

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, June 14, 2010, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

- - -

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

*10-0614-01 A&A Investments, LLC, et al. (eight signatures), petition to reclassify from R-1 to C-5 Lots 1, 2, 3 and 4, Block 3, Central Acres, Second Division of Duluth. -- Assessor

*10-0614-02 Independent School District 709, et al., petitions to vacate:
(a) Portion of Chestnut Street in parts of Bryant Addition to Duluth, First Division and Centredale Addition to Duluth (five signatures);
(b) Portion of Elm Street in Blocks 2 and 4, Centredale Addition to Duluth (four signatures);
(c) Portion of alley between Blocks 1 and 2, Centredale Addition to Duluth (three signatures);
(d) Alley in Lot 18, Block 5, Bryant Addition Third Division (two signatures). -- Assessor

*10-0614-03 Minnesota state auditor audit report for Duluth entertainment and convention center authority for the years ended December 31, 2009 and 2008. -- Received

*10-0614-04 J. Mark Borak and Rita E. Molitor communication regarding the appeal of the board of zoning appeals to deny an application for a variance from the minimum required front yard setback at 130 West Eighth Street (Marshall) (10-0295R and 10-0296R). -- Received

*10-0614-05 R. Komrska communication regarding the proposed ordering of the 2010 street preservation project: Minnesota Avenue from 13th Street to 43rd Street (10-0308R). -- Received

*10-0614-06 J. Witte communication regarding the proposed establishment of 12th Avenue East and 14th Avenue East from London Road to Fourth Street as two way streets (10-0311R). -- Received

- - -

REPORTS FROM OTHER OFFICERS

*10-0614-07 Assessor:
(a) Affidavits of mailing of notice of special assessment board public hearings regarding the proposed:
43rd Street;
(1) 2010 street preservation program on Minnesota Avenue from 13th Street to 43rd Street;
(2) Reassessment of canceled assessment for delinquent garbage (Contract Nos. 2005310, 2006310, 2007310 and 2008310; reassessment amount: \$1,626.14);

(b) Letter of sufficiency regarding petition to reclassify from R-1 to C-5 Lots 1, 2, 3 and 4, Block 3, Central Acres, Second Division of Duluth. -- Received

- - -

REPORTS OF BOARDS AND COMMISSIONS

- *10-0614-08 Board of zoning appeals minutes of April 27, 2010, meeting. -- Received
- *10-0614-09 Duluth economic development authority minutes of April 21, 2010, meeting. -- Received
- *10-0614-10 Duluth public arts commission minutes of April 19, 2010, meeting. -- Received
- *10-0614-11 Entertainment and convention center authority minutes of May 24, 2010, meeting. -- Received
- *10-0614-12 Housing and redevelopment authority of Duluth minutes of April 27, 2010, meeting. -- Received
- *10-0614-13 Library board minutes of April 27, 2010, meeting. -- Received
- *10-0614-14 Special board of review minutes of May 18, 2010, meeting. -- Received
- *10-0614-15 Spirit Mountain recreation area authority minutes of April 15, 2010, meeting. -- Received

* Listed only, not copied.

- - -

REPORTS OF COUNCIL COMMITTEES

- - -

OPPORTUNITY FOR CITIZENS TO BE HEARD

- - -

RESOLUTIONS TABLED

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

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). (TABLED 5/24 FOR CONSIDERATION WITH 10-025-O ON 6/14)

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 AND REPORT)

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS & UTILITIES)

10-0273R - RESOLUTION AMENDING GUIDELINES FOR THE PRIVATE SEWER SERVICE GRANT PROGRAM. (TABLED 5/24)

- - -

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)

10-0290R - RESOLUTION AUTHORIZING BANKING SERVICES WITH M&I MARSHALL & ILSLEY BANK FOR AN ESTIMATED AMOUNT OF \$82,506 PER YEAR.

10-0310R - RESOLUTION AUTHORIZING EXECUTION OF A SUPPLEMENTAL AGREEMENT WITH THE CITY OF DULUTH SUPERVISORY ASSOCIATION.

10-0321R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ALLOCATE \$6,800 FROM THE TOURISM TAX FUND BALANCE TO THE GREAT LAKES AQUARIUM.

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

10-0291R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF LUCKY BREAK, INC. (HORSESHOE BILLIARDS), 2415 WEST SUPERIOR STREET.

10-0316R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSES OF VARIOUS LICENSEES.

