

## AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, May 24, 2010, 7:00 p.m.

### 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.*

*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

\*10-0524-01 Jail Holdings, LLC, application for concurrent use permit for use of existing underground tunnel that connects 521 West Second Street to 100 North Fifth Avenue West. -- Planning Commission

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### REPORTS FROM OTHER OFFICERS

\*10-0524-02 Assessor letter of sufficiency for petition to reclassify from M-1 to R-2 and R-4 Upper Duluth, Lake Avenue, Lots 170-180, even numbered lots, and Upper Duluth, Minnesota Avenue, Lots 169-179, odd numbered lots. -- Received

\*10-0524-03 Building official appeals of board of zoning appeals denials of requests to:  
(a) Allow parking beyond the parking area in a R District at:  
(1) 1031 West Arrowhead Road (Paul and Heather Licke);  
(2) 1020 West Arrowhead Road (Daniel Matthes);  
(b) Relax the minimum front yard setback in a R-2 District from 25 feet to 15 feet for the construction of a new home at 130 West Eighth Street (Steve Marshall). -- Committee 2 (planning and economic development)

\*10-0524-04 Clerk applications for exempt permits (raffles) to the Minnesota gambling control board from:  
(a) Arrowhead Bowhunters Alliance for September 10, 2010; (b) Normanna Volunteer Fire Department, Inc., for September 16, 2010. -- Received

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### REPORTS OF BOARDS AND COMMISSIONS

\*10-0524-05 Board of zoning appeals minutes of March 23, 2010, meeting. -- Received

\*10-0524-06 Commission on disabilities minutes of April 7, 2010, meeting. -- Received

\*10-0524-07 Duluth human rights commission minutes of April 14, 2010, meeting. -- Received

\*10-0524-08 Entertainment and convention center authority minutes of May 11, 2010, meeting. -- Received

\*10-0524-09 Planning commission minutes of April 13, 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 2**

**BY COUNCILOR STAUBER AND PRESIDENT ANDERSON**

10-0258R - RESOLUTION INCREASING THE PARKING METER TIME LIMITS FOR ALL ONE HOUR DOWNTOWN PARKING METERS TO TWO HOURS.  
(TABLED 4/26 FOR PARKING COMMISSION REVIEW & REPORT)

**COMMITTEE 3**

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

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.  
(TABLED 4/26)

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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)**

10-0262R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH ENERGY MANAGEMENT SOLUTIONS, INC., FOR A COMPREHENSIVE ENERGY AUDIT TO SURVEY 96 MUNICIPAL BUILDINGS, REPORT SURVEY RESULTS, AND RECOMMEND EFFICIENCY AND CONSERVATION MEASURES FOR AN AMOUNT NOT TO EXCEED \$179,945.

10-0264R - RESOLUTION APPROVING THE ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO BONG HERITAGE CENTER (DULUTH AIRSHOW), 4701 GRINDEN AVENUE.

10-0265R - RESOLUTION ISSUING TEMPORARY ON SALE 3.2 MALT LIQUOR LICENSES TO NIFTY 50 CRUISERS (KIA OF DULUTH CAR SHOW AND TIME TRIALS), 350 GARFIELD AVENUE.

10-0266R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF GRANDMA'S SPORTS BAR AND GRILL, INC. (GRANDMA'S SPORTS GARDEN), 425 LAKE AVENUE SOUTH.

**COMMITTEE 1**

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

10-0267R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE AND APPROVING A 2:00 A.M. BEVERAGE LICENSE TO JUST TAKE ACTION, INC. (DULUTH TYCOON'S), 132 EAST SUPERIOR STREET.

10-0285R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF GRANDMA'S ANGIE'S, INC. (LITTLE ANGIE'S CANTINA), 11 EAST BUCHANAN STREET.

**NEW** 10-0293R - RESOLUTION APPROVING THE ISSUANCE OF AN AMENDED MINNESOTA CURRENCY EXCHANGE LICENSE TO THE TITLE LOAN COMPANY, INC., DBA MONEY XCHANGE.

**COMMITTEE 2**

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

10-0280R - RESOLUTION GRANTING A SIDEWALK OBSTRUCTION PERMIT TO AMAZING GRACE BAKERY FOR A SIDEWALK CAFÉ AT 394 SOUTH LAKE AVENUE.

10-0281R - RESOLUTION VACATING WEST GRIGGS PLACE AND ADJACENT ALLEYS AND RETAINING A UTILITY EASEMENT OVER A PORTION OF THE VACATION AREA (REGENTS OF THE UNIVERSITY OF MINNESOTA).

10-0283R - RESOLUTION VACATING PART OF CLOVER STREET OFF OF WOODLAND AVENUE AND THE ASSOCIATED ALLEYS (REGENTS OF THE UNIVERSITY OF MINNESOTA).

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

10-0268R - RESOLUTION AUTHORIZING SETTLEMENT AGREEMENT IN THE DISPUTE BETWEEN THE CITY OF DULUTH, DULUTH STEAM COOPERATIVE ASSOCIATION AND ROVANCO PIPING SYSTEMS, INC., ET AL. IN THE AMOUNT OF \$119,500.

10-0284R - RESOLUTION AUTHORIZING APPLICATION FOR AND, IF SELECTED, ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF COMMERCE OFFICE OF ENERGY SECURITY IN AN AMOUNT ANTICIPATED TO BE \$150,000 FOR WINDOW REPLACEMENT IN CITY HALL.

10-0289R - RESOLUTION NOMINATING JACK SALMELA FOR THE GOVERNOR'S CONSIDERATION FOR APPOINTMENT TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES LAKE SUPERIOR COASTAL PROGRAM COASTAL COUNCIL.

**COMMITTEE 3**

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

10-0272R - RESOLUTION AWARDED A CONTRACT TO BRANDON KUBIS, DBA B.K. CLEANERS, FOR PAINTING OF GAS METER PIPING SETS IN THE GARY, MORGAN PARK, SMITHVILLE, CODY, RIVERSIDE AND WEST DULUTH NEIGHBORHOODS IN THE AMOUNT OF \$26,152.80.

10-0276R - RESOLUTION OF INTENT FOR THE STREET PRESERVATION PROJECT: MINNESOTA AVENUE FROM 40TH STREET TO 43RD STREET AND TO ASSESS A PORTION OF THE COSTS THEREOF.

**COMMITTEE 3**

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

10-0277R - 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 AND MALL DRIVE FROM HAINES ROAD TO BURNING TREE ROAD AT AN ESTIMATED COST OF \$2,399,118.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

10-0261R - RESOLUTION AUTHORIZING AGREEMENT WITH MINNESOTA DEPARTMENT OF PUBLIC SAFETY FIRE MARSHAL DIVISION TO CONDUCT HOTEL CODE INSPECTIONS.

10-0263R - RESOLUTION APPROVING 2010 JUSTICE ASSISTANCE GRANT AGREEMENT BETWEEN THE CITY AND ST. LOUIS COUNTY.

10-0269R - RESOLUTION TO ESTABLISH NO PARKING ON THE NORTH SIDE OF BIRCH STREET EAST OF GARFIELD AVENUE.

10-0270R - RESOLUTION TO ESTABLISH ANGLE PARKING ON SUPERIOR STREET NEAR FOURTH AVENUE EAST.

**NEW** 10-0271R - RESOLUTION AUTHORIZING A TECHNICAL CONSULTING AGREEMENT WITH ELERT & ASSOCIATES NETWORKING DIVISION, INC., FOR PHASE I NEEDS ASSESSMENT AND CONCEPTUAL DESIGN SERVICES IN FOUR DISTINCTLY DIFFERENT, BUT INTERRELATED, CITY OF DULUTH PROJECTS AT AN AMOUNT NOT TO EXCEED \$48,000.

10-0274R - RESOLUTION ESTABLISHING A RESIDENTIAL PERMIT PARKING ZONE IN THE VICINITY OF THE COLLEGE OF ST. SCHOLASTICA.

10-0275R - RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FROM MINNESOTA DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION IN THE AMOUNT OF \$20,000 FOR THE PURPOSE OF MAINTAINING LOCAL EMERGENCY MANAGEMENT PROGRAM.

10-0279R - RESOLUTION ACCEPTING A 2010 JUSTICE ASSISTANCE GRANT AWARD FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$65,731.

**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)**

10-0067R - RESOLUTION ADOPTING HERITAGE PRESERVATION GUIDELINES FOR THE WESTON-TIFFANY GREYSOLON DU LHUT WINDOW.

10-0069R - RESOLUTION ADOPTING HERITAGE PRESERVATION GUIDELINES FOR THE WESTON-TIFFANY MINNEHAHA WINDOW.

**COMMITTEE 2**

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

10-0278R - RESOLUTION AMENDING THE COMPREHENSIVE LAND USE PLAN - FUTURE LAND USE MAP FOR THE WOODLAND MIDDLE SCHOOL SITE AND ALONG EAST FOURTH STREET FROM 14TH AVENUE EAST TO 19TH AVENUE EAST.

10-0282R - RESOLUTION APPROVING DEDA RESOLUTION 10D-22 WHICH AUTHORIZES A LEASE TERMINATION AGREEMENT WITH THE-JET COMPANY AND CIRRUS DESIGN CORPORATION.

10-0288R - RESOLUTION DENYING A REQUEST TO AMEND CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 38, AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-2, TWO FAMILY RESIDENTIAL, TO C-1, COMMERCIAL, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 21ST AVENUE EAST AND SUPERIOR STREET (MARDI BAGLEY AND SHARON KANGAS).

**BY COUNCILOR HARTMAN AND PRESIDENT ANDERSON**

10-0287R - RESOLUTION REQUESTING THE PARKS AND RECREATION COMMISSION STUDY THE FEASIBILITY OF ESTABLISHING PRIMITIVE CAMPING AT THE END OF MINNESOTA POINT.

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

10-0286R - RESOLUTION AMENDING THE ELECTED OFFICIAL OUT-OF-STATE TRAVEL POLICY.

**COMMITTEE 3**

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

10-0273R - RESOLUTION AMENDING GUIDELINES FOR THE PRIVATE SEWER SERVICE GRANT 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)**

10-025-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 38, AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-2, TWO FAMILY RESIDENTIAL, TO C-1, COMMERCIAL, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 21ST AVENUE EAST AND SUPERIOR STREET (MARDI BAGLEY AND SHARON KANGAS).

**NEW** 10-026-O - AN ORDINANCE AMENDING SECTION 50-35 OF THE DULUTH CITY CODE, 1959, AS AMENDED; PROVIDING FOR A SPECIAL USE PERMIT REGULATING WIRELESS TELECOMMUNICATIONS FACILITIES.

**COMMITTEE 2**

**BY COUNCILORS STAUBER AND GARDNER**

10-024-O - AN ORDINANCE AMENDING SECTIONS 29A-38, 29A-39 AND 29A-40 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO MANDATORY RENTAL AGREEMENT DISCLOSURES.

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

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**COUNCILOR QUESTIONS AND COMMENTS**

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**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

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