

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, January 25, 2010, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - November 9, 19 and 23, 2009.

PUBLIC HEARING: 7:00 P.M. - Analysis of Impediments to Fair Housing and Fair Housing Plan.

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

*10-0125-01 Sharon Kangas and Mardi Bagley, et al, (seven signatures), petition to reclassify from R-2 to C-1 the Lots 1, 2 and the westerly 25 feet of Lot 3, including 25.5 feet of vacated Branch Street, Block 53, Endion Division of Duluth. -- Assessor

*10-0125-02 Park Point Properties, LLC, et al. (two signatures), petition to reclassify from R-1-c to R-2 the Lots 51-60, St. Louis Avenue, Upper Duluth. -- Assessor

10-0125-03 Miller-Dwan Foundation, by William M. Burns, attorney, communications regarding the proposed reclassification of property located at the southwest corner of Rice Lake Road and Pecan Avenue (10-004-O). -- Received

*10-0125-04 The following communications regarding the proposed Minnesota Power special use permit for an electric power substation near the intersection of Swan Lake and Krueger Junction roads (10-0024R and 10-0025R): (a) Tara Gallagher; (b) Dave McCuskey. -- Received

REPORTS FROM OTHER OFFICERS

*10-0125-05 Assessor:
(a) Affidavit of mailing of notice of public hearing being held on February 9, 2010, 2:30 p.m., in 106A City Hall, regarding the reassessment of costs for 1996 street improvement (Contract #7015);
(b) Letters of:
(1) Insufficiency regarding petition to reclassify from R-2 to C-1 the Lots 1, 2 and the westerly 25 feet of Lot 3, including 25.5 feet of vacated Branch Street, Block 53, Endion Division of Duluth;
(2) Sufficiency regarding petition to reclassify from R-1-c to R-2 the Lots 51-60, St. Louis Avenue, Upper Duluth. -- Received

*10-0125-06 Purchasing agent emergency services report awarded to Carlson Construction (\$25,000-\$30,000) for thawing and repair of a frozen pool at the Polar Shore Exhibit at the Lake Superior Zoo, pursuant to Section 41-27 of the Duluth City Code. -- Received

REPORTS OF BOARDS AND COMMISSIONS

*10-0125-07 Duluth airport authority unaudited balance sheet of October 31, 2009. -- Received

*10-0125-08 Duluth public arts commission minutes of December 21, 2009, meeting. -- Received

* 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)

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. (TABLED 1/11)

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. (TABLED 1/11)

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

10-0013R(b) - RESOLUTION SETTING LEGISLATIVE PRIORITIES FOR THE 2010 LEGISLATIVE SESSION. (TABLED 1/11)

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UNFINISHED BUSINESS

COMMITTEE 2

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

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

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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)

10-0057R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF 132 WEST 12TH STREET SEWER AND WATER EXTENSION.

COMMITTEE 1

BY COUNCILOR FEDORA

(FINANCE)

10-0058R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF SIDEWALK PATCH 2009.

10-0059R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF 2009 STREET PRESERVATION, WEST SUPERIOR STREET FROM 40TH AVENUE WEST TO GARFIELD AVENUE.

10-0061R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF 2009 STREET PRESERVATION - CODY STREET.

10-0062R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION 2009 STREET PRESERVATION - KENWOOD AVENUE.

BY COUNCILOR CUNEO

(PURCHASING & LICENSING)

10-0033R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH INTER-CITY OIL COMPANY, INC., FOR BOTH BULK AND SERVICE STATION FUELS AND DELIVERY SERVICE AS NEEDED DURING YEAR 2010 FOR AN AMOUNT NOT TO EXCEED \$1,080,000.

10-0034R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO THE COLLEGE OF ST. SCHOLASTICA, 1200 KENWOOD AVENUE.

10-0041R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HACIENDA DEL SOL, INC. (HACIENDA DEL SOL), 319 EAST SUPERIOR STREET.

10-0042R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF RIDGEVIEW COUNTRY CLUB, 700 WEST REDWING STREET.

10-0048R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH MANEY INTERNATIONAL, INC., FOR OEM PARTS, SUPPLIES AND LABOR AS NEEDED DURING YEAR 2010 AT AN ESTIMATED AMOUNT OF \$53,000.

10-0054R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A THREE YEAR SOFTWARE MAINTENANCE AGREEMENT WITH NEW WORLD SYSTEMS CORPORATION FOR AN ANNUAL AMOUNT NOT TO EXCEED \$142,002.05 IN YEAR 2010, \$152,307.83 IN YEAR 2011 AND \$163,437.79 IN YEAR 2012.

COMMITTEE 2

BY COUNCILOR STAUBER

(PLANNING & ECONOMIC DEVELOPMENT)

10-0038R - RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM DULUTH LATERAL SEWER LINES AGREEMENT WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH (HRA), CONTRACT NO. 20768, RESOLUTION NO. 08-0645, EXTENDING THE TERM AN ADDITIONAL 24 MONTHS.

10-0044R - RESOLUTION AUTHORIZING TRANSFER OF \$12,370 IN THE 2009 HUD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-0060R - RESOLUTION VACATING PART OF ALLENDALE AVENUE NEAR WOODLAND HILLS AND RETAINING A UTILITY EASEMENT OVER THE ENTIRE VACATION AREA (WOODLAND HILLS).

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

10-0030R - RESOLUTION AUTHORIZING AN AGREEMENT WITH HISTORIC UNION DEPOT, INC., IN THE AMOUNT OF \$151,800.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS & UTILITIES)

10-0032R - RESOLUTION AMENDING CONTRACT C20309 WITH MSA PROFESSIONAL SERVICES, INC., FOR ENGINEERING SERVICES FOR THE LAKESIDE INTERCEPTOR SSO STORAGE FACILITY AT ENDION PUMP STATION IN THE ESTIMATED AMOUNT OF \$4,366.85 FOR A NEW TOTAL OF \$486,975.85.

10-0035R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH HAWKINS, INC., FOR 145 TONS OF HYDROFLUOROSILICIC ACID FOR A TOTAL AMOUNT OF \$115,451.72.

10-0036R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH THUNDER BAY CHEMICALS, LTD, FOR 150,000 GALLONS OF LIQUID ALUMINUM SULFATE FOR A TOTAL AMOUNT OF \$172,977.19.

10-0037R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH UNIVAR USA, INC., FOR 100,000 GALLONS OF CAUSTIC SODA FOR A TOTAL AMOUNT OF \$109,685.81.

10-0040R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH MAX GRAY CONSTRUCTION, INC., FOR THE CONSTRUCTION OF A VEHICLE STORAGE FACILITY AT THE TREE FARM SITE (RILEY ROAD) IN DULUTH FOR A TOTAL AMOUNT OF \$278,700.

10-0043R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF STATE FARM INSURANCE AS SUBROGEE OF EMILY BANDLI IN THE AMOUNT OF \$10,768.79.

10-0047R - 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 \$375,000 FOR A PROJECT ENTITLED RESTORING STREAM TROUT IN BUCKINGHAM CREEK.

10-0049R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH SERVICE ELECTRIC OF SUPERIOR, INC., FOR COMPLETING SMALL ELECTRICAL WORK FOR THE DEPARTMENT OF PUBLIC WORKS AND UTILITIES DURING YEAR 2010, INCLUDING LABOR AND MATERIALS, AT VARIOUS CITY LOCATIONS FOR AN ESTIMATED AMOUNT OF \$50,000.

10-0050R - 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 \$360,000 FOR A PROJECT ENTITLED RSPT - REACHING OUT TO REACH OUR MISSION.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS & UTILITIES)

10-0052R - RESOLUTION OF INTENT TO IMPROVE A PORTION OF GLENWOOD STREET AND TO ASSESS A PORTION OF THE COSTS THEREOF.

10-0056R - RESOLUTION AMENDING RESOLUTION 09-0748 AND ADOPTING TYPICAL SECTION DESIGN FOR THE GLENWOOD STREET RECONSTRUCTION PROJECT CHANGING THE STREET WIDTH FROM 44 FEET TO 38 FEET.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

10-0053R - RESOLUTION TO ESTABLISH NO PARKING ON THE SOUTH SIDE OF GLENWOOD STREET FROM 43RD AVENUE EAST TO 60TH AVENUE EAST.

10-0055R - RESOLUTION TO ESTABLISH ALTERNATE SIDE PARKING ON 21ST AVENUE WEST BETWEEN THE HOURS OF 10:00 PM AND 7:00 AM.

BY COUNCILOR GARDNER (RECREATION, LIBRARIES & AUTHORITIES)

10-0046R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH COMMUNITY ACTION DULUTH FOR THE USE OF MEMORIAL COMMUNITY RECREATION CENTER.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR BOYLE (PERSONNEL)

10-0065R - RESOLUTION APPROVING JOB SPECIFICATIONS FOR THE APPOINTED DEPARTMENT HEAD POSITION OF CHIEF INFORMATION OFFICER AND SPECIFYING CONTRACT BENEFITS FOR SAME.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-0063R - RESOLUTION OBJECTING TO THE PROPOSED RECLASSIFICATION TO NONCONSERVATION AND SALE OF CERTAIN TAX FORFEITED PARCELS BY THE BOARD OF COMMISSIONERS OF SAINT LOUIS COUNTY (DECEMBER 7, 2009, RECLASSIFICATION).

NEW 10-0066R - RESOLUTION ADOPTING 2010 ANALYSIS OF IMPEDIMENTS AND FAIR HOUSING PLAN.

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

10-0051R - RESOLUTION APPROVING BUDGET AND COST SHARING FORMULA OF MINNEAPOLIS - DULUTH/SUPERIOR PASSENGER RAIL ALLIANCE AND AUTHORIZING PAYMENT OF CITY'S COST SHARE OF \$48,000.

COMMITTEE 2

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

10-0064R - RESOLUTION AMENDING RESOLUTION 09-0007 AS AMENDED RETAINING MAKI AND OVEROM, CHARTERED, INCREASING THE AMOUNT BY \$250,000 FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$310,000.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS & UTILITIES)

10-0031R - RESOLUTION AMENDING CONTRACT C20886 WITH MSA PROFESSIONAL SERVICES, INC., FOR ENGINEERING SERVICES FOR HIGHLAND PUMP STATION IMPROVEMENTS IN THE ESTIMATED AMOUNT OF \$403,165 FOR A NEW TOTAL OF \$583,515.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-004-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 34 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-B, ONE FAMILY RESIDENTIAL, TO S, SUBURBAN, PROPERTY LOCATED AT THE SOUTHWEST CORNER OF RICE LAKE ROAD AND PECAN AVENUE (MILLER-DWAN FOUNDATION/CITY OF DULUTH).

NEW 10-006-O - AN ORDINANCE AUTHORIZING A PURCHASE AGREEMENT AUTHORIZING SALE OF PROPERTY AT RICE LAKE ROAD AND PECAN AVENUE TO THE MILLER-DWAN HOSPICE HOUSE FOUNDATION, LLC, FOR AN ADOLESCENT MENTAL HEALTH FACILITY.

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

COMMITTEE 1

BY COUNCILOR CUNEO (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.

COMMITTEE 3

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