

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, May 23, 2011, 7:00 p.m.

**ROLL CALL
PLEDGE OF ALLEGIANCE**

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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

*11-0523-01 Minnesota state auditor Duluth transit authority (DTA) audit report for the years ended December 31, 2010 and 2009. -- Received

*11-0523-02 St. Louis County communication regarding the proposed reclassification of the parcel at the northwestern corner of Kenwood Avenue and Arrowhead Road (11-019-O). -- Received

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REPORTS FROM THE ADMINISTRATION

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REPORTS FROM OTHER OFFICERS

*11-0523-03 Clerk application for exempt permit to the Minnesota gambling control board from Duluth Amateur Hockey Association for raffle on January 9, 2012. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

*11-0523-04 Commission on disabilities minutes of April 6, 2011, meeting. -- Received

*11-0523-05 Duluth human rights commission minutes of April 13, 2011, meeting. -- Received

*11-0523-06 Duluth public utilities commission minutes of April 13, 2011, meeting. -- Received

*11-0523-07 Library board minutes of February 22, 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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RESOLUTION 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 UNTIL 6/13)

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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)

11-0256R - RESOLUTION APPROVING A SPIRIT MOUNTAIN RECREATION AREA AUTHORITY LEASE PURCHASE AGREEMENT WITH BEACON BANK FOR VARIOUS PROJECTS IN THE APPROXIMATE AMOUNT OF \$600,000.

11-0273R - RESOLUTION APPROVING AGREEMENT WITH WLSSD FOR THE COLLECTION OF CAPACITY AVAILABILITY FEES.

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

11-0245R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 MALT LIQUOR LICENSE TO DULUTH SOFTBALL PLAYERS ASSOCIATION, WHEELER FIELD AND DULUTH POLICE SOFTBALL TEAM.

11-0246R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSES OF VARIOUS LICENSEES.

11-0247R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR COMMUNITY ACTION PROGRAM.

11-0269R - RESOLUTION INCREASING THE ORIGINAL PURCHASE ORDER ISSUED TO TWIN PORT MAILING BY \$63,000 AND EXTENDING THE CONTRACT UNTIL APPROXIMATELY AUGUST 1, 2011, FOR A TOTAL ESTIMATED CONTRACT AMOUNT OF \$111,000.

BY COUNCILOR BOYLE (PERSONNEL)

11-0249R - RESOLUTION APPOINTING RONALD BOSHEY TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, REPLACING MAUREEN BOOTH.

11-0250R - RESOLUTION APPOINTING SCOT BOL TO THE DULUTH HUMAN RIGHTS COMMISSION, REPLACING XAVIER BELL.

COMMITTEE 1

BY COUNCILOR BOYLE (PERSONNEL)

11-0265R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SENIOR SAFETY AND TRAINING SPECIALIST AND SPECIFYING CONTRACT BENEFITS FOR SAME.

11-0266R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE APPOINTED CLASSIFICATION OF ASSESSOR AND SPECIFYING CONTRACT BENEFITS FOR SAME.

11-0267R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SYSTEM ADMINISTRATOR AND SPECIFYING CONTRACT BENEFITS FOR SAME.

11-0268R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF WATER PLANT OPERATOR D.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-0260R - RESOLUTION OBJECTING TO THE PROPOSED RECLASSIFICATION TO NONCONSERVATION AND SALE OF CERTAIN TAX FORFEITED PARCELS BY THE BOARD OF COMMISSIONERS OF SAINT LOUIS COUNTY (APRIL 20, 2011, RECLASSIFICATION).

11-0261R - RESOLUTION REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF ST. LOUIS COUNTY TO WITHHOLD FROM SALE CERTAIN TAX FORFEITED PARCELS (ANNUAL LIST).

BY COUNCILOR ANDERSON (INTERGOVERNMENTAL RELATIONS)

11-0241R - RESOLUTION AUTHORIZING THE EXECUTION OF TWO SEPARATE AGREEMENTS WITH THE STATE OF MINNESOTA, DEPARTMENT OF NATURAL RESOURCES, FOR THE 2011 SUMMER MAINTENANCE OF THE CLYDE AVENUE (MUNGER ACCESS) AND RICE'S POINT BOAT LAUNCH SITES.

BY PRESIDENT GARDNER (COMMITTEE OF THE WHOLE)

11-0275R - RESOLUTION AUTHORIZING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH GREAT NORTHERN SERVICES, INC., FOR TECHNOLOGY PROFESSIONAL SERVICES IN AN AMOUNT NOT TO EXCEED \$106,000.

COMMITTEE 3

BY COUNCILOR HARTMAN (PUBLIC WORKS AND UTILITIES)

11-0242R - RESOLUTION AUTHORIZING A FIRST AMENDMENT TO AGREEMENT WITH THE NATURAL RESOURCES RESEARCH INSTITUTE FOR STORMWATER MONITORING IN THE LAKESIDE DRAINAGE BASIN.

11-0252R - RESOLUTION AMENDING RESOLUTION 07-0230 AMENDING CONTRACT 20237 FOR A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH LHB, INC., FOR CONSTRUCTION ADMINISTRATION AND INSPECTION FOR THE REHABILITATION OF BRIDGE NO. 69812 AT 27TH AVENUE WEST OVER THE BNSF RAILROAD IN THE ESTIMATED AMOUNT OF \$168,520 FOR A NEW TOTAL OF \$263,285.

COMMITTEE 3**BY COUNCILOR HARTMAN (PUBLIC WORKS AND UTILITIES)**

11-0253R - RESOLUTION AMENDING RESOLUTION 08-0061 AMENDING CONTRACT 20238 FOR PROFESSIONAL ENGINEERING SERVICES WITH LHB, INC., FOR CONSTRUCTION ADMINISTRATION AND INSPECTION FOR THE REPLACEMENT OF BRIDGE NO. L8476 OVER MILLER CREEK AT LINCOLN PARK DRIVE TO INCREASE THE AMOUNT BY \$94,591 FOR A NEW TOTAL OF \$143,858.

11-0258R - RESOLUTION AWARDED A CONTRACT TO UTILITY SYSTEMS OF AMERICA, INC., FOR THE RECONSTRUCTION OF IVANHOE STREET FROM 49TH AVENUE EAST TO 54TH AVENUE EAST IN THE AMOUNT OF \$1,440,979.78.

11-0262R - RESOLUTION AUTHORIZING APPLICATION FOR AND, UPON APPROVAL, ACCEPTANCE OF A NATIONAL SCENIC BYWAY GRANT RELATED TO THE REHABILITATION OF STEWART CREEK BRIDGE ON STATE SCENIC BYWAY - SKYLINE PARKWAY.

11-0263R - RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR THE CONSTRUCTION OF BRIDGE NO. 69679 (OLD BRIDGE NO. L8476) LOCATED IN LINCOLN PARK OVER MILLER CREEK, IN THE AMOUNT OF \$835,504.50.

11-0264R - RESOLUTION AWARDED A CONTRACT TO ULLAND BROTHERS, INC., FOR THE 2011 STREET PRESERVATION PROJECT IN THE AMOUNT OF \$3,012,583.01.

NEW 11-0277R - RESOLUTION AWARDED A CONTRACT TO ULLAND BROTHERS, INC., FOR THE PURCHASE OF BITUMINOUS MATERIAL, HOT FINE AND REGULAR MIX, FOR A TOTAL ESTIMATED AMOUNT OF \$616,331.88.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

11-0243R - RESOLUTION SCHEDULING A PUBLIC HEARING TO DISCUSS THE ESTABLISHMENT OF A RESIDENT PERMIT PARKING ZONE AROUND THE NEW EAST HIGH SCHOOL.

11-0248R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES IN CANAL PARK ON JUNE 18, 2011, IN CONJUNCTION WITH GRANDMA'S MARATHON AND SUBJECT TO CERTAIN CONDITIONS.

11-0251R - RESOLUTION AUTHORIZING A PROPRIETARY MAINTENANCE CONTRACT WITH PIERCE MIDWEST REFURBISHMENT CENTER (PIERCE MANUFACTURING, INC.) FOR THE TAX EXEMPT REPAIR OF THE DULUTH FIRE DEPARTMENT'S 100 FOOT AERIAL BUCKET APPARATUS FOR A TOTAL AMOUNT OF \$100,107.

11-0257R - RESOLUTION DESIGNATING BOTH SIDES OF SUPERIOR STREET WEST OF 54TH AVENUE EAST FOR 400 FEET AS TWO HOUR PARKING.

11-0270R - RESOLUTION AUTHORIZING AN AGREEMENT WITH ELERT & ASSOCIATES NETWORKING DIVISION, INC., FOR TECHNICAL CONSULTING SERVICES IN THE EXPANSION OF THE CITY'S SURVEILLANCE VIDEO CAMERA PROGRAM (FUNDED BY A 2008 PORT SECURITY GRANT PROGRAM) FOR AN AMOUNT NOT TO EXCEED \$31,000.

NEW 11-0279R - RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) FOR POLICE TRAINING IN EMERGENCY VEHICLE OPERATIONS ON THE RAMP OF THE NORTHWEST AIRLINES AIRBUS MAINTENANCE BASE.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

NEW 11-0280R - RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY (DAA) FOR POLICE TRAINING IN EMERGENCY VEHICLE OPERATIONS ON TAXIWAY BRAVO AT THE DULUTH INTERNATIONAL AIRPORT.

BY COUNCILOR HALBERG (RECREATION, LIBRARIES & AUTHORITIES)

11-0255R - RESOLUTION APPROVING WORK PERMITS FOR VARIOUS PROJECTS AT SPIRIT MOUNTAIN.

11-0271R - RESOLUTION AMENDING RESOLUTION NO. 11-0075, SUBSTITUTING PNCEF, LLC, FOR MTI DISTRIBUTING, INC., AS LESSOR FOR ASSORTED GOLF COURSE MAINTENANCE EQUIPMENT.

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)

11-0254R - RESOLUTION ADDING AN INITIATIVE TO SUPPORT THE BANNING OF THE SALE AND USE OF THE SUBSTANCE COMMONLY REFERRED TO AS BATH SALTS TO THE CITY'S LEGISLATIVE AGENDA FOR 2011.

NEW 11-0276R - RESOLUTION REQUESTING THE ADMINISTRATION CHANGE THE CURRENT DESIGN FOR THE PLACEMENT OF SIDEWALKS ALONG GLENWOOD AND REMOVE THE SIDEWALKS ALONG THE NORTHERN YARDS OF GLENWOOD STREET FROM 45TH AVENUE EAST TO 51ST AVENUE EAST.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-0259R - RESOLUTION VACATING A PORTION OF THE ALLEY ON NORTON'S DULUTH OUTLOTS LOT 14 THAT IS THE EASTERLY EXTENSION OF THE ALLEY IN BLOCK 1, JOHNSON'S ADDITION (SEMPER DEVELOPMENT).

BY COUNCILOR ANDERSON (INTERGOVERNMENTAL RELATIONS)

11-0272R - RESOLUTION REPEALING AND REPLACING COUNCIL RESOLUTION 10-0375 AUTHORIZING FULL-TIME PERMANENT FIREFIGHTERS EMPLOYED BY THE CITY WHILE ON DUTY TO SOLICIT CHARITABLE CONTRIBUTIONS FROM MOTORISTS.

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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)

11-018-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-1, RESIDENTIAL-TRADITIONAL, TO R-2, RESIDENTIAL-URBAN, THE PROPERTY ALONG THE NORTH SIDE OF ARROWHEAD ROAD FROM 1413 WEST ARROWHEAD ROAD TO THE EXTENDED LINE (NORTHERLY) MYERS AVENUE (CITY OF DULUTH).

11-019-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-1, RESIDENTIAL-TRADITIONAL, TO MU-N, MIXED USE NEIGHBORHOOD, THE ENTIRE PARCEL AT THE NORTHWESTERN CORNER OF KENWOOD AVENUE AND ARROWHEAD ROAD (CITY OF DULUTH).

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COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS

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