

# AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, January 10, 2011, 7:00 p.m.

## ROLL CALL

## PLEDGE OF ALLEGIANCE

## SWEARING IN OF FOURTH DISTRICT CITY COUNCILOR

## ELECTION OF OFFICERS

## APPROVAL OF MINUTES - August 16 and 30, 2010.

## PUBLIC HEARING - 7:00 PM - Issuance of General Obligation Capital Improvement Bonds not to exceed \$2,275,000 and Capital Improvement Plan for the years 2011-2015.

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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

\*11-0110-01 Minnesota state auditor Spirit Mountain recreation area authority audit report for the years ended April 30, 2010 and 2009. -- Received

\*11-0110-02 The following communications regarding the proposed parks and recreation master plan (10-0644R): (a) Kyle and Wendy Burke; (b) Lisa R. Chester-Wormuth; (c) Gary-New Duluth Community Club; (d) Todd Kuusisto; (e) Joseph J. Martinelli. -- Received

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## REPORTS FROM THE ADMINISTRATION

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## REPORTS FROM OTHER OFFICERS

\*11-0110-03 Clerk applications for exempt permits (raffles) to the Minnesota gambling control board from: (a) Lake Superior College Foundation on September 15, 2011; (b) Lake Superior Marine Museum Association on November 5, 2011; (c) Lakehead Racing Association on July 17, 2011; (d) Rotary Club of Duluth Harbortown Minnesota USA on April 6, 2011. -- Received

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## REPORTS OF BOARDS AND COMMISSIONS

\*11-0110-04 Duluth airport authority: (a) Minutes of November 16, 2010, meeting; (b) October 31, 2010, unaudited balance sheet. -- Received

\*11-0110-05 Duluth public arts commission minutes of November 15, 2010, meeting. -- Received

\*11-0110-06 Duluth transit authority: (a) Minutes of October 27, 2010, meeting; (b) September 2010 income statement. -- Received

\*11-0110-07 Entertainment and convention center authority minutes of December 21, 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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**MOTION FOR RECONSIDERATION**

**COMMITTEE 3**

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

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

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**RESOLUTIONS TABLED**

**COMMITTEE 2**

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

10-0646R - RESOLUTION OF INTENT TO SUPPORT THE USE OF TAX INCREMENT FINANCING FOR THE WESTWOOD HEIGHTS TOWNHOMES HOUSING DEVELOPMENT INITIATIVE. (TABLED 12/20/2010)

**COMMITTEE 3**

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

10-0644R - RESOLUTION ADOPTING THE PARKS AND RECREATION MASTER PLAN FOR THE CITY OF DULUTH. (TABLED 12/20/2010 FOR CITIZEN INPUT)

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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)**

11-0004R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF A CANCELED PERMANENT ALLEY AND CANCELED GARBAGE ASSESSMENT.

**COMMITTEE 1**

**BY COUNCILOR FEDORA (FINANCE)**

11-0005R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF A CANCELED RAZING ASSESSMENT.

11-0014R - RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO CONTRACT NO. 20049 WITH CATERPILLAR FINANCIAL SERVICES CORPORATION EXTENDING PURCHASE RIGHTS THEREUNDER.

11-0015R - RESOLUTION AUTHORIZING ASSIGNMENT OF PURCHASE RIGHTS UNDER CONTRACT NO. 20049 TO ZIEGLER, INC.

**BY COUNCILOR CUNEO (PURCHASING & LICENSING)**

11-0016R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO IRVING COMMUNITY CLUB.

**BY COUNCILOR BOYLE (PERSONNEL)**

11-0012R - RESOLUTION ELECTING MEMBER TO THE BOARD OF MANAGERS OF THE DULUTH/NORTH SHORE SANITARY DISTRICT PURSUANT TO MINNESOTA STATUTES, SECTION 115.23, SUBDIVISION 7.

**COMMITTEE 2**

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

11-0006R - RESOLUTION VACATING THE PORTION OF BIRCH AVENUE LOCATED BETWEEN BLOCKS 26 AND 27, RICE'S POINT DIVISION, AND RETAINING A UTILITY EASEMENT OVER THE NORTHWEST HALF OF THE RIGHT-OF-WAY AND THE SOUTHWESTERLY 20 FEET OF THE VACATION AREA (PETITIONED BY GOODWILL INDUSTRIES, INC.).

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

11-0002R - RESOLUTION AUTHORIZING A SERVICE AGREEMENT WITH DULUTH SISTER CITIES INTERNATIONAL, INC., IN THE AMOUNT OF \$20,000.

**COMMITTEE 3**

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

11-0007R -RESOLUTION AMENDING RESOLUTION 09-0534 AWARDDING A CONTRACT TO BELAIR BUILDERS, INC., DBA BELAIR EXCAVATING, FOR THE 2009 WATERMAIN REPLACEMENT PROJECT IN CONGDON BOULEVARD, 40TH AVENUE EAST AND WEST MARBLE STREET TO INCREASE THE AMOUNT BY \$135,068.24 FOR A NEW TOTAL OF \$540,583.12.

11-0009R - RESOLUTION AWARDDING A CONTRACT TO HAWKINS, INC., FOR THE PURCHASE AND DELIVERY OF 150 TONS OF HYDROFLUOROSILICIC ACID IN THE AMOUNT OF \$121,837.50.

11-0010R - RESOLUTION AWARDDING A CONTRACT TO THUNDER BAY CHEMICALS, LTD., FOR THE PURCHASE AND DELIVERY OF 125,000 GALLONS OF LIQUID ALUMINUM SULFATE IN THE AMOUNT OF \$166,591.41.

**COMMITTEE 3**

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

11-0011R - RESOLUTION AWARDED A CONTRACT TO HAWKINS, INC., FOR THE PURCHASE AND DELIVERY OF 85,000 GALLONS OF CAUSTIC SODA IN THE AMOUNT OF \$158,258.90.

11-0013R - RESOLUTION AUTHORIZING AGREEMENT NO. 97864 WITH MN/DOT TO RELOCATE A GAS MAIN SOUTH OF I-35 NEAR RECYCLE WAY AND RECEIVE REIMBURSEMENT IN THE AMOUNT OF \$167,510.

11-0021R - RESOLUTION AUTHORIZING AN AGREEMENT WITH MSA PROFESSIONAL SERVICES, INC., FOR PROFESSIONAL ENGINEERING SERVICES FOR THE INCREASE OF THE PUMPING CAPACITY AT LIFT STATION NO. 45 AND RECONSTRUCTION OF THE FORCEMAIN.

**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)**

11-0001R - RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, STATING THE INTENT TO ISSUE AN AMOUNT NOT TO EXCEED \$2,275,000 GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2011.

11-0017R - RESOLUTION AMENDING RESOLUTION 10-0579 ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2011; AMENDING STREET LIGHTING SYSTEM UTILITY FEES.

**BY COUNCILOR CUNEO (PURCHASING & LICENSING)**

**NEW** 11-0022R - RESOLUTION AWARDED A CONTRACT TO BUILDING RESTORATION CORPORATION FOR PHASE I OF THE MASONRY RESTORATION OF ENGER TOWER IN THE AMOUNT OF \$372,226.

**COMMITTEE 2**

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

11-0019R - RESOLUTION SETTING TOP LEGISLATIVE PRIORITIES FOR THE 2011 LEGISLATIVE SESSION.

11-0020R - RESOLUTION SETTING LEGISLATIVE INITIATIVES FOR THE 2011 LEGISLATIVE SESSION. **(AMENDMENTS)**

**COMMITTEE 3**

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

11-0003R - RESOLUTION OF INTENT TO IMPROVE IVANHOE STREET AND TO ASSESS A PORTION OF THE COSTS THEREOF.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**ORDINANCE TABLED**

**COMMITTEE 2**

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

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.

(TABLED 12/20/2010)

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

**COMMITTEE 1**

**BY COUNCILOR CUNEO (PURCHASING & LICENSING)**

11-001-O - AN ORDINANCE AMENDING SECTION 11-1 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO INCORPORATE CURRENT STATUTORY DEFINITIONS.

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

**COMMITTEE 1**

**BY COUNCILOR FEDORA (FINANCE)**

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.

**BY COUNCILOR ANDERSON (INTRODUCED BY COUNCILOR GAUTHIER)**

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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**COUNCILOR QUESTIONS AND COMMENTS**

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**COUNCILOR PREVIEW OF UPCOMING BUSINESS**