

**AGENDA FOR THE DULUTH CITY COUNCIL MEETING**

**REPLACEMENT**

Monday, November 23, 2009, 7:00 p.m.

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES** - August 10 and 24, 2009.

- - -

*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]*

- - -

**REPORTS FROM OTHER OFFICERS**

- \* 09-1123-01 Clerk applications to the Minnesota gambling control board for exemption from lawful gambling licenses (raffles) from: (a) ALS Association, Minnesota Chapter, on February 6, 2010; (b) Regents of the University of Minnesota, on April 22, 2010. -- Received
- \* 09-1123-02 Parks and recreation division manager rental agreement with Ashley R. Youngblom for residential dwelling unit located at Duluth Heights Community Recreation Center, 33 West Mulberry Street, pursuant to Section 2-35, Duluth City Code. -- Mayor for execution

- - -

**REPORTS OF BOARDS AND COMMISSIONS**

- \* 09-1123-03 Commission on disabilities minutes of September 30, 2009, meeting. -- Received
- \* 09-1123-04 Duluth airport authority: (a) Balance sheet of August 31, 2009; (b) Minutes of: (1) September 15; (2) September 28, 2009, meetings. -- Received
- \* 09-1123-05 Duluth public arts commission minutes of October 19, 2009, meeting. -- Received
- \* 09-1123-06 Library board minutes of September 22, 2009, meeting. -- Received
- \* 09-1123-07 Parks and recreation commission minutes of October 14, 2009, meeting. -- Received

\* Listed only, not copied.

- - -

**REPORTS OF COUNCIL COMMITTEES**

- - -

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

- - -

**RESOLUTION TABLED**

**COMMITTEE 3**

**BY COUNCILOR CUNEO**

**(PUBLIC SAFETY)**

09-0686R - RESOLUTION CONFIRMING APPOINTMENT OF MEMBERS TO SERVE ON THE AMBULANCE/EMERGENCY SERVICES TASK FORCE. (TABLED 11/9) (REPLACEMENT)

- - -

**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)**

09-0702R - RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF A \$2,414,150 GENERAL OBLIGATION SEWER UTILITY REVENUE NOTE, SERIES 2009B, AND PROVIDING FOR ITS PAYMENT.

09-0703R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY IN FULL THE EXPENSE OF SOLID WASTE COLLECTION DURING THE PERIOD OF MARCH 1, 2008, TO JUNE 1, 2009, FOR WHICH THE LICENSED COLLECTOR HAS NOT BEEN REIMBURSED AS PROVIDED FOR IN CHAPTER 24 OF THE DULUTH CITY CODE.

09-0713R - RESOLUTION REQUESTING THAT ELECTRICITY COSTS INCURRED BY THE CITY FROM BENTLEYVILLE TOUR OF LIGHTS 2009 BE DERIVED FROM THE TOURISM TAX FUND.

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

09-0688R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE TO TEXAS ROADHOUSE HOLDINGS, LLC (TEXAS ROADHOUSE), 902 MALL DRIVE.

09-0705R - 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 \$175,118.41.

09-0712R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH MAX GRAY CONSTRUCTION, INC., FOR CASEWORK ALTERATIONS AND ADDITIONS, ACCENT LIGHTING, AND STANDARD WINDOW TREATMENTS TO ACCOMMODATE TECHNOLOGY UPGRADES FOR THE COUNCIL CHAMBER IN CITY HALL IN THE AMOUNT OF \$69,100.

09-0714R - RESOLUTION AUTHORIZING AGREEMENT WITH STATE BEP FOR VENDING OPERATIONS IN CITY HALL.

**COMMITTEE 2**

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

09-0709R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO MICHAEL G. EDMUNDS FOR A DENTAL CLINIC AT 1414 WOODLAND AVENUE

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

09-0710R - RESOLUTION AUTHORIZING SECOND AMENDMENT TO MPCA CFMS GRANT NO. B15693 AND EXTENDING THE TIME FOR PERFORMANCE.

**COMMITTEE 2**

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

09-0711R - RESOLUTION AUTHORIZING AMENDMENT TO A FOUNDATION GRANT PERTAINING TO CITY'S GREENHOUSE GAS EMISSIONS, MODIFYING THE WORK PLAN AND EXTENDING THE TIME FOR PERFORMANCE.

09-0716R - RESOLUTION AUTHORIZING SETTLEMENT OF THE CLAIM OF THE CITY OF DULUTH VERSUS THE DULUTH AMATEUR HOCKEY ASSOCIATION IN THE AMOUNT OF \$100,000.

**COMMITTEE 3**

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

09-0691R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF THOMAS J. POTTER IN THE AMOUNT OF \$13,167.10.

09-0694R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF GARY A. MERILA IN THE AMOUNT OF \$22,435.

09-0701R - RESOLUTION AMENDING RESOLUTION 08-0553 ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR THE PAINTING AND GENERAL STRUCTURAL REHABILITATION OF THE AERIAL LIFT BRIDGE, BRIDGE NO. L6116, OVER THE DULUTH SHIP CANAL ON LAKE AVENUE (MSAS 140), INCREASING THE GRANT IN THE AMOUNT OF \$547,510.12 FOR A NEW TOTAL \$1,547,510.12.

**(REPLACEMENT)**

**BY COUNCILOR CUNEO (PUBLIC SAFETY)**

09-0693R - RESOLUTION TO ESTABLISH NO PARKING ON BOTH SIDES OF THE WESTERLY 235 FEET OF WEST NIAGARA STREET.

09-0704R - RESOLUTION AUTHORIZING EXECUTION OF A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA FOR CONTINUED ACCESS TO THE MIDWEST AFIS NETWORK FOR A TOTAL AMOUNT OF NOT TO EXCEED \$17,300.

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

09-0708R - RESOLUTION AUTHORIZING PERMIT FOR CONSTRUCTION OF ALPINE COASTER AT SPIRIT MOUNTAIN.

**END OF CONSENT AGENDA**

- - -

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

**COMMITTEE 2**

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

09-0707R - RESOLUTION DENYING A REQUEST TO AMEND CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 30 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-C, ONE-FAMILY RESIDENTIAL, TO R-3, APARTMENT RESIDENTIAL, PROPERTY LOCATED BETWEEN MINNESOTA AVENUE AND SAINT LOUIS AVENUE, 16TH STREET AND 200 FEET SOUTHERLY (PARK POINT PROPERTIES).

**COMMITTEE 3**

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

09-0692R - RESOLUTION AUTHORIZING AN AGENCY AGREEMENT BETWEEN THE CITY AND MN/DOT FOR FEDERAL PARTICIPATION IN PRELIMINARY ENGINEERING FOR THE JOSHUA AVENUE/DULUTH HEIGHTS CONNECTOR.

09-0700R - RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) TO DISPOSE OF SNOW ON PROPERTY OWNED BY DEDA.

- - -

**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

The following entitled ordinance is to be read for the second 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.

- - -

**COUNCILOR QUESTIONS AND COMMENTS**

- - -