

## AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, October 26, 2009, 7:00 p.m.

### ROLL CALL

### PLEDGE OF ALLEGIANCE

**APPROVAL OF MINUTES** - June 15 and July 13, 2009.

**PUBLIC HEARINGS** - 7:00 P.M. - I-35 reconstruction project.

- Proposed designation of Elizabeth Street as a resident permit parking zone.

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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

\* 09-1026-01 Jane Meghen communication regarding proposed amendment to the resident permit parking zone in the vicinity of the University of Minnesota - Duluth (09-0597R). -- Received

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### REPORTS FROM THE ADMINISTRATION

\* 09-1026-02 Mayor Ness proposed 2010 budget. -- Received

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### REPORTS FROM OTHER OFFICERS

\* 09-1026-03 Assessor letters of sufficiency of petitions to:  
(a) Reclassify from R-1-c to R-3 Lots 51-60, St. Louis Avenue, Upper Duluth;  
(b) Vacate Third Avenue West north of Seventh Street extending to the north boundary described as Lot 47, Block 92, Duluth Proper Third Division. -- Received

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### REPORTS OF BOARDS AND COMMISSIONS

- \* 09-1026-04 Charter commission minutes of July 29, 2009, meeting. -- Received
- \* 09-1026-05 Commission on disabilities minutes of: (a) July 1; September 2, 2009, meetings. -- Received
- \* 09-1026-06 Duluth legacy endowment fund project group minutes of June 16, 2009, meeting. -- Received
- \* 09-1026-07 Duluth human rights commission minutes of September 9, 2009, meeting. -- Received
- \* 09-1026-08 Planning commission minutes of September 8, 2009, meeting. -- Received
- \* 09-1026-09 Special assessment board notification of change in rules and regulations for assessments on MSA routes, pursuant to Section 45-75 of the Duluth City Code. -- Received
- \* 09-1026-10 Tree commission minutes of: (a) July 21; (b) August 18, 2009, meetings. -- Received

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\* 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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**RESOLUTIONS TABLED**

**COMMITTEE 2**

**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

09-0620R - RESOLUTION AFFIRMING THE ACTIONS OF THE PLANNING COMMISSION AND GRANTING A SPECIAL USE PERMIT AND VARIANCE TO INDEPENDENT SCHOOL DISTRICT 709 AS AUTHORIZED BY CHAPTER 51, ARTICLE III, OF THE CITY OF DULUTH LEGISLATIVE CODE FOR PROPERTY LOCATED AT 301 NORTH 40TH AVENUE EAST (UNNAMED EASTERN HIGH SCHOOL PROJECT). (TABLED 10/12)

09-0621R - RESOLUTION REVERSING THE ACTIONS OF THE PLANNING COMMISSION AND DENYING A SPECIAL USE PERMIT AND VARIANCE TO INDEPENDENT SCHOOL DISTRICT 709 AS AUTHORIZED BY CHAPTER 51, ARTICLE III, OF THE CITY OF DULUTH LEGISLATIVE CODE FOR PROPERTY LOCATED AT 301 NORTH 40TH AVENUE EAST (UNNAMED EASTERN HIGH SCHOOL PROJECT). (TABLED 10/12)

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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)**

09-0644R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION UTILITIES REVENUE BONDS, SERIES 2009E.

09-0645R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION IMPROVEMENT REFUNDING BONDS, SERIES 2009F.

**COMMITTEE 1**

**BY COUNCILOR KRAUSE (PURCHASING & LICENSING)**

09-0626R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH PLOVER GROUP, INC., FOR PROFESSIONAL PROJECT MANAGER SERVICES RELATED TO THE DEVELOPMENT AND IMPLEMENTATION OF THE ONE-STOP-SHOP PROJECT THROUGH THE CREATION OF A NEW DEPARTMENT CONTAINING PLANNING, LAND USE AND CONSTRUCTION PERMITTING AND SERVICES FOR AN AMOUNT NOT TO EXCEED \$30,000.

09-0629R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF GMRI, INC. (RED LOBSTER), 301 LAKE AVENUE SOUTH.

**COMMITTEE 1**

**BY COUNCILOR KRAUSE (PURCHASING & LICENSING)**

09-0666R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE AND 2:00 A.M. BEVERAGE LICENSE TO HANABI JAPANESE CUISINE, LLC (HANABI JAPANESE CUISINE), 110 NORTH FIRST AVENUE WEST.

**COMMITTEE 2**

**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

09-0632R - RESOLUTION AUTHORIZING AGREEMENT WITH THE GREATER DOWNTOWN COUNCIL FOR OPERATION OF SIGNAGE IN THE DOWNTOWN SKYWALK SYSTEM.

09-0634R - RESOLUTION AUTHORIZING A MAINTENANCE AGREEMENT WITH ARROWHEAD REGIONAL DEVELOPMENT COMMISSION FOR CAIRN SIGNAGE AT BRIGHTON BEACH.

09-0656R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO THE CITY ENGINEERING DIVISION FOR A COMMUNICATIONS EQUIPMENT BUILDING ON THE HIGHLAND WATER TOWER SITE AT 1701 NORTH ARLINGTON AVENUE (ERIC SHAFFER).

09-0658R - RESOLUTION REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF SAINT LOUIS COUNTY RECLASSIFY TO NONCONSERVATION TWO TAX FORFEITED PARCELS NEAR THE INTERSECTION OF SWAN LAKE ROAD AND KRUEGER JUNCTION ROAD (MINNESOTA POWER AIRPARK SUBSTATION).

09-0661R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO AT&T MOBILITY FOR A CELLULAR COMMUNICATIONS EQUIPMENT SHELTER ON THE WOODLAND WATER TOWER SITE AT 801 MINNEAPOLIS AVENUE (JAMES RIES, BUELL CONSULTING, INC.).

09-0662R - RESOLUTION APPROVING THE VACATION OF PART OF BAYVIEW AVENUE (JEFFREY JACKSON).

09-0663R - RESOLUTION APPROVING A SPECIAL USE PERMIT TO AT&T MOBILITY FOR A TELECOMMUNICATIONS MONOPOLE AT 2101 TRINITY ROAD (PETER CAMPBELL, BUELL CONSULTING, INC.).

09-0664R - RESOLUTION VACATING A PORTION OF NORTH 53RD AVENUE EAST BETWEEN GLENWOOD STREET AND ONEIDA STREET AND PART OF THE ALLEY SOUTH OF GLENWOOD STREET FROM NORTH 54TH AVENUE EAST TO APPROXIMATELY 150 FEET WEST OF NORTH 53RD AVENUE EAST; AND DEDICATING A NEW NORTH-SOUTH ALLEY BETWEEN GLENWOOD STREET AND ONEIDA STREET APPROXIMATELY 150 FEET WEST OF NORTH 53RD AVENUE EAST AND A UTILITY EASEMENT FROM THE NEW DEDICATED ALLEY TO NORTH 53RD AVENUE EAST (INDEPENDENT SCHOOL DISTRICT NO. 709).

**BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)**

09-0627R - RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS WITH BLUE CROSS AND BLUE SHIELD OF MINNESOTA TO PROVIDE ADMINISTRATIVE SERVICES AND STOP LOSS INSURANCE TO THE CITY GROUP HEALTH PLAN DURING YEAR 2009 AT AN ESTIMATED TOTAL COST TO THE CITY OF \$1,063,486.

**COMMITTEE 2**

**BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)**

09-0633R - RESOLUTION ACCEPTING A MATCHING GRANT FROM THE DULUTH-SUPERIOR AREA COMMUNITY FOUNDATION IN THE AMOUNT OF \$10,000 FOR DEVELOPMENT OF A MODEL CARBON EMISSIONS IN THE CITY OF DULUTH AND DEVELOPING AND IMPLEMENTING A PLAN TO REDUCE SAME.

09-0648R - RESOLUTION AUTHORIZING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH CBIZ BENEFITS & INSURANCE SERVICES, INC., FOR A POST-EMPLOYMENT HEALTH CARE VALUATION IN AN AMOUNT NOT TO EXCEED \$12,000.

**COMMITTEE 3**

**BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)**

09-0611R - RESOLUTION APPROVING THE FINAL LAYOUT FOR THE RECONSTRUCTION OF I-35, S.P 6982-290, IN THE CORPORATE LIMITS OF THE CITY OF DULUTH.

09-0630R - RESOLUTION AMENDING CONTRACT NO. C20859 WITH MSA PROFESSIONAL SERVICES, INC., FOR DESIGN AND CONSTRUCTION OF THE EAST INTERCEPTOR SANITARY SEWER OVERFLOW STORAGE FACILITY IN THE ESTIMATED AMOUNT OF \$384,323.23 FOR A NEW TOTAL OF \$2,191,782.23.

09-0631R - RESOLUTION AUTHORIZING A LAKEWALK TRAIL LICENSE AGREEMENT WITH THE ST. LOUIS AND LAKE COUNTIES REGIONAL RAILROAD AUTHORITY FOR OPERATION AND MAINTENANCE OF THE LAKEWALK TRAIL FROM 47TH AVENUE EAST TO 60TH AVENUE EAST.

09-0639R - RESOLUTION AUTHORIZING ACCEPTANCE OF A COASTAL NONPOINT PROGRAM IMPLEMENTATION GRANT FROM THE STATE OF MINNESOTA, DEPARTMENT OF NATURAL RESOURCES, IN THE AMOUNT OF \$5,000, FOR THE PROJECT ENTITLED *IMPROVING WATER QUALITY BY USING ACCURATE GPS TECHNOLOGY* AND COMMITTING LOCAL MATCH.

09-0646R - RESOLUTION AWARDED A CONTRACT TO RJS CONSTRUCTION GROUP, LLC, FOR THE EAST INTERCEPTOR SANITARY SEWER OVERFLOW STORAGE FACILITY - PHASE I IN THE AMOUNT OF \$3,423,000.

09-0647R - RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES PARKS AND TRAILS LEGACY GRANT PROGRAM AND TO ENTER INTO A GRANT AGREEMENT FOR THE CROSS CITY TRAIL (MUNGER TRAIL EXTENSION) PROJECT.

09-0649R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH NORTH SHORE TRACK SERVICES, INC., FOR THE REMOVAL AND REPLACEMENT OF TRACK FOR THE PROPOSED SEWER CROSSING UNDER THE ST. LOUIS AND LAKE COUNTIES REGIONAL RAIL AUTHORITY TRACKAGE NEAR FITGER'S INN FOR A TOTAL AMOUNT OF \$25,200.

09-0657R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH MONROE TRUCK EQUIPMENT FOR THE PURCHASE AND INSTALLATION OF ONE DUMP BODY AND ONE PERMANENT MOUNT SANDER ON TWO SINGLE AXLE TRUCKS IN THE AMOUNT OF \$122,362.26.

**NEW** 09-0669R - RESOLUTION AUTHORIZING AGREEMENT WITH LATHAM & ASSOCIATES, INC., FOR PROFESSIONAL SERVICES RELATED TO THE POTENTIAL SALE OF DULUTH STEAM DISTRICT NO. 1 IN THE AMOUNT OF \$80,000.

**COMMITTEE 3**

**BY COUNCILOR CUNEO**

**(PUBLIC SAFETY)**

09-0597R - RESOLUTION AMENDING RESOLUTION 89-0885 DESIGNATING PORTIONS OF CERTAIN STREETS IN THE VICINITY OF THE UNIVERSITY OF MINNESOTA - DULUTH AS RESIDENT PERMIT PARKING ZONES.

09-0635R - RESOLUTION TO ESTABLISH NO PARKING ON RAILROAD STREET BETWEEN GARFIELD AVENUE AND FIFTH AVENUE WEST.

09-0636R - RESOLUTION TO ESTABLISH NO PARKING ON THE WEST SIDE OF FOURTH AVENUE WEST BETWEEN FIRST STREET AND SECOND STREET.

09-0637R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH CHADER VOICE TECHNOLOGY, A DIVISION OF CHADER BUSINESS EQUIPMENT, FOR THE PURCHASE OF A COMPLETE POLICE DIGITAL DICTATION SYSTEM IN THE AMOUNT OF \$67,850.66.

09-0640R - RESOLUTION ADOPTING PENALTY SCHEDULE FOR ADMINISTRATIVE PENALTIES PURSUANT TO DULUTH CITY CODE CHAPTER 12.

09-0652R - RESOLUTION AUTHORIZING AGREEMENT WITH ST. LOUIS COUNTY FOR SERVICES RELATED TO THE CONTINUATION OF THE ARREST PROGRAM.

09-0653R - RESOLUTION AUTHORIZING AGREEMENT WITH MINNESOTA PROGRAM DEVELOPMENT, INC. FOR SERVICES RELATED TO THE CONTINUATION OF THE ARREST PROGRAM.

09-0654R - RESOLUTION AUTHORIZING AGREEMENT WITH MENDING THE SACRED HOOP, INC. FOR SERVICES RELATED TO THE CONTINUATION OF THE ARREST PROGRAM.

09-0655R - RESOLUTION AUTHORIZING AGREEMENT WITH PROGRAM FOR AID TO VICTIMS OF SEXUAL ASSAULT, INC. FOR SERVICES RELATED TO THE CONTINUATION OF THE ARREST PROGRAM.

**NEW** 09-0668R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH TOMLINSON HOMES, INC. PROVIDING FOR THE USE OF PROPERTY FOR POLICE TRAINING AND AT NO COST TO THE CITY.

**BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)**

09-0650R - RESOLUTION GOVERNING THE SEASONAL DEER HUNT IN DULUTH BY DESIGNATING ADDITIONAL HOT SPOTS AVAILABLE FOR HUNTING DURING THE 2009 SEASON ONLY.

09-0665R - RESOLUTION AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO AGREEMENT WITH ARROWHEAD ZOOLOGICAL SOCIETY, INC.

**BY COUNCILORS ANDERSON AND FOSLE**

**NEW** 09-0670R - RESOLUTION ESTABLISHING AN AMBULANCE/EMERGENCY SERVICES TASK FORCE.

**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)**

09-0638R - RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF A \$1,698,450 GENERAL OBLIGATION WATER UTILITY REVENUE NOTE, SERIES 2009, AND PROVIDING FOR ITS PAYMENT.

09-0641R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2009B.

09-0642R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF TAXABLE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS (BUILD AMERICA BONDS - DIRECT PAY), SERIES 2009C.

09-0643R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2009D.

**COMMITTEE 3**

**BY COUNCILOR CUNEO (PUBLIC SAFETY)**

09-0651R - RESOLUTION TO DISESTABLISH A PORTION OF A METERED PARKING ZONE AND ESTABLISH POLICE-ONLY PARKING ON THE NORTH SIDE OF FIRST STREET FROM FOURTH AVENUE WEST TO 165 FEET WEST OF FOURTH AVENUE WEST.

**NEW** 09-0667R - RESOLUTION AUTHORIZING AGREEMENT WITH LHB ENGINEERS AND ARCHITECTS, INC., FOR DESIGN OF THE NEW PUBLIC SAFETY FACILITY IN THE AMOUNT OF \$1,093,238.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

The following entitled ordinance is to be read for the first time:

**COMMITTEE 1**

**BY COUNCILOR FEDORA (FINANCE)**

09-054-O - AN ORDINANCE AMENDING ORDINANCE NO. 9999 IN ITS ENTIRETY AUTHORIZING THE ISSUANCE, SALE AND DELIVER OF GENERAL OBLIGATION REVENUE BONDS OR NOTE OF THE CITY OF DULUTH IN THE MAXIMUM AMOUNT OF \$2,500,000 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.

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

**COMMITTEE 3**

**BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)**

09-052-O - AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN CITY PROPERTY TO VARIOUS PARTIES.

09-053-O - AN ORDINANCE AUTHORIZING THE DIRECT SALE OF CERTAIN PROPERTY IN WISCONSIN TO DL SKIING, LLC, FOR \$100.

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**COUNCILOR QUESTIONS AND COMMENTS**  
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