

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Tuesday, May 29, 2012, 7:00 p.m.

ROLL CALL PLEDGE OF ALLEGIANCE

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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

*12-0529-01 The following communications regarding the proposed ordinance concerning rental licensing (12-032-O): (a) John Devich; (b) Michael Hoffman; (c) Blake Shippee; (d) Lawrence J. Skoglund. -- Received

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REPORTS FROM THE ADMINISTRATION

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REPORTS OF BOARDS AND COMMISSIONS

*12-0529-02 Duluth parking commission resolutions, pursuant to Section 33-78 of the Duluth City Code:
(a) Designating uses for parking spaces around City Hall (2012-1);
(b) Shortening the bus stop at 108 East Second Street, creating one new on street parking space (2012-2);
(c) Creating a loading zone at 109 East Michigan Street and to allow additional metered parking on East Michigan Street (2012-3);
(d) Eliminating the alternate side parking system and prohibit parking on the even side of Main Street between Grand Avenue and 63rd Avenue West (2012-4);
(e) Expanding the handicapped accessible and the ten minute parking zones and to restore a bus/van parking area in front of the Downtown YMCA (2012-5);
(f) Converting five metered parking spaces on the east side of Third Avenue West back to a time limit of one hour and 20 minutes (2012-6);
(g) Adding two metered parking spaces on the west side of Fourth Avenue West just above the intersection with Superior Street (2012-7);
(h) Creating a drop off zone at 2029 East Third Street in front of Lakeview Montessori School (2012-8);
(i) Allowing parking on both sides of 13th Avenue East between London Road and First Street (2012-9). -- Received

*12-0529-04 Duluth public utilities commission minutes of April 17, 2012, meeting. -- Received

*12-0529-05 Duluth Seaway Port authority minutes of: (a) December 15, 2011; (b) January 31; (c) March 23, 2012, meetings. -- Received

*12-0529-06 Housing and redevelopment authority minutes of: (a) February 28; (b) March 27, 2012, meetings. -- Received

*12-0529-03 Library board minutes of March 27, 2012, 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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MOTION FOR RECONSIDERATION

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

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

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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 KRUG (FINANCE)

12-0266R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAID THE ASSESSABLE PORTION OF DEMOLITIONS AT SEVERAL CITY LOCATIONS.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

12-0229R - RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT 21609 WITH HOVLAND, INC., FOR ADDITIONAL WORK AND MATERIALS RELATED TO THE CONSTRUCTION OF THE ENGER TOWER GAZEBO, FOR AN INCREASE OF \$109,110, AND A TOTAL CONTRACT AMOUNT OF \$247,110.

NEW 12-0251R - RESOLUTION AWARDED AN ANNUAL CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR THE PURCHASE OF HOT MIX (FINE) FOR A TOTAL ESTIMATED AMOUNT OF \$521,515.80.

12-0253R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF ALPINE BAR & LOUNGE, INC. (ALPINE BAR & LOUNGE), 1308 COMMONWEALTH AVENUE.

12-0262R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 MALT LIQUOR LICENSE TO TWIN PORTS MIRACLE LEAGUE, WHEELER FIELD.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

NEW 12-0281R - RESOLUTION AWARDED AN ANNUAL CONTRACT TO ULLAND BROTHERS, INC., FOR THE PURCHASE OF HOT MIX (FINE) FOR A TOTAL ESTIMATED AMOUNT OF \$343,613.81.

BY COUNCILOR BOYLE (PERSONNEL)

12-0279R - RESOLUTION APPROVING JOB SPECIFICATIONS FOR THE APPOINTED DEPARTMENT HEAD POSITION OF DIRECTOR OF BUSINESS AND ECONOMIC DEVELOPMENT AND SPECIFYING CONTRACT BENEFITS FOR SAME.

12-0280R - RESOLUTION CONFIRMING THE APPOINTMENT OF CHRISTOPHER ENG AS DIRECTOR OF BUSINESS AND ECONOMIC DEVELOPMENT FOR THE CITY OF DULUTH.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

12-0261R - RESOLUTION AMENDING THE COMPREHENSIVE LANDS USE PLAN - FUTURE LAND USE MAP FOR FOURTH STREET CORRIDOR FROM MESABA AVENUE TO FOURTH AVENUE EAST.

12-0263R - RESOLUTION AMENDING THE COMPREHENSIVE LANDS USE PLAN - FUTURE LAND USE MAP FOR THE CENTRAL HIGH SCHOOL SITE AT 800 EAST CENTRAL ENTRANCE.

12-0267R - RESOLUTION VACATING AND REDEDICATING A UTILITY EASEMENT AT LOT 2, BLOCK 2, VILLAGE MALL AND ADDRESSED AS 2102 MAPLE GROVE ROAD (KLINEFELTER BANKRUPTCY ESTATE).

12-0268R - RESOLUTION VACATING PORTIONS OF PLATTED ALLEY AND ALLEY EASEMENT OF BLOCK 121 OF DULUTH PROPER SECOND DIVISION, ADDRESSED AS 2427 WEST FOURTH STREET (DULUTH PUBLIC SCHOOLS ISD 709).

