

# AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, February 14, 2011, 7:00 p.m.

## ROLL CALL

## PLEDGE OF ALLEGIANCE

**APPROVAL OF MINUTES** - November 4, 8 and 22, and December 6 and 20, 2010.

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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

\*11-0214-01 Darcy and Todd Redenbaugh communication regarding the proposed parks and recreation master plan (10-0644R). -- Received

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## REPORTS FROM THE ADMINISTRATION

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## REPORTS FROM OTHER OFFICERS

\*11-0214-02 Clerk applications for exempt permits (raffles) to the Minnesota gambling control board from: (a) Holy Family Catholic Church for September 17, 2011; (b) St. Mary's Duluth Clinic Foundation for April 2, 2011. -- Received

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## REPORTS OF BOARDS AND COMMISSIONS

\*11-0214-03 Building appeal board minutes of December 8, 2010, meeting. -- Received

\*11-0214-04 Civil service board minutes of December 7, 2010, meeting. -- Received

\*11-0214-05 Commission on disabilities minutes of January 5, 2011, meeting. -- Received

\*11-0214-06 Duluth airport authority: (a) Minutes of December 21, 2010, meeting; (b) Unaudited balance sheet of November 30, 2010. -- Received

\*11-0214-07 Duluth economic development authority minutes of December 15, 2010, meeting. -- Received

\*11-0214-08 Duluth public arts commission minutes of December 20, 2010: (a) Regular; (b) Special meetings. -- Received

\*11-0214-09 Duluth transit authority: (a) Minutes of December 1, 2010, meeting; (b) October 2010 income statement. -- Received

\*11-0214-10 Entertainment and convention center authority minutes of January 25, 2011, meeting. -- Received

\*11-0214-11 Library board minutes of November 23, 2010, meeting. -- Received

\*11-0214-12 Seaway Port authority of Duluth budget summary for December 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 2**

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

11-0045R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT AND TRUST AGREEMENT WITH THE DULUTH ENTERTAINMENT CONVENTION CENTER, HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH AND DULUTH AIRPORT AUTHORITY TO FORM AND IMPLEMENT A JOINT POWERS ENTERPRISE, ALONG WITH APPROVAL OF THE BYLAWS OF THE JOINT POWERS ENTERPRISE. (TABLED 1/24 FOR COMMITTEE MEETING)

**COMMITTEE 3 (RECREATION, LIBRARIES & AUTHORITIES)**

**BY COUNCILOR HALBERG (Introduced by President Gardner)**

10-0644R - RESOLUTION ADOPTING THE PARKS AND RECREATION MASTER PLAN FOR THE CITY OF DULUTH. (TABLED 12/20/2010; RETABLED 1/10 & 1/24/2011) (AMENDMENT)

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**UNFINISHED BUSINESS**

**COMMITTEE 3**

**BY COUNCILOR HARTMAN (PUBLIC WORKS AND UTILITIES)**

11-0039R - RESOLUTION AMENDING THE STANDING RULES - AMENDMENTS.

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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)**

11-0063R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAID THE ASSESSABLE PORTION OF VAULT REMOVAL.

**COMMITTEE 1**

**BY COUNCILOR FEDORA**

**(FINANCE)**

11-0064R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF EAST SANITARY SEWER EXTENSION.

11-0065R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF 2010 STREET PRESERVATION, WEST EIGHTH STREET.

11-0066R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF 2010 STREET PRESERVATION, GLENWOOD STREET.

11-0067R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF 2010 STREET PRESERVATION, MINNESOTA AVENUE.

11-0068R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF 2010 STREET PRESERVATION, SUPERIOR STREET.

11-0069R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF 2010 STREET PRESERVATION, 43RD AVENUE EAST.

11-0070R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF 2010 STREET PRESERVATION, MALL DRIVE.

11-0071R - RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH WAGNER, FALCONER & JUDD, LTD, FOR LEGAL SERVICES IN COLLECTIONS.

**BY COUNCILOR CUNEO**

**(PURCHASING & LICENSING)**

11-0044R - RESOLUTION IN THE MATTER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF GOLDEN EAGLE LIQUORS, LLC (SPORTSMEN'S LIQUOR), 3904 GRAND AVENUE.

11-0062R - RESOLUTION AMENDING RESOLUTION 10-0546, INCREASING THE CONTRACT WITH MORTON SALT, INC., BY \$322,003.69 FOR JANUARY THROUGH APRIL 2011.

11-0072R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO MARSHALL SCHOOL (MARSHALL AUCTION), 1215 RICE LAKE ROAD.

11-0073R - RESOLUTION ISSUING AN ON SALE THEATER LIQUOR LICENSE TO COLLEGE OF ST. SCHOLASTICA, 1200 KENWOOD AVENUE.

11-0074R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR UMD DUCKS UNLIMITED.

11-0077R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HACIENDA DEL SOL, INC. (HACIENDA DEL SOL), 319-321 EAST SUPERIOR STREET.

11-0078R - RESOLUTION AWARDED A CONTRACT TO MIDWEST ELECTRICAL GROUP, INC., FOR THE ELECTRICAL CONSTRUCTION AND LIGHTING OF ENGER TOWER LOCATED AT ENGER PARK FOR A TOTAL AMOUNT OF \$96,353.

**COMMITTEE 1**

**BY COUNCILOR BOYLE (PERSONNEL)**

11-0048R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF WAREHOUSE SPECIALIST.

11-0079R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF PLANNER II.

**COMMITTEE 2**

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

11-0053R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) TO INSURE CERTAIN DEDA PROPERTY UNDER THE CITY'S PROPERTY AND BOILER INSURANCE POLICIES.

11-0076R - RESOLUTION AUTHORIZING AN AGREEMENT FOR PROFESSIONAL ENVIRONMENTAL SERVICES WITH BARR ENGINEERING COMPANY RELATED TO THE EXPANSION OF THE EPICUREAN AND LOLL MANUFACTURING COMPANIES IN WEST DULUTH IN AN AMOUNT NOT TO EXCEED \$67,500.

**COMMITTEE 3**

**BY COUNCILOR HARTMAN (PUBLIC WORKS AND UTILITIES)**

10-0047R - RESOLUTION ORDERING THE IMPROVEMENT OF 36TH AVENUE EAST FROM SUPERIOR STREET TO FOURTH STREET AT AN ESTIMATED COST OF \$1,044,000.

11-0051R - RESOLUTION OF INTENT TO REPAIR A SIDEWALK VAULT LOCATED AT 114 WEST FOURTH STREET AND TO ASSESS A PORTION OF THE COSTS THEREOF.

11-0056R - RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY TO ENTER INTO A LOAN/GRANT AGREEMENT FOR CIPP REHABILITATION OF SANITARY SEWERS FOR SEWER BASIN NO. 2.

11-0057R - RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY TO ENTER INTO A LOAN AGREEMENT FOR WATER DISTRIBUTION SYSTEM IMPROVEMENTS FOR DULUTH'S RIVERSIDE COMMUNITY.

11-0058R - RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY TO ENTER INTO A LOAN/GRANT AGREEMENT FOR SANITARY SEWER IMPROVEMENTS FOR DULUTH'S RIVERSIDE COMMUNITY.

11-0059R - RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY TO ENTER INTO A LOAN/GRANT AGREEMENT FOR LIFT STATION NO. 45 PUMPING AND FORCE MAIN IMPROVEMENTS.

11-0081R - RESOLUTION AWARDED A CONTRACT TO STACK BROS. MECHANICAL CONTRACTORS, INC., FOR RELOCATION OF 16 INCH STEEL GAS MAIN SOUTH OF I-35 NEAR RECYCLE WAY IN THE AMOUNT OF \$120,800.

**COMMITTEE 3**

**BY COUNCILOR HARTMAN (PUBLIC WORKS AND UTILITIES)**

11-0082R - RESOLUTION AUTHORIZING AN AGREEMENT WITH LAKE SUPERIOR CONSULTING, LLC, FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE CONSTRUCTION ENGINEERING FOR THE GREAT LAKES GAS TRANSMISSION INTERCONNECT REGULATOR STATION UPGRADE IN THE AMOUNT OF \$56,061.

11-0083R - RESOLUTION AMENDING AND RENEWING JOINT POWERS AGREEMENT NO. 20604 WITH THE DULUTH ENTERTAINMENT CONVENTION CENTER (DECC) AUTHORITY FOR THE OPERATION OF THE MINNESOTA SLIP PEDESTRIAN DRAW BRIDGE DURING YEAR 2011 FOR A TOTAL AMOUNT NOT TO EXCEED \$35,174.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

11-0049R - RESOLUTION TO ESTABLISH NO PARKING ON SOUTH STREET FROM 19TH AVENUE EAST TO 20TH AVENUE EAST.

