

# AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, August 15, 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

\*11-0815-01 Barbara Brooks communication regarding the proposed reclassification of property along the north side of Arrowhead Road from 1413 West Arrowhead road to the extended line (northerly) of Myers Avenue (11-018-O). -- Received

\*11-0815-02 The following communications regarding the proposed sale of property in the West Hillside (11-032-O): (a) Carol Carlson; (b) Mark Jennings. -- Received

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## REPORTS FROM THE ADMINISTRATION

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## REPORTS FROM OTHER OFFICERS

\*11-0815-03 Clerk applications for exempt permits to the Minnesota gambling control board for raffles from: (a) Animal Allies Humane Society on October 8, 2011; (b) Duluth East Athletic Association on June 7, 2012. -- Received

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## REPORTS OF BOARDS AND COMMISSIONS

\*11-0815-04 Duluth economic development authority minutes of June 22, 2011, meeting. -- Received

\*11-0815-05 Duluth public utilities commission minutes of June 8, 2011, meeting. -- Received

\*11-0815-06 Duluth transit authority: (a) Minutes of May 25, 2011, meeting; (b) April 2011 income statement. -- Received

\*11-0815-07 Seaway port authority of Duluth minutes of: (a) March 24; (b) April 28; (c) June 23, 2011, meetings. -- Received

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\* Listed only, not copied.

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## REPORTS OF COUNCIL COMMITTEES

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**REPORTS OF COUNCIL OPEN ISSUES**

\*11-0815-08 City council tourism tax task force minutes of: (a) June 14; (b) June 23 ; (c) July 12, 2011, meetings. -- Received

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**OPPORTUNITY FOR CITIZENS TO BE HEARD**

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**RESOLUTION TABLED**

**COMMITTEE 2**

**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)

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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)**

11-0410R - RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF DULUTH AND DULUTH POLICE UNION, LOCAL 807 FOR 2011.

11-0422R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT STORM WATER UTILITY FEES DURING THE PERIOD OF JANUARY 1, 2010, TO DECEMBER 31, 2010, AS PROVIDED FOR IN ARTICLE XI OF CHAPTER 43 OF THE DULUTH CITY CODE.

**BY COUNCILOR CUNEO (PURCHASING & LICENSING)**

11-0398R - RESOLUTION IN THE MATTER OF THE ON SALE 3.2 PERCENT MALT LIQUOR LICENSE OF SAMMY'S PIZZA OF DULUTH, INC. (SAMMY'S PIZZA AND RESTAURANT), 4011 WOODLAND AVENUE.

11-0399R - RESOLUTION IN THE MATTER OF THE ON SALE WINE AND 3.2 PERCENT MALT LIQUOR LICENSE OF LOY KRATHONG, INC. (SALA THAI RESTAURANT), 4023 WOODLAND AVENUE.

11-0400R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF CURLY'S BAR, INC. (CURLY'S BAR), 2013 WEST SUPERIOR STREET.

11-0406R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO NORTHLAND COUNTRY CLUB, 3901 EAST SUPERIOR STREET, AND DULUTH SUPERIOR GLBT PRIDE, INC, BAYFRONT PARK.

11-0407R - RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO FERNANDO'S, LLC, (JALAPENO EXPRESS), 220 WEST SUPERIOR STREET.

**COMMITTEE 1**

**BY COUNCILOR CUNEO (PURCHASING & LICENSING)**

11-0408R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSES OF ROSE GARDEN ENT, LLC (VALENTINI'S VICINO LAGO), 1400 LONDON ROAD, AND C W CHIPS GRILL & BAR (TWINS BAR), 501 EAST FOURTH STREET.

11-0412R - RESOLUTION AWARDED A CONTRACT TO BELKNAP ELECTRIC, INC., FOR PARKING LOT LIGHTING UPGRADES TO LIGHT EMITTING DIODE LIGHTING FIXTURES AT THE MAIN LIBRARY (DEPOT) AND CONEY ISLAND RAMPS FOR A TOTAL OF \$57,890.

