

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, March 28, 2011, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS - 7:00 p.m. - Northstar Machine & Tool Company, Inc., dba Northstar Aerospace, Loan Agreement Amendment.

7:00 p.m. - DEDA Spending Plan - *Building in Duluth 2011*.

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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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REPORTS FROM THE ADMINISTRATION

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REPORTS OF BOARDS AND COMMISSIONS

- *11-0328-01 Commission on disabilities 2010 year end report. -- Received
- *11-0328-02 Duluth airport authority minutes of February 15, 2011, meeting. -- Received
- *11-0328-03 Duluth human rights commission minutes of February 9, 2011, meeting. -- Received
- *11-0328-04 Duluth public utilities commission minutes of February 9, 2011, meeting. -- Received
- *11-0328-05 Library board minutes of January 13, 2011, 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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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 BOYLE (PERSONNEL)

11-0142R - RESOLUTION CONFIRMING THE APPOINTMENTS AND REAPPOINTMENTS OF MEMBERS TO CITY BOARDS AND COMMISSIONS.

11-0143R - RESOLUTION REAPPOINTING PATRICK BOYLE AND JOHN BRUGGEMAN TO THE DULUTH PUBLIC UTILITIES COMMISSION.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-0139R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO NSIGHTTEL, LLC, D/B/A CELLCOM, FOR A 345 FOOT TELECOMMUNICATIONS TOWER IN AN R-1 DISTRICT AT APPROXIMATELY 1500 EAST ORANGE STREET.

NEW 11-0141R - RESOLUTION AUTHORIZING A FIFTH AMENDMENT TO THE MINNESOTA INVESTMENT FUND (MIF) AGREEMENT WITH THE STATE OF MINNESOTA AND FURTHER AUTHORIZING A FIFTH AMENDMENT TO THE MIF LOAN AGREEMENT AND A FIFTH PROMISSORY NOTE MODIFICATION AGREEMENT WITH NORTHSTAR MACHINE & TOOL, INC., D.B.A. NORTHSTAR AEROSPACE, MODIFYING PAYMENTS THROUGH SEPTEMBER 30, 2011.

11-0149R - RESOLUTION VACATING SLOPE EASEMENTS ON THE SECOND STREET ALLEY BETWEEN BLOCK 40 AND BLOCK 36, PORTLAND DIVISION OF DULUTH, AND VACATING SLOPE EASEMENTS ON SECOND STREET AFFECTING BLOCK 40, PORTLAND DIVISION OF DULUTH (ST. LUKE'S HOSPITAL).

11-0155R - RESOLUTION APPROVING THE *BUILDING IN DULUTH 2011* SPENDING PLAN.

COMMITTEE 3

BY COUNCILOR HARTMAN (PUBLIC WORKS AND UTILITIES)

11-0152R - RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE REGENTS OF THE UNIVERSITY OF MINNESOTA FOR THE FURNISHING OF PROFESSIONAL AND TECHNICAL SERVICES IN CONJUNCTION WITH THE DULUTH STREAMS PROJECT.

11-0153R - RESOLUTION CREATING THE ADVANCED HOME ENERGY AUDIT PROGRAM, APPROVING PROGRAM GUIDELINES AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS AND UTILITIES TO ADMINSTRATE THE PROGRAM IN CONFORMANCE THEREWITH AT A COST NOT TO EXCEED \$40,000.

NEW 11-0161R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF DOUGHERTY FUNERAL HOME IN THE AMOUNT OF \$15,891.92.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

11-0145R - RESOLUTION AWARDED A CONTRACT TO HALDEMAN-HOMME, INC., FOR THE PURCHASE OF HIGH-DENSITY STORAGE AT THE NEW POLICE HEADQUARTERS IN THE AMOUNT OF \$355,938.30.

11-0157R - RESOLUTION AWARDED A CONTRACT WITH MOTOROLA, INC., FOR THE PURCHASE AND DELIVERY OF 66 PORTABLE RADIOS AND ASSOCIATED EQUIPMENT FOR THE DULUTH FIRE DEPARTMENT FOR A TOTAL AMOUNT OF \$100,913.06.

BY COUNCILOR HALBERG (RECREATION, LIBRARIES & AUTHORITIES)

11-0158R - RESOLUTION AWARDED A CONTRACT TO BIGBELLY SOLAR, INC., FOR THE PURCHASE AND DELIVERY OF TEN TWO-UNIT SOLAR POWERED TRASH/RECYCLING KIOSKS IN THE AMOUNT OF \$61,318.25.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

11-0146R - RESOLUTION AWARDED A CONTRACT TO NORTHSTAR INTERNATIONAL, INC., D.B.A. ASTLEFORD INTERNATIONAL TRUCKS, FOR THE PURCHASE AND DELIVERY OF ONE 2011 INTERNATIONAL MODEL 7500 SINGLE AXLE CAB AND CHASSIS UNIT FOR A TOTAL AMOUNT OF \$81,973.65.

BY COUNCILOR BOYLE (PERSONNEL)

11-0144R - RESOLUTION APPOINTING _____ TO THE CIVIL SERVICE BOARD.

BY COUNCILOR BOYLE AND PRESIDENT GARDNER

11-0110R - RESOLUTION IN OPPOSITION TO MINNESOTA HOUSE FILE 3830 REGARDING IMMIGRATION POLICY.

COMMITTEE 2

BY COUNCILORS STAUBER, FEDORA AND FOSLE

11-0156R - RESOLUTION SUPPORTING THE DISSOLUTION OF THE MINNEAPOLIS-DULUTH/SUPERIOR PASSENGER RAIL ALLIANCE.

BY COUNCILOR ANDERSON, COUNCILOR HARTMAN AND PRESIDENT GARDNER

NEW 11-0162R - RESOLUTION IN OPPOSITION TO HF42 REGARDING CUTS TO LOCAL GOVERNMENT AID.

COMMITTEE 2

BY PRESIDENT GARDNER (COMMITTEE OF THE WHOLE)

11-0151R - RESOLUTION APPROVING THE SETTLEMENT AGREEMENT BETWEEN JOHNSON CONTROLS, INC., THE CITY OF DULUTH AND DULUTH STEAM COOPERATIVE ASSOCIATION IN THE AMOUNT OF \$2.3 MILLION.

COMMITTEE 3

BY COUNCILOR HARTMAN (PUBLIC WORKS AND UTILITIES)

11-0147R - RESOLUTION ORDERING THE IMPROVEMENT OF THE 2011 STREET PRESERVATION PROJECT AT AN ESTIMATED COST OF \$3,640,000.

11-0150R - RESOLUTION INCREASING THE CONTRACT WITH BROCK WHITE COMPANY, LLC, AUTHORIZING THE PURCHASE OF AN ADDITIONAL CRACK SEALING TRAILER FOR \$52,422.01, FOR A TOTAL CONTRACT AMOUNT OF \$104,844.02.

11-0154R - RESOLUTION ESTABLISHING 2011 POTHOLE REDUCTION PROGRAM AND GUIDELINES THEREFORE AND ALLOCATING \$1.2 MILLION TO IMPLEMENT SAID PROGRAM.

11-0160R - RESOLUTION AUTHORIZING A SECOND AMENDMENT TO CONTRACT NO. C21221 WITH AYRES ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR DESIGN AND CONSTRUCTION ENGINEERING FOR THE ANDERSON ROAD RECONSTRUCTION PROJECT IN THE AMOUNT OF \$119,536 FOR A NEW TOTAL OF \$551,537.

BY COUNCILORS HARTMAN AND ANDERSON

NEW 11-0163R - RESOLUTION IN SUPPORT OF GOVERNMENT TRANSPARENCY.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

NEW 11-010-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH LEGISLATIVE CODE TO PROVIDE FOR THE REMOVAL OF A PORTION OF GREY'S CREEK DESIGNATED AS GENERAL DEVELOPMENT SHORELAND FROM THE NATURAL RESOURCES OVERLAY DISTRICT LOTS 13, 14, 15 AND 16 OF BLOCK 26, LAKEVIEW DIVISION OF DULUTH.

BY PRESIDENT GARDNER AND COUNCILOR HARTMAN

11-011-O - AN ORDINANCE AMENDING SECTION 34-17 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO PREDATORY OFFENDER RESIDENCY RESTRICTIONS.

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COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS