

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, May 14, 2012, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS: 7:00 P.M. - TIF District No. 7 (12-0193R).
7:00 P.M. - Northstar Aerospace (12-0248R).

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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

*12-0514-01 Clerk applications for exempt permits (raffles) to the Minnesota gambling control board from: (a) Duluth Retriever Club on August 19, 2012; (b) St. Lukes Foundation on July 23, 2012. -- Received

*12-0514-02 Purchasing agent emergency repair order of Brewery Creek stormwater tunnel and manhole awarded to Superior Equipment for an estimated \$139,000. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

*12-0514-03 Building appeal board minutes of: (a) January 12; (b) March 14, 2012, meetings. -- Received

*12-0514-04 Community development committee communication regarding 2012 CDBG recommendations. -- Received

*12-0514-05 Duluth airport authority minutes of: (a) March 20; (b) March 30, 2012, meetings. -- Received

*12-0514-06 Duluth economic development authority minutes of March 28, 2012, meeting. -- Received

*12-0514-07 Duluth public arts commission minutes of: (a) August 15; (b) August 22; (c) August 31; (d) September 6, 2011; (e) March 19; (f) March 30, 2012, meetings. -- Received

*12-0514-08 Duluth public utilities commission minutes of March 28, 2012, meeting. -- Received

*12-0514-09 Spirit mountain recreation area authority minutes of: (a) March 15; (b) April 6, 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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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 KRAUSE (PURCHASING & LICENSING)

12-0227R - RESOLUTION AWARDING A CONTRACT TO BROCK WHITE COMPANY FOR THE PURCHASE AND DELIVERY OF 100,000 POUNDS OF CRACK SEALER IN THE AMOUNT OF \$57,632.06.

12-0228R - RESOLUTION AWARDING A CONTRACT TO ARROWHEAD CONCRETE WORKS, INC., FOR THE PURCHASING AND DELIVERY OF APPROXIMATELY 750 CUBIC YARDS OF READY-MIX CONCRETE DURING YEAR 2012 AS NEEDED FOR AN ESTIMATED TOTAL OF \$81,518.91.

12-0237R - RESOLUTION AUTHORIZING AN AGREEMENT WITH SATURN SYSTEMS, INC., FOR THE DESIGN, DEVELOPMENT AND IMPLEMENTATION OF A SPECIAL ASSESSMENTS APPLICATION FOR AN AMOUNT NOT TO EXCEED \$150,000.

12-0238R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF VARIOUS LICENSEES.

12-0239R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO THE COLLEGE OF ST. SCHOLASTICA, 1200 KENWOOD AVENUE, AND LAKE SUPERIOR BREWING COMPANY, LLC (TWIN PORTS BRIDGE FEST), BAYFRONT PARK.

12-0240R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE, DANCING LICENSE, AND APPROVING ISSUANCE OF A 2:00 A.M. BEVERAGE LICENSE TO FLAME NIGHTCLUB, INC. (FLAME NIGHTCLUB), 28 NORTH FIRST AVENUE WEST.

12-0241R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM HANABI JAPANESE CUISINE, LLC (HANABI JAPANESE CUISINE), 110 NORTH FIRST AVENUE WEST, TO HANABI JAPANESE CUISINE CO. (HANABI JAPANESE CUISINE), SAME ADDRESS.

12-0243R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR NORTHERN LIGHTS FOUNDATION.

12-0245R - RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF FIVE TRAFFIC SIGNAL CABINETS AND FIVE PHASE SELECTORS FROM TRAFFIC CONTROL CORPORATION IN THE AMOUNT OF \$96,192.84.

12-0246R - RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO THE JAMAR COMPANY FOR THE COMPLETION OF THE ECOSTAR SLATE ROOFING ON THE ENGER TOWER GAZEBO AND INSTALLATION OF TWO ADJACENT PERGOLAS FOR A TOTAL AMOUNT OF \$106,800.

12-0249R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE AND DANCING LICENSE AND APPROVING ISSUANCE OF A 2:00 AM BEVERAGE LICENSE TO RANGE RESTAURANTS, LLC (GRIZZLY'S WOOD FIRED GRILL), 310 LAKE AVENUE SOUTH.

COMMITTEE 1

BY COUNCILOR BOYLE (PERSONNEL)

12-0235R - RESOLUTION CONFIRMING THE APPOINTMENT OF KEITH HAMRE AS DIRECTOR OF PLANNING AND CONSTRUCTION SERVICES FOR THE CITY OF DULUTH.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

12-0149R - RESOLUTION VACATING PORTIONS OF PLATTED WARWICK STREET, 82ND AVENUE WEST, 83RD AVENUE WEST AND 84TH AVENUE WEST WITHIN THE SPIRIT MOUNTAIN RECREATION AREA (SPIRIT MOUNTAIN RECREATION AREA AUTHORITY).

12-0193R - RESOLUTION ADOPTING AN AMENDMENT TO THE TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 7 (COUNTY NO. 32). **(REPLACEMENT)**

12-0230R - RESOLUTION AMENDING THE 2011 AND 2012 ACTION PLAN ADDING ADDITIONAL FUNDING FOR THE EMERGENCY SOLUTIONS GRANT PROGRAM.

12-0248R - RESOLUTION AUTHORIZING A SEVENTH AMENDMENT TO THE MINNESOTA INVESTMENT FUND (MIF) AGREEMENT WITH THE STATE OF MINNESOTA AND FURTHER AUTHORIZING A SEVENTH AMENDMENT TO THE MIF LOAN AGREEMENT AND A SEVENTH PROMISSORY NOTE MODIFICATION AGREEMENT WITH NORTHSTAR MACHINE & TOOL, INC., D.B.A. NORTHSTAR AEROSPACE, MODIFYING PAYMENTS FROM MAY 1, 2012, THROUGH JUNE 30, 2013.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

12-0224R - RESOLUTION ACCEPTING COMPLETION OF THE LAKESIDE INTERCEPTOR SANITARY SEWER OVERFLOW (SSO) STORAGE FACILITY - BASIN NO. 2.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

12-0222R - RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO GRANT NO. 2008-PSGP-0082 FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, HOMELAND SECURITY AND EMERGENCY MANAGEMENT, PROVIDING FOR AN ADDITIONAL GRANT OF \$200,000 WITH MATCHING FUNDS IN THE AMOUNT OF \$66,666 FOR THE PURPOSE OF ENHANCING VISUAL SURVEILLANCE IN THE DULUTH/SUPERIOR PORT AREA.

12-0223R - RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO AGREEMENT FOR SERVICES BETWEEN THE CITY OF DULUTH AND THE CITY OF VIRGINIA.

12-0226R - RESOLUTION AUTHORIZING A CONTRACT WITH JDR TECHNOLOGIES, LLC, A RECOMMENDED SOLE SOURCE AND SPECIALIZED VENDOR, FOR EMERGENCY RADIO COMMUNICATION WORK MOUNTING UPGRADES AT THE ORPHANAGE WATER TOWER (WOODLAND) IN THE AMOUNT OF \$31,904.33.

12-0233R - RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO AGREEMENT FOR SERVICES BETWEEN THE CITY OF DULUTH AND THE CITY OF SUPERIOR AND TO ACCEPT AN ADDITIONAL \$11,000 IN GRANT FUNDING.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

12-0234R - RESOLUTION AUTHORIZING THE BUILDING OFFICIAL TO ABATE CERTAIN NUISANCES BY REMOVAL OF STRUCTURALLY UNSOUND BUILDINGS IN THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$74,000.

12-0242R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES IN CANAL PARK ON JUNE 16, 2012, IN CONJUNCTION WITH GRANDMA'S MARATHON AND SUBJECT TO CERTAIN CONDITIONS.

BY COUNCILOR LARSON (RECREATION, LIBRARIES & AUTHORITIES)

12-0236R - RESOLUTION ACCEPTING REIMBURSEMENT MONEY IN THE AMOUNT OF \$47,002 FROM THE ARROWHEAD LIBRARY SYSTEM FOR THE PURCHASE OF LIBRARY MATERIALS.

12-0244R - RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE DULUTH AREA FAMILY YMCA FOR THE OPERATION AND MANAGEMENT OF THE CITY'S PARK POINT BEACH HOUSE AND RECREATION AREA.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR KRUG (FINANCE)

NEW 12-0258R - RESOLUTION RATIFYING RESOLUTION 12-0247 RELATING TO THE ISSUANCE, SALE AND DELIVERY OF TAXABLE GENERAL OBLIGATION AIRPORT IMPROVEMENT BONDS IN THE AMOUNT OF \$7,650,000.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

NEW 12-0252R - RESOLUTION REGARDING THE ESTABLISHMENT OF A HIGHER EDUCATION OVERLAY DISTRICT. **(AMENDMENT)**

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

12-0225R - RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF ONE 2013 FREIGHTLINER CAB AND CHASSIS UNIT FROM I-STATE TRUCK CENTER, INC., IN THE AMOUNT OF \$115,990.94.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 1

BY COUNCILOR KRUG (FINANCE)

12-029-O - AN ORDINANCE MODIFYING VARIOUS FEE LANGUAGE, PROVIDING FOR FINES, PENALTIES, CITATIONS AND VIOLATIONS TO BE SET BY RESOLUTION, AMENDING SECTIONS 1-7, 6-78, 8-9, 10-3, 10A-7, 11-5, 12-14, 12-16, 24-17.1, 24-26, 29B-7, 33-46, 33-237, 34-17, 34-23, 35-30, 36-7, 36-20, 42A-48, 43-33.4, 43-50.7, 43-66, 45-82, 45-82.1, 45-108, 48-15, 48-210, 50-37.1, 50-39.2 AND 50-39.3 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

COMMITTEE 1

BY COUNCILOR BOYLE (PERSONNEL)

NEW 12-032-O - AN ORDINANCE AMENDING CHAPTER 29A-32 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO THE CITY HOUSING, PROPERTY MAINTENANCE AND RENTAL CODE. **(REPLACEMENT)**

COMMITTEE 2

BY COUNCILOR GARDNER (INTERGOVERNMENTAL RELATIONS)

12-030-O - AN ORDINANCE CREATING ARTICLE XII OF CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE ESTABLISHMENT OF A CITIZEN REVIEW BOARD. **(REPLACEMENT)**

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

12-031-O - AN ORDINANCE AUTHORIZING ASSESSING DELINQUENT WATER CHARGES AGAINST BENEFITTED PROPERTIES IN CERTAIN CASES, ADDING A NEW SECTION 48-15.5 TO THE DULUTH CITY CODE, 1959, AS AMENDED.

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

12-024-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 MIXED USE-BUSINESS PARK (MU-B) TO RESIDENTIAL-TRADITIONAL (R-1) THE PROPERTY LOCATED AT 4526 AND 4528 REGENT STREET (DAWN STRUMBEL AND DANIEL ROMSA).

12-025-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 RESIDENTIAL-TRADITIONAL (R-1) TO MIXED USE-NEIGHBORHOOD (MU-N) THE PROPERTY LOCATED AT 1819 AND 1831 EAST EIGHTH STREET (CARLA BLUMBERG-1831 LLC).

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

12-026-O - AN ORDINANCE AMENDING SECTIONS 50-19.8, 50-20.3, 50-22.1, 50-24.4, 50-24.6, 50-25.1, 50-25.2, 50-25.8, 50-26.1, 50-26.4, 50-30.5, 50-31.3, 50-37.1, 50-37.6 AND 50-37.9, AND ADDING SECTION 50-26.5, OF CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO REVISIONS OF THE UNIFIED DEVELOPMENT CHAPTER.

12-027-O - 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 MU-C, MIXED USE-COMMERCIAL, TO FORM DISTRICTS, MID-RISE COMMUNITY SHOPPING/OFFICE (F-5), DOWNTOWN SHOPPING (F-7) AND DOWNTOWN MIX (F-8), THE DOWNTOWN BUSINESS DISTRICT, THE PROPERTY LOCATED FROM MESABA AVENUE TO NORTH NINTH AVENUE EAST AND FROM MICHIGAN STREET TO THE ALLEY ABOVE SECOND STREET (CITY OF DULUTH).

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COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS

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