

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, July 19, 2010, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - 7:00 PM - Proposed additional licensing requirements for adult bookstores and adult entertainment establishments (10-034-O).

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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

*10-0719-01 St. Luke's communication regarding the proposed unified development chapter (10-030-O).
-- 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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RESOLUTION 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)

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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)

10-0398R - RESOLUTION REQUESTING THE POLICE DEPARTMENT PROVIDE THE COUNCIL INFORMATION REGARDING THE USE AND SALE OF THE SUBSTANCE K2 WITHIN DULUTH.

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

10-0380R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSES OF VARIOUS LICENSEES.

COMMITTEE 1

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

10-0381R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH-SUPERIOR GLBT PRIDE, INC.

10-0382R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE, AND APPROVING A 2:00 A.M. BEVERAGE LICENSE TO RRR RESTAURANTS, INC. (R BAR), 21 NORTH FOURTH AVENUE WEST.

10-0393R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH SHI (SOFTWARE HOUSE INTERNATIONAL) FOR COMPUTER SOFTWARE TO RUN A VIRTUALIZED SERVER ENVIRONMENT, TO INCREASE THE ORIGINAL PURCHASE ORDER BY \$93,029.41, FOR A TOTAL CONTRACT AMOUNT OF \$393,029.41.

10-0394R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH CHARTER FIBERLINK CC VIII, LLC, FOR NETWORK TRANSPORT BANDWIDTH TO THE CITY'S FACILITY AT 520 GARFIELD AVENUE IN DULUTH FOR A TOTAL AMOUNT OF \$70,323.75.

10-0395R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH JSO TECHNOLOGY, LLC, FOR THE PURCHASE OF NETWORK HARDWARE NECESSARY FOR THE CITY'S ENTERPRISE ASSET MANAGEMENT SYSTEM FOR A TOTAL AMOUNT OF \$59,429.79.

10-0396R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH HEWLETT PACKARD FOR THE PURCHASE OF SERVER HARDWARE TO RUN A VIRTUALIZED SERVER ENVIRONMENT FOR A TOTAL AMOUNT OF \$57,356.65.

BY COUNCILOR BOYLE (PERSONNEL)

10-0391R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF WATER PLANT OPERATOR D AND SPECIFYING CONTRACT BENEFITS FOR SAME.

10-0392R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF FACILITY PROJECTS SPECIALIST AND SPECIFYING CONTRACT BENEFITS FOR SAME.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-0305R - RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE HOUSING INVESTMENT FUND PROGRAM AGREEMENT WITH AMERICAN INDIAN COMMUNITY HOUSING ORGANIZATION (AICHO).

NEW 10-0399R - RESOLUTION AUTHORIZING REDEVELOPMENT GRANT APPLICATION IN THE AMOUNT OF \$664,780 TO DEED ON BEHALF OF J & S PARTNERSHIP, LLP'S INDUSTRIAL PARK PROJECT.

BY COUNCILOR HARTMAN (INTERGOVERNMENTAL RELATIONS)

10-0397R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH ST. LOUIS COUNTY TO PROVIDE SUPPORTED WORK SERVICES TO MFIP PARTICIPANTS FOR THE PERIOD JULY 1, 2010, THROUGH JUNE 30, 2011, IN AN AMOUNT EXPECTED TO BE \$86,540.33 AND NOT TO EXCEED \$259,621.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS & UTILITIES)

10-0339R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF AMERICAN FAMILY INSURANCE AS SUBROGEE FOR DENNIS BARD IN THE AMOUNT OF \$25,596.37.

10-0377R - RESOLUTION AWARDDING A CONTRACT TO INTERSTATE IMPROVEMENT, INC., FOR 2010 CONCRETE PAVEMENT REHABILITATION IN THE AMOUNT OF \$1,235,868.50.

10-0378R - RESOLUTION AWARDDING A CONTRACT TO LAMETTI & SONS, INC., FOR THE REHABILITATION OF BRIDGES 92277A THROUGH 92277K IN THE AMOUNT OF \$937,775.

10-0379R - RESOLUTION AWARDDING A CONTRACT TO ULLAND BROTHERS, INC., FOR THE 2010 STREET PRESERVATION PROJECT IN THE AMOUNT OF \$3,003,379.29.

10-0390R - RESOLUTION AUTHORIZING SECOND AMENDMENT TO LEASE AGREEMENT WITH CLEARWIRE US, LLC, FOR INSTALLATION OF ADDITIONAL WIRELESS COMMUNICATIONS EQUIPMENT AT THE PROCTOR WATER TOWER.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

10-0383R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON MICHIGAN STREET ON SEPTEMBER 4, 2010, IN CONJUNCTION WITH THE DULUTH SUPERIOR GLBT PRIDE FESTIVAL AND SUBJECT TO CERTAIN CONDITIONS.

10-0384R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES IN WEST DULUTH IN CONJUNCTION WITH SPIRIT VALLEY DAYS AND SUBJECT TO CERTAIN CONDITIONS.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

10-0327R - RESOLUTION TRANSFERRING MONIES FROM COMMUNITY INVESTMENT TRUST FUND FOR THE STREET RECONSTRUCTION, PRESERVATION AND MAINTENANCE PROGRAM.

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

10-0385R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH SUPERIOR GLASS, INC., FOR THE EAST AND SOUTH FACADE WINDOW REPLACEMENT AT CITY HALL IN DULUTH FOR A TOTAL AMOUNT OF \$749,845.

10-0386R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH DULUTH SUPERIOR ERECTION, INC., FOR THE CONSTRUCTION OF A HANDICAP ACCESSIBLE BASEBALL FIELD AT HARRISON COMMUNITY CENTER IN DULUTH, MINNESOTA FOR A TOTAL AMOUNT OF \$105,000.

COMMITTEE 1

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

10-0387R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH COLLABORATIVE DESIGN GROUP, INC., FOR PROFESSIONAL CONSULTING SERVICES IN THE REHABILITATION AND LIGHTING OF ENGER TOWER IN DULUTH FOR A TOTAL AMOUNT NOT TO EXCEED \$93,480.

BY COUNCILOR BOYLE (PERSONNEL)

10-0375R - RESOLUTION AUTHORIZING FULL-TIME PERMANENT FIREFIGHTERS EMPLOYED BY THE CITY WHILE ON DUTY TO SOLICIT CHARITABLE CONTRIBUTIONS FROM MOTORISTS.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-0388R - RESOLUTION OF INTENT TO INITIATE AND FUND A HIGHER EDUCATION SMALL AREA PLAN FOR THE NEIGHBORHOODS AND COMMERCIAL AREAS NEAR THE UNIVERSITY OF MINNESOTA – DULUTH AND COLLEGE OF ST. SCHOLASTICA CAMPUSES.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS & UTILITIES)

NEW 10-0345R - RESOLUTION AUTHORIZING AGREEMENT WITH ARSHIA KHAN AND IMTIAZ MOHAMED TO ALLOW CONNECTION TO WLSSD'S LAKESIDE INTERCEPTOR.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

NEW 10-0400R - RESOLUTION SUPPORTING *NATIONAL NIGHT OUT* ON AUGUST 3, 2010.

BY COUNCILOR GARDNER (RECREATION, LIBRARIES & AUTHORITIES)

10-0389R - RESOLUTION AMENDING RESOLUTION 09-0742 ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2010; ADDING ADULT ENTERTAINMENT ESTABLISHMENT ANNUAL LICENSE FEE.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

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)
(TABLED 7/12)

COMMITTEE 3

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.
(TABLED 7/12 FOR PLANNING COMMISSION REVIEW)
(REPLACEMENT)

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

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

NEW 10-037-O - AN ORDINANCE AMENDING ORDINANCE 10-030-O, RELATING TO THE UNIFIED DEVELOPMENT CHAPTER, AMENDING SECTION 50-20.3.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

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

NEW 10-036-O - AN ORDINANCE AMENDING ORDINANCE 10-030-O RELATING TO THE UNIFIED DEVELOPMENT CHAPTER, AMENDING SECTION 50-15.2, SECTION 50-18.1, TABLE 50-19.8, TABLE 18.3-3, SECTION 50-20.3, SECTION 50-26.4, TABLE 50-27.2; TABLE 50-35.1, SECTION 50-36.2, SECTION 50-36.3, SECTION 50-37.8, SECTION 50-37.14, SECTION 50-41.69.

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

BY PRESIDENT ANDERSON AND COUNCILOR STAUBER

NEW 10-035-O - AN ORDINANCE AMENDING ORDINANCE 10-030-O RELATING TO THE UNIFIED DEVELOPMENT CHAPTER AND AMENDING SECTION 50-14.6, SECTION 50-15.2, SECTION 50-24.3A, TABLE 50-24-2, SECTION 50-24.4.

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COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS

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