

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, September 28, 2009, 7:00 p.m.

ROLL CALL PLEDGE OF ALLEGIANCE

- - -

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

NEW *09-0928-08 Brian Ronstrom appeal of the planning commission decisions to approve a variance of Section 51-29, Duluth City Code, standards for shoreland permits to construct a retaining wall within 150 feet of the ordinary high water mark of the 40th Avenue East creek and special use permit for grading, filling and/or excavating of more than 50 cubic yards of earth at 301 North 40th Avenue East - ISD 709. -- Committee 2 (Planning and economic development)

- - -

REPORTS FROM OTHER OFFICERS

- * 09-0928-01 Assessor letter of sufficiency of petition to vacate a portion of Ensign Street from the west line of Chambersburg Street to the east line of Church Street. -- Received
- * 09-0928-02 Clerk application to the Minnesota gambling control board for exemption from lawful gambling license (raffle) from AGC of Minnesota Foundation for February 9, 2010. -- Received

- - -

REPORTS OF BOARDS AND COMMISSIONS

- * 09-0928-03 Building appeal board minutes of July 8, 2009, meeting. -- Received
- * 09-0928-04 Duluth airport authority minutes of: (a) August 18; (b) September 1, 2009, meetings. -- Received
- * 09-0928-05 Duluth economic development authority minutes of August 3, 2009, meeting. -- Received
- * 09-0928-06 Planning commission minutes of August 11, 2009, meeting. -- Received
- * 09-0928-07 Spirit Mountain recreation area authority minutes of: (a) July 16; (b) August 27, 2009, meetings. -- Received

* Listed only, not copied.

- - -

REPORTS OF COUNCIL COMMITTEES

- - -

OPPORTUNITY FOR CITIZENS TO BE HEARD

- - -

RESOLUTION TABLED

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

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. (TABLED 9/14 FOR MORE INFORMATION)

- - -

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)

09-0587R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF A CANCELED STREET ASSESSMENT.

09-0588R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF A CANCELED RAZING ASSESSMENT.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0594R - RESOLUTION AMENDING RESOLUTION 09-0351 AND AGREEMENT NO. 20891 WITH ARCHITECTURE ADVANTAGE, LLP, FOR ADDITIONAL PROFESSIONAL ARCHITECTURAL AND INTERIOR DESIGN SERVICES AT VARIOUS CITY STRUCTURES, TO INCREASE THE AMOUNT BY \$15,000, FOR A TOTAL CONTRACT AMOUNT OF \$25,000.

09-0595R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH DULUTH-SUPERIOR ERECTION FOR REPAIRS AND WATERPROOFING TO COURTYARD AND CITY HALL VAULT IN THE AMOUNT OF \$68,425.

09-0603R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH NORTHSTAR INTERNATIONAL, INC., D.B.A. ASTLEFORD INTERNATIONAL FOR THE PURCHASE OF TWO 2010 INTERNATIONAL MODEL 7500 SINGLE AXLE CAB AND CHASSIS UNITS FOR A TOTAL AMOUNT OF \$163,859.56.

NEW 09-0613R - RESOLUTION APPROVING THE ISSUANCE OF A BREWERY MALT LIQUOR OFF SALE INTOXICATING LIQUOR LICENSE TO HIPPO DOWN THE STREET (CARMODY IRISH PUB), 308 EAST SUPERIOR STREET, FOR THE PERIOD BEGINNING SEPTEMBER 1, 2009, AND ENDING AUGUST 31, 2010.

COMMITTEE 1

BY COUNCILOR GARDNER (PERSONNEL)

09-0584R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF BUDGET AND OPERATIONS ANALYST AND SPECIFYING CONTRACT BENEFITS FOR SAME.

09-0585R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF BID AND CONTRACT ASSISTANT AND SPECIFYING CONTRACT BENEFITS FOR SAME.

09-0586R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF BUYER AND SPECIFYING CONTRACT BENEFITS FOR SAME.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0589R - RESOLUTION VACATING LESTER STREET ALLEY BETWEEN 51ST AND 52ND AVENUES EAST (SARAH SEIDELMANN).

09-0604R - RESOLUTION AUTHORIZING A REQUEST FOR HUD HOMELESSNESS PREVENTION AND RAPID REHOUSING PROGRAM (HPRP) FUNDS FOR THE 2009 PROGRAM YEAR AND AUTHORIZING CONTRACTS. **(REPLACEMENT)**

09-0605R - RESOLUTION APPROVING THE VACATION OF PART OF WYOMING STREET (RICHARD HOEG).

09-0606R - RESOLUTION APPROVING A SPECIAL USE PERMIT TO T-MOBILE CENTRAL, LLC. FOR A MULTI-TENANT COMMUNICATIONS TOWER AND EQUIPMENT BUILDING AT 8505 KNOWLTON CREEK BOULEVARD (RON GUNDERSON, SITEFINDER, INC.).

09-0608R - RESOLUTION APPROVING A SPECIAL USE PERMIT TO A T & T MOBILITY FOR A CELL PHONE ANTENNA AND EQUIPMENT SHELTER AT 126 SOUTH BOUNDARY AVENUE (RENEE K. ZIRBES, BUELL CONSULTING, INC.).

BY COUNCILOR ECKENBERG (INTERGOVERNMENTAL RELATIONS)

09-0602R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH ST. LOUIS COUNTY TO PROVIDE SUPPORTED WORK SERVICES TO MFIP PARTICIPANTS FOR THE PERIOD JULY 1, 2009, THROUGH JUNE 30, 2010, IN AN AMOUNT EXPECTED TO BE \$128,522.88 AND NOT TO EXCEED \$385,568.65.

09-0612R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN ASSISTANCE AGREEMENT WITH THE FEDERAL DEPARTMENT OF ENERGY (DOE) FOR THE ACCEPTANCE OF AN ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) IN THE AMOUNT OF \$850,300 FOR THE PERIOD OF SEPTEMBER 14, 2009, THROUGH SEPTEMBER 13, 2012.

BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)

09-0582R - RESOLUTION AUTHORIZING PAYMENT OF MEMBERSHIP DUES TO LEAGUE OF MINNESOTA CITIES IN THE AMOUNT OF \$28,267.

COMMITTEE 2

BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)

NEW 09-0615R - RESOLUTION AUTHORIZING AN AGREEMENT WITH CBIZ BENEFITS & INSURANCE SERVICES, INC., FOR EMPLOYEE BENEFITS CONSULTING SERVICES IN AN ANNUAL AMOUNT NOT TO EXCEED \$80,000.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-0529R - RESOLUTION AWARDED A CONTRACT TO GRIDOR CONSTRUCTION, INC. FOR THE ARLINGTON PUMP STATION RECONSTRUCTION IN THE AMOUNT OF \$1,389,000.

09-0590R - RESOLUTION AMENDING RESOLUTION 09-0088 TO ADJUST THE PURCHASE ORDER TO SERVICE ELECTRIC OF SUPERIOR, INC., FOR ADDITIONAL ELECTRICAL WORK, AT AN INCREASE OF \$25,000, FOR A TOTAL PURCHASE ORDER AMOUNT OF \$89,000.

09-0593R - RESOLUTION AUTHORIZING A SANITARY SEWER LICENSE AGREEMENT WITH THE ST. LOUIS AND LAKE COUNTIES REGIONAL RAILROAD AUTHORITY FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF A SANITARY SEWER LINE APPROXIMATELY 340 FEET EAST OF THIRD AVENUE EAST.

09-0601R - RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH T-MOBILE CENTRAL LLC, FOR INSTALLATION OF WIRELESS COMMUNICATIONS EQUIPMENT AT THE ORPHANAGE WATER TOWER.

09-0607R - RESOLUTION AUTHORIZING AN AGREEMENT WITH LAKE SUPERIOR CONSULTING, LLC FOR ENGINEERING SERVICES FOR REVIEW OF THE GAS TRANSMISSION MAIN PIPELINE CROSSING.

09-0609R - RESOLUTION AMENDING GUIDELINES FOR THE PRIVATE SEWER SERVICE GRANT PROGRAM.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

NEW 09-0591R - RESOLUTION AUTHORIZING THE BUILDING OFFICIAL TO ABATE CERTAIN NUISANCES BY REMOVAL OF STRUCTURALLY UNSOUND BUILDINGS IN THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$86,786.97.

09-0592R - RESOLUTION AUTHORIZING ACCEPTANCE OF A JUSTICE ASSISTANCE GRANT FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT THROUGH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS IN AN AMOUNT ESTIMATED TO BE \$300,000 FOR A BLIGHT AND NUISANCE CRIMES PREVENTION PROJECT. **(REPLACEMENT)**

09-0596R - RESOLUTION TO ESTABLISH NO PARKING ON 12TH AVENUE WEST SOUTH OF SIXTH STREET TO THE SOUTHERLY DEAD END.

09-0598R - RESOLUTION TO ESTABLISH NO PARKING ON THE NORTH SIDE AND NO PARKING 2:00 AM TO 6:00 AM ON THE SOUTH SIDE OF SUPERIOR STREET FROM 40TH AVENUE EAST TO 50 FEET EAST OF 3860 EAST SUPERIOR STREET.

09-0599R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A SUPPLEMENTAL GRANT FROM THE DEPARTMENT OF JUSTICE OFFICE OF VIOLENCE AGAINST WOMEN IN THE AMOUNT OF \$398,820 FOR IMPLEMENTATION OF ARREST PROGRAM.

END OF CONSENT AGENDA

- - -

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-0610R - RESOLUTION RESOLUTION GRANTING A SPECIAL USE PERMIT TO STEVE KUEPERS, KUEPERS ARCHITECTS & BUILDERS, FOR A LOW DENSITY PLANNED DEVELOPMENT AT 9320 GRAND AVENUE (WESTWOOD HEIGHTS).

COMMITTEE 3

BY COUNCILOR CUNEO (PUBLIC SAFETY)

09-0600R - RESOLUTION REQUESTING THE ADMINISTRATION ESTABLISH NO PARKING FROM 10:00 PM TO 6:00 AM ON ONE PULL-OFF AREA OF SKYLINE PARKWAY.

- - -

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

09-051-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION REVENUE BONDS OR NOTE OF THE CITY OF DULUTH IN THE MAXIMUM AMOUNT OF \$1,020,000 FOR THE IMPROVEMENT OF THE MUNICIPAL SEWER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-050-O - AN ORDINANCE AUTHORIZING THE DIRECT SALE OF CERTAIN PROPERTY IN THE SPIRIT VALLEY AREA TO CHARLES D. AND PATRICIA J. SHAW FOR \$7,500.

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

COUNCILOR QUESTIONS AND COMMENTS
