

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, November 14, 2011, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - September 12, 26 and October 10, 2011.

PUBLIC HEARING - 7:00 PM - Northstar Aerospace Loan Agreement and Note Amendments.

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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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REPORTS FROM THE ADMINISTRATION

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REPORTS FROM OTHER OFFICERS

*11-1114-01 Clerk application for exempt permit to the Minnesota gambling control board from Ridgeview Country Club for raffle on April 14, 2012. -- Received

*11-1114-02 Engineer acceptance of construction of street, water, natural gas, sanitary sewer and storm sewer system improvements, pursuant to Section 45-89 of the Duluth City Code, in:
(a) Coffee Creek Park Development (City Project No. 0573TR);
(b) Hawk Ridge Estates (City Project No. 0395TR). -- Received

*11-1114-03 Purchasing agent emergency repair notice awarded to Terrazzo and Concrete Restoration, Inc., for library/depot ramp repair in the amount not to exceed \$100,000, pursuant to Section 41-27 of the Duluth City Code. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

*11-1114-04 Duluth airport authority minutes of September 26, 2011, meeting. -- Received

*11-1114-05 Duluth human rights commission minutes of September 14, 2011, meeting. -- Received

*11-1114-06 Duluth transit authority: (a) Minutes of August 24, 2011, meeting; (b) July 2011 income statement. -- Received

*11-1114-07 Housing and redevelopment authority of Duluth minutes of: (a) August 23; (b) September 27, 2011, meetings. -- Received

*11-1114-08 Library board minutes of September 27, 2011, meeting. -- Received

*11-1114-09 Seaway port authority financial statement of September 2011. -- Received

*11-1114-10 Spirit Mountain recreation area authority minutes of April 21, 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)

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)

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. (TABLED 10/24)

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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)

11-0577R - RESOLUTION AWARDDING A CONTRACT TO TERRAZZO & CONCRETE RESTORATION, INC., FOR THE 2011 LIBRARY PARKING RAMP RENOVATION PROJECT, CONSISTING OF PHASE I EMERGENCY REPAIRS OF \$100,000.00 AND PHASE II CONSTRUCTION OF \$284,920.20, FOR A TOTAL CONTRACT AMOUNT OF \$384,920.20.

11-0592R - RESOLUTION APPROVING THE EXEMPTION OF A BINGO LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR LINCOLN PARK BUSINESS GROUP.

BY COUNCILOR BOYLE (PERSONNEL)

11-0576R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF MASTER PLUMBER.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-0596R - RESOLUTION AUTHORIZING A SIXTH AMENDMENT TO THE MINNESOTA INVESTMENT FUND (MIF) AGREEMENT WITH THE STATE OF MINNESOTA AND FURTHER AUTHORIZING A SIXTH AMENDMENT TO THE MIF LOAN AGREEMENT AND A SIXTH PROMISSORY NOTE MODIFICATION AGREEMENT WITH NORTHSTAR MACHINE & TOOL, INC., D.B.A. NORTHSTAR AEROSPACE, MODIFYING PAYMENTS FROM DECEMBER 1, 2011 THROUGH APRIL 30, 2012.

11-0605R - RESOLUTION AUTHORIZING LEASE AGREEMENT WITH A & L PARTNERSHIP LLP FOR LEASE OF WORKFORCE CENTER SPACE IN THE DULUTH ATHLETIC CLUB BUILDING IN THE AMOUNT OF \$357,650 PER YEAR.

11-0606R - RESOLUTION AUTHORIZING SUBLEASE AGREEMENTS WITH DEED, NEMOJT AND AEOA FOR SUBLEASE OF SPACE IN THE DULUTH ATHLETIC CLUB BUILDING FOR THE JOINT WORKFORCE CENTER.

BY PRESIDENT GARDNER (COMMITTEE OF THE WHOLE)

NEW 11-0600R - RESOLUTION DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 8, 2011.

COMMITTEE 3

BY COUNCILOR HARTMAN (PUBLIC WORKS & UTILITIES)

11-0561R - RESOLUTION AUTHORIZING A REQUEST TO MN/DOT TO PROVIDE ADVANCE FUNDING FROM THE STATE AID REGULAR/MUNICIPAL CONSTRUCTION ACCOUNT FOR REHABILITATION OF BRIDGE NO. 93402 IN THE AMOUNT OF \$547,081.92.

11-0566R - RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY NO. 3 (BECKS ROAD).

11-0567R - RESOLUTION AUTHORIZING PIPELINE LICENSE AGREEMENTS WITH BNSF FOR WATER, GAS AND SANITARY SEWER LINES UNDER TRACKS FOR THE RIVERSIDE PROJECT AT A COST OF \$4,500.

11-0572R - RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY TO ENTER INTO A LOAN/GRANT AGREEMENT FOR CIPP REHABILITATION OF SANITARY SEWERS IN SEWER BASIN NO. 24.

11-0580R - RESOLUTION AUTHORIZING A REQUEST TO MN/DOT TO PROVIDE AN ACCESS ROAD TO TRUNK HIGHWAY 61 AT CHASE AVENUE.

11-0589R - RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM MINNESOTA'S LAKE SUPERIOR COASTAL PROGRAM IN THE AMOUNT OF \$3,100 FOR A PROJECT ENTITLED STORMWATER POND SEDIMENT EVALUATION.

11-0590R - RESOLUTION INCREASING CONTRACT 20595 WITH EPC ENGINEERING & TESTING FOR PROFESSIONAL FIELD AND TESTING SERVICES BY \$25,000, FOR A TOTAL CONTRACT AMOUNT OF \$40,000 FOR FISCAL YEAR 2011.

COMMITTEE 3

BY COUNCILOR HARTMAN (PUBLIC WORKS & UTILITIES)

11-0591R - RESOLUTION INCREASING CONTRACT 20716 WITH AMERICAN ENGINEERING & TESTING, INC., FOR PROFESSIONAL FIELD AND TESTING SERVICES BY \$25,000, FOR A TOTAL CONTRACT AMOUNT OF \$40,000 FOR FISCAL YEAR 2011.

11-0597R - RESOLUTION AUTHORIZING A 50-YEAR LICENSE AGREEMENT WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF HIGH PRESSURE GAS MAINS UNDER AMITY CREEK FOR A CONSIDERATION OF \$826.

11-0598R - RESOLUTION AMENDING RESOLUTION 09-0269 AWARDDING A CONTRACT WITH LHB, INC., FOR PROFESSIONAL ENGINEERING SERVICES FOR THE AERIAL LIFT BRIDGE PAINTING AND STRUCTURAL REHABILITATION, PHASE 3, IN THE AMOUNT OF \$80,021 FOR A NEW TOTAL OF \$384,193.

11-0599R - RESOLUTION AUTHORIZING AN AGENCY AGREEMENT BETWEEN THE CITY AND MN/DOT FOR FEDERAL PARTICIPATION IN CONSTRUCTION.

11-0604R - RESOLUTION AUTHORIZING A SANITARY SEWER LICENSE AGREEMENT WITH THE ST. LOUIS AND LAKE COUNTIES REGIONAL RAILROAD AUTHORITY FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF A REPLACEMENT SANITARY SEWER FORCE MAIN NEAR MCCULLOUGH STREET.

11-0607R - RESOLUTION AWARDDING A CONTRACT TO JMF CONSTRUCTION, INC., FOR THE CDBG-ARRA SIDEWALK REPLACEMENT PROJECT IN THE AMOUNT OF \$87,492.25.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

11-0570R - RESOLUTION AUTHORIZING AGREEMENT WITH DOMESTIC ABUSE INTERVENTION PROGRAMS FOR SERVICES UNDER SUPPLEMENTAL GRANT FROM THE DEPARTMENT OF JUSTICE OFFICE ON VIOLENCE AGAINST WOMEN, FOR THE PROJECT ENTITLED "COMMUNITY RESPONSE TO CO-OCCURRENCE OF SEXUAL AND DOMESTIC VIOLENCE."

11-0571R - RESOLUTION AUTHORIZING AGREEMENT WITH PROGRAM FOR AID TO VICTIMS OF SEXUAL ASSAULT FOR SERVICES UNDER SUPPLEMENTAL GRANT FROM THE DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN, FOR THE PROJECT ENTITLED "COMMUNITY RESPONSE TO CO-OCCURRENCE OF SEXUAL AND DOMESTIC VIOLENCE."

11-0573R - RESOLUTION AUTHORIZING AGREEMENT WITH MENDING THE SACRED HOOP, INC., FOR SERVICES UNDER SUPPLEMENTAL GRANT FROM THE DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN, FOR THE PROJECT ENTITLED COMMUNITY RESPONSE TO CO-OCCURRENCE OF SEXUAL AND DOMESTIC VIOLENCE.

11-0574R - RESOLUTION AUTHORIZING AGREEMENT WITH THE ST. LOUIS COUNTY ATTORNEY'S OFFICE FOR SERVICES UNDER SUPPLEMENTAL GRANT FROM THE DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN, FOR THE PROJECT ENTITLED "COMMUNITY RESPONSE TO CO-OCCURRENCE OF SEXUAL AND DOMESTIC VIOLENCE."

11-0575R - RESOLUTION APPROVING WAIVING PARKING FEES AT CITY-OWNED DOWNTOWN PARKING RAMPS AND DOWNTOWN PARKING METERS AT CERTAIN TIMES DURING THE CHRISTMAS CITY OF THE NORTH PARADE AND BENTLEYVILLE TOUR OF LIGHTS 2011.

COMMITTEE 3

BY COUNCILOR FOSLE

(PUBLIC SAFETY)

11-0578R - RESOLUTION AWARDDING A CONTRACT TO MAVO SYSTEMS, INC., FOR THE ABATEMENT/ DISPOSAL OF ASBESTOS, LEAD, AND MISCELLANEOUS HAZARDOUS WASTE ON DEMOLITION PROPERTIES FOR A TOTAL CONTRACT AMOUNT OF \$53,460.

11-0579R - RESOLUTION AWARDDING A CONTRACT TO VIELE CONTRACTING, INC., FOR THE DEMOLITION OF SIX STRUCTURES AT VARIOUS CITY LOCATIONS IN THE AMOUNT OF \$51,681.

11-0581R - RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO GRANT NO. 2008-PSGP-00802 FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION EXTENDING THE TERM THEREOF TO JULY 31, 2012.

11-0582R - RESOLUTION AUTHORIZING AGREEMENT WITH ST. LOUIS COUNTY TO PERFORM POLICE SERVICES PURSUANT TO OPERATION STONE GARDEN AND ACCEPTING REIMBURSEMENT FROM THE DEPARTMENT OF HOMELAND SECURITY, BUREAU OF CUSTOMS AND BORDER PROTECTION, THROUGH ST. LOUIS COUNTY IN AN AMOUNT NOT TO EXCEED \$30,810.25.

11-0583R - RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF COMMERCE IN THE AMOUNT OF \$97,456 FOR AN AUTO THEFT INVESTIGATOR.

11-0588R - RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$91,000 FOR THE 2012 TOWARD ZERO DEATHS PROJECT.

NEW 11-0609R - RESOLUTION SCHEDULING A PUBLIC HEARING TO ADD VARIOUS STREETS TO THE EXISTING RESIDENTIAL PERMIT PARKING ZONE AROUND DULUTH EAST HIGH SCHOOL.

NEW 11-0610R - RESOLUTION DESIGNATING THE NORTH SIDE OF SUPERIOR STREET BETWEEN 42ND AND 43RD AVENUES EAST BE POSTED NO PARKING FROM 2 AM TO 6 AM.

BY COUNCILOR HALBERG (RECREATION, LIBRARIES & AUTHORITIES)

11-0569R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE JOHN BEARGREASE SLED DOG MARATHON, INC., FOR THE USE OF CITY PROPERTY FOR THE START OF THE SLED DOG MARATHON.

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)

11-0584R - RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF \$1,855,000 GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2011A; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND AWARDDING THE SALE THEREOF.

COMMITTEE 1

BY COUNCILOR FEDORA

(FINANCE)

11-0585R - RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF \$3,045,000 GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2011B; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND AWARDING THE SALE THEREOF.

11-0586R - RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF \$3,215,000 GENERAL OBLIGATION GAS UTILITY REVENUE REFUNDING BONDS, SERIES 2011C; ESTABLISHING THE TERMS AND FORM THEREOF; AND AWARDING THE SALE THEREOF.

11-0587R - RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF \$2,260,000 GENERAL OBLIGATION SEWER UTILITY REVENUE REFUNDING BONDS, SERIES 2011D; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND AWARDING THE SALE THEREOF.

11-0593R - RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF A \$278,149 GENERAL OBLIGATION SEWER UTILITY REVENUE NOTE, SERIES 2011A, AND PROVIDING FOR ITS PAYMENT.

11-0594R - RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF A \$354,551 GENERAL OBLIGATION SEWER UTILITY REVENUE NOTE, SERIES 2011B, AND PROVIDING FOR ITS PAYMENT.

11-0595R - RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF A \$1,605,655 GENERAL OBLIGATION WATER UTILITY REVENUE NOTE, SERIES 2011C, AND PROVIDING FOR ITS PAYMENT.

COMMITTEE 3

BY COUNCILOR HARTMAN

(PUBLIC WORKS & UTILITIES)

11-0568R - RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) TO DISPOSE OF SNOW ON PROPERTY OWNED BY DEDA.

BY COUNCILOR FOSLE

(PUBLIC SAFETY)

11-0601R - RESOLUTION AWARDS A CONTRACT TO ENVENTIS TELECOM, INC., A SUBSIDIARY OF HICKORYTECH, FOR THE PURCHASE AND INSTALLATION OF CISCO PHONES AND NETWORK EQUIPMENT FOR THE NEW DULUTH POLICE HEADQUARTERS FACILITY IN THE AMOUNT OF \$442,309.55.

11-0602R - RESOLUTION AUTHORIZING A CONTRACT WITH SOFTWARE HOUSE INTERNATIONAL (SHI), INC., FOR DESKTOP COMPUTERS AND RELATED EQUIPMENT FOR THE NEW DULUTH POLICE HEADQUARTERS FOR A TOTAL AMOUNT OF \$113,700.04.

11-0603R - RESOLUTION INCREASING THE ORIGINAL PURCHASE ORDER TO FLUID INTERIORS, LLC, FOR THE PURCHASE AND INSTALLATION OF PRIVATE OFFICE AND SYSTEMS FURNITURE FOR THE NEW PUBLIC SAFETY BUILDING BY \$226,551.77, FOR A NEW CONTRACT TOTAL OF \$447,271.89.

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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)

11-055-O - AN ORDINANCE AMENDING SECTION 8-40 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO THE ALCOHOLIC BEVERAGE CODE.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

11-056-O - AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY IN THE WEST DULUTH/ SPIRIT VALLEY AREA TO DEDA FOR \$1,126.00

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

11-054-O - AN ORDINANCE REPEALING AND REPLACING CHAPTER 33, ARTICLE VI, AND AMENDING SECTIONS 33-101, 33-108, 33-110, 33-111.1 AND 33-221 OF THE DULUTH CITY CODE, 1959, AS AMENDED, CREATING A NEW DULUTH PARKING COMMISSION.

11-057-O - AN ORDINANCE AMENDING SECTION 10-5 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO THE BUILDING APPEAL BOARD.

11-058-O - AN ORDINANCE AMENDING SECTIONS 40-4 AND 40-10 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO ABANDONED PROPERTY.

The following entitled ordinances are to be read for the second 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.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

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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