11-0416R - RESOLUTION AUTHORIZING CHANGE ORDERS ONE AND TWO TO CONTRACT 21231 WITH SUPERIOR GLASS, INC., FOR ADDITIONAL WORK ASSOCIATED WITH THE REPLACEMENT OF DULUTH CITY HALL WINDOWS, AN INCREASE OF \$544,865, AND A TOTAL CONTRACT AMOUNT OF \$1,294,710.

**BY COUNCILOR BOYLE (PERSONNEL)**

11-0417R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF SUPPORT ANALYST.

11-0423R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF ENGINEERING TECHNICIAN.

**COMMITTEE 2**

**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

11-0393R - RESOLUTION AMENDING THE COMPREHENSIVE LAND USE PLAN - FUTURE LAND USE MAP FOR THE LINCOLN PARK SCHOOL SITE AT 2424 WEST FIFTH STREET.

11-0414R - RESOLUTION VACATING A PORTION OF SOUTH 25TH AVENUE WEST LYING SOUTHEASTERLY OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SUPERIOR STREET AND NORTHWESTERLY OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MICHIGAN STREET (ROHLFING OF DULUTH, INC., GERALD SPEHAR).

11-0415R - RESOLUTION VACATING A PORTION OF TENTH STREET SOUTH ABUTTING LOTS 180 AND 182, UPPER DULUTH MINNESOTA AVENUE (LAKEHEAD BOAT BASIN, INC., TROY HOEKSTRA).

**BY PRESIDENT GARDNER (COMMITTEE OF THE WHOLE)**

11-0411R - RESOLUTION APPOINTING ELECTION JUDGES FOR THE SEPTEMBER 13, 2011, MUNICIPAL AND SCHOOL BOARD PRIMARY ELECTION AND THE NOVEMBER 8, 2011, MUNICIPAL AND SCHOOL BOARD GENERAL ELECTION.

11-0432R - RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF CITY OF DULUTH V. GEORGE D. FOOTE AND DIANNE T. FOOTE IN THE AMOUNT OF \$18,000 AND APPROVING AN ASSESSMENT AGREEMENT.

**COMMITTEE 3**

**BY COUNCILOR HARTMAN (PUBLIC WORKS & UTILITIES)**

**NEW** 11-0409R - RESOLUTION AWARDING A CONTRACT TO DULUTH-SUPERIOR ERECTION, INC., FOR THE 2011 CITY-WIDE STREET MAINTENANCE PROJECT IN THE AMOUNT OF \$261,810.

11-0420R - RESOLUTION AUTHORIZING APPLICATION TO MNDNR FOR EASEMENTS FOR THE RIVERSIDE UTILITY AND STREET IMPROVEMENT PROJECT AT A COST OF \$4,000.

11-0425R - RESOLUTION AMENDING RESOLUTION NO. 10-0484 ACCEPTING DEDICATION OF EASEMENT FROM ST. MARY'S MEDICAL CENTER FOR PARKING PURPOSES ALONG FOURTH AVENUE EAST.

11-0428R - RESOLUTION AMENDING RESOLUTION NO. 10-0485 ACCEPTING DEDICATION OF EASEMENT FROM BENEDICTINE SISTERS BENEVOLENT ASSOCIATION AND ST. MARY'S MEDICAL CENTER FOR PARKING PURPOSES ALONG FOURTH AVENUE EAST.

**NEW** 11-0435R - RESOLUTION AWARDING A CONTRACT TO DULUTH SUPERIOR ERECTION, INC., FOR THE SIDEWALK VAULT REPAIR PROJECT AT 114 WEST FOURTH STREET IN THE AMOUNT OF \$17,000.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

11-0396R - RESOLUTION ESTABLISHING AN ACCESSIBLE PARKING SPACE AT 2415 WEST SECOND STREET.

11-0397R - RESOLUTION AUTHORIZING A SPONSORSHIP AGREEMENT WITH KERNZ AND KOMPANY, INC., AND DULUTH AIR AND AVIATION EXPO PURSUANT TO WHICH THE CITY AGREES TO PROVIDE IN-KIND SERVICES ALL RELATED TO THE DULUTH AIRSHOW.

11-0421R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON SEPTEMBER 17, 2011, IN CONJUNCTION WITH HILLFEST AND SUBJECT TO CERTAIN CONDITIONS.

11-0429R - RESOLUTION AUTHORIZING CITY OFFICIALS TO GIVE TO OFFICER GREENWALT A RETIRED POLICE CANINE NAMED REGO.

**BY COUNCILOR HALBERG (RECREATION, LIBRARIES & AUTHORITIES)**

11-0413R - RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF A GRANT FROM THE LLOYD K. JOHNSON FOUNDATION IN THE AMOUNT OF \$1,250 FOR THE PARKS AND RECREATION CHESTER CREEK MUSIC IN THE PARK CONCERT SERIES.

11-0430R - RESOLUTION AUTHORIZING A CONSULTING AGREEMENT WITH CRYSTAL TAYLOR FOR THE PLANNING, COORDINATING AND PROMOTING OF EVENTS RELATED TO THE ENGER PARK RESTORATION PROJECT FOR AN AMOUNT NOT TO EXCEED \$20,000.

**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)**

11-0424R - RESOLUTION TRANSFERRING MONIES TO STREET IMPROVEMENT DEBT SERVICE FUND FROM THE COMMUNITY INVESTMENT TRUST FUND TO CANCEL 2012 DEBT SERVICE TAX LEVY.

**BY COUNCILOR CUNEO (PURCHASING & LICENSING)**

11-0427R - RESOLUTION AWARDING A CONTRACT TO DULUTH SUPERIOR ERECTION, INC., FOR PHASE II CONSTRUCTION OF AN ACCESSIBLE BASEBALL FIELD AT HARRISON COMMUNITY CENTER FOR A TOTAL AMOUNT OF \$124,504.

**BY COUNCILOR BOYLE (PERSONNEL)**

11-0418R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF CREDIT AND COLLECTIONS ADMINISTRATOR AND SPECIFYING CONTRACT BENEFITS FOR SAME.

11-0419R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF CMMS ADMINISTRATOR AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**COMMITTEE 2**

**BY COUNCILORS STAUBER AND FOSLE**

11-0426R - RESOLUTION AMENDING GUIDELINES FOR THE PRIVATE SEWER SERVICE GRANT PROGRAM.

**BY PRESIDENT GARDNER (COMMITTEE OF THE WHOLE)**

**NEW** 11-0434R - RESOLUTION AMENDING RESOLUTION 09-0007, AS AMENDED, RETAINING MAKI AND OVEROM, CHARTERED, INCREASING THE AMOUNT BY \$300,000 FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$1,060,000.

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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 FOR MORE INFORMATION)

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

**COMMITTEE 2**

**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

11-028-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 MIXED USE NEIGHBORHOOD (MU-N) AND MIXED USE BUSINESS PARK (MU-B) TO FORM DISTRICT 5 (F-5), MID-RISE COMMUNITY SHOPPING AND OFFICE, THE PROPERTY ALONG WEST SUPERIOR STREET FROM GARFIELD AVENUE TO 22ND AVENUE WEST IN THE LINCOLN PARK BUSINESS DISTRICT (CITY OF DULUTH).

11-029-O - AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY IN THE WEST HILLSIDE AREA TO ANDREW J. AND CATHERINE E. SILL FOR \$50,000.

11-030-O - AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY IN THE CENTRAL HILLSIDE AREA TO DIANNA L. HUNTER AND DEBORAH M. ANDERSON FOR \$55,000.

11-031-O - AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY IN THE CENTRAL HILLSIDE AREA TO DIANNA L. HUNTER AND DEBORAH M. ANDERSON FOR \$30,000.

11-032-O - AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY IN THE WEST HILLSIDE AREA TO FRANK T. HENNESSEY AND STEPHANIE L. HENNESSEY FOR \$20,000.

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

**COMMITTEE 2**

**BY COUNCILOR ANDERSON (INTERGOVERNMENTAL RELATIONS)**

11-026-O - AN ORDINANCE ADDING A NEW SECTION 34-26 TO THE DULUTH CITY CODE, 1959, AS AMENDED, REGULATING LOITERING IN PUBLIC PLACES WITH THE INTENT TO ENGAGE IN PROSTITUTION OR THE SALE OF ILLEGAL DRUGS.

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**COUNCILOR QUESTIONS AND COMMENTS**

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**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

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