

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, October 24, 2011, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - August 29, 2011.

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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

*11-1024-01 The following communications regarding the proposed improvements to Indian Point Campground (11-0522R): (a) Alison Clarke; (b) Richard and Charlene Harms; (c) Rachel Kostelic; (d) Ed and Linda Whitman. -- Received

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REPORTS FROM THE ADMINISTRATION

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REPORTS OF BOARDS AND COMMISSIONS

- *11-1024-02 Charter commission minutes of October 13, 2010, meeting. -- Received
- *11-1024-03 Duluth human rights commission minutes of: (a) August 10; (b) August 25, 2011, meetings.
-- Received
- *11-1024-04 Duluth public utilities commission minutes of September 14, 2011, meeting. -- Received
- *11-1024-05 Library board minutes of August 23, 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)

11-0530R - 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. (TABLED 10/10)

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

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. (TABLED 10/10)

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. (TABLED 10/10)

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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)

11-0515R - RESOLUTION AMENDING RESOLUTION 10-0579 ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2011; ADDING NEW LIQUOR CATERER PERMIT FEES. (REPLACEMENT)

11-0549R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION GAS UTILITY REVENUE REFUNDING BONDS, SERIES 2011C.

11-0550R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION SEWER UTILITY REVENUE REFUNDING BONDS, SERIES 2011D.

11-0551R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF A SIDEWALK VAULT.

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

11-0534R - RESOLUTION APPROVING THE ISSUANCE OF A 2012 MINNESOTA CURRENCY EXCHANGE LICENSE TO PAWN AMERICA MINNESOTA, LLC.

11-0544R - RESOLUTION ISSUING AN ON SALE INTOXICATING DANCING LIQUOR LICENSE TO THE LAKE EFFECT RESTAURANT, INC. (LAKE AVENUE CAFÉ), 394 LAKE AVENUE SOUTH.

11-0560R - RESOLUTION AUTHORIZING A 48-MONTH CONTRACT WITH NORDIC WASTE SERVICES, INC., FOR GARBAGE/REFUSE REMOVAL AND RECYCLING PICKUP AT AN ESTIMATED \$14,000 PER MONTH FOR AN ESTIMATED \$168,000 PER YEAR, AND A TOTAL ESTIMATED CONTRACT AMOUNT OF \$672,000.

COMMITTEE 1

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

NEW 11-0562R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE TO AZTECA'S MEXICAN GRILL, INC. (AZTECA'S MEXICAN GRILL), 2224 MOUNTAIN SHADOW DRIVE.

BY COUNCILOR BOYLE (PERSONNEL)

11-0533R - RESOLUTION CONFIRMING THE APPOINTMENT OF ZANDRA ZWIEBEL TO THE PLANNING COMMISSION, REPLACING REBECCA COVINGTON.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-0558R - RESOLUTION AUTHORIZING APPLICATION OF A STATE OF MINNESOTA CONTAMINATION CLEANUP GRANT RELATED TO THE ROHLFING DISTRIBUTION EXPANSION.

BY COUNCILOR ANDERSON (INTERGOVERNMENTAL RELATIONS)

11-0542R - RESOLUTION AUTHORIZING THE EXECUTION OF A THREE YEAR JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF NATURAL RESOURCES, FOR THE SUMMER MAINTENANCE OF THE CLYDE AVENUE (MUNGER ACCESS) AND RICE'S POINT BOAT LAUNCH SITES.

BY PRESIDENT GARDNER (COMMITTEE OF THE WHOLE)

11-0555R - RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF CITY OF DULUTH V. KRISTIN RAE SHALLOW AND JEANNE MARIE SHALLOW IN THE AMOUNT OF \$5,000.

COMMITTEE 3

BY COUNCILOR HARTMAN (PUBLIC WORKS & UTILITIES)

11-0540R - RESOLUTION AUTHORIZING A MILITARY CONSTRUCTION COOPERATIVE AGREEMENT WITH THE NATIONAL GUARD BUREAU IN THE ESTIMATED AMOUNT OF \$1,440,000 RELATED TO THE RECONSTRUCTION/RECLAMATION OF RIDGEVIEW ROAD.

11-0545R - RESOLUTION REQUESTING A VARIANCE FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND INDEMNIFYING THE STATE OF MINNESOTA IN CONNECTION WITH THE GRANTING OF A MINNESOTA STATE AID VARIANCE IN THE REHABILITATION OF BRIDGE NO. L6007 AND ITS APPROACHES ON WEST SKYLINE PARKWAY OVER STEWART CREEK.

11-0546R - RESOLUTION AWARDED A CONTRACT TO A-1 EXCAVATING, INC., FOR THE RIVERSIDE COMMUNITY UTILITY AND STREET IMPROVEMENTS PROJECT IN THE AMOUNT OF \$6,627,107.27.

11-0554R - RESOLUTION AMENDING RESOLUTIONS 10-0081 AND 09-0471 AWARDED A CONTRACT FOR A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH SALO ENGINEERING, INC., FOR THE DEVELOPMENT OF FINAL DESIGN AND CONSTRUCTION PLANS FOR THE RECONSTRUCTION OF GLENWOOD STREET FROM 43RD AVENUE EAST TO 60TH AVENUE EAST IN THE AMOUNT OF \$50,540.77 FOR A NEW TOTAL OF \$564,228.87.

COMMITTEE 3

BY COUNCILOR HARTMAN (PUBLIC WORKS & UTILITIES)

NEW 11-0565R - RESOLUTION AUTHORIZING LICENSE AGREEMENT WITH THE DULUTH SEAWAY PORT AUTHORITY FOR SCADA ANTENNA FOR LIFT STATION NO. 40.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

11-0532R - RESOLUTION AUTHORIZING SECOND AMENDMENT TO CITY CONTRACT NO. 20454 WITH THE STATE OF MINNESOTA HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION FOR HAZARDOUS MATERIALS CHEMICAL ASSESSMENT TEAM EXTENDING THE TERM AND INCREASING THE COMPENSATION.

11-0535R - RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY (DAA) FOR POLICE TRAINING IN EMERGENCY VEHICLE OPERATIONS ON TAXIWAY BRAVO AT THE DULUTH INTERNATIONAL AIRPORT.

11-0536R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT AN AMENDED GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE TOTAL AMOUNT OF \$143,313 FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND GANG TASK FORCE FROM JULY 1, 2011, THROUGH DECEMBER 31, 2011.

11-0537R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, ALLOWING THE CITY OF DULUTH POLICE DEPARTMENT TO ACCESS THE MINNESOTA CRIMINAL JUSTICE DATA COMMUNICATIONS NETWORKS SYSTEM FOR A PERIOD OF FIVE YEARS AT A COST OF \$46,200.

11-0538R - RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO GRANT NO. 2008-PSGP-00799 FROM MINNESOTA DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION EXTENDING THE TERM THEREOF TO JULY 31, 2012.

11-0539R - RESOLUTION ESTABLISHING ACCESSIBLE PARKING SPACES AT VARIOUS LOCATIONS.

11-0541R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$55,239 AND FURTHER AUTHORIZING EXECUTION OF GRANT AGREEMENT.

11-0553R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A SUPPLEMENTAL GRANT FROM THE DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN, IN THE AMOUNT OF \$389,085.

11-0559R - RESOLUTION AUTHORIZING THE CITY OF DULUTH POLICE DEPARTMENT TO ENTER INTO AN AGREEMENT WITH THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES, GREAT LAKES REGION, FOR REIMBURSEMENT OF OFFICER OVERTIME IN THE AMOUNT OF \$25,000.

NEW 11-0564R - RESOLUTION OF SUPPORT FOR A DULUTH ANGEL OF HOPE MEMORIAL.

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)

11-0547R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2011A.

11-0548R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2011B.

COMMITTEE 2

BY PRESIDENT GARDNER (COMMITTEE OF THE WHOLE)

NEW 11-0563R - RESOLUTION AUTHORIZING ADDITIONAL SOFTWARE PURCHASE TO IMPLEMENT IMMEDIATE INTERNET ACCESS FOR CITY COUNCILORS IN THE COUNCIL CHAMBER.
(REPLACEMENT)

BY PRESIDENT GARDNER, COUNCILORS HARTMAN AND HALBERG

11-0556R - RESOLUTION ADOPTING GUIDELINES FOR COUNCIL MEMBER INTERNET USAGE AND USE OF ELECTRONIC COMMUNICATIONS DURING COUNCIL MEETINGS.

COMMITTEE 3

BY COUNCILOR HARTMAN (PUBLIC WORKS & UTILITIES)

11-0557R - RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH BP CANADA MARKETING CORPORATION FOR ASSET MANAGEMENT SERVICES.

BY COUNCILOR HALBERG (RECREATION, LIBRARIES & AUTHORITIES)

11-0552R - RESOLUTION ADOPTING THE PARKS AND RECREATION TRAIL AND BIKEWAY MASTER PLAN.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 1

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

11-050-O - AN ORDINANCE AMENDING SECTION 47-17.5 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO IDENTIFICATION MEDALLIONS AND NUMBERS REGARDING TAXICAB LICENSES.

11-052-O - AN ORDINANCE AMENDING SECTION 8-41 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO THE ALCOHOLIC BEVERAGE CODE.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-051-O - AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY IN THE LINCOLN PARK AREA TO LINDA J. ZIMM FOR \$350.

11-053-O - AN ORDINANCE AMENDING ORDINANCE 10117 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.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

11-049-O - AN ORDINANCE AMENDING ARTICLE IX, SECTION 6-97, AND ADDING A NEW SECTION 6-98, OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO DANGEROUS DOGS.

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COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS

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