

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, May 9, 2011, 7:00 p.m.

ROLL CALL PLEDGE OF ALLEGIANCE

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.

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]

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

*11-0509-01 Duluth Affordable Housing Coalition communication regarding the proposed intent to support the request by Hillside Apartments Duluth, LLLP, for low income housing tax credits and other funding (11-0219R). -- Received

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

*11-0509-02 Clerk applications to the Minnesota gambling control board for: (a) Excluded bingo from Order of Ahepa, Sam G. Solon Chapter #267, on May 22, 2011, and November 20, 2011; (b) Exempt raffle permit from St. Luke's Foundation on July 18, 2011. -- Received

REPORTS OF BOARDS AND COMMISSIONS

*11-0509-03 Duluth economic development authority minutes of March 23, 2011, meeting. -- Received

*11-0509-04 Duluth seaway port authority: (a) February 2011 financial statement; (b) Minutes of: (1) August 26, 2010; (2) October 22, 2010; (3) January 27, 2011, meetings. -- Received

*11-0509-05 Duluth transit authority: (a) January 2011 income statement; (b) Minutes of February 23, 2011, meeting. -- Received

* Listed only, not copied.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

COMMITTEE 1

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

11-0191R - RESOLUTION AUTHORIZING A CONTRACT WITH CITON COMPUTER CORPORATION FOR THE PURCHASE AND DELIVERY OF LENOVO COMPUTER HARDWARE (LAPTOPS) AND RELATED EQUIPMENT AS NEEDED IN YEAR 2011, NOT TO EXCEED THE BUDGET ALLOCATION OF \$150,000. (TABLED 4/25)

11-0194R - RESOLUTION AUTHORIZING A CONTRACT WITH INSIGHT PUBLIC SECTOR, INC., FOR COMPUTER HARDWARE AND RELATED PRODUCTS AS NEEDED IN YEAR 2011 NOT TO EXCEED THE BUDGET ALLOCATION OF \$100,000. (TABLED 4/25)

11-0196R - RESOLUTION AUTHORIZING A CONTRACT WITH SOFTWARE HOUSE INTERNATIONAL (SHI), INC., FOR COMPUTER SOFTWARE AND HARDWARE AS NEEDED IN YEAR 2011, NOT TO EXCEED THE BUDGET ALLOCATION OF \$200,000. (TABLED 4/25)

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-0210R - RESOLUTION REQUESTING THE FREE CONVEYANCE OF TAX FORFEITED LAND FOR PARK, RECREATION AND UTILITY PURPOSE AT RIVERSIDE. (TABLED 4/25 FOR CONSIDERATION WITH COMPANION ORDINANCE 11-017)

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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 CUNEO (PURCHASING & LICENSING)

11-0175R - RESOLUTION ISSUING AN ON SALE INTOXICATING DANCE LICENSE TO HOSPITALITY ASSOCIATES OF DULUTH, LLC (ACES ON FIRST), 113 WEST FIRST STREET.

11-0187R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH CRYSTEEL TRUCK EQUIPMENT FOR THE PURCHASE AND DELIVERY OF FOUR MONROE VEE-BOX SANDERS IN THE AMOUNT OF \$69,849.31.

11-0215R - RESOLUTION AUTHORIZING A CONTRACT WITH BERT'S TRUCK EQUIPMENT OF MOORHEAD, INC., FOR THE PURCHASE AND DELIVERY OF FOUR TRIP EDGE PLOW AND WING PLOW PACKAGES FOR A TOTAL AMOUNT OF \$66,638.70.

11-0228R - RESOLUTION APPROVING THE ISSUANCE OF A 2:00 A.M. BEVERAGE LICENSE TO THE LAKE EFFECT RESTAURANT, INC. (LAKE AVENUE CAFÉ), 394 LAKE AVENUE SOUTH.

11-0229R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO MARSHALL SCHOOL (ALL CLASS REUNION), 1215 RICE LAKE ROAD, AND THE COLLEGE OF ST. SCHOLASTICA, 1200 KENWOOD AVENUE.

COMMITTEE 1

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

11-0230R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR NORTHERN LIGHTS FOUNDATION.

11-0235R - RESOLUTION AUTHORIZING A CONTRACT WITH TOWMASTER, INC., FOR THE PURCHASE AND DELIVERY OF FOUR COMPLETE FORCE AMERICA HYDRAULIC COMPONENT SYSTEMS IN THE AMOUNT OF \$98,325.

11-0236R - RESOLUTION AUTHORIZING A CONTRACT WITH ENGLE FABRICATION, INC., FOR THE REFURBISHING OF WATER TANKS AND SHEET METAL ON TWO FLUSHERS 3750 AND 3751 IN THE AMOUNT OF \$104,448.94.

11-0237R - RESOLUTION IN THE MATTER OF THE ON SALE CONSUMPTION AND DISPLAY LIQUOR LICENSE OF THE ORDER OF THE OWL'S, NEST #1200 (OWL'S CLUB), 118 EAST SECOND STREET.

11-0238R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF KEGLER'S INC. (INCLINE STATION), 601 WEST SUPERIOR STREET.

11-0239R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR ST. MARY'S DULUTH CLINIC FOUNDATION.

BY COUNCILOR BOYLE (PERSONNEL)

11-0212R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH MIDWEST EAP SOLUTIONS TO PROVIDE EMPLOYEE ASSISTANCE PROGRAM SERVICES FOR A PERIOD OF FIVE YEARS AT AN ESTIMATED AVERAGE ANNUAL COST OF \$9,910.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-0216R - RESOLUTION AUTHORIZING A DECREASE OF \$90,039 IN THE 2011 HUD HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM.

11-0217R - RESOLUTION AUTHORIZING DECREASE OF \$292,099 IN THE 2011 HUD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

11-0218R - RESOLUTION AUTHORIZING THE ACCEPTANCE OF \$500,000 IN CLIMATE SHOWCASE COMMUNITIES PROGRAM FUNDING FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR THE DULUTH ENERGY EFFICIENCY PROGRAM (DEEP) AND AUTHORIZING A CONTRACT WITH THE APPROPRIATE AGENCY.

11-0219R - RESOLUTION OF INTENT TO SUPPORT FOR THE REQUEST BY THE HILLSIDE APARTMENTS DULUTH, LLLP, TO THE STATE OF MINNESOTA FOR THE AWARD OF LOW-INCOME HOUSING TAX CREDITS AND OTHER FUNDING FOR THE HILLSIDE APARTMENT PROJECT.

11-0231R - RESOLUTION APPROVING A BUILDING IN DULUTH 2011 CONDITIONAL GRANT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND CEDAR BAY NORTH, LLC, RELATING TO THE CONSTRUCTION OF AN INDUSTRIAL BUILDING TO HOUSE SHOWROOM AND DEVELOPMENT ACTIVITIES OF MOLINE MACHINERY, LLC.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-0232R - RESOLUTION APPROVING A BUILDING IN DULUTH 2011 CONDITIONAL GRANT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND OLD CITY HALL, LLC, RELATING TO THE HISTORIC RENOVATION OF OLD CITY HALL AND THE LANGE MOTORS BUILDING.

11-0233R - RESOLUTION APPROVING A BUILDING IN DULUTH 2011 CONDITIONAL GRANT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND DULUTH MINERALS, LLC, RELATING TO THE CONSTRUCTION OF A BUILDING TO ENCLOSE ITS MINERAL GRINDING PLANT.

11-0234R - RESOLUTION APPROVING A BUILDING IN DULUTH 2011 CONDITIONAL GRANT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND MILLER DWAN FOUNDATION AMBERWING, LLC, RELATING TO THE CONSTRUCTION OF A MENTAL HEALTH AND WELLNESS CENTER FOR AREA YOUTH AND FAMILIES.

COMMITTEE 3

BY COUNCILOR HARTMAN (PUBLIC WORKS AND UTILITIES)

11-0203R - RESOLUTION AUTHORIZING A CONTRACT WITH ZIEGLER, INC., FOR THE PURCHASE AND DELIVERY OF A CATERPILLAR 311D RR TRACK EXCAVATOR IN THE AMOUNT OF \$123,985.58.

11-0220R - RESOLUTION AWARDED A CONTRACT TO LUNDA CONSTRUCTION COMPANY FOR THE REHABILITATION OF BRIDGE NO. 69812 IN THE AMOUNT OF \$1,438,837.52.

11-0221R - RESOLUTION AWARDED A CONTRACT TO NPL CONSTRUCTION COMPANY FOR CONSTRUCTION OF HIGH PRESSURE GAS MAINS AND SERVICES IN VARIOUS LOCATIONS IN THE AMOUNT OF \$460,739.82.

11-0222R - RESOLUTION ACCEPTING TEMPORARY CONSTRUCTION EASEMENTS OVER A PORTION OF VACATED IVANHOE STREET AND ACCEPTING REDEDICATION OF EASEMENTS FOR PUBLIC STREETS AND UTILITIES OVER A PORTION OF VACATED IVANHOE STREET.

11-0223R - RESOLUTION AWARDED A CONTRACT TO ULLAND BROTHERS, INC., FOR THE RECONSTRUCTION OF 36TH AVENUE EAST FROM SUPERIOR STREET TO FOURTH STREET IN THE AMOUNT OF \$910,540.60.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

11-0213R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A SUPPLEMENTAL JUSTICE ASSISTANCE GRANT FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT THROUGH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE AMOUNT OF \$88,000 FOR THE BLIGHT AND NUISANCE CRIMES PREVENTION PROJECT.

11-0226R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, COMMISSION OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, PROVIDING FOR THE CITY OF DULUTH POLICE DEPARTMENT TO CONTINUE PARTICIPATION IN THE MINNESOTA INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM.

COMMITTEE 3

BY COUNCILOR HALBERG (RECREATION, LIBRARIES & AUTHORITIES)

11-0214R - RESOLUTION AUTHORIZING AN AGREEMENT WITH NATIONAL GOLF FOUNDATION CONSULTING, INC., FOR THE COMPREHENSIVE REVIEW OF OPERATIONS AT ENGER PARK AND LESTER PARK GOLF COURSES, BOTH OWNED BY THE CITY OF DULUTH, FOR AN AMOUNT NOT TO EXCEED \$28,500.

11-0224R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE WELSH CENTER, INC., D/B/A COPELAND VALLEY, A NONPROFIT CORPORATION, FOR THE PROVISIONS OF YOUTH PROGRAMMING AND RELATED SERVICES.

11-0227R - RESOLUTION ACCEPTING REIMBURSEMENT MONEY IN THE AMOUNT OF \$47,002 FROM THE ARROWHEAD LIBRARY SYSTEM FOR THE PURCHASE OF LIBRARY MATERIALS.

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)

11-0225R - RESOLUTION AUTHORIZING A CONTRACT WITH PRECISE MRM, LLC, FOR THE PURCHASE AND INSTALLATION OF A GPS/AVL SYSTEM FOR A TOTAL AMOUNT NOT TO EXCEED \$462,153.

COMMITTEE 3

BY COUNCILOR HALBERG (RECREATION, LIBRARIES & AUTHORITIES)

NEW 11-0244R - RESOLUTION AUTHORIZING AGREEMENT WITH TOWER OPTICAL COMPANY FOR COIN OPERATED OPTICALS TO BE PLACED AT LAKE PARK PLACE AND ENGER TOWER.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-014-O - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN PROPERTY IN THE CENTRAL HILLSIDE AREA TO HILLSIDE APARTMENTS DULUTH, LLLP, AT NO COST.

11-015-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, PROPERTY AT 1001 TO 1025 EAST SECOND STREET (ST. LUKE'S HOSPITAL).

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-016-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 OF THE PLAZA AREA BUSINESS DISTRICT, FROM TENTH AVENUE EAST TO 15TH AVENUE EAST, FROM MIXED USE-NEIGHBORHOOD (MU-N) TO FORM DISTRICT MID-RISE COMMUNITY MIX (F-4) AND THE LONDON ROAD BUSINESS DISTRICT AREA FROM 14TH AVENUE EAST TO 21ST AVENUE EAST FROM THE UTILITY EASEMENT ABOVE LONDON ROAD TO SOUTH STREET, FROM MIXED USE-NEIGHBORHOOD (MU-N) AND MIXED USE-BUSINESS PARK (MU-B) TO FORM DISTRICT LOW-RISE NEIGHBORHOOD MIX (F-2), RESPECTIVELY (CITY OF DULUTH).

11-017-O - AN ORDINANCE AUTHORIZING RECONVEYANCE OF PROPERTY IN THE RIVERSIDE ADDITION TO THE STATE OF MINNESOTA SO THAT THE CITY CAN REQUEST FREE CONVEYANCE FOR PARK, RECREATION AND UTILITY PURPOSES.

COMMITTEE 3

BY COUNCILOR HARTMAN (PUBLIC WORKS AND UTILITIES)

11-013-O - AN ORDINANCE DEDICATING TO THE PUBLIC CERTAIN MESABA AVENUE RIGHT-OF-WAY.

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COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS

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