

# AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, December 17, 2012, 7:00 p.m.

## ROLL CALL

## PLEDGE OF ALLEGIANCE

**APPROVAL OF MINUTES** - July 2, 12 and 16, 2012.

**PUBLIC HEARING** - 7:00 p.m. - Liquor License Fees.

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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

\*12-1217-01 Ritch Makowsky acceptance of terms, conditions and provisions of a concurrent use permit granted by Ordinance No. 10191 on December 3, 2012. -- Received

\*12-1217-02 RT Quinlan's Saloon communication regarding the proposed 2013 liquor license fees (12-0608R). -- Received

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## REPORTS FROM THE ADMINISTRATION

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## REPORTS OF BOARDS AND COMMISSIONS

\*12-1217-03 Duluth economic development authority minutes of October 24, 2012, meeting. -- Received

\*12-1217-04 Duluth parking commission: (a) Minutes of: (1) September 7; (2) October 5, 2012, meetings; (b) Resolutions, pursuant to Section 33-78 of the Duluth City Code: (1) Adding three parking meters on the west side of Second Avenue East just below First Street (2012-18); (2) Charging for parking only from 8:00 a.m. to 5:00 p.m. and only on weekdays at the Library/Depot Upper Lot (2012-19); (3) Approving a parking advisory committee and development of a strategic plan (2012-20); (4) Approving a Duluth parking logo (2012-21); (5) Recommending that revenue recapture be utilized as a collection tool for parking ticket debts (2012-22); (6) Converting a portion of East Eighth Street to alternate side parking (2012-23); (7) Converting a portion of East College Street to alternate side parking (2012-24); (8) Prohibiting parking in the cul-de-sac terminus of East Eighth Street (2012-25); (9) Recommending that the city council add the eastern half of East Clover Street to the UMD resident permit parking zone (2012-26); (10) Prohibiting parking on a portion of East College Street (2012-27); (11) Converting the western half of a portion of East Clover Street to parking on the north side only (2012-28). -- Received

\*12-1217-05 Housing and redevelopment authority of Duluth minutes of: (a) August 28; (b) October 30, 2012, meetings. -- Received

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**REPORTS OF COUNCIL COMMITTEES**

\*12-1217-06 City council civil service reform working group recommendations dated: (a) December 7; (b) December 13; (c) December 14, 2012, pursuant to Resolution 12-0130. -- Received

\* Listed only, not copied.

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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)**

12-0634R - RESOLUTION AUTHORIZING A LINE OF CREDIT IN THE AMOUNT OF \$300,000 FOR THE ARROWHEAD ZOOLOGICAL SOCIETY.

**BY COUNCILOR KRAUSE**

**(PURCHASING & LICENSING)**

12-0552R - RESOLUTION IN THE MATTER OF THE ON SALE CLUB LIQUOR LICENSE OF RIDGEVIEW COUNTRY CLUB, 700 WEST REDWING STREET.

12-0605R - RESOLUTION IN THE MATTER OF THE OFF SALE LIQUOR LICENSE OF ROTO OF DULUTH, INC. (UNIVERSITY LIQUOR), 1603 WOODLAND AVENUE.

12-0606R - RESOLUTION IN THE MATTER OF THE ON SALE LIQUOR LICENSE OF OSAKA DULUTH, INC. (OSAKA SUSHI HIBACHI STEAKHOUSE), 5115 BURNING TREE ROAD.

12-0607R - RESOLUTION IN THE MATTER OF THE ON SALE LIQUOR LICENSE OF AZTECA'S MEXICAN GRILL, INC. (AZTECA'S MEXICAN GRILL), 2224 MOUNTAIN SHADOW DRIVE.

12-0610R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR CARLTON COUNTY SHERIFF'S MOUNTED POSSE AND A RACE WORTH WINNING - ALS, INC.

12-0620R - RESOLUTION INCREASING THE PROPRIETARY ANNUAL CONTRACT WITH ALL COMPUTER SERVICE BY \$15,000 FOR CONSULTING SERVICES IN MAINFRAME OPERATIONS DURING 2012, FOR A NEW CONTRACT TOTAL OF \$85,000.

12-0621R - RESOLUTION AWARDED A CONTRACT TO STRUCTURAL BUILDINGS, INC., FOR THE CONSTRUCTION OF A NEW COMMUNICATIONS TOWER ON PARK POINT IN THE AMOUNT OF \$130,003.

**COMMITTEE 1**

**BY COUNCILOR BOYLE (PERSONNEL)**

12-0638R - RESOLUTION CONFIRMING THE APPOINTMENT OF DEBBIE ISABELL-NELSON TO THE DULUTH PARKING COMMISSION.

**COMMITTEE 2**

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

12-0609R - RESOLUTION APPROVING SECOND LEASE AMENDMENT BETWEEN DEDA AND AAR AIRCRAFT SERVICES INC.

12-0616R - RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A \$7,000 MINNESOTA HISTORICAL AND CULTURAL HERITAGE GRANT FOR THE PLANNING PROCESS FOR AN ETHNOGRAPHIC STUDY OF THE AMERICAN INDIAN HERITAGE OF DULUTH PROJECT.

12-0618R - RESOLUTION VACATING PORTIONS OF PLATTED PEDESTRIAN AND UTILITY EASEMENT AT 330 AND 340 HASTINGS DRIVE (LAURIE ANDERSON).

12-0623R - RESOLUTION APPROVING THE 2013 ANNUAL ACTION PLAN PORTION OF THE 2010-2014 CONSOLIDATED PLAN AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME PROGRAM AND EMERGENCY SOLUTIONS GRANT PROGRAM (ESGP) FUNDS.

12-0624R - RESOLUTION AUTHORIZING A REQUEST FOR HUD EMERGENCY SOLUTIONS GRANT PROGRAM (ESGP) FUNDS FOR THE 2013 PROGRAM YEAR AND AUTHORIZING CONTRACTS.

12-0625R - RESOLUTION AUTHORIZING A REQUEST FOR HUD HOME FUNDS FOR THE 2013 PROGRAM YEAR AND AUTHORIZING CONTRACTS.

12-0626R - RESOLUTION AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2013 PROGRAM YEAR AS WELL AS APPROVING THE REALLOCATION OF CERTAIN PRIOR CDBG FUNDS AND AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

12-0628R - RESOLUTION ACCEPTING AN EASEMENT FOR PUBLIC STREET, ROADWAY AND UTILITY PURPOSES FROM THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (EAST SPUR ROAD).

12-0629R - RESOLUTION ACCEPTING AN EASEMENT FOR DRAINAGE PURPOSES FROM THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

12-0630R - RESOLUTION ACCEPTING AN EASEMENT FOR PUBLIC STREET, ROADWAY AND UTILITY PURPOSES FROM THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (NICK GLUMAC DRIVE).

12-0631R - RESOLUTION ACCEPTING AN EASEMENT FOR UTILITY AND DRAINAGE PURPOSES FROM THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

12-0635R - RESOLUTION APPROVING A LAND SALE AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA RELATING TO THE PARK PLACE DEVELOPMENT PROJECT.

**COMMITTEE 2**

**BY COUNCILOR GARDNER (INTERGOVERNMENTAL RELATIONS)**

12-0640R - RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE CITY OF DULUTH AND LOCAL 66 OF AFSCME COUNCIL 5 REGARDING CITY ASSESSOR OFFICE EMPLOYEES.

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

12-0619R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DULUTH-SUPERIOR PUBLIC ACCESS COMMUNITY TELEVISION, INC., FOR COMMUNITY ACCESS CABLECASTING, TRAINING, PRODUCTION AND ADMINISTRATION SERVICES IN 2013 IN THE NET AMOUNT OF \$182,000.

12-0633R - RESOLUTION APPROVING AGREEMENT WITH FRYBERGER, BUCHANAN, SMITH AND FREDERICK, P.A., FOR LEGISLATIVE SERVICES NOT TO EXCEED \$46,500.

12-0641R - RESOLUTION AUTHORIZING JOINT POWERS AGREEMENT BETWEEN THE CITY OF DULUTH AND ST. LOUIS COUNTY REGARDING ASSESSMENT SERVICES.

**COMMITTEE 3**

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

12-0636R - RESOLUTION AMENDING RESOLUTION 10-0464 AMENDING RATE CALCULATIONS APPLICABLE TO STEAM DISTRICT NO. 1 TO INCLUDE A CONSUMPTION NORMALIZATION FACTOR, EFFECTIVE JANUARY 1, 2013.

**NEW** 12-0646R - RESOLUTION AUTHORIZING AN AGREEMENT WITH COULOMB TECHNOLOGIES, INC., FOR THE PURCHASE OF A JUMPSTART PROGRAM CHARGEPOINT ELECTRIC VEHICLE CHARGING STATION AT NO COST TO THE CITY.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

12-0612R - RESOLUTION AUTHORIZING A CONTRACT WITH AVRIO SURVEILLANCE SOLUTIONS, LLC, AVRIO RMS GROUP, FOR THE PURCHASE AND INSTALLATION OF ADDITIONAL CAMERAS AND RELATED EQUIPMENT FOR THE CITY'S PORT SECURITY PROJECT AND IMPOUND LOT IN THE AMOUNT OF \$61,862.51.

12-0615R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE TO CONDUCT A LEADERSHIP IN POLICE ORGANIZATIONS TRAINING COURSE FOR A CONTRACT AMOUNT NOT TO EXCEED \$43,029.

12-0637R - RESOLUTION AUTHORIZING A CONTRACT WITH EMERGENCY AUTOMOTIVE TECHNOLOGIES, INC., FOR THE TAX-EXEMPT PURCHASE AND DELIVERY OF EQUIPMENT FOR OUTFITTING FULLY MARKED POLICE SQUADS IN THE AMOUNT OF \$51,321.35.

