

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, July 11, 2011, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - May 23, 2011.

PUBLIC HEARING - 7:00 p.m. - *Building in Duluth 2011* Spending Plan Amendment (11-0342R).

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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

*11-0711-01 Darrin Garner, et al. (three signatures) petition for reconstruction of a portion of the Seventh Street Alley from approximately 90 feet to 140 feet westerly of the centerline of 13th Avenue East. -- Assessor

*11-0711-02 Minnesota state auditor: (a) Comprehensive annual financial report of the Western Lake Superior Sanitary District for the year ended December 31, 2010; (b) Management and compliance report of the city of Duluth for the year ended December 31, 2010; (c) Management and compliance report of the Duluth economic development authority for the year ended December 31, 2010. -- Received

*11-0711-03 Minnesota state office of administrative hearings findings and fact conclusions of law and order regarding the matter of the detachment and annexation of certain land between the cities of Duluth and Proctor pursuant to Minnesota Statutes 414. -- Received

*11-0711-04 Daniel H. Mundt submitting communication regarding the display and preservation of the two city-owned Tiffany windows (11-0352R). -- Received

*11-0711-05 The following submitting communications regarding the proposed agreement with Jungle Boy Boxing Gym for the operation of Observation Community Recreation Center (11-0289R): (a) Lisa A. Abrahams; (b) Elizabeth Adams; (c) Darren Anderson; (d) Skúli Ármannsson; (e) Jon R. Bolander; (f) Seth Carpenter; (g) Damon Chapman; (h) Brett DeFoe; (i) Carlos J. González; (j) Brad Hasbrouck; (k) Jeanne Lassard; (l) TC Leveille; (m) Desirae Marchand; (n) Trevor Marmon; (o) Wesley Minkkinen; (p) Sherry Minor; (q) Scot Moe; (r) Veid Muiznieks; (s) Judith Munson; (t) Jorey Olson; (u) Adam Palan; (v) Hung Pham; (w) Richard Quigley; (x) Miranda Schahczinski; (y) Jesse Smith; (z) Jessica Ruth Smith; (aa) Michael Wagener; (bb) Darren Williams; (cc) Linda Woodruff-Thompson. - Received

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REPORTS FROM THE ADMINISTRATION

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REPORTS FROM OTHER OFFICERS

*11-0711-06 Auditor comprehensive annual financial report for the city of Duluth for the year ended December 31, 2010. -- Received

*11-0711-07 Clerk application for exempt permit to the Minnesota gambling control board from Program for Aid to Victims of Sexual Assault, Inc., for raffle on November 10, 2011. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- *11-0711-08 Civil service board minutes of May 3, 2011, meeting. -- Received
- *11-0711-09 Duluth airport authority: (a) Minutes of May 25, 2011, meeting; (b) Unaudited balance sheet of April 30, 2011. -- Received
- *11-0711-10 Duluth economic development authority minutes of May 25, 2011, meeting. -- Received
- *11-0711-11 Housing and redevelopment authority of Duluth: (a) Audit report for the year ended September 30, 2010; (b) Minutes of May 31, 2011, meeting. -- Received
- *11-0711-12 Library board minutes of May 24, 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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RESOLUTIONS TABLED

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-0342R - RESOLUTION APPROVING FIRST AMENDMENT TO THE *BUILDING IN DULUTH 2011* SPENDING PLAN. (TABLED 6/27 FOR PUBLIC HEARING)

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). (TABLED 6/27 FOR CONSIDERATION WITH ORDINANCE 11-024)

BY COUNCILOR ANDERSON (INTERGOVERNMENTAL RELATIONS)

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. (TABLED 6/27 FOR MORE INFORMATION)

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. (TABLED 6/27) (REPLACEMENT)

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

11-0349R - RESOLUTION ADDING A NEW REQUIREMENT FOR ARCHERY HUNTERS PARTICIPATING IN THE ANNUAL DEER MANAGEMENT HUNT. (TABLED 6/27 FOR CONSIDERATION WITH ORDINANCE 11-020)

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. (TABLED 6/27 FOR MORE INFORMATION)

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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)

11-0374R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE DEMOLITIONS CONTRACT NO. 5441.

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

11-0358R - RESOLUTION AUTHORIZING CHANGE ORDER 1 AND CHANGE ORDER 2 TO CONTRACT 21313 WITH MIDWEST ELECTRICAL GROUP, INC., FOR ELECTRICAL LIGHTING UPGRADES AT ENGER TOWER, FOR AN INCREASE OF \$41,467.03 AND A NEW CONTRACT TOTAL OF \$137,820.03.

11-0361R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO IRVING COMMUNITY ASSOCIATION.

11-0362R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR NORTH SHORE WRESTLING CLUB.

11-0363R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO RIDGEVIEW COUNTRY CLUB, 700 WEST REDWING STREET.

11-0364R - RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF MALLOW ENTERPRISES, INC. (BIG BOTTLE SHOP), 2401 WEST SUPERIOR STREET.

11-0369R - RESOLUTION AWARDED A CONTRACT TO SWANSON & YOUNGDALE, INC., FOR THE EXTERIOR PAINTING OF SUPERIOR STREET SKYWALKS IN THE AMOUNT OF \$58,513 AND ACCEPTING A CONTRIBUTION OF \$18,513 FROM THE GREATER DOWNTOWN COUNCIL ON BEHALF OF ADJOINING PROPERTY OWNERS.

COMMITTEE 1

BY COUNCILOR BOYLE (PERSONNEL)

11-0311R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF ALEXIS LIVADAROS AND THE APPOINTMENTS OF BRANDON MAURISAK, DAVID SCHAEFFER AND DONALD SIMONS, REPLACING DENNIS BIRCHLAND, AARON BRANSKY AND YVONNE HARVEY, TO THE DULUTH TRANSIT AUTHORITY.

11-0313R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF DAVID KOHLHAAS AND TODD TORVINEN AND THE APPOINTMENT OF DAN O'NEILL, REPLACING ALAN JOHNSON, TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

COMMITTEE 2

BY PRESIDENT GARDNER (COMMITTEE OF THE WHOLE)

11-0365R - RESOLUTION APPROVING SETTLEMENT AGREEMENT BETWEEN THE CITY OF DULUTH, LAKE SUPERIOR ZOOLOGICAL SOCIETY AND BNSF RAILWAY COMPANY IN THE AMOUNT OF \$69,895.99.

11-0366R - RESOLUTION AUTHORIZING ACCEPTANCE OF ASSISTANCE PROVIDED FROM THE LEAGUE OF MINNESOTA CITIES TO HELP COVER EXPENSES FOR COMMUNITY DIALOGUES WHICH WILL ADDRESS CITY GOVERNMENT SERVICES AND HOW THOSE SERVICES ARE SUSTAINED.

COMMITTEE 3

BY COUNCILOR HARTMAN (PUBLIC WORKS & UTILITIES)

11-0357R - RESOLUTION AWARDDING A CONTRACT TO STACK BROTHERS MECHANICAL CONTRACTORS, INC., FOR CONSTRUCTION OF A STEAMLINE EXTENSION TO ST. LUKE'S HOSPITAL AND ST. LUKE'S NEW CLINIC FOR A TOTAL AMOUNT OF \$154,600.

11-0368R - RESOLUTION ORDERING THE REPAIR OF A SIDEWALK VAULT LOCATED AT 114 WEST FOURTH STREET AT AN ESTIMATED COST OF \$14,000.

11-0375R - RESOLUTION AUTHORIZING AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF MINNESOTA ACCEPTING A GRANT IN THE AMOUNT OF \$10,000 FOR THE DESIGN AND STUDY OF SUSTAINABLE PAVEMENT USING THIN BONDED OVERLAY CONSTRUCTED WITH TACONITE AND SHINGLES.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

11-0355R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE NE MN STATEWIDE HEALTH IMPROVEMENT PROGRAM (SHIP), IN THE AMOUNT OF \$9,000 FOR THE PURCHASE OF TWO RADAR SPEED CONTROL SIGNS.

11-0367R - RESOLUTION REQUESTING THE ADMINISTRATION WORK WITH MN/DOT TO REVIEW THE FEASIBILITY OF INSTALLING STOP LIGHTS AT THE INTERSECTION OF 75TH AVENUE WEST AND GRAND AVENUE/HIGHWAY 23. **(REPLACEMENT)**

11-0371R - RESOLUTION APPROVING AGREEMENT WITH STATE FIRE MARSHAL TO INSPECT PUBLIC SCHOOLS.

COMMITTEE 3

BY COUNCILOR HALBERG (RECREATION, LIBRARIES & AUTHORITIES)

11-0354R - RESOLUTION AUTHORIZING A SECOND AMENDMENT TO AGREEMENT NO. 19606 WITH SUPERIOR HIKING TRAIL ASSOCIATION CORRECTING PROPERTY DESCRIPTIONS.

11-0356R - RESOLUTION AUTHORIZING THE CITY TO AWARD \$15,000 TO THE JUNIOR LEAGUE OF DULUTH FOR EQUIPMENT AT PLAYFRONT PARK PURSUANT TO THE MATCHING PROVISION OF THE NEIGHBORHOOD PLAYGROUND EQUIPMENT REVITALIZATION PROGRAM.

11-0372R - RESOLUTION ACCEPTING A DONATION FROM THE HANK JENSEN GOLF TOURNAMENT IN THE AMOUNT OF \$12,500 FOR THE CONSTRUCTION OF A NEW TOURNAMENT GOLF PAVILION AT ENGER PARK GOLF COURSE.

END OF CONSENT AGENDA

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

COMMITTEE 3

BY COUNCILOR HARTMAN (PUBLIC WORKS AND UTILITIES)

11-0359R - RESOLUTION ENDORSING THE DULUTH CITY OPERATIONS ENERGY ACTION PLAN FOR YEARS 2011-2015 TO REDUCE ENERGY AND RESOURCE USE IN CITY OPERATIONS.

BY COUNCILOR HALBERG (RECREATION, LIBRARIES & AUTHORITIES)

11-0370R - RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$19,853.44 FROM THE PUBLIC FACILITY AND PROGRAM FUND PURSUANT TO CITY CODE SECTION 10A-18. **(REPLACEMENT)**

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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)**

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-027-O - AN ORDINANCE AMENDING SECTIONS 50-1, 50-2, 50-3, 50-7, 50-9.4, 50-11.1, 50-14.5, 50-14.6, 50-14.7, 50-15.2, 50-15.4, 50-16.5, 50-18.1, 50-18.3, 50-19, 50-20.1, 50-20.3, 50-20.4, 50-20.5, 50-20.6, 50-21.2, 50-21.3, 50-22.2, 50-22.7, 50-23.2, 50-24.1, 50-24.2, 50-24.4, 50-24.5, 50-24.6, 50-25.1, 50-25.2, 50-25.3, 50-25.4, 50-25.9, 50-26.1, 50-26.4, 50-27.5, 50-30, 50-30.1, 50-30.2, 50-30.5, 50-31.1, 50-33.2, 50-33.4, 50-35, 50-36.3, 50-36.4, 50-37.1, 50-37.4, 50-37.7, 50-37.8, 50-37.11, 50-37.12, 50-37.13, 50-38.5, 50-39.2, AND 50-41 OF CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO REVISIONS OF THE UNIFIED DEVELOPMENT CHAPTER.

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The following entitled ordinances are to be read for the second 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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COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS

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