

# AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, July 12, 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.*

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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

\*10-0712-01 Jarrod B. Novotny, et al. (four signatures), petition to vacate North 44th Avenue East between Dodge Street and Dodge Street Alley (Lot 16, Block 109, and Lot 9, Block 108, London Addition to Duluth). -- Assessor

\*10-0712-02 James and Maria Wood concurrent use permit application for the south facing boulevard of 26th Street South, including city property and sidewalk abutting 2601 Minnesota Avenue, Lot 141, Lower Duluth. -- Planning commission

\*10-0712-03 The following communications regarding the proposed reclassification from M-1 and R-2 to R-4 the property located between Lake Avenue and Minnesota Avenue, Tenth Street and 240 feet southerly (10-0350R and 10-032-O): (a) Nancy Anderson; (b) Jeff and Laura Stuermer (2); (c) Carla Tamburro; (d) Dick and Barbara West. -- Received

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## REPORTS FROM OTHER OFFICERS

\*10-0712-04 Assessor:  
(a) Assessment roll of solid waste collection expenses during the period of March 1, 2009, to June 1, 2010, for which the licensed collector has not been reimbursed;  
(b) Letter of sufficiency regarding petition to vacate North 44th Avenue East between Dodge Street and Dodge Street Alley (Lot 16, Block 109, and Lot 9, Block 108, London Addition to Duluth). -- Received

\*10-0712-05 Clerk applications for exempt permits to the Minnesota gambling control board from: (a) Neighborhood Housing Services (raffle) for September 18, 2010; (b) St. Mary Star of the Sea Catholic Church (bingo, raffle) on: (1) November 21, 2010; (2) April 10, 2011; (c) St. Michael's Church (bingo, raffle) for October 23 and 24, 2010. -- Received

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## REPORTS OF BOARDS AND COMMISSIONS

\*10-0712-11 Board of zoning appeals minutes of May 25, 2010, meeting. -- Received

\*10-0712-06 Duluth airport authority minutes of May 25, 2010, meeting. -- Received

\*10-0712-07 Duluth transit authority: (a) March 2010 financial statement; (b) Minutes of April 28, 2010, meeting. -- Received

\*10-0712-08 Entertainment and convention center authority minutes of June 29, 2010, meeting. -- Received

\*10-0712-09 Housing and redevelopment authority: (a) Audit report for the year ended September 30, 2009; (b) Minutes of May 25, 2010, meeting. -- Received

\*10-0712-10 Western Lake Superior Sanitary District comprehensive annual financial report for the year ended December 31, 2009. -- 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 FEDORA (FINANCE)**

10-0362R - RESOLUTION ESTABLISHING NO PARKING FROM 3 A.M. TO 6 A.M. ON STREETS IN DOWNTOWN DULUTH. (TABLED 6/28)

**COMMITTEE 2**

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

10-0350R - RESOLUTION DENYING A REQUEST TO AMEND 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 M-1, MANUFACTURING, AND R-2, TWO-FAMILY RESIDENTIAL, TO R-4, APARTMENT RESIDENTIAL, PROPERTY LOCATED BETWEEN LAKE AVENUE AND MINNESOTA AVENUE, TENTH STREET AND 240 FEET SOUTHERLY (JOHNSON, LAKEHEAD BOAT BASIN). (TABLED 6/28 FOR CONSIDERATION WITH PROPOSED ORDINANCE 10-032 ON 7/12)

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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)**

10-0373R - RESOLUTION ISSUING TEMPORARY ON SALE 3.2 MALT LIQUOR LICENSES TO MINNESOTA STATE POLICE AND FIRE SOFTBALL TOURNAMENT, WHEELER FIELD, AND LINCOLN PARK BUSINESS GROUP (LINCOLN PARK MOUNTAIN BIKE CHALLENGE AND FESTIVAL), LINCOLN PARK.

10-0374R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR ARC NORTHLAND.

**COMMITTEE 2**

**BY COUNCILOR HARTMAN (INTERGOVERNMENTAL RELATIONS)**

10-0364R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN FIRST AMENDMENT TO AGREEMENT WITH ELIZABETH THIEDE, INDEPENDENT LICENSED TEACHER, TO CONTINUE TO PROVIDE BASIC EDUCATION SERVICES AT THE DULUTH WORKFORCE CENTER AT AN ADDITIONAL COST OF \$3,500.

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

10-0370R - RESOLUTION APPOINTING ELECTION JUDGES FOR THE AUGUST 10, 2010, STATE PRIMARY ELECTION AND THE NOVEMBER 2, 2010, STATE GENERAL ELECTION.

**COMMITTEE 3**

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

10-0361R - RESOLUTION AWARDDING A CONTRACT TO RICE LAKE CONSTRUCTION GROUP FOR THE EAST INTERCEPTOR SANITARY SEWER OVERFLOW STORAGE FACILITY, PHASE 3, IN THE AMOUNT OF \$6,883,000.

10-0363R - RESOLUTION AMENDING CONTRACT 19919 WITH MSA PROFESSIONAL SERVICES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR DESIGN, BIDDING AND CONSTRUCTION SERVICES FOR THE REHABILITATION/RECONSTRUCTION OF SANITARY SEWER LIFT STATIONS, INCREASING THE AMOUNT BY \$24,115.54 FOR A NEW TOTAL OF \$187,212.54.

10-0369R - RESOLUTION AWARDDING A CONTRACT TO CBI SERVICES, INC., FOR THE HIGHLAND 1,000,000 GALLON ELEVATED WATER STORAGE TANK IN THE AMOUNT OF \$2,982,000.

10-0371R - RESOLUTION AWARDDING A CONTRACT TO GRIDOR CONSTRUCTION, INC., FOR THE HIGHLAND PUMP STATION IMPROVEMENT IN THE AMOUNT OF \$992,050.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

10-0367R - RESOLUTION TO ESTABLISH A PARKING METER ZONE ON THE SOUTH SIDE OF SUPERIOR STREET BETWEEN TENTH AVENUE EAST AND 12TH AVENUE EAST.

**END OF CONSENT AGENDA**

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

**COMMITTEE 1**

**BY COUNCILOR BOYLE (PERSONNEL)**

10-0368R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF HOUSING INSPECTOR.

**COMMITTEE 3**

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

10-0372R - RESOLUTION TO ESTABLISH A PARKING METER ZONE ON THE SOUTH SIDE OF ST. MARIE STREET BETWEEN UNIVERSITY DRIVE AND MAPLEWOOD COURT.

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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)**

**NEW** 10-031-O - AN ORDINANCE REZONING LANDS WITHIN THE CITY OF DULUTH.

**BY COUNCILOR HARTMAN (INTERGOVERNMENTAL RELATIONS)**

10-010-O - AN ORDINANCE AUTHORIZING RECONVEYANCE OF PROPERTY IN THE RIVERSIDE AREA TO THE STATE OF MINNESOTA.

10-011-O - AN ORDINANCE AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN CITY PROPERTY IN THE UPPER RIVERSIDE AREA TO THE SPIRIT VALLEY LAND COMPANY, LLC, FOR \$67,000.

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

**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 \$13,100,000 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. (REPLACEMENT)

10-033-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 \$5,500,000 FOR THE IMPROVEMENT OF THE MUNICIPAL WATER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

**COMMITTEE 2**

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

10-030-O - AN ORDINANCE REPEALING CHAPTER 18, RELATING TO EROSION AND SEDIMENT CONTROL; CHAPTER 28A, RELATING TO HERITAGE PRESERVATION; CHAPTER 44, RELATING TO THE REGULATION OF SIGNS; AND CHAPTER 51, RELATING TO THE REGULATION OF WATER RESOURCES; AND AMENDING CHAPTER 50, RELATING TO ZONING, OF THE DULUTH CITY CODE, 1959, AS AMENDED, AND REPEALING SECTIONS 3, 4, 5, 6, 7, 8 AND 9 OF ORDINANCE 1809. (AMENDMENTS)

**COMMITTEE 2**

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

10-032-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 M-1, MANUFACTURING, AND R-2, TWO-FAMILY RESIDENTIAL, TO R-4, APARTMENT RESIDENTIAL, PROPERTY LOCATED BETWEEN LAKE AVENUE AND MINNESOTA AVENUE, TENTH STREET AND 240 FEET SOUTHERLY (JOHNSON, LAKEHEAD BOAT BASIN).

**COMMITTEE 3**

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

10-029-O - AN ORDINANCE AMENDING CHAPTER 6, ARTICLE IX, OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO DANGEROUS DOGS.

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

10-034-O - AN ORDINANCE AMENDING CHAPTER 5, ARTICLE IV, OF THE DULUTH CITY CODE, 1959, AS AMENDED PERTAINING TO ADULT BOOKSTORES AND ADULT ENTERTAINMENT ESTABLISHMENTS.

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**COUNCILOR QUESTIONS AND COMMENTS**

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**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

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