11-0050R - RESOLUTION TO ESTABLISH A 15 MINUTE PARKING ZONE ON FIRST STREET NEAR SEVENTH AVENUE EAST.

11-0055R - RESOLUTION TO ESTABLISH NO PARKING ON 36TH AVENUE EAST.

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

11-0046R - RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM INDIVIDUALS, CIVIC GROUPS, CORPORATIONS AND OTHER PUBLIC ENTITIES FOR THE BENEFIT OF IMPROVEMENTS TO ENGER PARK IN 2011 AND 2012.

11-0054R - RESOLUTION AUTHORIZING APPLICATIONS TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES PARKS AND TRAILS LEGACY GRANT PROGRAM FOR THE CROSS CITY TRAIL PHASES II AND III (MUNGER TRAIL EXTENSION) AND THE DULUTH TRAVERSE TRAIL SYSTEM PHASE I (BIKE TRAIL EXTENSION THROUGHOUT THE CITY).

11-0061R - RESOLUTION AUTHORIZING MEMORIAL PARK AND LAURA MACARTHUR SCHOOL JOINT POWERS AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 709 OF DULUTH.

**NEW** 11-0080R - RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM THE DULUTH LIBRARY FOUNDATION FOR THE BENEFIT OF THE LIBRARY FOR 2011 AND 2012.

**NEW** 11-0086R - RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM THE FRIENDS OF THE DULUTH PUBLIC LIBRARY FOR THE BENEFIT OF THE LIBRARY IN 2011 AND 2012.

**NEW** 11-0090R - RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO CONTRACT NO. 21216 WITH MNDNR INCREASING THE GRANT THEREUNDER BY \$2,000.

**END OF CONSENT AGENDA**

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

**COMMITTEE 2**

**BY COUNCILOR ANDERSON (INTERGOVERNMENTAL RELATIONS)**

11-0052R - RESOLUTION REQUESTING DETACHMENT OF PROCTOR FAIRGROUNDS FROM DULUTH AND ANNEXATION TO PROCTOR.

**BY COUNCILORS ANDERSON AND HARTMAN**

11-0087R - RESOLUTION ESTABLISHING A TOURISM TAX TASK FORCE.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**ORDINANCE TABLED**

**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. (TABLED 1/24 FOR MORE INFORMATION)

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

**COMMITTEE 1**

**BY COUNCILOR FEDORA (FINANCE)**

11-007-O - AN ORDINANCE CREATING TOURISM ATTRACTION REINVESTMENT AND INVESTMENT FUND TO FUND INVESTMENT AND REINVESTMENT IN PUBLIC TOURISM-RELATED INFRASTRUCTURE, PROVIDING FOR FUNDING THEREOF AND FOR EXPENDING FUNDS THEREFROM, ADDING A NEW DIVISION 9 TO ARTICLE II OF CHAPTER 20 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

**(REPLACEMENT)**

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

**COMMITTEE 2**

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

11-002-O - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50, OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-2, RESIDENTIAL-URBAN, TO MU-I, MIXED USE-INSTITUTIONAL, THE PROPERTY THAT CONSTITUTES THE CAMPUS OF THE COLLEGE OF SAINT SCHOLASTICA (CITY OF DULUTH).

11-003-O - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50, OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM I-W, INDUSTRIAL WATERFRONT, AND MU-N, MIXED USE NEIGHBORHOOD, TO MU-W, MIXED USE WATERFRONT, THE WESTERN BAYFRONT DISTRICT PROPERTY BETWEEN SIXTH AND TENTH AVENUES WEST SOUTH OF RAILROAD STREET (CITY OF DULUTH).

11-004-O - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50, OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM I-W, INDUSTRIAL WATERFRONT, TO MU-W, MIXED USE WATERFRONT, PROPERTY AT 1000 MINNESOTA AVENUE (LAKEHEAD BOAT BASIN, INC.).

**COMMITTEE 2**

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

11-005-O - AN ORDINANCE AMENDING SECTIONS 29A-27 AND 29A-29 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PROVIDING FOR DEFINITIONS AND LICENSING, AND ADDING A NEW SECTION 29A-32.1 PROVIDING AUTHORITY FOR A RENTAL CONVERSION FEE. (AS AMENDED)

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**COUNCILOR QUESTIONS AND COMMENTS**

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**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

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