

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, September 14, 2009, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS - 7:00 p.m. - Proposed amendment to capital improvement plan.
7:00 p.m. - Proposed intent to issue capital improvement bonds.
7:00 p.m. - Proposed extension of the Downtown Waterfront Special Service District.
7:00 p.m. - Proposed imposition of service charges within the Downtown Waterfront Special Service District.

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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

- * 09-0914-01 Independent School District No. 709, et al. (two signatures), petition to vacate a portion of Ensign Street from the west line of Chambersburg Street to the east line of Church Street. -- Assessor
- * 09-0914-02 Joanne and Larry Spears communication regarding adoption of the Central Entrance-Miller Hill small area plan and amending the comprehensive land use plan - future land use map (09-0581R). -- Received

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REPORTS FROM OTHER OFFICERS

- * 09-0914-03 Assessor affidavit of mailing of notice of the special assessment board public hearings on September 8, 2009, at 2:30 p.m. in Room 106A, City Hall, on reassessment of local improvement and levying of assessments against real estate specially benefitted by such improvements regarding Contract No. 7036, Plat 1820, Parcel 00140, street improvement program 1999 (assessable amount: \$1,177.27); and Contract No. 5325, Plat 1350, Parcel 08100, demolition contract (assessable amount: \$4,657.75). -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 09-0914-04 Community development committee minutes of: (a) May 26, 2009; (b) June 23, 2009, meetings. -- Received
- * 09-0914-05 Duluth airport authority balance sheet of June 30, 2009. -- Received
- * 09-0914-06 Duluth public arts commission minutes of July 27, 2009, meeting. -- Received
- * 09-0914-07 Duluth transit authority minutes of May 27, 2009, meeting. -- Received
- * 09-0914-08 Entertainment and convention center authority minutes of August 25, 2009, meeting. -- Received
- * 09-0914-09 Library board minutes of June 23, 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)

09-0545R - RESOLUTION APPROVING PURCHASING AGREEMENT WITH THE MINNESOTA DEPARTMENT OF ADMINISTRATION MATERIALS MANAGEMENT DIVISION TO AUTHORIZE THE CITY TO PURCHASE UNDER STATE PURCHASING AGREEMENTS.

09-0551R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR ST. LUKE'S FOUNDATION AND MINNESOTA TEEN CHALLENGE.

09-0553R - RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO MAMA MIA'S PIZZA COMPANY (MAMA MIA'S HUMBLE PIE PIZZERIA), 1516 KENWOOD AVENUE.

09-0554R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE AND APPLICATION FOR A 2:00 A.M. BEVERAGE LICENSE FROM LIVE BAR, INC. (LIVE DOWNTOWN), 321-323 WEST FIRST STREET, TO ROSSBERG, INC. (ROSCOE'S PIONEER BAR), SAME ADDRESS.

09-0555R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO LAKE SUPERIOR BREWING COMPANY, LLC (LAKE SUPERIOR BREWING COMPANY), 2711 WEST SUPERIOR STREET.

09-0561R - RESOLUTION AMENDING RESOLUTION NO. 07-0635 AND AGREEMENT NO. 20519 WITH ARCHITECTURAL RESOURCES, INC., FOR ADDITIONAL PROFESSIONAL DESIGN SERVICES IN THE RENOVATION OF PARK POINT FIRE STATION NO. 5, TO INCREASE THE AMOUNT BY \$36,905, FOR A TOTAL CONTRACT AMOUNT OF \$90,905.

09-0567R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH KELLER FENCE COMPANY NORTH, INC., FOR THE PURCHASE, DELIVERY AND INSTALLATION OF A SECURITY FENCE AND GATES AT VARIOUS CITY LOCATIONS FOR A TOTAL AMOUNT OF \$76,950.

COMMITTEE 2

BY COUNCILOR ECKENBERG (INTERGOVERNMENTAL RELATIONS)

09-0560R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH JOB SERVICE TO PROVIDE DISLOCATED WORKER SERVICES IN AN AMOUNT NOT TO EXCEED \$187,255 FOR THE FEDERAL PROGRAM (FOR THE PERIOD JULY 1, 2009 - JUNE 30, 2010).

COMMITTEE 3

BY COUNCILOR FOSLE

(PUBLIC WORKS & UTILITIES)

09-0550R - RESOLUTION AMENDING RESOLUTION 09-0369 AWARDED A CONTRACT TO KGM CONTRACTORS, INC., FOR THE 2009 STREET IMPROVEMENT PROGRAM - LAKESIDE LOWER CENTRAL, INCREASING THE AMOUNT BY \$445,201 FOR THE INSTALLATION OF A NEW WATERMAIN FOR A NEW TOTAL OF \$2,123,853.40.

09-0557R - RESOLUTION AUTHORIZING ACCEPTANCE OF A CROSS COUNTRY SKI TRAIL ASSISTANCE PROGRAM GRANT AGREEMENT FOR FY2010 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$5,000.

09-0558R - RESOLUTION AUTHORIZING THE EXECUTION OF A SNOWMOBILE TRAILS ASSISTANCE PROGRAM GRANT AGREEMENT FOR FY2010 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$13,925.

09-0564R - RESOLUTION AUTHORIZING A PERMANENT EASEMENT AGREEMENT WITH THE SECRETARY OF THE ARMY FOR THE DULUTH AERIAL LIFT BRIDGE.

09-0565R - RESOLUTION AWARDED A CONTRACT TO INSITUFORM TECHNOLOGIES USA, INC., FOR THE 2009 CURED-IN-PLACE PIPE (CIPP) REHABILITATION OF SANITARY SEWERS AT VARIOUS LOCATIONS IN THE AMOUNT OF \$554,392.

09-0570R - RESOLUTION AMENDING RESOLUTION 09-0229 TO ADJUST THE ORIGINAL PURCHASE ORDER TO VIELE CONTRACTING, INC., FOR THE PURCHASE AND DELIVERY OF AN ADDITIONAL 2,452 TONS OF CLASS 5 GRAVEL FOR AN INCREASE OF \$19,208.81 AND A TOTAL PURCHASE ORDER AMOUNT OF \$192,058.31.

09-0571R - RESOLUTION AUTHORIZING A CONTRACT WITH VEIT & COMPANY, INC., FOR THE AMITY CREEK TRIBUTARY STREAM STABILIZATION PROJECT IN THE AMOUNT OF \$167,975.

09-0572R - RESOLUTION AUTHORIZING A CONTRACT WITH VEIT & COMPANY, INC., FOR THE SKYLINE PARKWAY STORM SEWER REPAIR PROJECT IN THE AMOUNT OF \$59,959.

09-0573R - RESOLUTION AWARDED A CONTRACT TO JMF CONSTRUCTION, INC., FOR THE CDBG-ARRA SIDEWALK AND PEDESTRIAN RAMPS REPLACEMENT PROJECT ON SUPERIOR STREET BETWEEN 20TH AVENUE WEST AND 22ND AVENUE WEST IN THE AMOUNT OF \$108,979.

09-0577R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH WASTE MANAGEMENT OF MINNESOTA, INC., (CANYON) FOR THE PURPOSE OF LANDFILL TIPPING FEES IN THE DISPOSAL OF AN ESTIMATED 2,500 TONS OF BOILER ASH FOR A TOTAL AMOUNT OF \$55,125.

09-0579R - RESOLUTION ESTABLISHING NATURAL GAS RATES FOR INTERRUPTIBLE TRANSPORTATION SERVICE AND RESCINDING RATES FOR FIRM TRANSPORTATION SERVICE EFFECTIVE WITH METER READINGS AFTER SEPTEMBER 30, 2009.

BY COUNCILOR CUNEO

(PUBLIC SAFETY)

09-0541R - RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM MINNESOTA BOARD OF FIREFIGHTER TRAINING AND EDUCATION IN THE AMOUNT OF \$5,000 FOR THE PURPOSE OF SUPPORTING THE FIRE DEPARTMENT PERSONNEL TRAINING.

COMMITTEE 3

BY COUNCILOR CUNEO

(PUBLIC SAFETY)

09-0546R - RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, IN THE AMOUNT OF \$9,387.50 FOR PURCHASE OF BULLETPROOF VESTS.

09-0547R - RESOLUTION AUTHORIZING ACCEPTANCE OF AN OVERTIME REIMBURSEMENT GRANT FROM THE UNITED STATES MARSHALS SERVICE IN THE AMOUNT OF \$1,000 FOR POLICE SERVICES RELATED TO THE DISTRICT FUGITIVE TASK FORCE.

09-0556R - RESOLUTION AUTHORIZING ACCEPTANCE OF A LAW ENFORCEMENT EQUIPMENT GRANT FROM THE TARGET CORPORATION IN THE AMOUNT OF \$600.

09-0566R - RESOLUTION AUTHORIZING AN AGREEMENT WITH AOT PUBLIC SAFETY CORPORATION TO IMPLEMENT AND PROVIDE THE DULUTH FALSE ALARM MANAGEMENT PROGRAM.

09-0568R - RESOLUTION AUTHORIZING CITY TO ACT AS A PARTNER TO ST. LOUIS COUNTY AS GRANTEE OF A 2010 PILOT COUNTY ENFORCEMENT PROJECT GRANT AND TO PERFORM POLICE SERVICES THEREUNDER UP TO \$24,726.

09-0569R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT AN AMENDED GRANT FROM THE U.S. FOREST SERVICE FOR LAW ENFORCEMENT SERVICES IN THE AMOUNT OF \$15,000.

09-0580R - RESOLUTION AUTHORIZING AGREEMENT WITH ST. LOUIS COUNTY FOR PROCESSING OF PARKING CITATIONS.

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)

09-0562R - RESOLUTION APPROVING AN AMENDMENT TO THE 2009-2013 CAPITAL IMPROVEMENT PLAN AND STATING THE INTENT TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION 475.521, IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$18,000,000.

09-0574R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2010.

09-0575R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2010.

09-0576R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2010.

09-0578R - RESOLUTION SETTING A PROPOSED BUDGET FOR THE FISCAL YEAR 2010.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0581R - RESOLUTION ADOPTING THE CENTRAL ENTRANCE-MILLER HILL SMALL AREA PLAN AND AMENDING THE COMPREHENSIVE LAND USE PLAN - FUTURE LAND USE MAP IN SIX LOCATIONS.

BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)

09-0544R - RESOLUTION PROVIDING FOR THE IMPOSITION OF SERVICE CHARGES WITHIN THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT.

09-0548R - RESOLUTION AUTHORIZING ENTERING INTO A MEMORANDUM OF UNDERSTANDING WITH THE GREATER DOWNTOWN COUNCIL SETTING FORTH THE ESTABLISHED LEVEL OF SERVICES FOR THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT.

09-0549R - RESOLUTION AUTHORIZING ENTERING INTO A SERVICE CONTRACT WITH THE GREATER DOWNTOWN COUNCIL TO PROVIDE SERVICES TO IMPLEMENT THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT.

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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)

09-048-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION REVENUE BONDS OF THE CITY OF DULUTH FOR THE IMPROVEMENT OF THE MUNICIPAL SEWER UTILITY IN AN AMOUNT NOT TO EXCEED \$975,000 UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-049-O - AN ORDINANCE AN ORDINANCE DESIGNATING THE GEORGE H. AND CHARLOTTE S. CROSBY HOUSE, AT 2029 EAST SUPERIOR STREET, AS A DULUTH HERITAGE PRESERVATION LANDMARK.
(REPLACEMENT)

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-012-O - AN ORDINANCE AUTHORIZING THE DIRECT SALE OF CERTAIN PROPERTY IN THE UPPER LESTER PARK AREA TO MICHAEL J. AND MELISA L. LEDOUX FOR \$5,200.

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

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.

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COUNCILOR QUESTIONS AND COMMENTS

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