10-0317R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM DULUTH AIRPORT AUTHORITY (AFTERBURNER LOUNGE), 4701 GRINDEN DRIVE, TO COFFEE CABIN, LLC (AFTERBURNER LOUNGE), SAME ADDRESS.

10-0318R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM THE PICKWICK, INC. (PICKWICK RESTAURANT), 508 EAST SUPERIOR STREET, TO THE WICK, INC. (PICKWICK RESTAURANT & BAR), SAME ADDRESS.

10-0319R - RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE ON SALE INTOXICATING LIQUOR LICENSE OF RUSTIC BAR, INC. (RUSTIC BAR), 401 NORTH CENTRAL AVENUE.

10-0320R - RESOLUTION APPROVING THE ISSUANCE OF LAWFUL GAMBLING PREMISE PERMIT TO THE WELCH CENTER, INC.

10-0322R - RESOLUTION AUTHORIZING AGREEMENT FOR MINNESOTA NATIONAL GUARD COUNTERDRUG SUPPORT FOR THE DULUTH POLICE DEPARTMENT.

COMMITTEE 1

BY COUNCILOR BOYLE (PERSONNEL)

10-0302R - RESOLUTION CONFIRMING THE APPOINTMENTS OF DAVID KOHLHAAS, REPLACING LISA AUGUSTINE, VERONICA NELSON AND CORY SALMELA TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

10-0303R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF JOHN M. EAGLETON AND ROY A. NIEMI TO THE DULUTH AIRPORT AUTHORITY.

10-0304R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF WILLIAM MAJEWSKI TO THE SANITARY SEWER BOARD OF THE WLSSD.

10-0307R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF JAMES A. LAUMEYER AND DARLENE MARSHALL TO THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-0300R - RESOLUTION ESTABLISHING FEES RELATED TO APPLICATIONS FOR SPECIAL USE PERMITS FOR WIRELESS TELECOMMUNICATIONS FACILITIES.

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

10-0329R - RESOLUTION APPOINTING A COUNCIL MEMBER AND ALTERNATE TO SERVE ON THE NORTHEAST MINNESOTA REGIONAL RADIO BOARD.

NEW 10-0332R - RESOLUTION REPLACING THE ELECTED OFFICIAL OUT-OF-STATE TRAVEL POLICY.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS & UTILITIES)

10-0298R - RESOLUTION AWARDED A CONTRACT TO WAGNER CONSTRUCTION, INC. FOR THE RECONSTRUCTION OF GLENWOOD STREET FROM 43RD AVENUE EAST TO 60TH AVENUE EAST IN THE AMOUNT OF \$4,145,880.12.

10-0299R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF EMILY BANDLI IN THE AMOUNT OF \$21,163.14.

10-0301R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF AUTO-OWNER'S INSURANCE COMPANY IN THE AMOUNT OF \$100,000

10-0309R - RESOLUTION AWARDED A CONTRACT TO RICE LAKE CONSTRUCTION GROUP FOR THE EAST INTERCEPTOR SANITARY SEWER OVERFLOW STORAGE FACILITY, PHASE 2, IN THE AMOUNT OF \$11,626,107.

10-0323R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH BROCK WHITE COMPANY, LLC, FOR THE PURCHASE AND DELIVERY OF A CRACK SEALING TRAILER WITH OPTIONS IN THE AMOUNT OF \$52,422.01.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS & UTILITIES)

10-0324R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH MACQUEEN EQUIPMENT, INC., FOR THE PURCHASE AND DELIVERY OF A 2010 VACTOR 2110 PLUS COMBINATION SEWER MACHINE IN THE AMOUNT OF \$352,585.29.

10-0326R - RESOLUTION AWARDED A CONTRACT TO LEVINE & SON, INC., FOR CONSTRUCTION OF AN EIGHT INCH GAS MAIN REPLACEMENT ON THIRD STREET FROM EIGHTH AVENUE EAST TO LAKE AVENUE AND ON MESABA AVENUE FROM WEST THIRD STREET TO WEST FIRST STREET IN THE AMOUNT OF \$498,861.95.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

10-0311R - RESOLUTION TO RESCIND THE DESIGNATION AND ESTABLISHMENT AS ONE WAY STREETS THAT PART OF 12TH AVENUE EAST AND 14TH AVENUE EAST FROM LONDON ROAD TO FOURTH STREET FROM ONE WAY TRAFFIC TO TWO WAY TRAFFIC.

BY COUNCILOR GARDNER (RECREATION, LIBRARIES & AUTHORITIES)

10-0306R - RESOLUTION AUTHORIZING CITY TO ACCEPT, IF AWARDED, A SOLAR ENERGY LEGACY GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT ANTICIPATED TO BE \$41,159.10 AND COMMITTING LOCAL 25 PERCENT MATCH.

END OF CONSENT AGENDA

- - -

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

COMMITTEE 1

BY COUNCILOR BOYLE (PERSONNEL)

NEW 10-0330R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF LABOR RELATIONS SPECIALIST.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-0294R - RESOLUTION OF INTENT TO SUPPORT THE USE OF TAX INCREMENT FINANCING FOR THE HILLSIDE DEVELOPMENT HOUSING DEVELOPMENT INITIATIVE.

10-0295R - RESOLUTION AFFIRMING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY AN APPLICATION FOR A VARIANCE FROM THE MINIMUM REQUIRED FRONT YARD SETBACK (STEVE MARSHALL RE: 130 WEST EIGHTH STREET - PROPOSED ADDRESS).

10-0296R - RESOLUTION REVERSING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY AN APPLICATION FOR A VARIANCE FROM THE MINIMUM REQUIRED FRONT YARD SETBACK (STEVE MARSHALL RE: 130 WEST EIGHTH STREET - PROPOSED ADDRESS).

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-0312R - RESOLUTION AFFIRMING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY AN APPLICATION FOR A VARIANCE FROM THE FRONT YARD PARKING RESTRICTIONS (PAUL AND HEATHER LICKE RE: 1031 WEST ARROWHEAD ROAD).

10-0313R - RESOLUTION REVERSING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY AN APPLICATION FOR A VARIANCE FROM THE FRONT YARD PARKING RESTRICTIONS (PAUL AND HEATHER LICKE RE: 1031 WEST ARROWHEAD ROAD).

10-0314R - RESOLUTION AFFIRMING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY AN APPLICATION FOR A VARIANCE FROM THE FRONT YARD PARKING RESTRICTIONS (DANIEL MATTHES RE: 1020 WEST ARROWHEAD ROAD).

10-0315R - RESOLUTION REVERSING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY AN APPLICATION FOR A VARIANCE FROM THE FRONT YARD PARKING RESTRICTIONS (DANIEL MATTHES RE: 1020 WEST ARROWHEAD ROAD).

BY COUNCILORS STAUBER AND FOSLE

10-0325R - RESOLUTION THANKING FINANCIAL DONORS AND RECOGNIZING THE EXCEPTIONAL TRAINING EFFORTS OF THE DULUTH POLICE K-9 MALIKAI AND HIS HANDLER OFFICER REBECCA KOPP.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS & UTILITIES)

10-0308R - RESOLUTION ORDERING THE 2010 STREET PRESERVATION PROJECT: MINNESOTA AVENUE FROM 13TH STREET TO 43RD STREET AT AN ESTIMATED COST OF \$1,543,882.

NEW 10-0333R - RESOLUTION OF INTENT TO SELL DSD NO. 1 TO VEOLIA ENERGY NORTH AMERICA HOLDINGS, INC., SUBJECT TO CONDITIONS.

BY COUNCILOR GARDNER (RECREATION, LIBRARIES & AUTHORITIES)

10-0292R - RESOLUTION ACCEPTING DONATION OF PLAYFRONT EQUIPMENT FROM THE JUNIOR LEAGUE OF DULUTH, INC.).

- - -

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

10-027-O - AN ORDINANCE AMENDING CHAPTER 31 OF THE DULUTH CITY CODE, 1959, AS AMENDED; ADDING A NEW SECTION 31-3 PROVIDING GENERAL REQUIREMENTS FOR CITY APPROVALS.

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

10-028-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION REVENUE BONDS OR NOTES OF THE CITY OF DULUTH IN THE MAXIMUM AMOUNT OF \$12,100,000 FOR THE IMPROVEMENT OF THE MUNICIPAL SEWER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

- - -

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-025-O - AN ORDINANCE 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).

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

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. (AMENDMENT)

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.

- - -

COUNCILOR QUESTIONS AND COMMENTS

- - -

COUNCILOR PREVIEW OF UPCOMING BUSINESS

- - -