

**AGENDA FOR THE DULUTH CITY COUNCIL MEETING**

**REPLACEMENT**

Monday, November 9, 2009, 7:00 p.m.

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES - July 27, 2009.**

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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**

- \* 09-1109-01 Ronald and Robin Anderson petition to vacate Peabody Street east of 43rd Avenue East and north of Lots 1, 2 and 3, Block 108, London Addition. -- Assessor

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**REPORTS FROM OTHER OFFICERS**

- \* 09-1109-02 Assessor letter of sufficiency of petition to vacate Peabody Street east of 43rd Avenue East and north of Lots 1, 2 and 3, Block 108, London Addition. -- Received

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**REPORTS OF BOARDS AND COMMISSIONS**

- \* 09-1109-03 Building appeal board minutes of August 12, 2009, meeting. -- Received
- \* 09-1109-04 Duluth economic development authority minutes of September 16, 2009, meeting. -- Received
- \* 09-1109-05 Duluth public arts commission minutes of September 21, 2009, meeting. -- Received
- \* 09-1109-06 Duluth transit authority: (a) Financial statement of July 2009; (b) Minutes of: (1) August 12; (2) August 26, 2009, meetings. -- Received
- \* 09-1109-07 Entertainment and convention center authority minutes of October 27, 2009, meeting. -- 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)**

**NEW** 09-0678R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF SEWER CONNECT AT 327 OCCIDENTAL BOULEVARD.

**NEW** 09-0679R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF SEWER CONNECT AT 1301 MALL DRIVE.

**NEW** 09-0680R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE RAZING AT SEVERAL LOCATIONS.

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

09-0677R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR NORTHERN LIGHTS FOUNDATION.

09-0687R - RESOLUTION APPROVING THE ISSUANCE OF A 2010 MINNESOTA CURRENCY EXCHANGE LICENSE TO THE TITLE LOAN COMPANY, INC.

**COMMITTEE 2**

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

**NEW** 09-0684R - RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH THE LAKE SUPERIOR AND MISSISSIPPI RAILROAD.

**COMMITTEE 2**

**BY COUNCILOR ECKENBERG (INTERGOVERNMENTAL RELATIONS)**

09-0674R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE SALVATION ARMY RELATING TO DISTRIBUTION OF EMERGENCY ENERGY ASSISTANCE FUNDS IN THE AMOUNT OF \$16,086.

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

**NEW** 09-0671R - RESOLUTION DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 3, 2009.

09-0676R - RESOLUTION AUTHORIZING ACCEPTANCE OF A GOVERNMENT TRAILBLAZER GRANT FROM THE NATIONAL CENTER FOR CIVIC INNOVATION IN THE AMOUNT OF \$5,000.

**COMMITTEE 3**

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

09-0685R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH GORHAM OIEN MECHANICAL, INC., FOR THE INSTALLATION OF CHILLED WATER SUPPLY AND RETURN PIPING TO THE GERALD W. HEANEY FEDERAL BUILDING AND US COURTHOUSE AND CUSTOMHOUSE AT 515 WEST FIRST STREET IN THE AMOUNT OF \$58,000.

**BY COUNCILOR CUNEO (PUBLIC SAFETY)**

09-0683R - RESOLUTION APPROVING AGREEMENT WITH OCDETF FOR REIMBURSEMENT OF OVERTIME FOR INVESTIGATIVE SERVICES RELATED TO FEDERAL CRIMINAL INVESTIGATIONS IN THE TOTAL AMOUNT OF \$15,000.

**END OF CONSENT AGENDA**

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

**COMMITTEE 2**

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

**NEW** 09-0659R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO AT&T MOBILITY FOR A 180 FOOT WIRELESS COMMUNICATIONS MONOPOLE AND ASSOCIATED GROUND EQUIPMENT AT 25 NORTH 78TH AVENUE EAST (SHANE BEGLEY).

**NEW** 09-0660R - RESOLUTION DENYING A SPECIAL USE PERMIT TO AT&T MOBILITY FOR A 180 FOOT WIRELESS COMMUNICATIONS MONOPOLE AND ASSOCIATED GROUND EQUIPMENT AT 25 NORTH 78TH AVENUE EAST (SHANE BEGLEY).

09-0672R - RESOLUTION APPROVING THE PROPERTY ACQUISITION/DEMOLITION PROGRAM AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) AND THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MN, PURSUANT TO CITY COUNCIL RESOLUTION 09-0342.

**COMMITTEE 3**

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

09-0675R - RESOLUTION AMENDING RATES FOR WATER, NATURAL GAS, SANITARY SEWER AND STORMWATER UTILITIES EFFECTIVE ON JANUARY 1, 2010, AND REPEALING ANY CONFLICTING RATES. **(REPLACEMENT)**

09-0681R - RESOLUTION AMENDING CONTRACT NO. C20886 WITH MSA PROFESSIONAL SERVICES, INC., FOR ENGINEERING SERVICES FOR PRELIMINARY DESIGN OF HIGHLAND PUMP STATION IMPROVEMENTS IN THE ESTIMATED AMOUNT OF \$156,993 FOR A NEW TOTAL OF \$180,350. **(REPLACEMENT)**

**BY COUNCILOR CUNEO (PUBLIC SAFETY)**

**NEW** 09-0673R - RESOLUTION AUTHORIZING LEASE AGREEMENT WITH ST. LOUIS COUNTY FOR THE NEW PUBLIC SAFETY FACILITY.

09-0686R - RESOLUTION CONFIRMING APPOINTMENT OF MEMBERS TO SERVE ON THE AMBULANCE/EMERGENCY SERVICES TASK FORCE.

09-0690R - RESOLUTION APPROVING WAIVING PARKING FEES AT CITY-OWNED DOWNTOWN PARKING RAMPS AND DOWNTOWN PARKING METERS AT CERTAIN TIMES DURING THE CHRISTMAS CITY OF THE NORTH PARADE AND BENTLEYVILLE TOUR OF LIGHTS 2009. **(AMENDMENT)**

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

09-0682R - RESOLUTION ACCEPTING GRANTS FROM THE DULUTH LEGACY ENDOWMENT FUND FOR WASHINGTON CENTER FURNITURE IN THE AMOUNT OF \$750 AND FOR THE DULUTH PUBLIC LIBRARY FOR COMPUTER FURNITURE IN THE AMOUNT OF \$1,055.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

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

**COMMITTEE 3**

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

09-055-O - AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY IN THE GARY-NEW DULUTH AREA TO KELLY N. FRISBIE FOR \$20,000.

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

**COMMITTEE 1**

**BY COUNCILOR FEDORA (FINANCE)**

09-054-O - AN ORDINANCE AMENDING ORDINANCE NO. 9999 IN ITS ENTIRETY AUTHORIZING THE ISSUANCE, SALE AND DELIVERY 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.

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**COUNCILOR QUESTIONS AND COMMENTS**