

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, July 2, 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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PRESENTATIONS OF AND OTHER COMMUNICATIONS

*12-0702-01 Minnesota state auditor: (a) Audit report of the Duluth airport authority for the years ended December 31, 2011, December 31, 2010; (b) Management and compliance report for the Western Lake Superior Sanitary District for the year ended December 31, 2011. -- Received

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REPORTS FROM THE ADMINISTRATION

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REPORTS FROM OTHER OFFICERS

*12-0702-02 Assessor assessment roll of delinquent solid waste collecting expenses during the period of March 1, 2011, to June 1, 2012, for which the licensed collector has not been reimbursed. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- *12-0702-03 Duluth airport authority minutes of May 15, 2012, meeting. -- Received
- *12-0702-04 Duluth transit authority: (a) Income statement of March 2012; (b) Minutes of April 25, 2012, meeting. -- Received
- *12-0702-05 Housing and redevelopment authority audit report for the year ended September 30, 2011. -- Received
- *12-0702-06 Library board minutes of April 24, 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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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)

12-0317R - RESOLUTION ADOPTING A FUND BALANCE REPORTING AND GOVERNMENTAL FUND TYPE DEFINITIONS POLICY.

12-0328R - RESOLUTION CONFIRMING ASSESSMENT ROLL FOR ASSESSMENTS LEVIED AGAINST PROPERTY WITH REGARD TO PROPERTY VIOLATIONS DURING THE PERIOD OF MARCH 1, 2011, TO MARCH 1, 2012, PURSUANT TO CHAPTER 12 OF THE DULUTH CITY CODE.

BY COUNCILOR KRAUSE

(PURCHASING & LICENSING)

12-0283R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH AMATEUR HOCKEY ASSOCIATION (BLUES FEST), BAYFRONT PARK, RIDGEVIEW COUNTRY CLUB, 700 WEST REDWING STREET, AND MINNESOTA CRAFT BREWER'S GUILD (ALL POINTS NORTH SUMMER BREW FEST 2012), BAYFRONT PARK.

NEW 12-0324R - RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO JOHNSON WILSON CONSTRUCTORS, INC., FOR DULUTH CITY HALL POWER UPGRADES AND MIS (MANAGEMENT INFORMATION SYSTEMS) SERVER ROOM MODIFICATIONS, DATA CLOSET UPGRADES, AIR CONDITIONING UNIT AND HUMIDIFICATION UNIT FOR THE SERVER ROOM FOR A TOTAL AMOUNT OF \$603,800.

12-0336R - RESOLUTION AMENDING RESOLUTION 12-0239 APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO LAKE SUPERIOR BREWING COMPANY, LLC (LAKE SUPERIOR BREWING COMPANY), BAYFRONT PARK.

BY COUNCILOR BOYLE

(PERSONNEL)

12-0330R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF BUSINESS DEVELOPER INCLUDING A TITLE CHANGE TO SR. BUSINESS DEVELOPER AND SPECIFYING CONTRACT BENEFITS FOR SAME.

12-0331R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF ASSISTANT BUSINESS DEVELOPER INCLUDING A TITLE CHANGE TO BUSINESS DEVELOPER AND SPECIFYING CONTRACT BENEFITS FOR SAME.

12-0335R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF BRIDGE OPERATOR - ELECTRICAL AND SPECIFYING CONTRACT BENEFITS FOR SAME.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

12-0321R - RESOLUTION AUTHORIZING ASSIGNMENT OF CONCURRENT USE PERMIT FOR PRIVATE SKYWALK BRIDGE OVER SECOND ALLEY TO ADVANCE ACQUISITIONS LLC.

NEW 12-0325R - RESOLUTION AUTHORIZING APPLICATION FOR A GRANT FROM THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT IN AN AMOUNT UP TO \$10 MILLION IN SUPPORT OF A DOWNTOWN DEVELOPMENT PROJECT.

NEW 12-0326R - RESOLUTION AUTHORIZING APPLICATION FOR A GRANT FROM THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT IN AN AMOUNT UP TO \$5.8 MILLION FOR THE WADE STADIUM REPAIRS AND UPGRADES PROJECT.

12-0334R - RESOLUTION AUTHORIZING A COOPERATIVE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY RELATING TO A DEED GRANT FOR THE CONSTRUCTION OF INFRA-STRUCTURE AT THE ATLAS INDUSTRIAL PARK SITE.

BY PRESIDENT HARTMAN (COMMITTEE OF THE WHOLE)

12-0322R - RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF CITY OF DULUTH V. EXPEDIA, INC. IN THE AMOUNT OF \$60,000.

NEW 12-0341R - RESOLUTION APPROVING TRANSITION AGREEMENT WITH DULUTH STEAM COOPERATIVE ASSOCIATION.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

NEW 12-0329R - RESOLUTION ADOPTING STANDARD CONSTRUCTION SPECIFICATIONS.

12-0333R - RESOLUTION AUTHORIZING CITY PARTICIPATION IN THE MINNESOTA POWER 2012 POWERGRANT PILOT PROGRAM AND ESTABLISHING A DEDICATED ENERGY EFFICIENCY ACCOUNT FOR THE PROJECT AND COMMITTING REVENUES FOR THAT PURPOSE.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

NEW 12-0340R - RESOLUTION AUTHORIZING AGREEMENT WITH THE STATE OF MINNESOTA HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION FOR CONTINUED PROVISION OF HAZARDOUS MATERIALS CHEMICAL ASSESSMENT TEAM SERVICES THROUGH SEPTEMBER 30, 2012 IN THE AMOUNT OF \$9,500 AND AUTHORIZING APPLYING FOR AND ACCEPTING A NEW AGREEMENT.

BY COUNCILOR LARSON (RECREATION, LIBRARIES & AUTHORITIES)

12-0323R - RESOLUTION AUTHORIZING A FOUR YEAR AGREEMENT WITH SPIRIT MOUNTAIN RECREATION AUTHORITY AND DULUTH CROSS COUNTRY SKI CLUB FOR THE USE, OPERATION AND MANAGEMENT OF SPIRIT MOUNTAIN'S NORDIC CENTER.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR KRUG (FINANCE)

NEW 12-0339R -RESOLUTION AUTHORIZING CITY OFFICIALS TO ALLOCATE \$75,000 FROM THE TOURISM TAX FUND BALANCE FOR FLOOD-RELATED RESPONSE TOURISM ADVERTISING AND MARKETING.
(REPLACEMENT)
(AMENDMENT)

COMMITTEE 2

BY PRESIDENT HARTMAN AND COUNCILOR LARSON

12-0338R - RESOLUTION REQUESTING CITY ADMINISTRATION REVIEW THE REGULATION OF STREET VENDORS AND EXPLORE OPTIONS FOR FACILITATING MORE VENDING OPPORTUNITIES ON PUBLIC PROPERTY.

COMMITTEE 3

BY COUNCILORS LARSON AND JULSRUD

12-0337R - RESOLUTION RECOGNIZING CITY STATE OF EMERGENCY AND REQUESTING PRESIDENTIAL DECLARATION OF A MAJOR DISASTER.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 1

BY COUNCILOR KRUG (FINANCE)

12-038-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION REVENUE BONDS OR NOTE OF THE CITY OF DULUTH IN THE MAXIMUM AGGREGATE AMOUNT OF \$1,000,000 FOR THE IMPROVEMENT OF THE MUNICIPAL SEWER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

12-040-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-URBAN (R-2) AND MIXED-USE NEIGHBORHOOD (MU-N), AT THE PROPERTIES LOCATED BETWEEN ST. MARIE STREET, WOODLAND AVENUE AND THE UMD CAMPUS (CITY OF DULUTH).

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

12-042-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 PROPERTIES LOCATED ALONG CENTRAL ENTRANCE WEST OF BASSWOOD AVENUE TO WEST OF ANDERSON ROAD (CITY OF DULUTH).

12-044-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-NEIGHBORHOOD (MU-N), TO FORM DISTRICT SIX, MID-RISE NEIGHBORHOOD SHOPPING (F-6), FOURTH STREET FROM MESABA TO FOURTH AVENUE EAST, FROM THE ALLEY ABOVE AND BELOW FOURTH STREET (CITY OF DULUTH).

12-045-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-URBAN (R-2), TO MIXED-USE NEIGHBORHOOD (MU-N), THE PROPERTY LOCATED AT 2424 WEST FIFTH STREET (SHERMAN AND ASSOCIATES, INC.).

BY COUNCILOR GARDNER (INTERGOVERNMENTAL RELATIONS)

12-041-O - AN ORDINANCE AUTHORIZING AN AGREEMENT AUTHORIZING SALE OF SKYWALK EASEMENTS IN THE HOLIDAY MALL TO JMM LIMITED PARTNERSHIP.

BY COUNCILORS GARDNER AND LARSON

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.

(AS AMENDED)

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS
