

# AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, April 12, 2010, 7:00 p.m.

## ROLL CALL

## PLEDGE OF ALLEGIANCE

## APPROVAL OF MINUTES - February 8 and 22, 2010.

- - -

*MISSION STATEMENT: The mission of the Duluth City Council is to develop effective public policy rooted in citizen involvement that results in excellent municipal services and creates a thriving community prepared for the challenges of the future.*

- - -

*TOOLS OF CIVILITY: 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

- \* 10-0412-01 Amazing Grace Bakery and Café concurrent use permit application to retain fence in front of establishment at 394 South Lake Avenue. -- Planning commission
- \* 10-0412-02 Semper Development, et al. (two signatures), further petition to vacate the west side of 12th Avenue East between East Superior and East First streets. -- Assessor
- \* 10-0412-03 University of Minnesota petitions to vacate:
  - (a) The westerly 80 feet of Clover Street off Woodland Avenue, Clover Hill Division;
  - (b) West Griggs Place off Woodland Avenue, Clover Hill Division. -- Assessor
- \* 10-0412-04 Eli Miletich communication regarding the proposed ordinance creating a Duluth public utilities commission (10-016-O). -- Received
- \* 10-0412-05 Park Point Properties appeal of planning commission denial for a variance of the required minimum lot size in a Class 1 general development shoreland at 16th Street between Minnesota and St. Louis avenues. -- Committee 2 (planning and economic development)

- - -

## REPORTS FROM OTHER OFFICERS

- \* 10-0412-06 Assessor letters of sufficiency of petitions to:
  - (a) 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;
  - (b) Vacate:
    - (1) West Griggs Place off Woodland Avenue, Clover Hill Division;
    - (2) West side of 12th Avenue East between East Superior and East First streets;
    - (3) Westerly 80 feet of Clover Street off Woodland Avenue, Clover Hill Division. --

Received

- \* 10-0412-07 Budget manager submitting 2009 general fund reconciled budget report, pursuant to Ordinance No. 10007. -- Received

- \* 10-0412-08 Building official appeal of the board of zoning appeals decision to affirm an administrative decision of the building official pertaining to the interpretation of the definition of a sign to allow installation of precast panels with an inscription in the west wall of the proposed eastern high school at 301 North 40th Avenue East (Duluth Public Schools). -- Committee 2 (planning and economic development)

- - -

**REPORTS OF BOARDS AND COMMISSIONS**

- \* 10-0412-09 Board of zoning appeals minutes of January 26, 2010, meeting. -- Received
- \* 10-0412-10 Duluth airport authority minutes of February 23, 2010, meeting. -- Received
- \* 10-0412-11 Duluth transit authority: (a) Financial statement for January 2010; (b) Minutes of January 27, 2010, meeting. -- Received
- \* 10-0412-12 Entertainment and convention center authority minutes of March 30, 2010, meeting. -- Received
- \* 10-0412-13 Library board minutes of February 23, 2010, meeting. -- Received
- \* 10-0412-14 Parks and recreation commission minutes of February 10, 2010, meeting. -- Received
- \* 10-0412-15 Spirit Mountain recreation area authority minutes of February 18, 2010, meeting. -- Received

\* Listed only, not copied.

- - -

**REPORTS OF COUNCIL COMMITTEES**

- - -

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

- - -

**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)**

10-0181R - RESOLUTION APPROVING THE BUDGET FOR THE FISCAL YEAR MAY 1, 2010, TO APRIL 30, 2011, IN THE AMOUNT OF \$5,036,310 FOR THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

**BY COUNCILOR CUNEO**

**(PURCHASING & LICENSING)**

10-0154R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH ERLING R. HANSEN GENERAL CONTRACTOR, INC., FOR THE RENOVATION OF DULUTH FIRE STATION NO. 1 FOR THE HOUSING AND RELOCATION OF THE DULUTH HOUSING INSPECTION/FIRE PREVENTION UNIT IN THE AMOUNT OF \$249,600.

**COMMITTEE 1**

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

10-0161R - RESOLUTION IN THE MATTER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF GEORGE'S LIQUOR, INC. (GEORGE'S LIQUOR), 1340 WEST ARROWHEAD ROAD.

10-0162R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF SHOTZ BAR, INC. (SHOTZ BAR), 1321 COMMONWEALTH AVENUE.

10-0163R - RESOLUTION APPROVING THE ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO GRANDMA'S MARATHON - DULUTH, INC., CANAL PARK DRIVE AND BUCHANAN STREET.

10-0164R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES IN CANAL PARK ON JUNE 19, 2010, IN CONJUNCTION WITH GRANDMA'S MARATHON AND SUBJECT TO CERTAIN CONDITIONS.

10-0172R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF PDL OF DULUTH, INC. (CLUB SARATOGA), 331 CANAL PARK DRIVE.

**NEW** 10-0190R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO LAKE SUPERIOR BREWING COMPANY, LLC (EARTH DAY), LEIF ERICKSON PARK.

**BY COUNCILOR BOYLE (PERSONNEL)**

10-0160R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF PARKING METER MONITOR.

10-0165R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF EXECUTIVE ASSISTANT AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**COMMITTEE 2**

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

10-0023R - RESOLUTION STATING SENSE OF COUNCIL THAT ALL COUNCILORS SHOULD BE MEMBERS OF ALL COUNCIL COMMITTEES.

**COMMITTEE 3**

**BY COUNCILOR GAUTHIER (PUBLIC WORKS AND UTILITIES)**

10-0156R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH ROEN SALVAGE COMPANY IN THE AMOUNT OF \$5,057,427.05 FOR THE SHEET PILE RETAINING WALL REHABILITATION AT THE CLURE PUBLIC MARINE TERMINAL.

10-0166R - RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES PARKS AND TRAILS LEGACY GRANT PROGRAM AND TO ENTER INTO A GRANT AGREEMENT FOR THE LAKEWALK EXTENSION, PHASE IV, PROJECT.

10-0167R - RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES REGIONAL TRAILS GRANT PROGRAM AND TO ENTER INTO A GRANT AGREEMENT FOR THE LAKEWALK EXTENSION, PHASE IV, PROJECT.

**COMMITTEE 3**

**BY COUNCILOR GAUTHIER (PUBLIC WORKS AND UTILITIES)**

10-0168R - RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES PARKS AND TRAILS LEGACY GRANT PROGRAM AND TO ENTER INTO A GRANT AGREEMENT FOR THE LAKEWALK EXTENSION, PHASE V, PROJECT.

10-0169R - RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES REGIONAL TRAILS GRANT PROGRAM AND TO ENTER INTO A GRANT AGREEMENT FOR THE LAKEWALK EXTENSION, PHASE V, PROJECT.

10-0170R - RESOLUTION AUTHORIZING APPLICATION FOR AND, IF SELECTED, ACCEPTANCE OF A GRANT ANTICIPATED TO BE \$150,000 FROM THE LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES FOR A PROJECT ENTITLED *REACHING OUT TO REACH OUR MISSION*.

10-0182R - RESOLUTION ORDERING THE 2010 STREET PRESERVATION PROJECTS: GLENWOOD STREET FROM 43RD AVENUE EAST TO JEAN DULUTH ROAD, 43RD AVENUE EAST FROM SUPERIOR STREET TO GLENWOOD STREET, EIGHTH STREET FROM 40TH AVENUE WEST TO CENTRAL AVENUE, SUPERIOR STREET FROM TENTH AVENUE EAST TO 21ST AVENUE EAST, MALL DRIVE FROM HAINES ROAD TO BURNING TREE ROAD, AND MINNESOTA AVENUE FROM 13TH STREET TO 40TH STREET; AND TO ASSESS A PORTION OF THE COSTS THEREOF.

