

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, January 11, 2010, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARING: 7:00 p.m. - Intent to issue capital improvement bonds.

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

*10-0111-01 Don Garofalo application for concurrent use permit for illuminated awnings, facade mounted clock and benches at 103-107 East Superior Street. -- Planning commission

*10-0111-02 LM Shabatura communication regarding the proposed rezoning on Park Point (09-0707R and 09-060-O). -- Received

REPORTS FROM OTHER OFFICERS

*10-0111-03 Clerk application to the Minnesota gambling control board for exemption from lawful gambling license (raffle) from Northland Country Club on April 14, 2010. -- Received

REPORTS OF BOARDS AND COMMISSIONS

*10-0111-04 Duluth airport authority minutes of November 17, 2009, meeting. -- Received

*10-0111-05 Duluth economic development authority minutes of November 18, 2009, meeting. -- Received

*10-0111-06 Duluth public arts commission minutes of November 16, 2009, meeting. -- Received

*10-0111-07 Duluth transit authority:
(a) Financial statement summary for September 2009;
(b) Minutes of October 28, 2009, meeting. -- Received

*10-0111-08 Entertainment and convention center authority minutes of December 22, 2009, meeting. -- Received

*10-0111-09 Parks and recreation commission minutes of November 18, 2009, meeting. -- Received

*10-0111-10 Spirit Mountain recreation area authority minutes of October 15, 2009, meeting. -- Received

*Listed only, not copied.

REPORTS OF COUNCIL COMMITTEES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

COMMITTEE 1

BY COUNCILOR GARDNER (PERSONNEL)

09-0778R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF PAYROLL COORDINATOR AND SPECIFYING CONTRACT BENEFITS FOR SAME. (TABLED 12/21/2009)

10-0005R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF ASSESSOR OFFICE COORDINATOR. (TABLED 1/4/2010)

10-0006R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF BUILDING AND GROUNDS MAINTENANCE SUPERVISOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME. (TABLED 1/4/2010)

10-0007R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF ENERGY COORDINATOR AND SPECIFYING CONTRACT BENEFITS FOR SAME. (TABLED 1/4/2010)

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). (TABLED 11/23/09 FOR CONSIDERATION WITH 09-060-O)

MOTIONS AND RESOLUTIONS

Pursuant to Rule 15 of the Standing Rules of the City Council, the following entitled resolution is to be read for the first time:

COMMITTEE 2

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

10-0012R - RESOLUTION AMENDING THE STANDING RULES - TIME OF MEETINGS.

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)

10-0003R - RESOLUTION APPROVING A SPIRIT MOUNTAIN RECREATION AREA AUTHORITY LEASE PURCHASE AGREEMENT FOR THE ALPINE COASTER PROJECT IN THE APPROXIMATE AMOUNT OF \$2,340,150.

BY COUNCILOR GAUTHIER (PURCHASING & LICENSING)

10-0008R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE TO JOEL'S, LLC (MEXICO LINDO), 600 EAST SUPERIOR STREET.

10-0009R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR ANIMAL ALLIES HUMANE SOCIETY.

10-0018R - RESOLUTION AUTHORIZING LEASE AGREEMENT WITH NELSON & COMPANY, INC., FOR LEASING OF ENDION STATION.

BY COUNCILOR GARDNER (PERSONNEL)

10-0029R - RESOLUTION CONFIRMING THE APPOINTMENT OF BRIAN HANSON AS DIRECTOR OF BUSINESS AND COMMUNITY DEVELOPMENT FOR THE CITY OF DULUTH.

COMMITTEE 2

BY COUNCILOR HARTMAN (INTERGOVERNMENTAL RELATIONS)

10-0017R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH DULUTH INDEPENDENT SCHOOL DISTRICT 709 FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE SAFE ROUTES TO SCHOOL EDUCATION, ENCOURAGEMENT AND ENFORCEMENT PROGRAM FOR AN AMOUNT NOT TO EXCEED \$55,000.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

10-0010R - RESOLUTION AUTHORIZING AN AGREEMENT WITH SEH, INC., FOR PROFESSIONAL ENGINEERING SERVICES TO PERFORM DESIGN ENGINEERING AND CONSTRUCTION INSPECTION FOR THE CONCRETE PAVEMENT REHABILITATION (CPR) PROJECTS AND THE INTERSECTION IMPROVEMENT PROJECT IN THE AMOUNT OF \$80,000.

10-0015R - RESOLUTION AUTHORIZING AMENDMENT TO CONTRACT #20273 WITH ADVANCED ENGINEERING AND ENVIRONMENTAL SERVICES, INC., TO UPDATE THE WATER UTILITY COST OF SERVICE AND RATE DESIGN STUDY IN THE AMOUNT OF \$28,346.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

10-0016R - RESOLUTION AWARDED A THREE YEAR PROFESSIONAL SERVICES AGREEMENT TO OUT THERE ADVERTISING, INC., FOR DEVELOPMENT AND PROMOTION OF PUBLIC AWARENESS ABOUT PRODUCT SAFETY AND UTILITY SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$84,900 IN 2010, \$85,000 IN 2011 AND \$85,000 IN 2012.

10-0019R - RESOLUTION AUTHORIZING APPLICATION FOR AND, IF SELECTED, ACCEPTANCE OF A GRANT FROM THE ENVIRONMENTAL PROTECTION AGENCY THROUGH THE GREAT LAKES RESTORATION INITIATIVE IN THE AMOUNT OF \$91,500 FOR A PROJECT ENTITLED MILLER AND COFFEE CREEK SEDIMENT MANAGEMENT SITE.

10-0020R - RESOLUTION AUTHORIZING APPLICATION FOR AND, IF SELECTED, ACCEPTANCE OF A GRANT FROM THE ENVIRONMENTAL PROTECTION AGENCY THROUGH THE GREAT LAKES RESTORATION INITIATIVE IN THE AMOUNT OF \$239,705 FOR A PROJECT ENTITLED AMITY BANK AND UPPER GRAVES ROAD TRIBUTARY RESTORATION.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

10-0014R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE AMOUNT OF \$335,000 FOR THE PURPOSE OF SUPPORTING THE OPERATION OF THE LAKE SUPERIOR DRUG AND GANG TASK FORCE FOR 2010.

10-0021R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES SECRET SERVICE PROVIDING FOR CITY OF DULUTH PARTICIPATION IN A SECRET SERVICE 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)

10-0004R - RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, STATING THE INTENT TO ISSUE AN AMOUNT NOT TO EXCEED \$2,240,000 GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2010.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-0024R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO MINNESOTA POWER FOR AN ELECTRIC POWER SUBSTATION NEAR THE INTERSECTION OF SWAN LAKE ROAD AND KRUEGER JUNCTION ROAD.

10-0025R - RESOLUTION DENYING THE REQUEST FOR A SPECIAL USE PERMIT BY MINNESOTA POWER FOR AN ELECTRIC POWER SUBSTATION NEAR THE INTERSECTION OF SWAN LAKE ROAD AND KRUEGER JUNCTION ROAD.

COMMITTEE 2

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

10-0013R - RESOLUTION SETTING LEGISLATIVE PRIORITIES FOR THE 2010 LEGISLATIVE SESSION.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

10-0028R - RESOLUTION AUTHORIZING LOAN GUARANTY AGREEMENTS WITH LENDING INSTITUTIONS PERTAINING TO THE PRIVATE SEWER SERVICE PROGRAM.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

10-0022R - RESOLUTION ACCEPTING A GIFT IN THE AMOUNT OF \$10,000 FROM ALLEN AND JANICE WILLMAN TO BE USED TOWARDS THE PURCHASE AND CARE OF POLICE CANINES AND THE TRAINING OF CANINES AND POLICE HANDLERS.

10-0026R - RESOLUTION ACCEPTING A GIFT IN THE AMOUNT OF \$7,500 FROM AMSOIL, INC. ,TO BE USED TOWARDS THE PURCHASE AND CARE OF POLICE CANINES AND THE TRAINING OF CANINES AND POLICE HANDLERS.

10-0027R - RESOLUTION ACCEPTING A GIFT IN THE AMOUNT OF \$5,000 FROM JUDY FRENCH TO BE USED TOWARDS THE PURCHASE AND CARE OF POLICE CANINES AND THE TRAINING OF CANINES AND POLICE HANDLERS.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

09-059-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING PUBLIC DOCUMENT NO. 03-0324-15 ENTITLED "RAMSEY VILLAGE NEIGHBORHOOD DOCUMENTS OF IMPLEMENTATION" (SVCNDA). (TABLED 1/4/2010)

09-060-O - AN ORDINANCE AMENDING 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 FROM 16TH STREET TO 200 FEET SOUTHERLY (PARK POINT PROPERTIES). (TABLED 12/21/2009)

09-062-O - AN ORDINANCE AMENDING SECTION 50-30 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO FRONT YARD PARKING FOR USES AUTHORIZED BY SPECIAL USE PERMIT. (TABLED 1/4/2010)

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

COMMITTEE 1

BY COUNCILOR GAUTHIER (PURCHASING & LICENSING)

10-001-O - AN ORDINANCE AMENDING CHAPTER 47, VEHICLES FOR HIRE, AMENDING SECTION 47-16 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

BY COUNCILORS GARDNER AND CUNEO

10-002-O - AN ORDINANCE AMENDING SECTION 34-40 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO SMOKING PROHIBITIONS.

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COUNCILOR QUESTIONS AND COMMENTS

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