

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, June 27, 2011, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - April 11 and 25, May 9, 2011.

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

*11-0627-01 Minnesota state auditor:
(a) Duluth airport authority audit report for the years ended December 31, 2010, and 2009;
(b) Western Lake Superior Sanitary District management and compliance report for the year ended December 31, 2010. -- Received

11-0627-02 T-Mobile Central, LLC, by Peter J. Coyle, attorney, communication regarding the appeal of the planning commission decision regarding replacement antennas and related telecommunications equipment upgrades at various locations in Duluth (11-0337R and 11-0338R). -- Received

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

*11-0627-03 Clerk application for exempt permit to the Minnesota gambling control board from St. Michael's Church for raffle on September 24, 2011. -- Received

*11-0627-04 Parks and recreation division manager notice of intent to close the following parks at 10:00 p.m., pursuant to Section 35-9.3 of the Duluth City Code: Lafayette Community Recreation Area Park, Morgan Park Community Recreation Area and Duluth Heights Community Recreation Area. -- Received

REPORTS OF BOARDS AND COMMISSIONS

*11-0627-05 Commission on disabilities minutes of May 4, 2011, meeting. -- Received

*11-0627-06 Duluth human rights commission minutes of May 11, 2011, meeting. -- Received

*11-0627-07 Duluth public utilities commission of May 11, 2011, meeting. -- Received

*11-0627-08 Duluth transit authority: (a) Minutes of April 27, 2011, meeting; (b) March 2011 income statement. -- Received

*11-0627-09 Special assessment board minutes of May 10, 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 FEDORA (FINANCE)

11-0339R - RESOLUTION AUTHORIZING FIRST AMENDMENT TO AGREEMENT NO. 21,196 WITH CRW SYSTEMS, INC., MODIFYING SERVICES AND TIME LINES AND INCREASING THE CONTRACT AMOUNT BY \$19,500.

11-0347R - RESOLUTION AMENDING RESOLUTION 09-0417R INCREASING THE AVAILABLE LINE OF CREDIT FROM \$2,000,000 TO \$4,000,000 AS NEEDED FOR BOTH OPERATIONS AND THE NEW AIRPORT TERMINAL CONSTRUCTION PROJECT.

11-0351R - RESOLUTION REQUESTING THE ADMINISTRATION REVIEW THE FEASIBILITY OF CREATING A FOUR WAY STOP AND/OR INSTALLING STOP LIGHTS AT THE INTERSECTION OF 43RD AVENUE EAST AND SUPERIOR STREET.

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

11-0322R - RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO AMENDOLA BUILDERS, INC., FOR THE MODERNIZATION AND DECOMMISSIONING OF CITY HALL ELEVATORS FOR A TOTAL AMOUNT OF \$657,743.

11-0324R - RESOLUTION AUTHORIZING A CONTRACT WITH BEDROCK FLINT, INC., FOR TUCKPOINTING AT VARIOUS ZOO LOCATIONS, THEREBY INCREASING THE ORIGINAL PURCHASE ORDER AMOUNT BY \$190,882, FOR A NEW CONTRACT TOTAL OF \$234,647.

11-0327R - RESOLUTION APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO MINNESOTA WINE EXCHANGE, LLC (MINNESOTA WINE EXCHANGE), 1330 EAST SUPERIOR STREET.

11-0328R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSES OF VARIOUS LICENSEES.

11-0329R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF TC, INC. (DULUTH INDIA PALACE), 319 WEST SUPERIOR STREET.

11-0330R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF ZEITGEIST ARTS, LLC (TEATRO/ZINEMA/ZA CAFÉ), 222 EAST SUPERIOR STREET.

COMMITTEE 1

BY COUNCILOR BOYLE (PERSONNEL)

11-0310R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF SUZANNE ROSS AND ROGER WEDIN TO THE DULUTH AIRPORT AUTHORITY.

11-0312R - RESOLUTION CONFIRMING THE APPOINTMENT OF FRANK JEWELL TO THE LIBRARY BOARD, REPLACING MARTHA WATSON.

11-0314R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF ALBERT M. KATZ TO THE SANITARY SEWER BOARD OF THE WLSSD.

11-0348R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF MAINTENANCE OPERATIONS MANAGER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

11-0350R - RESOLUTION CONFIRMING THE APPOINTMENT OF EDWIN K. HALL TO THE PARKS AND RECREATION COMMISSION, REPLACING NICHOLAS LANSING.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-0340R - RESOLUTION AMENDING THE COMPREHENSIVE LAND USE PLAN - FUTURE LAND USE MAP FOR THE ROCKRIDGE ELEMENTARY SCHOOL SITE AT 4849 IVANHOE.

11-0344R - RESOLUTION VACATING A 120 FOOT PORTION OF THE WESTERLY END OF ALLEY IN JOHNSON'S ADDITION BETWEEN LOTS 1 AND 5 AND 2 AND 6, WESTERLY OF LOTS 3 AND 7.

11-0345R - RESOLUTION AUTHORIZING FIRST AMENDMENT TO AGREEMENT WITH MILLER-DWAN FOUNDATION HOSPICE HOUSE LLC FOR THE AMBERWING DEVELOPMENT MODIFYING DRIVEWAY DESIGN PARAMETERS.

11-0353R - RESOLUTION VACATING A PORTION OF RAILROAD STREET (RENAMED COMMERCE STREET AND NOW RENAMED LAKE PLACE DRIVE) ADJOINING LOTS 17,19 AND 21, BLOCK 2, INDUSTRIAL DIVISION OF DULUTH AND A PORTION OF ST. CROIX AVENUE (RENAMED SOUTH FIRST AVENUE AND NOW RENAMED CANAL PARK DRIVE) ADJOINING LOTS 31, 32, 33 AND 34, BLOCK 1, INDUSTRIAL DIVISION OF DULUTH.

BY COUNCILOR ANDERSON (INTERGOVERNMENTAL RELATIONS)

11-0334R - RESOLUTION ADOPTING MODEL PERFORMANCE MEASURES FOR CITY PARTICIPATION IN THE STATE OF MINNESOTA PERFORMANCE MEASUREMENTS PROGRAM.

11-0352R - RESOLUTION AUTHORIZING LONG TERM LOAN AGREEMENT WITH THE ST. LOUIS COUNTY HISTORICAL SOCIETY FOR DISPLAY AND PRESERVATION OF THE TWO CITY-OWNED STAINED GLASS TIFFANY WINDOWS.

COMMITTEE 3

BY COUNCILOR HARTMAN (PUBLIC WORKS & UTILITIES)

11-0325R - RESOLUTION CREATING THE NORTHERN EXPANSION AREA FOR THE EXPANSION OF NATURAL GAS SERVICE AND ESTABLISHING A TWO-TIER RATE STRUCTURE TO FACILITATE SAID EXPANSION.

11-0326R - RESOLUTION CREATING THE FOND DU LAC EXPANSION AREA FOR THE EXPANSION OF NATURAL GAS SERVICE AND ESTABLISHING A TWO-TIER RATE STRUCTURE TO FACILITATE SAID EXPANSION.

11-0331R - RESOLUTION AWARDED A CONTRACT TO JMF CONSTRUCTION, INC. FOR THE 2011 SANITARY AND STORM MANHOLE ADJUSTMENT PROGRAM IN THE AMOUNT OF \$73,921.08.

11-0332R - RESOLUTION AUTHORIZING BRIDGE BOND GRANT AGREEMENT NO. 98420 AND ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR THE REHABILITATION OF BRIDGE NO. 93402 AT SECOND STREET OVER CHESTER CREEK IN THE AMOUNT OF \$559,945.

11-0335R - RESOLUTION AUTHORIZING AGREEMENT WITH MNSCU TO AUTHORIZE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON CITY PROPERTY.

11-0336R - RESOLUTION AUTHORIZING AGREEMENT WITH ISD 709 FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS IN AND ADJACENT TO THE RIGHT-OF-WAY NEAR 40TH AVENUE EAST AND SUPERIOR STREET RELATED TO THE EAST HIGH SCHOOL CONSTRUCTION PROJECT.

11-0341R - RESOLUTION DESIGNATING ALL PREVIOUSLY UNDESIGNATED SEWER BASINS AND PORTIONS OF BASINS FOR I&I ENFORCEMENT UNDER CHAPTER 43 AND GIVING NOTICE TO AFFECTED PROPERTIES.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

11-0323R - RESOLUTION AUTHORIZING A CONTRACT WITH TIERNEY BROTHERS, INC., FOR THE PURCHASE OF AUDIO-VISUAL EQUIPMENT AND SERVICES FOR THE DULUTH POLICE DEPARTMENT FOR A TOTAL OF \$55,112.96.

