

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, April 9, 2012, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - February 13, 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

*12-0409-01 Daniel Neff acceptance of terms conditions and provisions of concurrent use permit granted by Ordinance 10136 on February 13, 2012. -- Received

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REPORTS FROM THE ADMINISTRATION

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REPORTS FROM OTHER OFFICERS

*12-0409-02 Clerk applications to the Minnesota gambling control board for: (a) Exempt raffle permit from Lake Superior Chapter of Muskies, Inc., on July 14, 2012; (b) Excluded bingo from Order of Ahepa Chapter 267 on May 20, 2012, and November 18, 2012. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

*12-0409-03 Commission on disabilities minutes of February 1, 2012, meeting. -- Received

*12-0409-04 Duluth airport authority minutes of February 21, 2012, meeting. -- Received

*12-0409-05 Duluth economic development authority minutes of February 22, 2012, meeting. - Received

*12-0409-06 Duluth public utilities commission: (a) Minutes of February 21, 2012, meeting; (b) Resolutions regarding: (1) Private sewer service grant program guidelines (12 PUC-I&I-1); (2) Expansion of natural gas service (12PUC-Pay-off); (3) Recommendation opposing adoption of Ordinance No. 12-014 (12PUC-12-014-O). -- Received

*12-0409-07 Duluth transit authority: (a) Minutes of January 25, 2012, meeting; (b) Income statement of December 2011. -- Received

*12-0409-08 Entertainment and convention center authority minutes of: (a) January 16; (b) January 31; (c) February 28, 2012, meetings. -- Received

*12-0409-09 Special assessment board calculation of final assessment policy, pursuant to Section 45-75 of the Duluth City Code. -- Received

*12-0409-10 Spirit Mountain recreation area authority minutes of February 16, 2012, meeting. -- Received

* Listed only, not copied.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

UNFINISHED BUSINESS

COMMITTEE 2

BY PRESIDENT HARTMAN (COMMITTEE OF THE WHOLE)

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

RESOLUTION TABLED

COMMITTEE 1

BY COUNCILOR BOYLE (PERSONNEL)

12-0135R - RESOLUTION REAPPOINTING ROBERT PRUSAK AND APPOINTING _____,
REPLACING JAY FOSLE, TO THE DULUTH PUBLIC UTILITIES COMMISSION. (TABLED 3/26)

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 KRUG (FINANCE)

12-0143R - RESOLUTION AMENDING RESOLUTION 11-0632 ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2012; ADDING FEES REMOVED FROM THE DULUTH CITY CODE BY ORDINANCE 10139.

12-0161R - RESOLUTION APPROVING THE RE-DIRECTION OF \$225,000 FROM THE RESTRICTED REPAIR AND REPLACEMENT ACCOUNT TO THE GENERAL OPERATING EXPENSE ACCOUNT AS REQUESTED BY SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

12-0166R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ALLOCATE \$20,000 FROM THE TOURISM TAX FUND BALANCE TO THE LAKE SUPERIOR AND MISSISSIPPI RAILROAD COMPANY.

COMMITTEE 1

BY COUNCILOR KRUG

(FINANCE)

12-0167R - RESOLUTION INCREASING A LINE OF CREDIT UP TO \$600,000 FOR THE SPIRIT MOUNTAIN RECREATION AUTHORITY FOR 2012.

12-0184R - RESOLUTION COMMITTING SPECIFIC REVENUE SOURCES AND ASSIGNING GENERAL FUND BALANCES FOR THE YEAR ENDED DECEMBER 31, 2011.

12-0187R - RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF DULUTH AND LOCAL 101 INTERNATIONAL ASSOCIATION OF FIREFIGHTERS FOR THE YEAR 2011.

12-0190R - RESOLUTION AUTHORIZING CITY OFFICIALS TO TRANSFER \$100,000 FROM THE TOURISM TAX FUND BALANCE AND ASSIGNING \$126,308 FROM THE GENERAL FUND 2011 CAPITAL IMPROVEMENT BUDGET TO THE CAPITAL IMPROVEMENT FUND 450 FOR ENGER PARK IMPROVEMENTS.

BY COUNCILOR KRAUSE

(PURCHASING & LICENSING)

12-0160R - RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 TO CONTRACT NO. 21231 WITH SUPERIOR GLASS, INC., FOR ADDITIONAL WORK IDENTIFIED AS PHASE III IN THE CITY HALL WINDOW REPLACEMENT PROJECT, FOR AN INCREASE OF \$293,035, AND A TOTAL CONTRACT AMOUNT OF \$1,587,745.

12-0163R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO IRVING COMMUNITY CLUB.

12-0175R - RESOLUTION APPROVING THE TRANSFER OF THE 3.2 PERCENT MALT LIQUOR LICENSE AND ON SALE WINE LICENSE FROM TC, INC. (DULUTH INDIA PALACE), 319 WEST SUPERIOR STREET, TO JCEBAL COMPANY (DULUTH INDIA PALACE), SAME ADDRESS.

12-0178R - RESOLUTION AUTHORIZING A PROPRIETARY CONTRACT WITH NEW WORLD SYSTEMS FOR THE PURCHASE OF SOFTWARE LICENSES AND RELATED IMPLEMENTATION SERVICES IN THE AMOUNT OF \$77,946.

12-0185R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR VARIOUS ORGANIZATIONS. **(REPLACEMENT 2)**

12-0189R - RESOLUTION AUTHORIZING A FIVE-YEAR JOINT CITY OF DULUTH AND DULUTH ECONOMIC DEVELOPMENT AUTHORITY AGREEMENT WITH INTERSTATE PARKING COMPANY OF MINNESOTA, LLC, FOR PARKING LOT MANAGEMENT SERVICES IN THE AMOUNT OF \$42,714 PER CONTRACT YEAR FOR A TOTAL CONTRACT AMOUNT OF \$213,570. **(REPLACEMENT)**

NEW 12-0192R - RESOLUTION AWARDED A CONTRACT TO HOVLAND, INC., FOR CONSTRUCTION OF ENGER TOWER GAZEBO IN THE AMOUNT OF \$138,000.

BY COUNCILOR BOYLE

(PERSONNEL)

NEW 12-0191R - RESOLUTION APPROVING JOB SPECIFICATIONS FOR THE APPOINTED DEPARTMENT HEAD POSITION OF DIRECTOR OF PUBLIC ADMINISTRATION AND SPECIFYING CONTRACT BENEFITS FOR SAME.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

12-0162R - RESOLUTION APPROVING A PERMIT FOR THE PHASE II CHALET AND PARKING LOT AND LIFT REPLACEMENT SITE PLAN FOR THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

NEW 12-0169R - RESOLUTION VACATING STREETS AND ALLEYS SURROUNDING THE WOODLAND MIDDLE SCHOOL SITE AT 201 CLOVER STREET (VILLAGE CENTER DEVELOPMENT).

12-0170R - RESOLUTION AUTHORIZING THE ACCEPTANCE OF A MINNESOTA HISTORICAL AND CULTURAL GRANT AGREEMENT WITH THE MINNESOTA HISTORICAL SOCIETY AND AUTHORIZING A SUBAGREEMENT WITH THE SACRED HEART MUSIC CENTER.

12-0172R - RESOLUTION VACATING BUILDING LINE AND UTILITY EASEMENTS SURROUNDING THE WOODLAND MIDDLE SCHOOL SITE AT 201 CLOVER STREET (VILLAGE CENTER DEVELOPMENT).

(REPLACEMENT)

BY PRESIDENT HARTMAN (COMMITTEE OF THE WHOLE)

12-0159R - RESOLUTION DESIGNATING POLLING PLACES FOR THE AUGUST 14, 2012, STATE PRIMARY ELECTION AND THE NOVEMBER 6, 2012, STATE GENERAL ELECTION.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

12-0153R - RESOLUTION AWARDED A CONTRACT TO SUPERIOR CONSTRUCTION CO., INC., FOR SLIPLINING A TWO INCH HDPE LOW PRESSURE SANITARY SEWER IN COLUMBIA STREET IN THE AMOUNT OF \$38,473.

12-0156R - RESOLUTION APPROVING A ST. LOUIS COUNTY PROJECT PROVIDING FOR THE CONSTRUCTION, RECONSTRUCTION OR IMPROVEMENT OF 40TH AVENUE WEST AND HAINES ROAD FROM 190 FEET NORTH OF NINTH STREET TO MORRIS THOMAS ROAD WITHIN THE CORPORATE LIMITS OF THE CITY OF DULUTH.

12-0168R - RESOLUTION AWARDED A CONTRACT TO HANCO UTILITIES, INC., FOR CONSTRUCTION OF HIGH PRESSURE GAS MAINS AND SERVICES AT VARIOUS CITY LOCATIONS IN THE AMOUNT OF \$626,621.

12-0173R - RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE ST. LOUIS AND LAKE COUNTIES REGIONAL RAILROAD AUTHORITY FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF THE LAKEWALK BETWEEN 60TH AND 61ST AVENUES EAST.

12-0174R - RESOLUTION AUTHORIZING A LIMITED USE PERMIT AGREEMENT WITH MN/DOT FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF THE LAKEWALK EAST OF 61ST AVENUE EAST.

12-0176R - RESOLUTION ACCEPTING PERMANENT AND TEMPORARY EASEMENTS FROM USEPA FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF LAKEWALK EAST OF 61ST AVENUE EAST.

12-0177R - RESOLUTION AMENDING GUIDELINES FOR THE PRIVATE SEWER SERVICE GRANT PROGRAM.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

12-0181R - RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF FOUR 2012 CHEVROLET 3500 RWD CARGO VANS AND ONE 2012 CHEVROLET TAHOE UV33 FROM THANE HAWKINS POLAR CHEVROLET IN THE AMOUNT OF \$125,844.31.

