

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, September 12, 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

*11-0912-01 Dexter Nelson communication regarding the proposed number of required on duty bridge tenders (11-038-O). -- Received

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REPORTS FROM THE ADMINISTRATION

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REPORTS OF BOARDS AND COMMISSIONS

- *11-0912-02 Building appeal board minutes of July 31, 2011, meeting. -- Received
- *11-0912-03 Duluth Seaway Port authority financial statement of July 2011. -- Received
- *11-0912-04 Housing and redevelopment authority minutes of: (a) June 28; (b) July 26, 2011, meetings. -- Received
- *11-0912-05 Spirit mountain recreation area authority minutes of: (a) May 25; (b) June 7, 2011, meetings. -- 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 PRESIDENT GARDNER (COMMITTEE OF THE WHOLE)

11-0454R - RESOLUTION CALLING FOR AN ADVISORY REFERENDUM PERTAINING TO THE SALE OF THE CITY-OWNED STEAM SYSTEM. (TABLED 8/29)

11-0455R - RESOLUTION SUBMITTING A PROPOSED ORDINANCE CREATING A PARKS FUND AND AUTHORIZING A SPECIAL LEVY OF \$2,600,000 TO SUPPORT IT TO THE VOTERS AT A SPECIAL ELECTION ON NOVEMBER 8, 2011. (TABLED 8/29) (REPLACEMENT)

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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)

11-0463R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH INFOSEND, INC., FOR MAILING SERVICES AND POSTAGE DURING YEAR 2011 FOR AN ESTIMATED AMOUNT OF \$66,500.

11-0469R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO ST. LOUIS RIVER CITIZENS ACTION COMMITTEE (ST. LOUIS RIVER ALLIANCE).

11-0470R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE 3.2 PERCENT MALT LIQUOR LICENSE FROM RWM BASEBALL, INC. (DULUTH HUSKIES), 101 NORTH 35TH AVENUE WEST, TO RPK BASEBALL, INC. (DULUTH HUSKIES), SAME ADDRESS.

11-0471R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE, ADDITIONAL BAR LICENSE AND APPROVING A 2:00 A.M. BEVERAGE LICENSE TO JUST TAKE ACTION, INC. (TYCOON'S ALEHOUSE & EATERY), 132 EAST SUPERIOR STREET.

11-0472R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO THE COLLEGE OF ST. SCHOLASTICA, 1200 KENWOOD AVENUE.

11-0475R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR UMD DUCKS UNLIMITED AND LIFE HOUSE, INC.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-0453R - RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH AECOM TECHNICAL SERVICES, INC., FOR CONTAMINATION INVESTIGATION AND PREPARATION OF A REMEDIAL ACTION PLAN RELATED TO THE DULUTH DUMP #5 SITE.

11-0473R - RESOLUTION AUTHORIZING A MINNESOTA HISTORICAL AND CULTURAL GRANT AGREEMENT WITH THE MINNESOTA HISTORICAL SOCIETY AND FURTHER AUTHORIZING A SUBGRANT AGREEMENT WITH SUMMIT ENVIROSOLUTIONS TO IMPLEMENT A HISTORIC RESOURCES SURVEY OF THE EAST END RESIDENTIAL AREA – PHASE III IN AN AMOUNT NOT TO EXCEED \$21,863.

COMMITTEE 3

BY COUNCILOR HARTMAN (PUBLIC WORKS & UTILITIES)

11-0457R - RESOLUTION AWARDED A CONTRACT TO INSITUFORM TECHNOLOGIES USA, INC. FOR CURED-IN-PLACE PIPE (CIPP) REHABILITATION OF SANITARY SEWERS IN SEWER BASIN NO. 2 IN THE AMOUNT OF \$1,324,517.10.

COMMITTEE 3

BY COUNCILOR HARTMAN (PUBLIC WORKS & UTILITIES)

11-0474R - RESOLUTION AUTHORIZING EXCHANGE OF FEDERAL FUNDS FOR STATE AID FUNDS WITH ST. LOUIS COUNTY IN THE AMOUNT OF \$1,218,000.

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)

11-0465R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2012.

11-0466R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2012.

11-0467R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2012.

11-0468R - RESOLUTION SETTING A PROPOSED BUDGET FOR THE FISCAL YEAR 2012.

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

11-0464R - RESOLUTION AMENDING RESOLUTION 11-0186 AND INCREASING THE FINE HOT MIX CONTRACT WITH NORTHLAND CONSTRUCTORS OF DULUTH, LLC, BY \$250,000, FOR A TOTAL CONTRACT AMOUNT OF \$891,562.08.

COMMITTEE 2

BY COUNCILOR ANDERSON (INTERGOVERNMENTAL RELATIONS)

11-0462R - RESOLUTION APPROVING A CONTRACT WITH WLSSD FOR COLLECTION OF FEES.

COMMITTEE 3

BY COUNCILOR HALBERG (RECREATION, LIBRARIES & AUTHORITIES)

11-0477R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH NEIGHBORS OF LOWER CHESTER PARK, A MINNESOTA NONPROFIT, FOR THE OPERATION OF THE LOWER CHESTER COMMUNITY RECREATION AREA.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

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. (TABLED 8/15)

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

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

11-040-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION REVENUE BONDS OR NOTE OF THE CITY OF DULUTH IN THE MAXIMUM AGGREGATE AMOUNT OF \$1,505,000 FOR THE IMPROVEMENT OF THE MUNICIPAL SEWER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

11-041-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF \$1,650,000 GENERAL OBLIGATION REVENUE BONDS OF THE CITY OF DULUTH FOR THE IMPROVEMENT OF THE MUNICIPAL WATER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

11-042-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION AIRPORT IMPROVEMENT BONDS IN THE MAXIMUM AMOUNT OF \$7,650,000 OF THE CITY OF DULUTH UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTIONS OF THE CITY COUNCIL AND LEVYING TAXES FOR THE PAYMENT THEREOF.

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

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

11-033-O - AN ORDINANCE MODIFYING CONDITIONS FOR DEFERRAL OF ASSESSMENTS, AMENDING SECTION 45.83 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

11-039-O - AN ORDINANCE CREATING THE PARKS FUND, AMENDING CHAPTER 20 OF THE DULUTH CITY CODE, 1959, AS AMENDED, LEVYING A TAX AS PROVIDED FOR IN LAWS OF MINNESOTA, 1953, CHAPTER 560, SECTION 1, TO FUND IT AND SETTING FORTH THE PROCESS APPLICABLE THERETO, SUBJECT TO REFERENDUM.

COMMITTEE 1

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

11-009-O - AN ORDINANCE AMENDING CHAPTER 8, SECTIONS 8-9, 8-13, 8-25, 8-40, 8-45, 8-50, 8-52, 8-54, 8-56, 8-57, 8-58, 8-62 AND 8-68 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO THE ALCOHOLIC BEVERAGE CODE.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-034-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 MU-N, MIXED USE NEIGHBORHOOD, TO MU-C, MIXED USE COMMERCIAL, THE ENTIRE PARCEL AT THE SOUTHEASTERN CORNER OF COMMONWEALTH AVENUE AND EAST GARY STREET (CITY OF DULUTH).

11-035-O - AN ORDINANCE GRANTING TO GRANDMA'S SPORTS BAR AND GRILL A CONCURRENT USE PERMIT FOR THE INSTALLATION OF METAL CORNICES, CANOPY/MARQUEE AND AWNINGS TO PROJECT INTO THE LAKE AVENUE SOUTH RIGHT-OF-WAY.

11-036-O - AN ORDINANCE REPEALING CHAPTER 45, ARTICLE IV OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO THE VACATION OF HIGHWAYS.

BY PRESIDENT GARDNER AND COUNCILOR BOYLE

11-037-O - AN ORDINANCE PROVIDING FOR POSTING AND MAILING OF NOTICE OF A PROPOSED SALE OF CITY PROPERTY BY AUCTION, AMENDING SECTION 2-177.2 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

COMMITTEE 3

BY COUNCILOR HARTMAN (PUBLIC WORKS & UTILITIES)

11-038-O - AN ORDINANCE AMENDING SECTION 26-37 AND REPEALING SECTION 26-39 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING THE NUMBER OF REQUIRED ON-DUTY BRIDGE TENDERS.

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COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS

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