12-0276R - RESOLUTION APPROVING A BUILDING IN DULUTH 2012 CONDITIONAL GRANT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND A&L DULUTH RENAISSANCE, LLC, RELATING TO THE RENOVATION OF COMMERCIAL BUILDING SPACE IN OLD DOWNTOWN FOR LEASE TO ENBRIDGE ENERGY LIMITED PARTNERSHIP.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

12-0232R - RESOLUTION AMENDING CONTRACT NO. C21268 WITH AYRES ASSOCIATES, INC. FOR PROFESSIONAL SERVICES FOR DESIGN AND CONSTRUCTION OF RIVERSIDE UTILITY AND STREET IMPROVEMENT PROJECT IN THE ESTIMATED AMOUNT OF \$235,600.

12-0259R - RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE DULUTH SEAWAY PORT AUTHORITY FOR ELECTRIC SERVICE INSTALLATION FOR LIFT STATION NO. 40.

12-0260R - RESOLUTION ORDERING THE CONSTRUCTION OF APPROXIMATELY 265 FEET OF SANITARY SEWER IN LIVINGSTON AVENUE AND SPEAR AVENUE AT AN ESTIMATED COST OF \$25,404.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

12-0264R - RESOLUTION AMENDING RESOLUTION NO. 11-0153 INCREASING THE NUMBER OF AUTHORIZED AUDITS TO 600 AND INCREASING THE FUNDING THEREFORE BY AN ADDITIONAL \$40,000.

12-0273R - RESOLUTION AWARDED A CONTRACT TO A-1 EXCAVATING, INC. FOR THE RECONSTRUCTION OF OXFORD STREET, LIVINGSTON AVENUE AND GLENWOOD STREET FROM WOODLAND AVENUE TO SNIVELY ROAD IN THE AMOUNT OF \$3,799,505.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

12-0250R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 709 TO PROVIDE LAW ENFORCEMENT OFFICERS IN THE PUBLIC SCHOOLS.

12-0256R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON COMMONWEALTH AVENUE IN CONJUNCTION WITH FAR WEST FEST AND SUBJECT TO CERTAIN CONDITIONS.

12-0257R - RESOLUTION AUTHORIZING PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES ON SUPERIOR STREET AND FIRST STREET IN CONJUNCTION WITH GREATER DOWNTOWN COUNCIL SIDEWALK DAYS.

BY COUNCILOR LARSON (RECREATION, LIBRARIES & AUTHORITIES)

12-0265R - RESOLUTION AUTHORIZING A THREE YEAR AGREEMENT WITH ST. JAMES HOME OF DULUTH, INC., DBA NEIGHBORHOOD YOUTH SERVICES, TO PROVIDE SUMMER YOUTH PROGRAMMING IN THE CITY'S MORGAN PARK NEIGHBORHOOD AT AN ANNUAL COST OF \$40,000 FOR THE FIRST YEAR AND \$20,000 THEREAFTER.

12-0271R - RESOLUTION AUTHORIZING A THREE YEAR AGREEMENT WITH BOYS AND GIRLS CLUB OF THE NORTHLAND TO PROVIDE SUMMER YOUTH PROGRAMMING IN THE CITY'S LINCOLN PARK NEIGHBORHOOD AT AN ANNUAL COST OF \$20,000.

12-0274R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE STATE OF MINNESOTA THROUGH ITS MINNESOTA OFFICE OF HIGHER EDUCATION RELATED TO THE MINNESOTA LIBRARY INFORMATION NETWORK.

END OF CONSENT AGENDA

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

COMMITTEE 3

BY COUNCILOR LARSON (RECREATION, LIBRARIES & AUTHORITIES)

12-0269R - RESOLUTION AUTHORIZING A THREE YEAR AGREEMENT WITH GRANT COMMUNITY SCHOOL COLLABORATIVE TO PROVIDE SUMMER YOUTH PROGRAMMING IN THE CITY'S EAST HILLSIDE NEIGHBORHOOD AT AN ANNUAL COST OF \$20,000.

COMMITTEE 3

BY COUNCILOR LARSON (RECREATION, LIBRARIES & AUTHORITIES)

12-0270R - RESOLUTION AUTHORIZING A THREE YEAR AGREEMENT WITH WELSH CENTER, INC., DBA COPELAND VALLEY YOUTH CENTERS, TO PROVIDE SUMMER YOUTH PROGRAMMING IN THE CITY'S WEST DULUTH NEIGHBORHOOD AT AN ANNUAL COST OF \$20,000.

12-0272R - RESOLUTION AUTHORIZING A THREE YEAR AGREEMENT WITH ST. JAMES HOME OF DULUTH, INC., DBA NEIGHBORHOOD YOUTH SERVICES, TO PROVIDE SUMMER YOUTH PROGRAMMING IN THE CITY'S CENTRAL HILLSIDE NEIGHBORHOOD AT AN ANNUAL COST OF \$20,000.

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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 BOYLE (PERSONNEL)

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 2) **(AMENDMENT)**

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

12-033-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 1102 MAPLE GROVE ROAD (ZMC HOTELS).

12-034-O - AN ORDINANCE AUTHORIZING THE SALE OF THE SOUTHERLY TEN FEET OF LOTS 31-34, NEW YORK PIER, ONEOTA, TO ZENITH INVESTMENT AND MANAGEMENT CORPORATION FOR \$2,000.

12-035-O - AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY IN THE WEST DULUTH AREA TO ROBERT M. AND LEANNE E. LIND FOR \$7,500.

12-036-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 RESIDENTIAL-RURAL 1 (RR-1) THE PROPERTY LOCATED AT 415 WEST NINTH STREET (KBJR, INC., AND STATE OF WISCONSIN EDUCATIONAL COMMUNICATIONS BOARD).

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

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS
