

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, September 13, 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

*10-0913-01 Goodwill Industries Vocational Enterprises, Inc., et al. (three signatures), petition to vacate West Birch Street from Garfield Avenue to property owned by the Burlington Northern Sante Fe Railroad. -- Assessor

*10-0913-02 St. Luke's Hospital, et al. (four signatures), petition to reclassify from R-4 to Medical District 205 and 211 North Tenth Avenue East and 925 East Second Street. -- Assessor

10-0913-03 City of Duluth Retired Employees Ad Hoc Committee communication regarding the proposed five year agreement with HealthPartners Administrators, Inc., for administrative services and stop loss insurance for the city's health plan (10-0463R and 10-0465R). -- Received

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REPORTS FROM THE ADMINISTRATION

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REPORTS FROM OTHER OFFICERS

*10-0913-04 Assessor letter of sufficiency regarding the petition to vacate alley and easements between the lower side of property between 44th and 46th avenues West and Grand Avenue. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

*10-0913-05 Commission on disabilities minutes of August 4, 2010, meeting. -- Received

*10-0913-06 Duluth airport authority: (a) Minutes of July 20, 2010, meeting; (b) Unaudited balance sheet of June 30, 2010. -- Received

*10-0913-07 Duluth economic development authority minutes of June 16, 2010 meeting. -- Received

*10-0913-08 Duluth human rights commission minutes of July 14, 2010, meeting. -- Received

*10-0913-09 Library board minutes of: (a) June 8; (b) June 22, 2010, meetings. -- Received

*10-0913-10 Seaway Port authority of Duluth budget summary of June 2010. -- Received

* Listed only, not copied.

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REPORTS OF COUNCIL COMMITTEES
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REPORTS OF COUNCIL OPEN ISSUES
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OPPORTUNITY FOR CITIZENS TO BE HEARD
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RESOLUTIONS TABLED

COMMITTEE 1

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

10-0447R - RESOLUTION RECOMMENDING APPROVAL OF THE CONSUMPTION AND DISPLAY LICENSE FOR DULUTH WOMAN'S CLUB, 2400 EAST SUPERIOR STREET. (TABLED 8/30)

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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)

10-0467R - RESOLUTION ACCEPTING PHASE II BONDING GRANT MONIES IN THE AMOUNT OF \$11,700,000 AND AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED GRANT AGREEMENT WITH THE STATE OF MINNESOTA AND AN AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING WITH THE DULUTH AIRPORT AUTHORITY RELATED TO PHASES I AND II OF THE DULUTH AIRPORT TERMINAL PROJECT AT THE DULUTH INTERNATIONAL AIRPORT.

10-0486R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2011.

10-0488R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2011.

10-0489R - RESOLUTION SETTING A PROPOSED BUDGET FOR THE FISCAL YEAR 2011.

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

10-0468R - RESOLUTION AUTHORIZING CHANGE ORDER NO. ONE TO CONTRACT NO. 21037 WITH MAX GRAY CONSTRUCTION, INC., FOR THE CITY COUNCIL CHAMBER REMODELING PROJECT FOR A NET INCREASE OF \$30,228.09 AND A NEW CONTRACT TOTAL OF \$99,328.09.

COMMITTEE 1

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

10-0472R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM AMERICAN LTD PARTNERSHIP (APPLEBEE'S NEIGHBORHOOD GRILL & BAR), 1600 MILLER TRUNK HIGHWAY, TO APPLE MINNESOTA, LLC (APPLEBEE'S NEIGHBORHOOD GRILL & BAR), SAME ADDRESS.

10-0473R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO LAKE SUPERIOR BREWING COMPANY, LLC (LAKE SUPERIOR BREWING COMPANY), 2711 WEST SUPERIOR STREET.

10-0474R - RESOLUTION ISSUING AN ON SALE INTOXICATING THEATER LICENSE TO DULUTH PLAYHOUSE, INC. (NORSHOR THEATER), 211 EAST SUPERIOR STREET.

10-0475R - RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO TAKK FOR MATEN/KIPPIS, LLC (TAKK FOR MATEN CAFÉ), 11 EAST SUPERIOR STREET.

10-0476R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO THE COLLEGE OF ST. SCHOLASTICA, 1200 KENWOOD AVENUE.

NEW 10-0490R - RESOLUTION APPROVING A LAWFUL GAMBLING EXEMPTION PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR ST. MICHAEL'S LAKESIDE SCHOOL.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-0470R - RESOLUTION AUTHORIZING TRANSFER OF \$6,397 IN 2010 CDBG FUNDS TO THE 2010 CDBG PROGRAM DULUTH AREA FAMILY YMCA (YMCA) YOUTH DEVELOPMENT COLLABORATIVE GRANT AGREEMENT, INCREASING THE FUNDING OF THE AGREEMENT.

10-0480R - RESOLUTION AUTHORIZING AN AMENDMENT TO THE G.O. BOND INFRASTRUCTURE GRANT AGREEMENT WITH MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT (DEED) AND AN AMENDMENT TO THE COOPERATIVE AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY REGARDING THE NORTH BUSINESS DEVELOPMENT AREA.

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

10-0463R - RESOLUTION AUTHORIZING TERMINATION AGREEMENT WITH BLUE CROSS BLUE SHIELD OF MINNESOTA FOR PROCESSING OF CITY'S GROUP HEALTH INSURANCE PLAN CLAIMS RUN-OUT AND PAYMENT OF \$113,233 TO BLUE CROSS BLUE SHIELD OF MINNESOTA FROM CITY'S GROUP HEALTH FUND.

10-0465R - RESOLUTION AUTHORIZING FIVE YEAR SERVICE AGREEMENT WITH HEALTHPARTNERS ADMINISTRATORS, INC., TO PROVIDE ADMINISTRATIVE SERVICES AND STOP LOSS INSURANCE FOR THE CITY'S HEALTH PLAN EFFECTIVE JANUARY 1, 2011, FOR AN ESTIMATED ANNUAL COST OF \$1,100,000.

COMMITTEE 2

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

10-0478R - RESOLUTION REQUESTING THE CHARTER COMMISSION RECOMMEND ADOPTION OF AN AMENDMENT TO CHAPTER VIII, SECTION 54, OF THE CITY OF DULUTH HOME RULE CHARTER, 1912, AS AMENDED, PERTAINING TO ESTABLISHMENT OF A PARKS FUND IN CITY TREASURY.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS & UTILITIES)

10-0464R - RESOLUTION AMENDING RESOLUTION 08-0376 AMENDING RATE CALCULATIONS APPLICABLE TO STEAM DISTRICT NO. 1 TO INCLUDE SANITARY SEWER COSTS, EFFECTIVE IN OCTOBER 2010.

10-0479R - RESOLUTION AUTHORIZING THE EXECUTION OF A SNOWMOBILE TRAILS ASSISTANCE PROGRAM CAPITAL IMPROVEMENTS GRANT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR BRIDGE RECONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$7,900.

10-0482R - RESOLUTION AWARDED A CONTRACT TO WAGNER CONSTRUCTION, INC., FOR THE CODY STREET BOX CULVERT PROJECT IN THE AMOUNT OF \$1,089,973.60.

10-0483R - RESOLUTION AUTHORIZING AN AGREEMENT WITH SEH, INC., FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE PRELIMINARY ENGINEERING FOR THE JOSHUA AVENUE DULUTH HEIGHTS CONNECTOR PROJECT IN THE AMOUNT OF \$576,940.

10-0484R - RESOLUTION ACCEPTING DEDICATION OF EASEMENT FROM ST. MARY'S MEDICAL CENTER FOR HIGHWAY PURPOSES ALONG FOURTH AVENUE EAST. **(REPLACEMENT)**

10-0485R - RESOLUTION ACCEPTING DEDICATION OF EASEMENT FROM THE BENEDICTINE SISTERS BENEVOLENT ASSOCIATION AND ST. MARY'S MEDICAL CENTER FOR PARKING PURPOSES ALONG FOURTH AVENUE EAST. **(REPLACEMENT)**

NEW 10-0491R - RESOLUTION AUTHORIZING AGREEMENT WITH KEGLERS, INC., TO REMOVE A SIDEWALK VAULT BELOW FIRST STREET WEST OF FIFTH AVENUE WEST.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

10-0471R - RESOLUTION APPROVING AGREEMENT WITH ST. LOUIS COUNTY TO SHARE COSTS OF A PUBLIC SAFETY GRANT COORDINATOR AND ACCEPTING \$30,000 FROM THE COUNTY.

10-0481R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON SEPTEMBER 18, 2010, IN CONJUNCTION WITH HILLFEST 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)

10-0487R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2011.

BY COUNCILOR BOYLE (PERSONNEL)

10-0477R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF UTILITY MAINTENANCE WORKER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

COMMITTEE 2

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

10-0469R - RESOLUTION REQUESTING THE CHARTER COMMISSION RECOMMEND ADOPTION OF AN AMENDMENT TO CHAPTER III, SECTION 13, OF THE CITY OF DULUTH HOME RULE CHARTER, 1912, AS AMENDED, PERTAINING TO ORDINANCE AMENDMENT PUBLICATION REQUIREMENTS.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

COMMITTEE 2

BY COUNCILORS STAUBER AND BOYLE

10-039-O - AN ORDINANCE AMENDING SECTION 34-40 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO SMOKING PROHIBITIONS IN CITY PARKS AND PLAYGROUNDS. (TABLED 8/30)

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-045-O - AN ORDINANCE REPEALING CHAPTER 2, ARTICLE VII, OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE PLANNING COMMISSION.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS & UTILITIES)

10-046-O - AN ORDINANCE AUTHORIZING ASSESSMENT FOR SIDEWALK VAULT REPAIR OR ABANDONMENT.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

10-044-O - AN ORDINANCE AMENDING SECTION 12-2 OF THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING DEFINITIONS OF VIOLATION AND PROPERTY VIOLATION TO REFLECT THE UDC AND ADDING CHAPTER 5 AMUSEMENTS TO PROPERTY VIOLATIONS.

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

COMMITTEE 2

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

10-043-O - AN ORDINANCE AMENDING CHAPTER 28 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO HEALTH AND SANITATION.

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COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS

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