

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, December 20, 2010, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS - 7:00 PM - 2011 Alcoholic Beverage License Fees (10-0579R).

7:00 PM - Proposed Charter Amendment Pertaining to Ordinance Publication Requirements (10-065-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

*10-1220-01 The following communications regarding the proposed repeal of the rental housing 300 foot rule (10-070-O): (a) Barbara Montee; (b) Lani and John Paszak. -- Received

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REPORTS FROM THE ADMINISTRATION

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REPORTS FROM OTHER OFFICERS

*10-1220-02 Clerk applications for exempt permits (raffles) to the Minnesota gambling control board from: (a) Pheasants Forever on April 15, 2011; (b) St. Johns the Evangelist Church on March 19, 2011. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

*10-1220-03 Commission on disabilities minutes of November 3, 2010, meeting. -- Received

*10-1220-04 Library board minutes of October 26, 2010, meeting. -- Received

*10-1220-05 Parks and recreation commission minutes of: (a) October 13; (b) November 10, 2010, meetings. -- Received

*10-1220-06 Spirit Mountain recreation area authority minutes of November 18, 2010, meeting. -- 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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RESOLUTION TABLED

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

10-0579R - RESOLUTION ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2011.
(TABLED 11/22 FOR 12/20 PUBLIC HEARING)

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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)

10-0639R - RESOLUTION AUTHORIZING AN AGREEMENT FOR APPRAISAL SERVICES WITH THE VALUATION GROUP, INC., RELATED TO THE VARIOUS TAX COURT PROCEEDINGS TOTALING NOT TO EXCEED \$37,000.

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

10-0614R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF BERGEY'S, LLC (BERGEY'S), 2232 WEST SUPERIOR STREET.

10-0615R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF PIEDMONT BOTTLE SHOP, INC. (PIEDMONT BOTTLE SHOP), 2818 PIEDMONT AVENUE.

10-0619R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO MINNESOTA BALLET (CELEBRITY DANCE CHALLENGE), 1215 RICE LAKE ROAD.

NEW 10-0663R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR DULUTH HERITAGE SPORTS CENTER, INC.

BY COUNCILOR BOYLE (PERSONNEL)

10-0634R - RESOLUTION APPOINTING CITY COUNCILOR PATRICK BOYLE TO THE DULUTH PUBLIC UTILITIES COMMISSION, REPLACING CITY COUNCILOR KERRY GAUTHIER.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-0621R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) RELATING TO PARTICIPATION BY DEDA IN THE CITY OF DULUTH SELF INSURANCE FUND PROGRAM FOR 2011.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-0626R - RESOLUTION APPROVING THE 2011 ANNUAL ACTION PLAN PORTION OF THE 2010-2014 CONSOLIDATED PLAN AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME PROGRAM AND EMERGENCY SHELTER GRANT PROGRAM (ESGP) FUNDS.

10-0653R - RESOLUTION AUTHORIZING A TRANSFER OF \$205,108 IN THE 2009 AND 2010 HUD HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAMS INCREASING THE FUNDING OF THE WCDO PROPERTIES REHABILITATION AGREEMENT.

10-0660R - RESOLUTION ACCEPTING AN EASEMENT FOR PUBLIC STREET, ROADWAY AND UTILITY PURPOSES FROM MINNESOTA POWER, A DIVISION OF ALLETE, INC.

NEW 10-0662R - RESOLUTION VACATING PORTIONS OF 45TH AVENUE WEST BETWEEN GRAND AVENUE AND WEST SECOND STREET ALSO KNOWN AS TRAVERSE STREET AND RETAINING UTILITY EASEMENTS OVER PORTIONS OF THE VACATED AREA (J&S PARTNERSHIP).

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

10-0618R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DULUTH-SUPERIOR PUBLIC ACCESS COMMUNITY TELEVISION, INC., FOR COMMUNITY ACCESS CABLECASTING, TRAINING, PRODUCTION AND ADMINISTRATION SERVICES IN 2011 IN THE NET AMOUNT OF \$162,000.

10-0637R - RESOLUTION AUTHORIZING AN AGREEMENT WITH HISTORIC UNION DEPOT, INC., IN THE AMOUNT OF \$151,800.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS & UTILITIES)

10-0622R - RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) TO DISPOSE OF SNOW ON PROPERTY OWNED BY DEDA.

10-0623R - RESOLUTION OF INTENT TO IMPROVE A PORTION OF ST. LOUIS COURT, INDUSTRIAL AVENUE, RIVERVIEW AVENUE, MARINE COURT, SPRING STREET, RIVERSIDE DRIVE, MANITOU STREET, SUNNYSIDE STREET, UNION STREET, ENGLAND AVENUE, CATO AVENUE, PENTON BOULEVARD AND EAST PENTON BOULEVARD ALLEY, AND TO ASSESS A PORTION OF THE COSTS THEREOF.

10-0631R - RESOLUTION AUTHORIZING AGREEMENT WITH ANDREW J. AND KRISTIN J. BROWN TO ALLOW CONNECTION TO WLSSD'S LAKESIDE INTERCEPTOR.

10-0645R - RESOLUTION AUTHORIZING SUPPLEMENTAL AGREEMENT NO. 2 TO ARMY EASEMENT NO. DACW35-2-91-3001 WITH CORPS OF ENGINEERS AUTHORIZING POSTING OF "NO WAKE" SIGNS ON SHIP CANAL PIERS.

10-0651R - RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY NO. 4 (RICE LAKE ROAD).

10-0652R - RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR TRAFFIC SIGNAL AND ROADWAY IMPROVEMENTS TO ARROWHEAD ROAD BETWEEN THE SOUTHERLY AND NORTHERLY RICE LAKE ROAD INTERSECTIONS, AND SOUTHERLY RICE LAKE ROAD FROM THE INTERSECTION OF ARROWHEAD ROAD APPROXIMATELY 700 FEET SOUTH.

COMMITTEE 3

BY COUNCILOR FOSLE

(PUBLIC SAFETY)

10-0617R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT AN AMENDED GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE TOTAL AMOUNT OF \$163,313 FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND GANG TASK FORCE THROUGH JUNE 30, 2011.

10-0633R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE CITY OF SUPERIOR, WISCONSIN AND THE COUNTIES OF ST. LOUIS, MINNESOTA, AND DOUGLAS, WISCONSIN, PROVIDING FOR THE CITY OF DULUTH TO PARTICIPATE IN THE LAKE SUPERIOR FORENSIC TECHNOLOGY AND INTERNET CRIMES AGAINST CHILDREN TASK FORCE.

10-0640R - RESOLUTION AUTHORIZING SECOND AMENDMENT TO CITY CONTRACT NO. 21014 WITH LHB ENGINEERS AND ARCHITECTS, INC., TO INCLUDE ADDITIONAL INSPECTION AND SURVEY SERVICES RELATED TO RELOCATION OF UTILITIES, INCREASING THE AMOUNT PAYABLE BY \$16,292.

10-0643R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AN AGREEMENT IN YEAR 2010 WITH ST. LOUIS COUNTY FOR FOUR QUARTERS OF SHIELD MAINTENANCE SOFTWARE ASSOCIATED WITH NEMESIS (NORTHEASTERN MINNESOTA ENFORCEMENT AND SAFETY INFORMATION SYSTEM) IN THE AMOUNT OF \$66,975.

10-0648R - RESOLUTION TO ESTABLISH ALTERNATE SIDE PARKING FROM 1:00 AM TO 6:00 AM ON SECOND STREET BETWEEN NINTH AVENUE EAST AND TENTH AVENUE EAST.

10-0649R - RESOLUTION TO ESTABLISH NO PARKING ON BOTH SIDES OF 29TH AVENUE EAST BETWEEN SECOND STREET AND THE ALLEY NORTH OF SECOND STREET.

10-0655R - RESOLUTION REQUESTING THE ADMINISTRATION AND THE DULUTH TRANSIT AUTHORITY REVIEW THE POSSIBILITY OF REMOVING THE BUS STOP AND SHELTER IN FRONT OF 5705 GRAND AVENUE.

BY COUNCILOR GARDNER (RECREATION, LIBRARIES & AUTHORITIES)

10-0632R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT GRANTS FROM THE DULUTH LEGACY ENDOWMENT FUND FOR PLANTING TREES IN THE AMOUNT OF \$1,031, FOR PURCHASING ICE SKATES IN THE AMOUNT OF \$1,235 AND FOR THE DULUTH PUBLIC LIBRARY FOR E-BOOK READERS IN THE AMOUNT OF \$820.

10-0641R - RESOLUTION ESTABLISHING NEW TRAIL IN CENTRAL PARK FOR HIKING AND BIKING AND NEW TRAIL IN WEB WOODS FOR HIKING.

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)

10-0658R - RESOLUTION AMENDING RESOLUTION 10-0579 ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2011; ADDING HOUSING, PROPERTY MAINTENANCE AND RENTAL CODE FEES.

(AMENDMENT)

COMMITTEE 1

BY COUNCILOR FEDORA, PRESIDENT ANDERSON AND COUNCILOR HARTMAN

10-0659R - RESOLUTION HONORING THE UNIVERSITY OF MINNESOTA - DULUTH FOOTBALL TEAM.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-0627R - RESOLUTION AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2011 PROGRAM YEAR AS WELL AS APPROVING THE REALLOCATION OF CERTAIN PRIOR CDBG FUNDS AND AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

10-0628R - RESOLUTION AUTHORIZING A REQUEST FOR HUD HOME FUNDS FOR THE 2011 PROGRAM YEAR AND AUTHORIZING CONTRACTS.

10-0629R - RESOLUTION AUTHORIZING A REQUEST FOR HUD EMERGENCY SHELTER GRANT PROGRAM (ESGP) FUNDS FOR THE 2011 PROGRAM YEAR AND AUTHORIZING CONTRACTS.

10-0646R - RESOLUTION OF INTENT TO SUPPORT THE USE OF TAX INCREMENT FINANCING FOR THE WESTWOOD HEIGHTS TOWNHOMES HOUSING DEVELOPMENT INITIATIVE.

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

10-0635R - RESOLUTION AUTHORIZING A PARKING RAMP MANAGEMENT CONTRACT WITH FOND DU LAC BAND FOR CASINO RAMP IN THE AMOUNT OF \$185,000 PER YEAR FOR THREE YEARS.

10-0656R - RESOLUTION AMENDING RESOLUTION 09-0007, AS AMENDED, RETAINING MAKI AND OVEROM, CHARTERED, INCREASING THE AMOUNT BY \$300,000 FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$760,000.

10-0657R - RESOLUTION APPROVING AGREEMENT WITH FRYBERGER, BUCHANAN, SMITH AND FREDERICK, P.A., FOR LEGISLATIVE SERVICES NOT TO EXCEED \$44,940.

BY PRESIDENT ANDERSON AND COUNCILOR HARTMAN

10-0630R - RESOLUTION REQUESTING A STUDY AND REPORT BY THE HISTORIC PRESERVATION COMMISSION ON THE APPROPRIATENESS OF DESIGNATING THE HISTORIC LOCATION OF THE INCLINE RAILWAY STAIRCASE AS AN HISTORIC PRESERVATION LANDMARK.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS & UTILITIES)

10-0638R - RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) TO DISPOSE OF SNOW ON PROPERTY OWNED BY DEDA.

BY COUNCILORS GAUTHIER AND STAUBER

NEW 10-0665R - RESOLUTION REMOVING DESIGNATION OF PORTIONS OF LINCOLN PARK BUSINESS DISTRICT AS A METERED PARKING ZONE.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

10-0650R - RESOLUTION TO ESTABLISH NEW TIME LIMITS AND RATES FOR PARKING METERS AT VARIOUS LOCATIONS.

BY COUNCILOR GARDNER (RECREATION, LIBRARIES & AUTHORITIES)

10-0644R - RESOLUTION ADOPTING THE PARKS AND RECREATION MASTER PLAN FOR THE CITY OF DULUTH.

10-0661R - RESOLUTION SUPPORTING DULUTH TRAFFICKING TASK FORCE.

NEW 10-0664R - RESOLUTION AMENDING AGREEMENT FOR PROFESSIONAL SERVICES WITH HOISINGTON KOEGLER GROUP, INC., CITY CONTRACT NO. 20949, TO EXTEND THE COMPLETION DATE FOR PHASE 5 SERVICES RELATED TO THE PARKS AND RECREATION MASTER PLAN FOR AN INCREASE OF \$29,875 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$142,675.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

NEW 10-073-O - AN ORDINANCE AMENDING SECTION 41-1 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO PURCHASING.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-072-O - AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY IN WEST DULUTH FROM THE DULUTH, WINNIPEG AND PACIFIC RAILWAY COMPANY AT NO COST AND THE CONVEYANCE OF THE SAME TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AT NO COST RELATED TO THE TITLE CLEARANCE OF THE PLAT OF ONEOTA INDUSTRIAL PARK FIRST ADDITION.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS & UTILITIES)

10-071-O - AN ORDINANCE AMENDING SECTION 34-40 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO SMOKING PROHIBITIONS IN CITY PARKS.

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

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

10-066-O - AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2011.

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

10-067-O - AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2011 APPROPRIATION MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

10-069-O - AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2011.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-063-O - AN ORDINANCE AUTHORIZING THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH TO EXERCISE POWERS UNDER MINNESOTA STATUTES, CHAPTER 462C, ON BEHALF OF THE CITY OF DULUTH.

10-068-O - AN ORDINANCE AMENDING SECTIONS 50-18.1, 50-36.6 AND 50-41.269 OF CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO SHORELAND STANDARDS.

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

10-061-O - AN ORDINANCE ADDING NEW SECTIONS 34-15 AND 34-16 TO THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING TRUANCY ABATEMENT.

10-062-O - AN ORDINANCE AMENDING CHAPTER 29A OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO THE CITY HOUSING, PROPERTY MAINTENANCE AND RENTAL CODE.
(AS AMENDED) (REPLACEMENT)

10-065-O - AN ORDINANCE REPEALING ORDINANCE FILE NO. 10-059 AND AMENDING CHAPTER III, SECTION 13, OF THE CITY OF DULUTH HOME RULE CHARTER, 1912, AS AMENDED, PERTAINING TO ORDINANCE PUBLICATION REQUIREMENTS.

10-070-O - AN ORDINANCE AMENDING SECTION 29A-27, AND REPEALING SECTION 29A-32.1, OF CHAPTER 29A OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO THE RENTAL LICENSING 300 FOOT RULE.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS & UTILITIES)

10-064-O - AN ORDINANCE DESIGNATING THE DPUC TO HEAR APPEALS UNDER CHAPTERS 43 AND 48 OF THE CODE, AMENDING SECTIONS 43-33.2, 48-1 AND 48-15.3 AND ARTICLE XV OF CHAPTER 48 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

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COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS

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