superior and the Duluth-Superior Harbor to the south;
(b) Vacate Wyoming Street between 60th Avenue East and Occidental Boulevard (Lot 3, Block 36, Lester Park Third Division). -- Received

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REPORTS OF BOARDS AND COMMISSIONS

* 09-0824-04 Duluth economic development authority minutes of June 1, 2009, meeting. -- Received
* 09-0824-05 Duluth human rights commission minutes of July 8, 2009, meeting. -- Received
* 09-0824-06 Housing and redevelopment authority minutes of May 26, 2009, meeting. -- Received
* 09-0824-07 Planning commission minutes of July 14, 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 KRAUSE (PURCHASING & LICENSING)

09-0522R - RESOLUTION APPROVING RENEWAL AND ISSUANCE OF ON SALE INTOXICATING LIQUOR, ON SALE SUNDAY INTOXICATING LIQUOR, ADDITIONAL BAR, ON SALE DANCING, 2:00 A.M. BEVERAGE LICENSE AND LATE HOUR ENTERTAINMENT LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2009, AND ENDING AUGUST 31, 2010.

09-0523R - RESOLUTION APPROVING THE ISSUANCE OF ON SALE WINE RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2009, AND ENDING AUGUST 31, 2010.

09-0524R - RESOLUTION APPROVING THE ISSUANCE OF ON SALE CLUB LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2009, AND ENDING AUGUST 31, 2010.

09-0525R - RESOLUTION APPROVING THE ISSUANCE OF OFF SALE INTOXICATING LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2009, AND ENDING AUGUST 31, 2010.

09-0526R - RESOLUTION APPROVING THE ISSUANCE OF BREWERY MALT LIQUOR OFF SALE INTOXICATING LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2009, AND ENDING AUGUST 31, 2010.

09-0532R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH ERLING R. HANSEN GENERAL CONTRACTOR FOR REMOVAL OF EXISTING CONCRETE TOPPING AND WATERPROOFING, INSTALLATION OF NEW WATERPROOFING, INSULATION, PAVER SYSTEM AND PLANTERS, AND MASONRY RESTORATION FOR THE TIGER DECK AT THE LAKE SUPERIOR ZOO IN THE AMOUNT OF \$147,400.

09-0536R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HISTORIC UNION DEPOT (THE DEPOT), 506 WEST MICHIGAN STREET.

NEW 09-0542R - RESOLUTION AMENDING RESOLUTION 09-0505 APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF ROSE GARDEN ENTERPRISES, LLC (VALENTINI'S VICINO LAGO), 1400 LONDON ROAD.

COMMITTEE 2

BY COUNCILOR ECKENBERG (INTERGOVERNMENTAL RELATIONS)

09-0533R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS ENTERING INTO A COOPERATIVE AGREEMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FAIR HOUSING ENFORCEMENT AND ACCEPTING \$25,485 IN CAPACITY BUILDING AWARD FUNDS.

COMMITTEE 2

BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)

09-0521R - RESOLUTION AUTHORIZING SETTLEMENT OF LAWSUIT BETWEEN GINA AND RICK LABELLE AND THE CITY OF DULUTH IN THE AMOUNT OF \$30,000.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-0467R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH ZIEGLER, INC., FOR THE PURCHASE AND DELIVERY OF TWO USED CATERPILLAR 140M MOTOR GRADERS FOR A TOTAL AMOUNT OF \$494,717.50.

09-0515R - RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY AND A LOAN AGREEMENT FOR PHASE I OF THE EAST INTERCEPTOR SSO STORAGE FACILITY PROJECT, LIFT STATION NO. 6 RECONSTRUCTION, COLLECTION SYSTEM AND DIVERSION STRUCTURE PIPING IMPROVEMENTS.

09-0519R - RESOLUTION AUTHORIZING THIRD AMENDMENT TO REDEVELOPMENT AGREEMENT WITH ALLETE, INC., FOR DULUTH STEAM DISTRICT NO. 2.

09-0520R - RESOLUTION AUTHORIZING FOURTH AMENDMENT TO MANAGEMENT, OPERATION AND MAINTENANCE AGREEMENT WITH ALLETE, INC., FOR DULUTH STEAM DISTRICT NO. 2.

09-0530R - RESOLUTION AMENDING RESOLUTIONS 08-0497 AND 09-0123 AWARDED A CONTRACT FOR A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH SALO ENGINEERING, INC. FOR THE YEAR 2009 MUNICIPAL STATE AID PROJECT LOCATED ON WOODLAND AVENUE BETWEEN KENT ROAD AND ARROWHEAD ROAD IN THE AMOUNT OF \$84,115.40 FOR A NEW TOTAL OF \$599,021.28.

09-0531R - RESOLUTION AMENDING RESOLUTION 08-0339 AWARDED A CONTRACT FOR A PROFESSIONAL ENGINEERING SERVICES AGREEMENT TO LHB, INC. FOR THE YEAR 2009 MUNICIPAL STATE AID TURNBACK PROJECT LOCATED ON SECOND STREET BETWEEN MESABA AVENUE AND 24TH AVENUE EAST IN THE AMOUNT OF \$278,903.50 FOR A NEW TOTAL OF \$438,875.50.

09-0534R - RESOLUTION AWARDED A CONTRACT TO BELAIR BUILDERS, INC. DBA BELAIR EXCAVATING FOR 2009 WATER MAIN REPLACEMENT IN CONGDON BOULEVARD, 90TH AVENUE EAST AND WEST MARBLE STREET IN THE AMOUNT OF \$405,514.88.

09-0535R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH DULUTH LAWN AND SPORT FOR THE PURCHASE AND DELIVERY OF A JOHN DEERE UTILITY TRACTOR (HIGHWAY MOWER) MODEL 5093E FOR A TOTAL AMOUNT OF \$78,895.29.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-0517R - RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF COMMERCE IN THE AMOUNT OF \$151,850 FOR AN AUTO THEFT INVESTIGATOR.

09-0518R - RESOLUTION AUTHORIZING AGREEMENT WITH LSC FOR PROCESSING OF PARKING CITATIONS.

COMMITTEE 3

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-0537R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON MICHIGAN STREET ON SEPTEMBER 3, 2009, IN CONJUNCTION WITH THE DULUTH SUPERIOR GLBT PRIDE FESTIVAL AND SUBJECT TO CERTAIN CONDITIONS.

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)

09-0527R - RESOLUTION APPROVING RENEWAL AND ISSUANCE OF THE ON SALE INTOXICATING LIQUOR, ADDITIONAL BAR LICENSE, ON SALE DANCING LICENSE AND 2:00 A.M. BEVERAGE LICENSE OF NORSHOR EXPERIENCE, INC. (NORSHOR EXPERIENCE), 211 EAST SUPERIOR STREET, FOR THE PERIOD BEGINNING SEPTEMBER 1, 2009, AND ENDING AUGUST 31, 2010.

09-0528R - RESOLUTION DENYING RENEWAL OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE DANCE LICENSE OF NORSHOR EXPERIENCE, INC. (NORSHOR EXPERIENCE), 211 EAST SUPERIOR STREET, FOR THE PERIOD BEGINNING SEPTEMBER 1, 2009, AND ENDING AUGUST 31, 2010.

09-0538R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH TIERNEY BROTHERS, INC., FOR THE PURCHASE AND INSTALLATION OF TECHNICAL AUDIO/VIDEO/DATA EQUIPMENT FOR THE DULUTH CITY COUNCIL CHAMBER FOR A TOTAL AMOUNT OF \$218,148.93.

09-0540R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH MAX GRAY CONSTRUCTION INC. FOR CASEWORK ALTERATIONS AND ADDITIONS, ACCENT LIGHTING, AND WINDOW TREATMENTS TO ACCOMMODATE TECHNOLOGY UPGRADES FOR THE COUNCIL CHAMBERS IN CITY HALL IN THE AMOUNT OF \$69,100.

COMMITTEE 2

BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)

09-0539R - RESOLUTION AMENDING RESOLUTION 09-0007 RETAINING MAKI AND OVEROM, CHARTERED, INCREASING THE AMOUNT BY \$50,000 FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$60,000.
(REPLACEMENT)

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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)

09-045-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF \$1,698,450 GENERAL OBLIGATION REVENUE BONDS OF THE CITY OF DULUTH FOR THE IMPROVEMENT OF THE MUNICIPAL WATER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

COMMITTEE 2

BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)

NEW 09-047-O - AN ORDINANCE EXTENDING THE TERM OF THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-044-O - AN ORDINANCE ESTABLISHING METHOD OF DETERMINING WATER, GAS AND SEWER FEES IN LIEU OF ASSESSMENT, AMENDING CHAPTERS 43 AND 48 OF THE CODE.

09-046-O - AN ORDINANCE CLARIFYING THE ASSESSMENT OF PROJECTS INITIATED BY COUNCIL RESOLUTION, AMENDING SECTION 45-77 OF THE CODE.

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

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-040-O - AN ORDINANCE AMENDING SECTION 8 OF THE CITY CHARTER ELIMINATING A STATED DOLLAR AMOUNT FOR CERTAIN CONTRACTS.

09-043-O - AN ORDINANCE AMENDING CHAPTER 41 PURCHASING PROVISIONS, AMENDING SECTION 41-32 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-041-O - AN ORDINANCE AMENDING PLATE NO. 41 OF THE OFFICIAL FLOODPLAIN AND SHORELAND MAP AS IDENTIFIED IN SECTION 51-5 OF THE DULUTH CITY CODE DEFINING THE FLOOD FRINGE AND FLOODWAY FOR THE 40TH AVENUE EAST CREEK WITHIN THE LIMITS OF THE DULUTH PUBLIC SCHOOLS SITE AT 301 NORTH 40TH AVENUE EAST.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-042-O - AN ORDINANCE GRANTING A CONCURRENT USE PERMIT TO A & L PROPERTIES TO CONSTRUCT A SKYWALK OVER EAST SUPERIOR STREET BETWEEN THE DULUTH TECHNOLOGY VILLAGE BUILDING AND THE WIELAND BLOCK BUILDING.

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COUNCILOR QUESTIONS AND COMMENTS

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