10-0184R - RESOLUTION AWARDED A CONTRACT TO NPL CONSTRUCTION COMPANY FOR CONSTRUCTION OF HIGH PRESSURE GAS MAINS AND SERVICES IN VARIOUS LOCATIONS IN THE AMOUNT OF \$407,446.

10-0186R - RESOLUTION ACCEPTING DEDICATION OF EASEMENTS FROM ST. LOUIS COUNTY FOR HIGHWAY PURPOSES ALONG ARROWHEAD ROAD.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

10-0157R - RESOLUTION SCHEDULING A PUBLIC HEARING ON THE PROPOSED DESIGNATION OF WEST NIAGARA STREET IN THE VICINITY OF THE COLLEGE OF ST. SCHOLASTICA AS A RESIDENTIAL PERMIT PARKING ZONE.

10-0158R - RESOLUTION SCHEDULING A PUBLIC HEARING ON THE PROPOSED DESIGNATION OF 46TH AVENUE WEST IN THE VICINITY OF DULUTH DENFELD HIGH SCHOOL AS A RESIDENTIAL PERMIT PARKING ZONE.

10-0159R - RESOLUTION TO ESTABLISH NO PARKING DURING SCHOOL HOURS ON THE NORTH SIDE OF RALEIGH STREET.

10-0171R - RESOLUTION AUTHORIZING METHAMPHETAMINE REDUCTION PROJECT JOINT EQUIPMENT USE AGREEMENT BETWEEN THE CITY OF DULUTH AND THE NORTHEAST LAW ENFORCEMENT ADMINISTRATORS COUNCIL.

10-0173R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ISD NO. 709 TO PROVIDE LAW ENFORCEMENT OFFICERS IN THE PUBLIC SCHOOLS.

10-0175R - RESOLUTION SUPPORTING THE FEDERAL BORDER INTEROPERABILITY DEMONSTRATION GRANT APPLICATION SUBMITTED BY THE NORTH EAST REGIONAL RADIO BOARD FOR IMPROVING RADIO INTEROPERABILITY WITHIN OUR BORDER COUNTIES AND ON OUR INTERNATIONAL BORDERS WITH CANADA.

**COMMITTEE 3**

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

10-0176R - RESOLUTION AUTHORIZING AGREEMENT WITH LAKE SUPERIOR COLLEGE PROVIDING FOR SHARING OF LAW ENFORCEMENT DATA.

10-0183R - RESOLUTION AUTHORIZING AGREEMENT WITH CITY OF VIRGINIA ACCEPTING REIMBURSEMENT IN THE AMOUNT OF \$200,493 FOR SERVICES OF A POLICE OFFICER FOR THE LAKE SUPERIOR DRUG AND GANG TASK FORCE AND THE NORTHEAST LAW ENFORCEMENT ADMINISTRATORS COUNCIL.

**BY COUNCILOR GARDNER (RECREATION, LIBRARIES AND AUTHORITIES)**

10-0152R - RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH DULUTH AND NORTH SHORE RAILROAD, D/B/A NORTH SHORE SCENIC RAILROAD, FOR USE OF MUNICIPAL LOT D FOR THE PERIOD JUNE 1, 2010, THROUGH SEPTEMBER 20, 2010, AT NO COST.

10-0187R - RESOLUTION RESCINDING CITY COUNCIL RESOLUTION 92-0219 AUTHORIZING THE DULUTH SOFTBALL PLAYERS ASSOCIATION, INC., TO COLLECT A \$15 PLAYER'S FEE FROM ALL PLAYERS IN SOFTBALL LEAGUES THAT ARE ADMINISTERED BY THE CITY'S PARKS AND RECREATION DIVISION.

10-0188R - RESOLUTION AUTHORIZING THE CITY TO COLLECT A \$100 PER TEAM FEE FROM ALL TEAMS PLAYING IN ADULT SOFTBALL LEAGUES IN 2010 THAT ARE ADMINISTERED BY THE CITY'S PARKS AND RECREATION DIVISION.

**END OF CONSENT AGENDA**

- - -

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

**COMMITTEE 1**

**BY COUNCILOR FEDORA (FINANCE)**

10-0153R - RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF DULUTH AND LOCAL 66 OF AFSCME, REPRESENTED BY AFSCME MINNESOTA COUNCIL 5, FOR THE YEAR 2010.

**BY COUNCILOR BOYLE (PERSONNEL)**

10-0155R - RESOLUTION APPOINTING \_\_\_\_\_ TO THE CIVIL SERVICE BOARD.

**COMMITTEE 2**

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

10-0146R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO AT&T FOR A 190 FOOT WIRELESS COMMUNICATIONS MONOPOLE AND ASSOCIATED GROUND EQUIPMENT AT 110 SPRING STREET (JAMES CHESHIRE).

**NEW** 10-0191R - RESOLUTION OF INTENT TO APPROVE ISSUANCE OF A CONCURRENT USE PERMIT ACROSS SECOND STREET FOR THE EXISTING TUNNEL TO THE HISTORIC COUNTY JAIL BUILDING.

**COMMITTEE 2**

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

**NEW** 10-0192R - RESOLUTION GRANTING A WATER RESOURCE MANAGEMENT ORDINANCE VARIANCE TO PARK POINT PROPERTIES REDUCING THE MINIMUM LOT AREA NEEDED TO BUILD FOUR SINGLE FAMILY HOMES AND THREE DUPLEXES ON PROPERTY AT 16TH STREET BETWEEN MINNESOTA AVENUE AND SAINT LOUIS AVENUE.

**NEW** 10-0193R - RESOLUTION DENYING A WATER RESOURCE MANAGEMENT ORDINANCE VARIANCE REQUESTED BY PARK POINT PROPERTIES SEEKING TO REDUCE THE MINIMUM LOT AREA NEEDED TO BUILD FOUR SINGLE FAMILY HOMES AND THREE DUPLEXES ON PROPERTY AT 16<sup>TH</sup> STREET BETWEEN MINNESOTA AVENUE AND SAINT LOUIS AVENUE.

**BY COUNCILORS STAUBER, HARTMAN AND FEDORA**

10-0189R - RESOLUTION ADDING AN INITIATIVE TO SUPPORT REVISIONS TO MINNESOTA STATUTES SECTION 471.345, SUBD. 13, TO THE CITY'S LEGISLATIVE AGENDA FOR 2010.

**COMMITTEE 3**

**BY COUNCILOR GAUTHIER (PUBLIC WORKS AND UTILITIES)**

10-0174R - RESOLUTION OF SUPPORT FOR THE MINNESOTA HEALTH PLAN.

**BY COUNCILOR GARDNER (RECREATION, LIBRARIES AND AUTHORITIES)**

10-0185R - RESOLUTION AUTHORIZING AGREEMENT WITH JUNIOR LEAGUE OF DULUTH, INC., FOR THE RECONSTRUCTION OF PLAYFRONT PARK AT NO COST TO THE CITY.

- - -

**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

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

**COMMITTEE 2**

**(PLANNING & ECONOMIC DEVELOPMENT)**

**BY COUNCILOR STAUBER**

10-020-O - AN ORDINANCE AMENDING SECTION 44-2 OF THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING THE DEFINITION OF "SIGN" AND PROVIDING FOR SEPARATE SECTION NUMBERS FOR EACH DEFINITION.

**COMMITTEE 3**

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

10-019-O - AN ORDINANCE AMENDING SECTION 34-30 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING TRESPASSING.

10-021-O - AN ORDINANCE AMENDING SECTION 40-12 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO USER CHARGE FOR EXCESSIVE CONSUMPTION OF POLICE SERVICES.

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

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.

**(REPLACEMENT ORDINANCE)  
(REPLACEMENT AMENDMENT)**

---

**COUNCILOR QUESTIONS AND COMMENTS**

---