

## AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, May 10, 2010, 7:00 p.m.  
Room 303, Third Floor, City Hall

### ROLL CALL PLEDGE OF ALLEGIANCE

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*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.*

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*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]*

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### PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

- \* 10-0510-01 Lakehead Boat Basin, Inc., and Marine Service, Inc., by William Burns, attorney, petition to reclassify from M-1 and R-2 to R-4, Lots 170, 172, 174, 176, 178 and 180, Upper Duluth Lake Avenue, and Lots 169, 171, 173, 175, 177 and 179, Upper Duluth Minnesota Avenue. -- Assessor
- \* 10-0510-02 Minnesota state auditor audit reports for:
  - (a) Duluth transit authority for the years ending December 31, 2009 and 2008;
  - (b) Spirit Mountain recreation area authority for the years ending April 30, 2009 and 2008. -- Received
- \* 10-0510-03 Fannie Rose, LLC, acceptance of terms, conditions and provisions of concurrent use permit granted by Ordinance 10021 on March 22, 2010. -- Received
- \* 10-0510-04 Sue Olson communication regarding the proposed ordinance pertaining to predatory offender residency restrictions (10-022-O). -- Received
- \* 10-0510-05 The following communications regarding the proposed temporary schedule change for the Aerial Lift Bridge (10-0216R): (a) Canal Park Business Association; (b) Donn Larson; (c) Barry LeBlanc; (d) Thomas Rauschenfels; (e) Pete Ravinski. -- Received
- \* 10-0510-06 The following communications regarding the rental licensing 300 foot rule (10-023-O): (a) Dan Ahonen; (b) Carol Andrews; (c) Colleen Belk; (d) Jeff Borling; (e) Patrice Bradley; (f) Carrie Heffernan; (g) Stacy Jensen; (h) Patricia Moe; (i) Sandy Robinson. -- Received

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### REPORTS FROM OTHER OFFICERS

- \* 10-0510-07 Assessor affidavit of mailing of notice of:
  - (a) Informational meeting to be held from 4:30 p.m. to 6:00 p.m., Wednesday, May 5, 2010; and public hearing by the special assessment board at 5:00 p.m. on Wednesday, May 12, 2010, in the mayor's reception room, 4th floor, City Hall, regarding the proposed construction for the 2010 street preservation - Glenwood Street, 43rd Avenue East, Eighth Street, Superior Street, Mall Drive and Minnesota Avenue: Estimated assessable construction cost \$3.7 million with assessable costs calculated at \$15.75 per front foot;
  - (b) Postponement of informational meeting of May 5; and public hearing of May 12, by the special assessment board regarding proposed construction of 2010 mill and overlay for Minnesota Avenue until the condition of the public sanitary system can be verified;

(c) Public hearing to be held at 2:30 p.m., Tuesday, May 11, 2010, in Room 106A, City Hall, by the special assessment board for the reassessment of canceled assessment according to Chapter 231, Article 2, H.F. 2163: Omnibus tax bill regarding 1998 demolition - razing, Contract No. 4949 for property described as Plat 4520 Parcel 11520 (817 North 56th Avenue West): Reassessment \$2,733.75 at 9.5 percent interest for five years. -- Received

\* 10-0510-08 Parks and recreation division manager extension of rental agreement with Community Action Duluth for Memorial Community Recreation Center, 5315 Grand Avenue, from May 1 through September 1, 2010, pursuant to Section 2-35, Duluth City Code. -- Mayor for execution

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**REPORTS OF BOARDS AND COMMISSIONS**

- \* 10-0510-09 Building appeal board minutes of: (a) January 13; (b) March 10, 2010, meetings. -- Received
- \* 10-0510-10 Duluth airport authority minutes of March 23, 2010, meeting. -- Received
- \* 10-0510-11 Duluth economic development authority minutes of March 17, 2010, meeting. -- Received
- \* 10-0510-12 Duluth transit authority minutes of February 24, 2010, meeting. -- Received
- \* 10-0510-13 Entertainment and convention center authority minutes of April 27, 2010, meeting. -- Received
- \* 10-0510-14 Housing and redevelopment authority minutes of: (a) January 26: (1) Annual; (2) Regular; (b) February 23, 2010, meetings. -- Received
- \* 10-0510-15 Library board minutes of March 23, 2010, meeting. -- Received

\* Listed only, not copied.

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**OPPORTUNITY FOR CITIZENS TO BE HEARD**

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**RESOLUTIONS TABLED**

**COMMITTEE 2**

**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. (TABLED 4/12)

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

10-0194R - RESOLUTION CONFIRMING THE APPOINTMENT OF PAUL M. JOHNSON AS CHIEF INFORMATION OFFICER FOR THE CITY OF DULUTH. (TABLED 4/26)

**COMMITTEE 3**

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

10-0216R - RESOLUTION OF SUPPORT FOR TEMPORARY SCHEDULE CHANGE FOR THE AERIAL LIFT BRIDGE DURING THE PERIOD MAY 3 THROUGH OCTOBER 31. (TABLED 4/26)

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**UNFINISHED BUSINESS**

The following entitled resolution is to be read for the second time:

**COMMITTEE 2**

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

10-0196R - RESOLUTION AMENDING THE STANDING RULES - ORDER OF BUSINESS FOR ALL MEETINGS EXCEPT ANNUAL ORGANIZATION MEETING.

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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)**

10-0235R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF DEMOLITIONS AT SEVERAL CITY LOCATIONS.

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

10-0239R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH ALTEC INDUSTRIES, INC., FOR THE PURCHASE OF AN AERIAL LIFT BUCKET TRUCK (MODEL LRV55 AERIAL DEVICE INSTALLED ON A 2011 INTERNATIONAL MODEL 4300 CAB AND CHASSIS UNIT) IN THE AMOUNT OF \$136,968.86.

10-0250R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF S&D ENTERPRISES, INC., D/B/A GOPHER BAR & GRILL, 402 NORTH CENTRAL AVENUE .

10-0251R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR LAKE SUPERIOR MARINE MUSEUM ASSOCIATION, NORTHERN LIGHTS FOUNDATION AND LINCOLN PARK BUSINESS GROUP.

10-0252R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM GRANDMA'S GRAND AVENUE, INC. (GRANDMA'S SALOON & GRILL), 4602 GRAND AVENUE, TO SCHNEIDER'S KITCHEN, INC. (G B SCHNEIDER CO), SAME ADDRESS.

**COMMITTEE 1**

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

10-0253R - RESOLUTION APPROVING THE ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO MARSHALL SCHOOL, 1215 RICE LAKE ROAD, AND COLLEGE OF ST SCHOLASTICA, 1200 KENWOOD AVENUE.

10-0254R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO IRVING COMMUNITY ASSOCIATION.

**COMMITTEE 2**

**BY COUNCILOR HARTMAN (INTERGOVERNMENTAL RELATIONS)**

10-0231R - RESOLUTION AUTHORIZING THE EXECUTION OF TWO SEPARATE AGREEMENTS WITH THE STATE OF MINNESOTA, DEPARTMENT OF NATURAL RESOURCES, FOR THE 2010 SUMMER MAINTENANCE OF THE CLYDE AVENUE (MUNGER ACCESS) AND RICE'S POINT BOAT LAUNCH SITES.

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

10-0214R - RESOLUTION DESIGNATING POLLING PLACES FOR THE AUGUST 10, 2010, STATE PRIMARY ELECTION AND THE NOVEMBER 2, 2010, STATE GENERAL ELECTION.

10-0236R - RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS WITH BLUE CROSS AND BLUE SHIELD OF MINNESOTA TO PROVIDE ADMINISTRATIVE SERVICES, NETWORK ACCESS AND STOP LOSS INSURANCE TO THE CITY'S GROUP HEALTH PLAN DURING THE YEAR 2010 FOR AN ESTIMATED TOTAL COST TO THE CITY OF \$1,100,400.

**NEW** 10-0260R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF JAMES CROUD AS TRUSTEE FOR THE NEXT-OF-KIN OF DAVID CROUD IN THE AMOUNT OF \$100,000.

**COMMITTEE 3**

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

10-0225R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF AMERICAN FAMILY INSURANCE GROUP AS SUBROGEE OF DENNIS W. BARD IN THE AMOUNT OF \$25,596.37.

10-0240R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH FERGUSON ENTERPRISES, INC., D.B.A. NORTHERN WATERWORKS SUPPLY, FOR THE PURCHASE AND DELIVERY OF FIRE HYDRANTS DURING YEAR 2010 FOR A TOTAL AMOUNT OF \$75,037.47.

10-0241R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH ARROWHEAD CONCRETE WORKS, INC., FOR THE PURCHASE AND DELIVERY OF APPROXIMATELY 450 CUBIC YARDS OF READY-MIX CONCRETE DURING YEAR 2010 AS NEEDED FOR AN ESTIMATED TOTAL AMOUNT OF \$50,498.44.

10-0242R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH NORTHSTAR INTERNATIONAL, INC., D.B.A. ASTLEFORD INTERNATIONAL TRUCKS, FOR THE PURCHASE AND DELIVERY OF A 16-FOOT CONSTRUCTION VAN WITH A 2010 W42 WORKHORSE COMMERCIAL CHASSIS AND UTILIMASTER VAN BODY IN THE AMOUNT OF \$58,620.14.

**COMMITTEE 3**

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

10-0246R - RESOLUTION AUTHORIZING A 54-MONTH CONTRACT WITH NORTRAX EQUIPMENT COMPANY FOR THE LEASE OF 16 JOHN DEERE MODEL 772G MOTOR GRADERS IN THE AMOUNT OF \$333,360.40 PER YEAR AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,666,802.

10-0247R - RESOLUTION AUTHORIZING A CONTRACT WITH KTM PAVING, INC., FOR THE CONSTRUCTION OF LAKEWALK EXTENSION, PHASE 3, FROM 47TH AVENUE EAST TO 60TH AVENUE EAST IN THE AMOUNT OF \$451,988.14.

10-0255R - RESOLUTION AUTHORIZING AN AGREEMENT WITH SEH, INC., TO PROVIDE INVESTIGATION, DESIGN AND CONSTRUCTION INSPECTION SERVICES FOR THE EXIGENT REPLACEMENT OF THE KEENE CREEK CULVERT UNDER CODY STREET IN THE AMOUNT OF \$182,000.

10-0256R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH A.G. O'BRIEN PLUMBING & HEATING COMPANY FOR PHASE II REPAIRS ON THE DULUTH CITY HALL STEAM TUNNEL INFRASTRUCTURE FOR A TOTAL AMOUNT OF \$168,300.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

10-0226R - RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FROM MINNESOTA DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION IN THE AMOUNT OF \$70,000 FOR THE PURPOSE OF SUPPORTING THE FIRE DEPARTMENT'S CHEMICAL ASSESSMENT TEAM.

10-0238R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH ELK RIVER FORD, INC., FOR THE PURCHASE AND DELIVERY OF SIX 2010 FORD CROWN VICTORIA INTERCEPTOR VEHICLES FOR USE AS FULLY-MARKED POLICE PATROL SQUADS IN THE AMOUNT OF \$135,439.92.

10-0248R - RESOLUTION AMENDING RESOLUTION 01-0704 DESIGNATING PORTIONS OF CERTAIN STREETS IN THE VICINITY OF DENFELD HIGH SCHOOL AS A RESIDENTIAL PERMIT PARKING ZONE.

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

10-0232R - RESOLUTION AUTHORIZING THE CITY TO AWARD \$15,000 TO THE JUNIOR LEAGUE OF DULUTH FOR PLAYFRONT PARK PURSUANT TO THE MATCHING PROVISION OF THE NEIGHBORHOOD PLAYGROUND EQUIPMENT REVITALIZATION PROGRAM.

10-0233R - RESOLUTION AUTHORIZING THE CITY TO AWARD \$15,000 TO THE MORGAN PARK COMMUNITY CLUB PURSUANT TO THE MATCHING PROVISION OF THE NEIGHBORHOOD PLAYGROUND EQUIPMENT REVITALIZATION PROGRAM.

10-0234R - RESOLUTION AUTHORIZING THE CITY TO AWARD \$15,000 TO THE MORLEY HEIGHTS NEIGHBORHOOD ASSOCIATION PURSUANT TO THE MATCHING PROVISION OF THE NEIGHBORHOOD PLAYGROUND EQUIPMENT REVITALIZATION PROGRAM.

10-0237R - RESOLUTION APPROVING LAWS OF MINNESOTA 2010, CHAPTER 203 - H.F. NO. 2786, PROVIDING FOR MEMBERSHIP OF THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

10-0245R - RESOLUTION AUTHORIZING THE CITY TO PAY \$50,000 TO THE JUNIOR LEAGUE OF DULUTH FOR STRUCTURAL MODIFICATIONS TO PLAYFRONT PARK FOR COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES.

**END OF CONSENT AGENDA**

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

**COMMITTEE 2**

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

**NEW** 10-0259R - RESOLUTION AMENDING RESOLUTION 09-0004 PROVIDING FOR THE TEMPORARY RE-OPENING OF THE NORTHBOUND LANE OF LAKEVIEW DRIVE AT SNIVELY ROAD.

**BY COUNCILOR STAUBER AND PRESIDENT ANDERSON**

**NEW** 10-0258R - RESOLUTION INCREASING THE PARKING METER TIME LIMITS FOR ALL ONE HOUR DOWNTOWN PARKING METERS TO TWO HOURS.

**COMMITTEE 3**

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

10-0257R - RESOLUTION OF INTENT TO REFORM THE HOUSING CODE PROGRAM AND ITS ENFORCEMENT.

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

10-0244R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH COMMUNITY ACTION DULUTH FOR THE USE OF TWO PARK AREAS FOR A VEGETABLE GARDENING PROGRAM.

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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)**

10-007-O - AN ORDINANCE DESIGNATING THE WESTON-TIFFANY GREYSOLON DU LHUT WINDOW A LOCAL HERITAGE PRESERVATION LANDMARK.

10-008-O - AN ORDINANCE DESIGNATING THE WESTON-TIFFANY MINNEHAHA WINDOW A LOCAL HERITAGE PRESERVATION LANDMARK.

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

**COMMITTEE 2**

**BY PRESIDENT ANDERSON AND COUNCILOR FEDORA**

10-023-O - AN ORDINANCE AMENDING SECTION 29A-27, AND REPEALING SECTION 29A-32.1, OF CHAPTER 29A OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO THE RENTAL LICENSING 300 FOOT RULE.

**COMMITTEE 3**

**BY COUNCILORS GAUTHIER, GARDNER AND HARTMAN**

10-022-O - AN ORDINANCE ADDING A NEW SECTION 34-17 TO THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO PREDATORY OFFENDER RESIDENCY RESTRICTIONS.

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**COUNCILOR QUESTIONS AND COMMENTS**

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