

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, August 13, 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

*12-0813-01 Park Point Properties, LLC, appeal of planning commission decision regarding the denial of the shoreline variance of 3129 Minnesota Avenue (12-0414R and 12-0415R). -- Committee 2 (planning and economic development)

*12-0813-02 Sigurd Haller communication regarding the shoreline variance of Park Point Properties, LLC, at 3129 Minnesota Avenue (12-0414R and 12-0415R). -- Received

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REPORTS FROM THE ADMINISTRATION

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REPORTS FROM OTHER OFFICERS

*12-0813-03 Purchasing agent emergency repair notice awarded to Soil Nail Launcher, Inc., to stabilize slopes at Chester Bowl Drive at an estimated cost of \$750,000. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

*12-0813-04 Charter commission minutes of January 11, 2012, meeting. -- Received

*12-0813-05 Duluth airport authority minutes of: (a) June 19; (b) July 9, 2012, meetings. -- Received

*12-0813-06 Duluth Seaway Port authority minutes of: (a) April 26; (b) May 31, 2012, meetings. -- Received

*12-0813-07 Entertainment and convention center authority minutes of: (a) March 27; (b) April 24; (c) May 18, 2012, meetings. -- Received

*12-0813-08 Housing and redevelopment authority minutes of: (a) May 29; (b) June 26, 2012, meetings. -- Received

* Listed only, not copied.

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REPORTS OF COUNCIL COMMITTEES

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REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

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)

12-0385R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT STORM WATER UTILITY FEES DURING THE PERIOD OF JANUARY 1, 2011 TO DECEMBER 31, 2011, AS PROVIDED FOR IN ARTICLE XI OF CHAPTER 43 OF THE DULUTH CITY CODE.

NEW 12-0399R - RESOLUTION AUTHORIZING ACCEPTANCE OF A CROSS COUNTRY SKI TRAIL ASSISTANCE PROGRAM GRANT AGREEMENT FOR FY2012-2014 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$6,852.83.

BY COUNCILOR KRAUSE

(PURCHASING & LICENSING)

12-0374R - RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH BUILDING N, INC. RELATING TO THE BOAT SLIP ON THE EAST SIDE OF THE MINNESOTA SLIP.

12-0376R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO NIFTY 50 CRUISERS CAR CLUB (KIA OF DULUTH CAR SHOW AND TIME TRIALS), 350 GARFIELD AVENUE, AND THE COLLEGE OF ST. SCHOLASTICA (HOMECOMING TAILGATE PARTY), 1200 KENWOOD AVENUE.

12-0377R - RESOLUTION APPROVING ISSUANCE OF TEMPORARY ON SALE INTOXICATING LIQUOR LICENSES TO VARIOUS ORGANIZATIONS.

12-0383R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSES OF VARIOUS LICENSEES.

12-0384R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR LAKE SUPERIOR ZOOLOGICAL SOCIETY AND MINNESOTA TEEN CHALLENGE.

12-0395R - RESOLUTION AUTHORIZING A PROPRIETARY CONTRACT WITH AEROFLEX WICHITA, INC., FOR THE PURCHASE AND DELIVERY OF A 3920 COMMUNICATIONS SERVICE MONITOR AND ACCESSORIES FOR THE DULUTH RADIO SHOP IN THE AMOUNT OF \$44,172.51.

BY COUNCILOR BOYLE

(PERSONNEL)

12-0409R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF UTILITY MAINTENANCE WORKER AND SPECIFYING CONTRACT BENEFITS FOR SAME.

(REPLACEMENT)

COMMITTEE 1

BY COUNCILOR BOYLE (PERSONNEL)

12-0410R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF UTILITY OPERATOR APPRENTICE AND SPECIFYING CONTRACT BENEFITS FOR SAME.

12-0411R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF UTILITY OPERATOR AND SPECIFYING CONTRACT BENEFITS FOR SAME. **(REPLACEMENT)**

12-0412R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF SENIOR SAFETY AND TRAINING SPECIALIST AND SPECIFYING CONTRACT BENEFITS FOR SAME.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

12-0390R - RESOLUTION AUTHORIZING A CONTAMINATION CLEANUP PROGRAM GRANT AGREEMENT WITH THE STATE OF MINNESOTA AND FURTHER AUTHORIZING A SUB-RECIPIENT FUNDING AGREEMENT WITH BLUMBERG-1831, LLC.

12-0400R - RESOLUTION AMENDING THE 2012 ACTION PLAN DELETING THE NORTHERN COMMUNITIES LAND TRUST'S (NCLT) HOME PROGRAM PROJECT; ADDING A NEW HOME PROGRAM PROJECT BY THE HOUSING & REDEVELOPMENT AUTHORITY (HRA); DECREASING THE HRA'S CDBG AWARD; AND ADDING A NEW CDBG PROJECT FOR ONE ROOF COMMUNITY HOUSING.

12-0403R - RESOLUTION VACATING PORTIONS OF PLATTED UTILITY EASEMENT AT 323 PLUM STREET (GEORGE MENEELY).

BY COUNCILOR GARDNER (INTERGOVERNMENTAL RELATIONS)

12-0391R - RESOLUTION AUTHORIZING ADDENDUM TO CONTRACT NO. 20956 WITH ST. LOUIS COUNTY EXTENDING THE TERM THEREOF TO SEPTEMBER 30, 2012.

12-0401R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FAIR HOUSING ENFORCEMENT AND ACCEPTING \$16,000.00 IN COOPERATIVE AGREEMENT FUNDING.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

12-0349R - RESOLUTION REVISING THE LIST OF HIGH PRIORITY BRIDGES IN THE CITY OF DULUTH.

12-0373R - RESOLUTION AWARDED A CONTRACT TO INSITUFORM TECHNOLOGIES USA, INC., FOR CIPP REHABILITATION OF SANITARY SEWERS IN SEWER BASIN NO. 24 IN THE AMOUNT OF \$2,857,975.

12-0387R - RESOLUTION OF INTENT TO CONSTRUCT 160 FEET OF SANITARY SEWER IN LAKESIDE COURT EASEMENT BEGINNING AT LAKE SUPERIOR AND EXTENDING NORTHERLY, AND TO ASSESS THE COSTS THEREOF.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

12-0388R - RESOLUTION ORDERING THE IMPROVEMENT OF PLUM STREET FROM NINTH AVENUE EAST TO SKYWOOD LANE AT AN ESTIMATED COST OF \$46,675.

12-0389R - RESOLUTION AWARDDING A CONTRACT TO HOVLAND, INC. FOR THE SAFE ROUTES TO SCHOOL IMPROVEMENTS OF SIDEWALKS IN THE AREAS OF CONGDON PARK, LESTER PARK AND HARRIET BEECHER STOWE ELEMENTARY SCHOOLS IN THE AMOUNT OF \$279,036.

12-0393R - RESOLUTION AWARDDING A CONTRACT TO KTM PAVING, INC. FOR THE RECONSTRUCTION OF 17TH AVENUE EAST FROM SOUTH STREET TO LONDON ROAD IN THE AMOUNT OF \$81,259.83.

12-0397R - RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO MUNICIPAL STATE AID STREET SEGMENT 113 (SKYLINE PARKWAY) FROM HAINES ROAD TO HIGHLAND AVENUE.

NEW 12-0418R - RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH TENASKA MARKETING VENTURES FOR ASSET MANAGEMENT SERVICES.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

12-0375R - RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO AGREEMENT #98282 WITH THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION ("MN/DOT") PERMITTING THE POLICE DEPARTMENT TO INSTALL AND MAINTAIN ADDITIONAL COMMUNICATIONS EQUIPMENT ON THE MN/DOT COMMUNICATIONS TOWER.

12-0398R - RESOLUTION AWARDDING A CONTRACT TO CLAREY'S SAFETY EQUIPMENT, INC., FOR THE TAX-EXEMPT PURCHASE AND DELIVERY OF 52 SCOTT SCBA INTEGRATED FIREFIGHTER SELF-RESCUE DEVICES IN THE AMOUNT OF \$56,680.00.

12-0404R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON MICHIGAN STREET ON AUGUST 30, 2012, IN CONJUNCTION WITH THE DULUTH SUPERIOR GLBT PRIDE FESTIVAL AND SUBJECT TO CERTAIN CONDITIONS.

NEW 12-0422R - RESOLUTION REQUESTING THAT THE PUBLIC UTILITY COMMISSION ABATE FIXED WATER, GAS AND SANITARY SEWER CHARGES ON FLOOD-DAMAGED HOMES DURING PERIOD OF NON-HABITABILITY.

BY COUNCILOR LARSON (RECREATION, LIBRARIES & AUTHORITIES)

12-0407R - RESOLUTION AUTHORIZING AN AMENDMENT TO THE AMENDED AND RESTATED LEASE AGREEMENT WITH HARTLEY NATURE CENTER INCORPORATED.

12-0413R - RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF, IF OFFERED, A PARKS AND TRAILS LEGACY GRANT OF \$500,000 DEVELOP AND IMPLEMENT A SINGLE WAYFINDING PROGRAM FOR ALL CITY PARKS AND TO INSTALL A COORDINATED AND COMPREHENSIVE SET OF PARK WAYFINDING SIGNS AT INTEGRAL HIGHWAYS AND STREET INTERSECTIONS THROUGHOUT THE CITY AND COMMITTING THE \$50,000 IN-KIND CONTRIBUTION.

COMMITTEE 3

BY COUNCILOR LARSON (RECREATION, LIBRARIES & AUTHORITIES)

12-0416R - RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF, IF OFFERED, A PARKS AND TRAILS LEGACY GRANT OF \$1,400,000 TO DEVELOP, DESIGN, AND IMPLEMENT PHASE 1 OF A PLAN TO ADDRESS ADDITIONAL NEEDS AT BRIGHTON BEACH (KITCHI GAMMI PARK).

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR KRUG (FINANCE)

12-0392R - RESOLUTION TRANSFERRING MONIES TO STREET IMPROVEMENT DEBT SERVICE FUND FROM THE COMMUNITY INVESTMENT TRUST FUND TO CANCEL 2013 DEBT SERVICE TAX LEVY.

BY COUNCILOR BOYLE (PERSONNEL)

12-0386R - RESOLUTION CONFIRMING THE APPOINTMENT OF ROSHANDA SMILEY AS DIRECTOR OF PUBLIC ADMINISTRATION FOR THE CITY OF DULUTH.

NEW 12-0421R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF EXECUTIVE ASSISTANT.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

12-0414R - RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION TO DENY THE APPLICATION FOR A VARIANCE BY PARK POINT PROPERTIES 50-18.1. OF THE DULUTH CITY CODE.

12-0415R - RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION TO DENY THE APPLICATION FOR A VARIANCE BY PARK POINT PROPERTIES FROM THE SHORELAND SETBACK OF SECTION 50-18.1 OF THE DULUTH CITY CODE.

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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)

12-048-O - AN ORDINANCE AMENDING SECTION 10A-5 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO THE SALE OF PULL-TABS.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

12-047-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-COMMERCIAL, TO FORM DISTRICT 8, DOWNTOWN MIX, THE FOUR PARCELS LOCATED ON THE SOUTHWEST CORNER OF EAST MICHIGAN STREET AND EAST SUPERIOR STREET (CITY OF DULUTH).

12-049-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 INDUSTRIAL GENERAL (I-G), LOCATED AT 1 LAKE AVENUE (CITY OF DULUTH).

NEW 12-051-O - AN INTERIM ORDINANCE IMPOSING A MORATORIUM ON POLE SIGNS AND MONUMENT SIGNS PENDING THE ENACTMENT OF AN ORDINANCE AMENDING CHAPTER 50 OF THE LEGISLATIVE CODE RELATING TO THE OFFICIAL CONTROLS REGULATING SIGNS.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

12-031-O - AN ORDINANCE AUTHORIZING ASSESSING DELINQUENT WATER AND SANITARY SEWER CHARGES AGAINST BENEFITTED PROPERTIES IN CERTAIN CASES, AMENDING SECTION 43-6 OF THE DULUTH CITY CODE, 1959, AS AMENDED, AND ADDING A NEW SECTION 48-15.5 TO THE CODE.
(REPLACEMENT)

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COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS

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