11-0333R - RESOLUTION AUTHORIZING PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES ON SUPERIOR STREET AND FIRST STREET IN CONJUNCTION WITH GREATER DOWNTOWN COUNCIL SIDEWALK DAYS.

BY COUNCILOR HALBERG (RECREATION, LIBRARIES & AUTHORITIES)

11-0289R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH JUNGLE BOY BOXING GYM, A MINNESOTA NON-PROFIT CORPORATION, FOR THE OPERATION OF THE OBSERVATION COMMUNITY RECREATION CENTER.

11-0316R - RESOLUTION AMENDING CONTRACT 21312 WITH MEYER GROUP OF DULUTH, PC, FOR ADDITIONAL INTERIOR DESIGN SERVICES FOR THE MAIN LIBRARY HEATING-VENTILATING-AIR CONDITIONING SYSTEM UPGRADES, AN INCREASE OF \$17,250 AND A NEW CONTRACT TOTAL OF \$73,410.

END OF CONSENT AGENDA

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-0337R - RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION REQUIRING T-MOBILE CENTRAL, LLC, TO OBTAIN SPECIAL USE PERMITS FOR EQUIPMENT UPGRADES AT VARIOUS TELECOMMUNICATIONS FACILITIES.

11-0338R - RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION REQUIRING T-MOBILE CENTRAL, LLC, TO OBTAIN SPECIAL USE PERMITS FOR EQUIPMENT UPGRADES AT VARIOUS TELECOMMUNICATIONS FACILITIES.

11-0342R - RESOLUTION APPROVING FIRST AMENDMENT TO THE *BUILDING IN DULUTH 2011* SPENDING PLAN.

11-0346R - RESOLUTION DENYING A REQUEST FOR A CONCURRENT USE OF STREETS PERMIT ON THE NORTHEAST CORNER OF GRAND AVENUE AND 58TH AVENUE WEST (DULUTH TRANSIT AUTHORITY).

COMMITTEE 3

BY COUNCILOR HARTMAN (PUBLIC WORKS & UTILITIES)

11-0343R - RESOLUTION DESIGNATING NO PARKING HERE TO CORNER ON SECTIONS OF SUPERIOR STREET, SECOND STREET AND THIRD STREET IN THE VICINITY OF 12TH AVENUE EAST AND 14TH AVENUE EAST.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

NEW 11-0349R - RESOLUTION ADDING A NEW REQUIREMENT FOR ARCHERY HUNTERS PARTICIPATING IN THE ANNUAL DEER MANAGEMENT HUNT.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

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). (TABLED 6/13)

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-022-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 CANAL PARK AREA BUSINESS DISTRICT, FROM RAILROAD STREET TO THE DULUTH SHIP CANAL, FROM MIXED USE-NEIGHBORHOOD (MU-N) TO FORM DISTRICTS, (F-3) MID-RISE COMMUNITY SHOPPING, (F-5) MID-RISE COMMUNITY SHOPPING AND OFFICE, AND (F-9) CANAL PARK LAKEFRONT (CITY OF DULUTH).

11-023-O - AN ORDINANCE GRANTING TO ODYSSEY DEVELOPMENT A CONCURRENT USE PERMIT FOR PARKING IN THE RIGHT-OF-WAY LOCATED ON AN 18 FOOT STRIP ON THE NORTH SIDE OF SOUTH STREET ADJACENT TO PROPERTY AT 431 SOUTH 23RD AVENUE EAST.

11-024-O - AN ORDINANCE APPROVING A REQUEST FOR A CONCURRENT USE OF STREETS PERMIT ON THE NORTHEAST CORNER OF GRAND AVENUE AND 58TH AVENUE WEST, DULUTH TRANSIT AUTHORITY.

COMMITTEE 3

BY COUNCILORS FOSLE AND HALBERG

11-020-O - AN ORDINANCE AMENDING SECTION 6-77 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO HUNTING DEER BY BOW AND ARROW. **(REPLACEMENT)**

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

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

11-021-O - AN ORDINANCE REPEALING CHAPTER 34, SECTION 42, OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO THE SALE AND POSSESSION OF SYNTHETIC CANNABINOIDS.

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COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS

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