

# AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, September 10, 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

\*12-0910-01 Patti Hocking communication regarding proposed ordinance to prohibit smoking in various locations (12-054-O). -- Received

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## REPORTS FROM THE ADMINISTRATION

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## REPORTS FROM OTHER OFFICERS

\*12-0910-02 Building official appeal of the building appeal board decision to uphold the notice and order of condemnation for human habitation regarding the Seaway Hotel. -- Committee 2 (planning and economic development)

\*12-0910-03 Purchasing agent emergency order regarding Skyline Parkway culvert improvements awarded to Utility Services for \$104,726. -- Received

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## REPORTS OF BOARDS AND COMMISSIONS

\*12-0910-04 Duluth airport authority minutes of: (a) July 17; (b) August 14, 2012, meetings. -- Received

\*12-0910-05 Duluth economic development authority minutes of July 25, 2012, meeting. -- Received

\*12-0910-06 Duluth public utilities commission resolution abating fixed water, gas and sanitary sewer charges on flood damaged homes during the period of non-habitability (12PUC-009). -- Received

\*12-0910-07 Duluth transit authority: (a) Minutes of May 30, 2012, meeting; (b) Income statement of April 2012. -- Received

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

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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)**

12-0452R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2013.

12-0453R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2013.

**BY COUNCILOR KRAUSE (PURCHASING & LICENSING)**

12-0434R - RESOLUTION AUTHORIZING AN AGREEMENT WITH NORTHLAND CONSULTING ENGINEERS, LLP, FOR PROFESSIONAL ENGINEERING SERVICES IN THE REPAIR/RESTORATION/REPLACEMENT OF THE CHAMBERS GROVE SEA WALL AND BOARDWALK FOR \$67,026.

12-0445R - RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH SCALZO ARCHITECTS, LTD., TO PERFORM A CONDITION SURVEY AND FEASIBILITY STUDY OF EXISTING MAINTENANCE BUILDINGS IN VARIOUS DULUTH LOCATIONS FOR AN AMOUNT NOT TO EXCEED \$38,000.

12-0450R - RESOLUTION AUTHORIZING AN ANNUAL CONTRACT WITH SHI INTERNATIONAL CORPORATION FOR THE PURCHASE AND DELIVERY OF COMPUTER PC REPLACEMENTS AND ACCESSORIES AS NEEDED IN YEAR 2012 FOR AN AMOUNT NOT TO EXCEED THE BUDGET ALLOCATION OF \$150,000.

12-0458R - RESOLUTION INCREASING THE ORIGINAL PURCHASE ORDER TO MACQUEEN EQUIPMENT, INC., FOR OEM REPLACEMENT PARTS FOR ELGIN AND VACTOR EQUIPMENT BY \$20,000 FOR A NEW CONTRACT TOTAL OF \$68,000.

12-0460R - RESOLUTION AUTHORIZING AMENDMENT TO AGREEMENT NO. 20890 WITH ARCHITECTURAL ADVANTAGE LLP FOR ARCHITECTURAL SERVICES RELATED TO CITY HALL WINDOW REPLACEMENT, INCREASING THE AMOUNT PAYABLE TO \$81,350.

12-0463R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR WOMEN'S CARE CENTER.

**COMMITTEE 1**

**BY COUNCILOR BOYLE (PERSONNEL)**

12-0447R - RESOLUTION CONFIRMING THE APPOINTMENT OF PATRICK KEVIN MULLEN TO THE DULUTH AIRPORT AUTHORITY, REPLACING CONRAD FIRLING.

12-0448R - RESOLUTION CONFIRMING THE APPOINTMENTS OF CARRIE HEFFERNAN AND JAY SEILER TO THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY, REPLACING JOHN ARNOLD III AND MARK EMMEL.

12-0449R - RESOLUTION CONFIRMING THE APPOINTMENTS OF GREGORY A. BENSON AND SEAN M. FLAHERTY TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY, REPLACING WILLARD MUNGER, JR., AND NANCY NELSON.

**COMMITTEE 2**

**BY PRESIDENT HARTMAN (COMMITTEE OF THE WHOLE)**

12-0437R - RESOLUTION ADOPTING THE *MINNESOTA GENERAL RECORDS RETENTION SCHEDULE FOR CITIES*.

**COMMITTEE 3**

**BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)**

12-0459R - RESOLUTION AWARDED A CONTRACT TO WATTERS AND SONS EXCAVATING, LLC, FOR WESTGATE BOULEVARD FLOOD DAMAGED UTILITY AND STREET REPAIRS IN THE AMOUNT OF \$247,016.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

12-0394R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT FOR PARTICIPATION IN THE STATE AND LOCAL OVERTIME (SLOT) REIMBURSEMENT PROGRAM AND FURTHER AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT MONIES FOR OVERTIME AND RELATED EXPENSES.

12-0427R - RESOLUTION AUTHORIZING AMENDMENT NO. 1 FOR GRANT AGREEMENT NO. 37322 WITH THE STATE OF MINNESOTA, DEPARTMENT OF COMMERCE ACCEPTING AN ADDITIONAL AWARD OF \$54,194.

12-0429R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE ENHANCED COLLEGE ENFORCEMENT GRANT PROGRAM IN AN AMOUNT NOT TO EXCEED \$4,000 FOR REIMBURSEMENT OF POLICE OFFICER OVERTIME FOR CONDUCTING ENHANCED COLLEGE ENFORCEMENT DUTIES.

**BY COUNCILOR LARSON (RECREATION, LIBRARIES & AUTHORITIES)**

**NEW** 12-0439R - RESOLUTION AUTHORIZING AN AGREEMENT WITH DULUTH AREA FAMILY YMCA TO PROVIDE AFTER SCHOOL PROGRAMMING AND SUMMER YOUTH PROGRAMMING AT VARIOUS LOCATIONS AT A TOTAL COST FOR THE THREE YEAR AGREEMENT NOT TO EXCEED \$450,000.

**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)**

12-0454R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2013. **(AMENDMENT - REPLACEMENT 2)**

12-0455R - RESOLUTION SETTING A PROPOSED BUDGET FOR THE FISCAL YEAR 2013. **(AMENDMENT - REPLACEMENT 2)**

**COMMITTEE 2**

**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

12-0456R - RESOLUTION AFFIRMING THE DECISION OF THE BUILDING APPEAL BOARD TO UPHOLD AN ORDER OF CONDEMNATION FOR HUMAN HABITATION AT 2001 WEST SUPERIOR STREET (THE SEAWAY HOTEL) AND DENY A REQUEST FOR AN EXTENSION OF THE DEADLINE FOR TENANTS TO VACATE THE BUILDING BY 180 DAYS. **(REPLACEMENT)**

12-0457R - RESOLUTION REVERSING THE DECISION OF THE BUILDING APPEAL BOARD TO UPHOLD AN ORDER OF CONDEMNATION FOR HUMAN HABITATION AT 2001 WEST SUPERIOR STREET (THE SEAWAY HOTEL) AND DENY A REQUEST FOR AN EXTENSION OF THE DEADLINE FOR TENANTS TO VACATE THE BUILDING BY 180 DAYS. **(REPLACEMENT)**

**COMMITTEE 3**

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

12-0446R - RESOLUTION ACCEPTING A GIFT IN THE AMOUNT OF \$13,000 FROM AMSOIL, INC., TO BE USED TOWARDS THE PURCHASE OF A NEW POLICE CANINE.

**BY COUNCILORS LARSON AND KRUG**

12-0440R - RESOLUTION REGARDING SIGN LANGUAGE INTERPRETERS AND CLOSED CAPTION BROADCASTING FOR COUNCIL MEETINGS. **(REPLACEMENT)**

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

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

**COMMITTEE 1**

**BY COUNCILORS BOYLE AND STAUBER**

12-054-O - AN ORDINANCE PROHIBITING SMOKING OF ANY KIND ON LAKEWALK AND REVISING OTHER SMOKING RESTRICTIONS, ADDING NEW SECTION 28-63 AND 28-64 TO CHAPTER 28 OF THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING SECTION 28-70 AND REPEALING SECTION 34-40 THEREOF. **(AMENDMENT)**

**COMMITTEE 2**

**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

12-053-O - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1, TO RR-2, R-2 AND MU-N, PROPERTIES LOCATED IN THE KENWOOD NEIGHBORHOOD.

12-055-O - AN ORDINANCE AUTHORIZING THE SALE OF 2,379.7 SQUARE FEET OF PARKLAND IN CONGDON PARK TO JAMES AND MARY ANN MONGE FOR \$11,898.50.

**COMMITTEE 2**

**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

12-056-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 AND R-2 TO MU-N, AND R-1 TO MU-C, PROPERTIES IN THE MILLER HILL AREA (CITY OF DULUTH). **(AMENDMENT)**

**BY PRESIDENT HARTMAN AND COUNCILOR GARDNER**

12-057-O - AN ORDINANCE AMENDING SECTIONS 6-79 AND 6-79.1 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING THE KEEPING OF CHICKENS.

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**COUNCILOR QUESTIONS AND COMMENTS**

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**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

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