

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, October 10, 2011, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - August 15, 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

*11-1010-01 Grandma's Sports Bar and Grill, Inc., acceptance of terms conditions and provisions of concurrent use permit granted by Ordinance 10106 on September 12, 2011. -- Received

*11-1010-02 Odyssey Development acceptance of terms, conditions and provisions of concurrent use permit granted by Ordinance 10095 on July 11, 2011. -- Received

*11-1010-03 Brad Rauzi appeal of planning commission decision regarding the approval of an AT&T telecommunications tower on 2120 Jean Duluth Road. -- Committee 2 (planning and economic development)

REPORTS FROM THE ADMINISTRATION

REPORTS OF BOARDS AND COMMISSIONS

*11-1010-04 Duluth airport authority minutes of August 16, 2011, meeting. -- Received

*11-1010-05 Duluth economic development authority minutes of September 13, 2011, meeting. -- Received

*11-1010-06 Duluth transit authority: (a) Minutes of July 27, 2011, meeting; (b) June 2011 income statement. -- Received

* Listed only, not copied.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

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)

11-0517R - RESOLUTION AUTHORIZING ACCEPTANCE OF A CROSS COUNTRY SKI TRAIL ASSISTANCE PROGRAM GRANT AGREEMENT FOR FY2012 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$11,000.

11-0518R - RESOLUTION AUTHORIZING THE EXECUTION OF A SNOWMOBILE TRAILS ASSISTANCE PROGRAM GRANT AGREEMENT FOR FY2012 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$13,925.

BY COUNCILOR CUNEO

(PURCHASING & LICENSING)

11-0501R - RESOLUTION IN THE MATTER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF ROTO OF DULUTH, LLC (UNIVERSITY LIQUOR), 1603 WOODLAND AVENUE.

11-0502R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF GRANDMA'S SPORTS BAR/GRILL, INC. (BELLISIOS ITALIAN RESTAURANT), 405 LAKE AVENUE SOUTH.

11-0503R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HOSPITALITY ASSOCIATES OF DULUTH, LLC (ACES ON FIRST), 113 WEST FIRST STREET.

11-0508R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE AND ONE DAY DANCE LICENSE TO NIFTY 50 CRUISERS CAR CLUB (HAUNTED HANGER ON THE HILL), DULUTH INTERNATIONAL AIRPORT. **(REPLACEMENT)**

11-0509R - RESOLUTION APPROVING THE EXEMPTIONS OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR ST. MARY'S MEDICAL CENTER (SMDC) AND ST. MICHAEL'S CHURCH. **(REPLACEMENT)**

11-0510R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO DULUTH CURLING CLUB.

11-0519R - RESOLUTION AUTHORIZING A CONTRACT WITH NORTH AMERICAN SALT COMPANY FOR THE PURCHASE AND DELIVERY OF ROAD SALT FOR YEAR 2011 (OCTOBER - DECEMBER) AND YEAR 2012 (JANUARY - APRIL) AT A TOTAL OF \$872,536.05.

BY COUNCILOR BOYLE

(PERSONNEL)

11-0505R - RESOLUTION CONFIRMING THE APPOINTMENTS OF MARK EMMEL AND JENNIFER RYAN TO THE DULUTH LEGACY ENDOWMENT FUND ADVISORY BOARD, REPLACING ROB KARWATH AND NANCY NORR.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-0523R - RESOLUTION AUTHORIZING THE ACCEPTANCE OF A BROWNFIELD HAZARDOUS MATERIALS ASSESSMENT GRANT FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND THE EXECUTION OF THE AGREEMENT RELATED THERETO.

BY COUNCILOR ANDERSON (INTERGOVERNMENTAL RELATIONS)

11-0496R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH ST. LOUIS COUNTY TO PROVIDE SUPPORTED WORK SERVICES TO MFIP PARTICIPANTS FOR THE PERIOD JULY 1, 2011, THROUGH JUNE 30, 2012, IN AN AMOUNT EXPECTED TO BE \$80,102.40 AND NOT TO EXCEED \$240,307.50.

11-0511R - RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF ADMINISTRATION, FOR OFFICE SPACE WITHIN CITY HALL.

11-0513R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND AN AGREEMENT WITH AND ACCEPT FUNDS FROM ST. LOUIS COUNTY TO PROVIDE MINNESOTA FAMILY INVESTMENT PROGRAM AND DIVERSIONARY WORK PROGRAM EMPLOYMENT AND TRAINING SERVICES IN AN AMOUNT NOT LESS THAN \$968,601 FOR THE PERIOD JANUARY 1, 2011, THROUGH DECEMBER 31, 2011.

COMMITTEE 3

BY COUNCILOR HARTMAN (PUBLIC WORKS & UTILITIES)

11-0506R - RESOLUTION AMENDING RESOLUTION NO. 11-0153 INCREASING THE NUMBER OF AUTHORIZED AUDITS TO 400 AND INCREASING THE FUNDING THEREFORE BY \$40,000.

11-0514R - RESOLUTION AWARDDING A CONTRACT TO LHB, INC., FOR THE INSPECTION OF THE BREWERY CREEK STORM SEWER CONVEYANCE SYSTEM IN THE AMOUNT OF \$48,550.

11-0521R - RESOLUTION AUTHORIZING AN AGREEMENT FOR A CULTURAL RESOURCES SURVEY/EVALUATION OF THE CROSS CITY TRAIL PROJECT (PHASE 1).

11-0524R - RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC., FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN ENGINEERING FOR THE OXFORD STREET - LIVINGSTON AVENUE - GLENWOOD STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$163,889.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

11-0504R - RESOLUTION AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, CRIME VICTIM SERVICES, RELATING TO AN EMERGENCY FUND FOR CRIME VICTIMS IN AN AMOUNT OF \$800.

11-0507R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, HOMELAND SECURITY AND EMERGENCY MANAGEMENT, IN THE TOTAL AMOUNT OF \$85,000 TO ENHANCE AND REPAIR THE MICROWAVE TOWER ON PARK POINT.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

11-0512R - RESOLUTION AUTHORIZING AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, FOR CITY ATTORNEY ACCESS TO THE CRIMINAL JUSTICE DATA COMMUNICATION NETWORK.

11-0516R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE OFFICE OF VIOLENCE AGAINST WOMEN IN THE AMOUNT OF \$196,500 AS PART OF THE BLUEPRINT FOR SAFETY ADAPTATION DEMONSTRATION PROJECT AND TO EXECUTE AGREEMENTS WITH PARTICIPATING AGENCIES.

11-0520R - RESOLUTION TO RESCIND RESOLUTION 94-0285 WHICH ESTABLISHED A RESIDENT PERMIT PARKING ZONE AROUND LINCOLN PARK ELEMENTARY SCHOOL.

11-0526R - RESOLUTION ESTABLISHING TWO ACCESSIBLE PARKING SPACES ON 46TH AVENUE EAST.

BY COUNCILOR HALBERG (RECREATION, LIBRARIES & AUTHORITIES)

11-0525R - RESOLUTION AUTHORIZING RESUBMISSION OF APPLICATIONS TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES PARKS AND TRAILS LEGACY GRANT PROGRAM FOR THE CROSS CITY TRAIL PHASES II AND III (MUNGER TRAIL EXTENSION) AND THE DULUTH TRAVERSE TRAIL SYSTEM PHASE I (BIKE TRAIL EXTENSION THROUGHOUT THE CITY).

11-0527R - RESOLUTION OF SUPPORT FOR NAMING THE MIRACLE FIELD AT HARRISON COMMUNITY CENTER IN HONOR OF TERRY MATTSON.

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)

NEW 11-0528R - RESOLUTION REQUESTING ADMINISTRATION TO CONDUCT A PUBLIC MEETING TO ADDRESS PARKING CONCERNS AROUND DULUTH EAST HIGH SCHOOL.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-0529R - RESOLUTION GRANTING AN INTERIM USE PERMIT TO D.M.A. & ASSOCIATES FOR A JUNK AND SALVAGE SERVICES AT 306 SOUTH CENTRAL AVENUE. **(REPLACEMENT)**
(REPLACEMENT AMENDMENT)

NEW 11-0530R - RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION TO GRANT THE APPLICATION FOR A SPECIAL USE PERMIT BY AT&T/NEW CINGULAR WIRELESS FOR A WIRELESS TELECOMMUNICATIONS FACILITY.

NEW 11-0531R - RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION TO GRANT THE APPLICATION FOR A SPECIAL USE PERMIT BY AT&T/NEW CINGULAR WIRELESS FOR A WIRELESS TELECOMMUNICATIONS FACILITY.

COMMITTEE 3

BY COUNCILOR HALBERG (RECREATION, LIBRARIES & AUTHORITIES)

11-0522R - RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF, IF OFFERED, A PARKS AND TRAILS LEGACY GRANT OF \$500,000 FOR IMPROVEMENTS TO INDIAN POINT CAMPGROUND AND COMMITTING THE \$50,000 LOCAL SHARE.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

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. (TABLED 9/26 PER REQUEST OF AIRPORT)

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-043-O - AN ORDINANCE AMENDING ORDINANCE NO. 10084 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO CORRECT THE MAP AND LEGAL DESCRIPTION.

11-044-O - AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY IN THE CENTRAL HILLSIDE AREA TO MARY JO JUKICH FOR \$10,000.

11-046-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, ON THE PROPERTIES LOCATED AT 1303 AND 1315 WEST ARROWHEAD ROAD (CITY OF DULUTH).

11-047-O - AN ORDINANCE AN 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-B, MIXED USE-BUSINESS PARK, TO I-G, INDUSTRIAL-GENERAL, OF THE PROPERTY LOCATED AT 306 SOUTH CENTRAL AVENUE (D.M.A. & ASSOCIATES).

11-048-O - AN ORDINANCE AMENDING ORDINANCE 10087 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO CORRECT THE LEGAL DESCRIPTION OF THE PLAZA AND LONDON ROAD FORM DISTRICTS.

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COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS