

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, March 26, 2012, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - January 30 and February 9, 2012.

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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

*12-0326-01 Judy Gordon communication regarding proposed rezoning on Park Point (12-017-O). -- Received

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REPORTS FROM THE ADMINISTRATION

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REPORTS OF BOARDS AND COMMISSIONS

- *12-0326-02 Civil service board minutes of: (a) February 7; (b) February 21, 2012, meetings. -- Received
- *12-0326-03 Duluth human rights commission minutes of January 11, 2012, meeting. -- Received
- *12-0326-04 Duluth public arts commission minutes of January 23, 2012, meeting. -- Received
- *12-0326-05 Duluth Seaway Port authority budget summary of December 2011. -- Received
- *12-0326-06 Library board minutes of January 24, 2012, meeting. -- Received
- *12-0326-07 Spirit mountain recreation area authority minutes of: (a) December 15, 2011; (b) January 12, 2012, 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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MOTION FOR RECONSIDERATION

COMMITTEE 2

BY PRESIDENT HARTMAN (COMMITTEE OF THE WHOLE)

12-0108R - RESOLUTION ESTABLISHING CITY OF DULUTH ELECTION PRECINCTS.

(REPLACEMENT DOCUMENTS) **(AMENDMENT)**

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MOTIONS AND RESOLUTIONS

The following entitled resolution is to be read for the first time:

COMMITTEE 2

BY PRESIDENT HARTMAN (COMMITTEE OF THE WHOLE)

12-0147R - RESOLUTION AMENDING THE STANDING RULES - CONSENT AGENDA.

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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 KRAUSE (PURCHASING & LICENSING)

12-0041R - RESOLUTION AUTHORIZING A CONTRACT WITH MACQUEEN EQUIPMENT, INC., FOR THE PURCHASE AND DELIVERY OF A 2012 ELGIN PELICAN MODEL NS STREET SWEEPER FOR \$194,021.94.

12-0125R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE AND DANCING LICENSE AND APPROVING APPLICATION FOR A 2:00 A.M. BEVERAGE LICENSE TO THE DUKES PARTNERS, LLC (SPURS ON 1ST), 109 WEST FIRST STREET.

12-0136R - RESOLUTION AUTHORIZING THE PURCHASE OF TWO 2013 INTERNATIONAL MODEL 7500 4X2 SINGLE AXLE CAB AND CHASSIS UNITS FROM MANEY INTERNATIONAL, INC., IN THE AMOUNT OF \$177,130.16.

12-0145R - RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF FOUR VEHICLES FROM THANE HAWKINS POLAR CHEVROLET IN THE AMOUNT OF \$114,863.24.

12-0146R - RESOLUTION APPROVING THE ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE AND ISSUING TEMPORARY DANCE LICENSES TO GRANDMA'S MARATHON - DULUTH, INC., CANAL PARK DRIVE AND BUCHANAN STREET.

NEW 12-0152R - RESOLUTION AUTHORIZING A THREE YEAR LEASE AGREEMENT WITH TOSHIBA BUSINESS SOLUTIONS, INC., IN THE AMOUNT OF \$136,254.84 PER CONTRACT YEAR, FOR A TOTAL CONTRACT AMOUNT OF \$408,764.52.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

12-0133R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE MINNESOTA HOUSING FINANCE AGENCY (MINNESOTA HOUSING) RELATED TO THE LOW INCOME HOUSING TAX CREDIT PROGRAM.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

12-0131R - RESOLUTION REQUESTING TO HOLD HARMLESS AND INDEMNIFYING THE STATE OF MINNESOTA IN CONNECTION WITH THE GRANTING OF A MINNESOTA STATE AID VARIANCE IN THE RECONSTRUCTION OF EAST OXFORD STREET, LIVINGSTON AVENUE AND GLENWOOD STREET.

12-0137R - 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 MISSION CREEK FOR A CONSIDERATION OF \$237.

12-0139R - RESOLUTION AWARDED A CONTRACT TO PCI ROADS, LLC, FOR THE 2012 CONCRETE PAVEMENT REHABILITATION PROJECT IN THE AMOUNT OF \$769,495.77.

12-0140R - RESOLUTION AUTHORIZING A PROPRIETARY ANNUAL CONTRACT WITH DAKOTA SUPPLY GROUP, INC., FOR THE PURCHASE AND DELIVERY OF BADGER WATER METER PARTS DURING YEAR 2012 FOR AN ESTIMATED \$36,758.32.

12-0144R - RESOLUTION ORDERING THE IMPROVEMENT OF OXFORD STREET, LIVINGSTON AVENUE AND GLENWOOD STREET FROM WOODLAND AVENUE TO SNIVELY ROAD AT AN ESTIMATED COST OF \$4,230,089.

12-0148R - RESOLUTION AMENDING RESOLUTION 11-0524 AWARDED A CONTRACT FOR A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH LHB, INC., FOR THE DEVELOPMENT AND FINAL DESIGN AND CONSTRUCTION PLANS FOR THE RECONSTRUCTION OF OXFORD STREET, LIVINGSTON AVENUE AND GLENWOOD STREET FROM WOODLAND AVENUE TO SNIVELY ROAD, INCREASING THE AMOUNT BY \$24,883 FOR A NEW TOTAL OF \$188,772.

12-0151R - RESOLUTION TO ESTABLISH NO PARKING ON BOTH SIDES OF ARROWHEAD ROAD EAST OF WALLACE AVENUE.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

12-0138R - RESOLUTION ESTABLISHING AN ACCESSIBLE PARKING SPACE.

12-0141R - RESOLUTION ESTABLISHING PARKING RESTRICTIONS ON GLENWOOD STREET BETWEEN LIVINGSTON AVENUE AND JEAN DULUTH ROAD.

12-0142R - 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 \$760,500 WITH A MATCH REQUIREMENT OF \$253,500 FOR THE PURCHASE OF PORTABLE AND SQUAD RADIOS FOR THE POLICE AND FIRE DEPARTMENTS.

END OF CONSENT AGENDA

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The following entitled resolutions are also for consideration at this meeting:

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

12-0150R - RESOLUTION AUTHORIZING A CONTRACT WITH NORTHERN BUSINESS PRODUCTS, INC., FOR THE PURCHASE AND DELIVERY OF HERMAN MILLER OFFICE FURNITURE FOR THE PARKS AND RECREATION DIVISION AND PARKING ENFORCEMENT AND MANAGEMENT STAFF IN THE AMOUNT OF \$90,239.40. **(REPLACEMENT)**

BY COUNCILOR BOYLE (PERSONNEL)

12-0134R - RESOLUTION CONFIRMING THE APPOINTMENTS AND REAPPOINTMENTS OF MEMBERS TO CITY BOARDS AND COMMISSIONS.

12-0135R - RESOLUTION REAPPOINTING ROBERT PRUSAK AND APPOINTING _____, REPLACING JAY FOSLE, TO THE DULUTH PUBLIC UTILITIES COMMISSION.

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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 KRAUSE (PURCHASING & LICENSING)

12-014-O - AN ORDINANCE ALLOWING A MAJORITY OF THE CITY COUNCIL TO VETO UTILITY RATES APPROVED BY THE DULUTH PUBLIC UTILITIES COMMISSION AMENDING SECTION 2-187 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

12-017-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 I-W, INDUSTRIAL WATERFRONT, TO MU-W, MIXED USE WATERFRONT, PROPERTY AT 1003 MINNESOTA AVENUE (GLOBE ENTERPRISES, INC.).

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

NEW 12-016-O - AN ORDINANCE AMENDING SECTIONS 36-1, 36-2, 36-6, 36-7, 36-8, 36-9, 36-12, 36-13, 36-16, 36-17, 36-19, 36-20, 36-21, AND 36-23 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO PAWNBROKERS AND PRECIOUS METALS.

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

12-013-O - AN ORDINANCE AUTHORIZING THE RECONVEYANCE OF CERTAIN PROPERTY IN THE UPPER RIVERSIDE AREA TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) AT NO COST.

BY PRESIDENT HARTMAN (COMMITTEE OF THE WHOLE)

12-012-O - AN ORDINANCE AMENDING SECTION 2-42 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO ASSIGNMENT OF ELECTION PRECINCTS.

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COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS

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