

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, March 22, 2010, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - December 7 and 21, 2009, and January 4, 11 and 25, 2010.

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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

- * 10-0322-01 A&A Investments, LLC, et al. (seven signatures), petition to reclassify from R-1 to C-5 Lot 1, Block 3, Central Acres, Second Division of Duluth. -- Assessor
- * 10-0322-02 Semper Development, et al. (eight signatures), petition to vacate the west side of 12th Avenue East between East Superior and East First streets. -- Assessor
- * 10-0322-03 Takk for Maten/Kippis Restaurant application for concurrent use permit for portion of sidewalk area at 100 East Superior Street. -- Planning commission

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REPORTS FROM OTHER OFFICERS

- * 10-0322-04 Assessor:
 - (a) Affidavit of mailing of notice of special assessment board public hearing on Tuesday, April 13, 2010, in Room 106A, City Hall, on reassessment of delinquent garbage and levying of assessments against real estate specially benefitted by such improvement;
 - (b) Letters or sufficiency of petitions to:
 - (1) Reclassify from R-1 to C-5 Lot 1, Block 3, Central Acres, Second Division of Duluth;
 - (2) 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 centerline of the alley between Block 1, 2 and 11, all in Myers and Whipples Addition to Duluth;
 - (c) Letter of insufficiency of petition to vacate the west side of 12th Avenue East between East Superior and East First streets. -- Received
- * 10-0322-05 Clerk applications to the Minnesota gambling control board for exemption from lawful gambling licenses (bingo) from Order of AHEPA Sam G. Solon Chapter No. 267 on: (a) May 23, 2010, at the Radisson Hotel; (b) November 21, 2010, at the Holiday Inn Duluth. -- Received
- * 10-0322-06 Purchasing agent emergency order awarded to Northland Construction for repair of the Lakewalk in the amount of \$213,162. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 10-0322-07 Entertainment and convention center authority minutes of February 23, 2010, meeting. -- Received
- * 10-0322-08 Duluth human rights commission minutes of December 9, 2009, meeting. -- Received
- * 10-0322-09 Duluth public arts commission minutes of February 22, 2010, 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 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. (TABLED 3/8)

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS AND UTILITIES COMMITTEE)

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. (TABLED 3/8)

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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)

10-0150R - RESOLUTION REQUESTING THE PARKING COMMISSION REVIEW PROHIBITED OVERNIGHT PARKING TIMES AND, IF POSSIBLE, BRING A RECOMMENDATION BACK TO COUNCIL FOR CONSIDERATION.

COMMITTEE 1

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

10-0133R - RESOLUTION IN THE MATTER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF MALLOW ENTERPRISES, INC. (BIG BOTTLE SHOP), 2401 WEST SUPERIOR STREET.

10-0134R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF RANGE RESTAURANTS, LLC (GRIZZLY'S GRILL & SALOON), 1722 MILLER TRUNK HIGHWAY.

10-0135R - RESOLUTION AUTHORIZING A TWO YEAR AGREEMENT FOR 2010 AND 2011 FOR THE LEASING OF TEN PARKING SPACES FROM KEGLERS, INC., DBA INCLINE STATION, FOR AN ANNUAL AMOUNT OF \$4,920.

10-0136R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO MARSHALL SCHOOL (MARSHALL AUCTION), 1215 RICE LAKE ROAD, AND NORTHLAND VIETNAM VETERANS ASSOCIATION (BLUES FEST), BAYFRONT PARK.

10-0138R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO AMERICAN LEGION POST #71, 5814 GRAND AVENUE.

10-0144R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH MACQUEEN EQUIPMENT, INC., FOR THE PURCHASE AND DELIVERY OF A 2010 TRACKLESS SERIES MODEL MT6 MUNICIPAL TRACTOR WITH OPTIONS IN THE AMOUNT OF \$132,128.49.

10-0145R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH NORTHSTAR INTERNATIONAL, INC., D.B.A. ASTLEFORD INTERNATIONAL TRUCKS, FOR THE PURCHASE OF TWO 2011 INTERNATIONAL MODEL 7600 TANDEM AXLE CAB AND CHASSIS UNITS FOR A TOTAL AMOUNT OF \$205,490.88.

10-0149R - RESOLUTION APPROVING THE TRANSFER OF THE OFF SALE INTOXICATING LIQUOR LICENSE FROM LIBERTY ENTERPRISES, INC. (LIBERTY LIQUOR), 210 NORTH CENTRAL AVENUE, TO SUPER ONE LIQUOR, LLC (SUPER ONE LIQUOR), SAME ADDRESS.

BY COUNCILOR BOYLE (PERSONNEL)

10-0106R - RESOLUTION APPOINTING AND REAPPOINTING MEMBERS TO CITY BOARDS AND COMMISSIONS.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-0137R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE MINNESOTA HOUSING FINANCE AGENCY (MINNESOTA HOUSING) RELATED TO THE LOW INCOME HOUSING TAX CREDIT PROGRAM.

10-0139R - RESOLUTION VACATING PART OF THE UTILITY EASEMENT ON OUTLOT A, ONEOTA INDUSTRIAL PARK, FIRST ADDITION, LOCATED BETWEEN MIKE COLALILLO DRIVE AND I-35 NEAR THE ONEOTA STREET UNDERPASS (BARR ENGINEERING).

COMMITTEE 2

BY COUNCILOR HARTMAN (INTERGOVERNMENTAL RELATIONS)

10-0151R - RESOLUTION AMENDING OUTDOOR RECREATION GRANT AGREEMENTS OR-807 AND OR-821 WITH THE STATE OF MINNESOTA DEPARTMENT OF NATURAL RESOURCES PERTAINING TO PROPERTY IN THE CANAL PARK AREA ADJACENT TO THE CORNER OF THE LAKE.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS AND UTILITIES COMMITTEE)

10-0121R - RESOLUTION RECOMMENDING MNDOT AND FHWA APPROVE THE AWARD OF CONTRACT TO ROEN SALVAGE COMPANY FOR THE SHEET PILE RETAINING WALL REHABILITATION AT THE CLURE PUBLIC MARINE TERMINAL.

10-0132R - RESOLUTION AUTHORIZING AN AMENDMENT TO THE LAKEWALK TRAIL LICENSE AGREEMENT WITH THE ST. LOUIS AND LAKE COUNTIES REGIONAL RAILROAD AUTHORITY FOR OPERATION AND MAINTENANCE OF THE LAKEWALK TRAIL FROM 47TH AVENUE EAST TO 60TH AVENUE EAST.

10-0141R - RESOLUTION ORDERING THE IMPROVEMENT OF GLENWOOD STREET FROM 43RD AVENUE EAST TO 60TH AVENUE EAST AT AN ESTIMATED COST OF \$4,600,000.

10-0147R - RESOLUTION AUTHORIZING THE CITY OF DULUTH TO ENTER INTO AGREEMENT NO. 96163 WITH MN/DOT TO PROVIDE STATE COMPENSATION FOR ROAD LIFE CONSUMED BY THE T.H. 23, 35, 53, 61 AND 535 DETOURS.

10-0148R - RESOLUTION AUTHORIZING THE CITY OF DULUTH TO ENTER INTO AGREEMENT NO. 96195 WITH MINNESOTA DEPARTMENT OF TRANSPORTATION (MN/DOT) TO PROVIDE STATE COMPENSATION FOR ROAD LIFE CONSUMED BY THE T.H. 61 DETOUR.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

10-0108R - RESOLUTION AUTHORIZING ACCEPTANCE OF A DONATION FROM SAM'S CLUB IN THE AMOUNT OF \$6,000 ON BEHALF OF BENTLEYVILLE TOUR OF LIGHTS, INC.

10-0142R - RESOLUTION MODIFYING GRINDER PUMP MAINTENANCE FEE IN THE FOND DU LAC SANITARY SEWER AREA, EFFECTIVE AFTER MARCH 31, 2010.

BY COUNCILOR GARDNER (RECREATION, LIBRARIES AND AUTHORITIES)

10-0143R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH POLARIS LIBRARY SYSTEMS FOR COMPUTER SOFTWARE AND HARDWARE MAINTENANCE ON THE LIBRARY'S POLARIS INTEGRATED LIBRARY SYSTEM DURING YEAR 2010 IN THE AMOUNT OF \$32,695.75.

END OF CONSENT AGENDA

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The following entitled resolution is also for consideration at this meeting:

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-0140R - RESOLUTION ANNOUNCING THE CITY OF DULUTH'S SUPPORT AND RECOGNITION OF THE IMPORTANCE OF THE 2010 DECENNIAL CENSUS AND TO ENCOURAGE ALL DULUTH RESIDENTS TO PARTICIPATE IN THE 2010 DECENNIAL CENSUS.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

10-018-O - AN ORDINANCE CLARIFYING THE COMMUNITY ARTS SET-ASIDE TO APPLY ONLY TO FUNDS GENERATED BY THE CITY, AMENDING SECTION 20-19 OF THE CODE.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-017-O - AN ORDINANCE GRANTING TO DULUTH AREA FAMILY YMCA HERITAGE FOUNDATION, INC., A CONCURRENT USE PERMIT FOR PLACEMENT OF AN ENTRANCE CANOPY AND 37 ARCHITECTURAL SLATS PROJECTING INTO THE WEST FIRST STREET AND NORTH THIRD AVENUE WEST RIGHTS-OF-WAY ABUTTING THE YMCA BUILDING AT 302 WEST FIRST STREET.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS AND UTILITIES COMMITTEE)

10-016-O - AN ORDINANCE CREATING A DULUTH PUBLIC UTILITIES COMMISSION, ESTABLISHING MEMBERSHIP AND POWERS AND DUTIES THEREOF AND AUTHORIZING SAID COMMISSION TO ESTABLISH VARIOUS UTILITY RATES, AMENDING CHAPTERS 2, 43 AND 48 OF THE CODE.

The following entitled ordinances are to be read for the second 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).

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

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.

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COUNCILOR QUESTIONS AND COMMENTS

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