12-0182R - RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF ONE 2110 VACTOR CLASSIC COMBINATION SEWER MACHINE FROM MACQUEEN EQUIPMENT, INC., IN THE AMOUNT OF \$417,652.53.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

12-0120R - RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH NET TRANSCRIPTS, INC., FOR TRANSCRIPTION SERVICES FOR THE DULUTH POLICE DEPARTMENT DURING YEAR 2012 IN THE AMOUNT OF \$30,000.

12-0155R - RESOLUTION ORDERING THE PERMANENT CLOSURE OF 61ST AVENUE EAST FROM THE NORTHERN LINE OF CONGDON BOULEVARD (MINNESOTA HIGHWAY 61) TO 125 FEET NORTHERLY.

12-0164R - RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE JOINT POWERS AGREEMENT PROVIDING FOR THE PARTICIPATION THERETO BY CARLTON COUNTY AND THE CITY OF CLOQUET AND ALSO CHANGING THE NAME OF THE TASK FORCE.

12-0179R - RESOLUTION TO ESTABLISH PARKING RESTRICTIONS ON LIVINGSTON AVENUE BETWEEN OXFORD STREET AND GLENWOOD STREET.

12-0180R - RESOLUTION TO ESTABLISH PARKING RESTRICTIONS ON OXFORD STREET BETWEEN WOODLAND AVENUE AND LIVINGSTON AVENUE.

BY COUNCILOR LARSON (RECREATION, LIBRARIES & AUTHORITIES)

12-0171R - RESOLUTION AUTHORIZING A THREE YEAR AGREEMENT WITH THE COLLEGE OF ST. SCHOLASTICA FOR THE USE OF WADE STADIUM.

END OF CONSENT AGENDA

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

12-0165R - RESOLUTION ADOPTING THE HIGHER EDUCATION SMALL AREA PLAN AND AMENDING THE COMPREHENSIVE PLAN - FUTURE LAND USE MAP IN THREE LOCATIONS (HIGHER EDUCATION SMALL AREA PLAN AND HIGHER EDUCATION FUTURE LAND USE).

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

12-0186R - RESOLUTION AMENDING RESOLUTION NOS. 11-0325 AND 11-0326, MODIFICATION OF THE RATE STRUCTURES FOR THE NORTHERN EXPANSION AREA AND FOND DU LAC EXPANSION AREA FOR THE EXPANSION OF NATURAL GAS SERVICE, MODIFYING THE FAIR SHARE PAY-OFF AMOUNT.

BY COUNCILORS FOSLE, KRAUSE AND BOYLE

12-0158R - RESOLUTION IN OPPOSITION TO PROPOSED ADDITIONAL METHADONE DRUG TREATMENT CLINIC.

BY COUNCILOR LARSON (RECREATION, LIBRARIES & AUTHORITIES)

12-0183R - RESOLUTION AUTHORIZING A THREE-YEAR LEASE AND MANAGEMENT AGREEMENT WITH ONE ROOF COMMUNITY HOUSING FOR THE CENTRAL HILLSIDE COMMUNITY CENTER.

12-0188R - RESOLUTION ACCEPTING A DONATION OF THREE PARK BENCHES FROM LOLL FURNITURE OF DULUTH AND OTHER ANONYMOUS DONORS.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

12-018-O - AN ORDINANCE REPEALING ARTICLE X OF CHAPTER 45 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO PERMITS FOR THE CONCURRENT USE OF STREETS.

12-019-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, URBAN-RESIDENTIAL, ON THE WEST PORTION OF THE PROPERTY LOCATED AT 1750 KENWOOD AVENUE (CARLSON).

12-020-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-P, RESIDENTIAL-PLANNED, APPROXIMATELY 20 ACRES LAND LYING SOUTH OF HULETT AVENUE, EAST OF 93RD AVENUE WEST, AND NORTHWEST OF SPIRIT LAKE TRANSFER RAILWAY (RAPID RIVER DEVELOPMENT, LLC).

12-021-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, AND R-2, RESIDENTIAL-URBAN, TO R-P, RESIDENTIAL-PLANNED, AT THE WOODLAND MIDDLE SCHOOL SITE AT 201 CLOVER STREET (VILLAGE CENTER AND BLUESTONE COMMONS DEVELOPMENT).

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The following entitled ordinances are to be read for the second 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 JULSRUD (PUBLIC WORKS & UTILITIES)

12-022-O - AN ORDINANCE TERMINATING AGREEMENT NO. 18,829 WITH EPA AND GRANTING THEM A ROAD EASEMENT FOR ACCESS TO THE WATER LAB.

12-023-O - AN ORDINANCE DEDICATING AN EASEMENT ACROSS CERTAIN PROPERTY FOR LAKEWALK.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

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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COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS