

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, March 8, 2010, 7:00 p.m.

ROLL CALL PLEDGE OF ALLEGIANCE

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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

- * 10-0308-01 Duluth Teachers Credit Union petition to vacate alley adjoining that part of Lot 1, Block 11 lying northerly of the westerly extension of the southerly line of the northerly 11 feet of Lot 8, Block 1, and the northerly 11 feet of Lot 8, Block 1; Lots 6 and 7, Block 1; and Lot 5, Block 1, except the northerly 19 feet thereof; and the alley adjoining Lots 1 - 6, Block 2, and Lots 1 - 6, Block 11, together with that portion of the alley lying southerly of the easterly extension of the south line of Lot 1, Block 2, to the center line of the alley between Block 1, 2 and 11, and lying northerly of the easterly extension of the north line of Lot 1, Block 11, to the center line of the alley between Block 1, 2 and 11, all in Myers and Whipples Addition to Duluth. -- Assessor
- * 10-0308-02 Minnesota state auditor audit report for Duluth/North Shore Sanitary District for the year ended December 31, 2008. -- Received
- * 10-0308-03 Mike Akervik communication regarding proposed ordinance authorizing establishment of bus only lanes on streets and allowing establishment of the hours when such designation shall be in effect, adding a new Section 33-19 of the Code (10-0131R and 10-013-O). -- Received

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REPORTS FROM OTHER OFFICERS

- * 10-0308-04 Assessor affidavit of mailing of notice of public hearings at 7:00 p.m. on March 10, and 7:00 p.m. on March 22, 2009, to be held in the Council Chamber, Third Floor, City Hall, regarding the proposed street improvement of Glenwood Street from 43rd to 60th avenues East. -- Clerk
- * 10-0308-05 Clerk applications to the Minnesota gambling control board for exemption from lawful gambling licenses (raffle) from: (a) St. James Church on May 28, 2010; (b) United Northern Sportsmen on April 23, 2010. -- Received
- * 10-0308-06 Community development manager communication regarding a request from Northern Community Land Trust for an exception to the HOME program conflict of interest regulations. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 10-0308-07 Duluth airport authority: (a) Balance sheet of November 30, 2010; (b) Minutes of: (1) January 19; (2) February 1, 2010, meetings. -- Received
- * 10-0308-08 Duluth public arts commission minutes of January 10, 2010, meeting. -- Received
- * 10-0308-09 Duluth transit authority: (a) Financial statement of November, 2009; (b) Minutes of December 30, 2009, meeting. -- Received

- * 10-0308-10 Library board minutes of January 26, 2010, meeting. -- Received
- * 10-0308-11 Parks and recreation commission minutes of January 13, 2010, meeting. -- Received

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REPORTS OF COUNCIL COMMITTEES

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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RESOLUTION TABLED

COMMITTEE 3

BY COUNCILOR GARDNER (RECREATION , LIBRARIES & AUTHORITIES)

10-0100R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO PROCEED WITH THE PARKS MASTER PLAN BASED UPON THE GUIDING PRINCIPLES DOCUMENT. (TABLED 2/22)

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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 CUNEO (PURCHASING & LICENSING)

10-0090R - RESOLUTION AUTHORIZING A CONSULTANT AGREEMENT WITH NORTHLAND CONSULTING ENGINEERS, LLP, FOR PROVIDING PROFESSIONAL ENGINEERING SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH REPLACEMENT OF STRUCTURAL FLOOR SLABS AT 1532 WEST MICHIGAN STREET IN AN AMOUNT NOT TO EXCEED \$56,056.

10-0109R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR SECOND HARVEST NORTHERN LAKES FOOD BANK.

10-0110R - RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF BLAZIN WINGS, INC. (BUFFALO WILD WINGS), 1307 MILLER TRUNK HIGHWAY.

10-0114R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE, DANCING LICENSE AND APPROVAL OF A 2:00 A.M. BEVERAGE LICENSE TO CLYDE INDUSTRIAL PARK, INC. (CLYDE IRON WORKS RESTAURANT & BAR), 2920 WEST MICHIGAN STREET.

10-0130R - RESOLUTION APPROVING ISSUANCE OF A 2:00 A.M. BEVERAGE LICENSE FOR HELL'S KITCHEN DULUTH INC. (HELL'S KITCHEN), 310 LAKE AVENUE SOUTH.

BY COUNCILOR BOYLE (PERSONNEL)

10-0105R - RESOLUTION APPOINTING NANCY R. ARONSON NORR TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY, REPLACING BRIAN HANSON.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-0115R - RESOLUTION APPROVING THE TRANSFER TO 218-228 (DULUTH 5 PLEX), LLC, OF THE INTEREST OF WOMEN'S TRANSITIONAL HOUSING COALITION, INC., WITH RESPECT TO TWO HOME PROGRAM AGREEMENTS WITH THE CITY RELATED TO THE PROPERTY LOCATED AT 220-228 NORTH 14TH AVENUE EAST.

10-0116R - RESOLUTION APPROVING THE TRANSFER TO 1431 (DULUTH TRIPLEX), LLC, OF THE INTEREST OF WOMEN'S TRANSITIONAL HOUSING COALITION, INC., WITH RESPECT TO A GRANT AGREEMENT WITH THE CITY RELATED TO THE PROPERTY LOCATED AT 1431 EAST FIRST STREET.

10-0122R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO PINNACLE TOWERS ACQUISITION LLC FOR A 60 FOOT WIRELESS COMMUNICATIONS MONOPOLE AND ASSOCIATED GROUND EQUIPMENT AT 3456 HAINES ROAD (NICK LIMBEROPOULOS).

10-0123R - RESOLUTION ADOPTING THE BAYFRONT DISTRICT SMALL AREA PLAN AND AMENDING THE COMPREHENSIVE LAND USE PLAN - FUTURE LAND USE MAP.

BY COUNCILOR HARTMAN (INTERGOVERNMENTAL RELATIONS)

10-0125R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT FUNDS FROM THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR PROVISION OF WORKFORCE INVESTMENT ACT TITLE I SERVICES, MINNESOTA YOUTH PROGRAM SERVICES AND OLDER AMERICAN PROGRAM SERVICES FOR THE PERIOD 2010 - 2015.

10-0126R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT FUNDS FROM ST. LOUIS COUNTY TO PROVIDE MINNESOTA FAMILY INVESTMENT PROGRAM AND DIVERSIONARY WORK PROGRAM EMPLOYMENT AND TRAINING SERVICES IN AN AMOUNT NOT LESS THAN \$1,009,526 FOR THE PERIOD JANUARY 1, 2010 THROUGH DECEMBER 31, 2010.

10-0127R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT FUNDS FROM ST. LOUIS COUNTY TO PROVIDE MINNESOTA INNOVATION FUND 2010 TRANSPORTATION AND SHORT TERM TRAINING SERVICES IN AN AMOUNT NOT LESS THAN \$24,301.36 FOR THE PERIOD JANUARY 1, 2010 THROUGH DECEMBER 31, 2010.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS AND UTILITIES COMMITTEE)

10-0081R - RESOLUTION AMENDING RESOLUTION 09-0471 AWARDED A CONTRACT FOR A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH SALO ENGINEERING, INC. FOR THE DEVELOPMENT OF FINAL DESIGN AND CONSTRUCTION PLANS FOR THE RECONSTRUCTION OF GLENWOOD STREET FROM 43RD AVENUE EAST TO 60TH AVENUE EAST IN THE AMOUNT OF \$63,446.73 FOR A NEW TOTAL OF \$513,688.10.

10-0107R - RESOLUTION AUTHORIZING AN AGREEMENT WITH MSA PROFESSIONAL SERVICES, INC. TO PROVIDE ENGINEERING SERVICES FOR THE REHABILITATION/RECONSTRUCTION OF FIVE LIFT STATIONS IN THE AMOUNT OF \$263,317.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS AND UTILITIES COMMITTEE)

10-0112R - RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, FOR INSTALLATION OF WIRELESS COMMUNICATIONS EQUIPMENT AT THE ORPHANAGE WATER TOWER.

10-0118R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH VIELE CONTRACTING, INC., FOR THE PURCHASE AND DELIVERY OF CLASS 5 GRAVEL, 3/4-INCH CRUSHED WASHED ROCK, RIP-RAP, AND BEDDING SAND FOR A TOTAL AMOUNT OF \$209,637.87.

10-0120R - RESOLUTION AUTHORIZING THE CITY OF DULUTH TO ENTER INTO AGREEMENT NO. 96128 WITH MN/DOT TO PROVIDE REIMBURSEMENT OF CITY ELECTRICAL RELOCATION COSTS AS PART OF THE I-35 RECONSTRUCTION PROJECT FROM THE NORTH END OF RAILROAD BRIDGE #6501 TO 26TH AVE EAST, S.P. 6982-290 (T.H. 35).

BY COUNCILOR FOSLE (PUBLIC SAFETY)

10-0113R - RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FROM FEMA IN THE AMOUNT OF \$32,812 FOR THE PURPOSE OF PURCHASING VARIOUS SAFETY-RELATED EQUIPMENT FOR THE FIRE DEPARTMENT.

10-0131R - RESOLUTION ESTABLISHING BUS-ONLY LANES ON A PORTION OF GRAND AVENUE DURING CERTAIN HOURS UNTIL NOVEMBER 1, 2011.

BY COUNCILOR GARDNER (RECREATION, LIBRARIES AND AUTHORITIES)

10-0099R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH BENTLEYVILLE TOUR OF LIGHTS, INC., A MINNESOTA NONPROFIT CORPORATION, FOR THE PRODUCTION, PROMOTION, AND MANAGEMENT OF THE BENTLEYVILLE TOUR OF LIGHTS IN THE YEARS 2010, 2011 AND 2012.

10-0102R - RESOLUTION AUTHORIZING AN AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT #709 FOR THE USE OF WASHINGTON CENTER ROOMS 107, 110, 114 AND 116 FOR A THREE YEAR TERM AT AN ANNUAL RENTAL FEE OF \$8,400.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

10-0124R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH NORTHERN BUSINESS PRODUCTS, INC., FOR THE PURCHASE OF OFFICE FURNISHINGS IN VARIOUS CITY LOCATIONS FOR A TOTAL AMOUNT OF \$79,533.51.

10-0128R - RESOLUTION PROVIDING FOR A COMPLETE STREETS POLICY AND REQUESTING CITY STAFF TO DEVELOP IMPLEMENTATION STRATEGIES TO INCREASE THE USABILITY OF ALL STREETS FOR ALL APPROPRIATE MODES OF TRAVEL FOR CITIZENS OF ALL INCOME LEVELS, ALL AGES AND ALL ABILITIES IN DULUTH.

COMMITTEE 1

BY COUNCILOR BOYLE (PERSONNEL)

10-0129R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF FIREFIGHTER.

COMMITTEE 2

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

10-0119R - RESOLUTION OF SUPPORT FOR CITY APPLICATION TO GOOGLE FOR CONSIDERATION TO BECOME A NEW TEST MARKET FOR ULTRA HIGH SPEED BROADBAND CONNECTIVITY.

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)

10-014-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-2, TWO-FAMILY RESIDENTIAL, PROPERTY LOCATED BETWEEN MINNESOTA AVENUE AND ST. LOUIS AVENUE FROM 16TH STREET TO 200 FEET SOUTHERLY (PARK POINT PROPERTIES).

10-015-O - AN ORDINANCE GRANTING TO FANNIE ROSE LLC A CONCURRENT USE PERMIT FOR PLACEMENT OF RETRACTABLE AWNINGS, LIGHT FIXTURES, AND BENCHES IN THE RIGHT-OF-WAY OF EAST SUPERIOR STREET AND NORTH FIRST AVENUE EAST ABUTTING PROPERTY AT 101-107 EAST SUPERIOR STREET.

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

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

10-005-O - AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR THE YEAR 2010; ELIMINATING THE HUMAN RESOURCES DEPARTMENT BY TRANSFERRING THE FUNCTION INTO THE LEGISLATIVE AND EXECUTIVE DEPARTMENT; ELIMINATING THE PLANNING AND CONSTRUCTION SERVICES DEPARTMENT BY TRANSFERRING THE PLANNING DIVISION INTO THE LEGISLATIVE AND EXECUTIVE DEPARTMENT AND TRANSFERRING THE CONSTRUCTION SERVICES AND INSPECTION DIVISION INTO THE FIRE DEPARTMENT; AND TRANSFERRING \$98,100 FROM PUBLIC ADMINISTRATION DEPARTMENT AND \$174,100 FROM THE PLANNING DIVISION INTO BUSINESS AND COMMUNITY DEVELOPMENT DEPARTMENT.

COMMITTEE 3

BY COUNCILOR FOSLE

(PUBLIC SAFETY)

10-013-O - AN ORDINANCE AUTHORIZING ESTABLISHMENT OF BUS ONLY LANES ON STREETS AND ALLOWING ESTABLISHMENT OF THE HOURS WHEN SUCH DESIGNATION SHALL BE IN EFFECT, ADDING A NEW SECTION 33-19 OF THE CODE. (REPLACEMENT)

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COUNCILOR QUESTIONS AND COMMENTS

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