12-0643R - RESOLUTION SCHEDULING A PUBLIC HEARING ON THE PROPOSED DESIGNATION OF EAST CLOVER STREET BETWEEN EAST EIGHTH STREET AND EAST SEVENTH STREET AS A RESIDENT PERMIT PARKING ZONE.

**COMMITTEE 3**

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

12-0622R - RESOLUTION AUTHORIZING AMENDMENT TO AGREEMENT 21045, CONCESSION MANAGEMENT BETWEEN THE CITY AND PROFESSIONAL GOLF MANAGEMENT, INC., THE AMENDMENT EXTENDS OPERATION OF THE ENGER AND LESTER PARK GOLF COURSES THROUGH 2013 FOR \$416,160.

12-0632R - RESOLUTION AUTHORIZING ACCEPTANCE OF A DONATION FROM THE SENIOR PROGRAMS ADVISORY BOARD OF \$6,620.10, WHICH WILL BE COMMITTED TO SENIOR ACTIVITIES THROUGH PARKS AND RECREATION.

**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)**

12-0585R - RESOLUTION DISTRIBUTING THE ESTIMATED 2013 TOURISM TAXES OF HOTEL-MOTEL AND FOOD AND BEVERAGE. **(AMENDMENTS)**

12-0608R - RESOLUTION ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2013. **(AMENDMENT)**

12-0614R - RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2013, TO DECEMBER 31, 2013, BUDGETS OF THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

12-0642R - RESOLUTION ESTABLISHING A PROCEDURE TO CORRECT ERRORS RELATED TO ELIGIBLE SALARY REPORTING TO THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION (PERA).

12-0644R - RESOLUTION AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF A \$50,000 GRANT FROM THE U.S. DEPARTMENT OF ENERGY AND MINNESOTA DEPARTMENT OF COMMERCE THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR A FEASIBILITY STUDY ON THE EXPANSION OF DULUTH'S STEAM SYSTEMS IN CANAL PARK.

12-0645R - RESOLUTION AUTHORIZING AN AGREEMENT WITH EVER-GREEN ENERGY, LLC FOR PROFESSIONAL CONSULTING SERVICES FOR THE PREPARATION OF A FEASIBILITY STUDY FOR THE EXPANSION OF DULUTH'S STEAM NETWORK IN CANAL PARK IN AN AMOUNT NOT TO EXCEED \$45,100.

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

12-0604R - RESOLUTION IN THE MATTER OF THE OFF SALE LIQUOR LICENSE OF LAST CHANCE OF DULUTH, INC. (LAST CHANCE LIQUOR), 619 EAST FOURTH STREET. **(AMENDMENT)**

**COMMITTEE 2**

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

12-0613R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) RELATING TO PARTICIPATION BY DEDA IN THE CITY OF DULUTH SELF INSURANCE FUND PROGRAM FOR 2013

**BY COUNCILORS STAUBER AND KRAUSE**

12-0627R - RESOLUTION REQUESTING THE MAYOR AND CITY ADMINISTRATION REMOVE ANY SIGNAGE DESIGNATING A FREE SPEECH ZONE (FIRST AMENDMENT AREA) IN BAYFRONT FESTIVAL PARK AND TERMINATE ANY ENFORCEMENT THEREOF.

**BY COUNCILOR GARDNER (INTERGOVERNMENTAL RELATIONS)**

12-0639R - RESOLUTION REGARDING STATE AND LOCAL GOVERNMENT FUNDING AND THE IMPACT OF PENTAGON SPENDING. **(REPLACEMENT)**

**COMMITTEE 3**

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

12-0617R - RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) TO DISPOSE OF SNOW ON PROPERTY OWNED BY DEDA LOT D LOCATED WEST OF BAYFRONT PARK AT NO COST TO THE CITY.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**ORDINANCES TABLED**

**COMMITTEE 2**

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

12-070-O(a) - AN ORDINANCE CREATING SECTIONS 50-15.7 AND 50-18.5, AND AMENDING SECTIONS 50-2, 50-13.3, 50-14.6, 50-14.7, 50-15.2, 50-18.4, 50-19.8, 50-20.3, 50-20.5, 50-35, 50-37.1, AND 50-37.11 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING R-2 AND MU-N DEVELOPMENT STANDARDS, RESIDENTIAL PLANNED ZONING DISTRICTS, MIXED USE PLANNING ZONING DISTRICTS, SKYLINE PARKWAY OVERLAY DISTRICT, HIGHER EDUCATION OVERLAY DISTRICT, PERMITTED USE TABLE, VACATION DWELLING UNITS, SUMMARY TABLE, ADMINISTRATIVE ADJUSTMENTS, AND PLANNING REVIEW. **(TABLED 12/3)**

12-070-O(b) - AN ORDINANCE CREATING SECTIONS 50-27, 50-38.6, 50-38.7, AND 50-41 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING SIGN REGULATIONS, NON-CONFORMING SIGNS, AND DEFINITIONS. **(TABLED 12/3)**

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

**COMMITTEE 1**

**BY COUNCILOR KRUG**

**(FINANCE)**

12-073-O - AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2013.

12-074-O - AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2013.

12-076-O - AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2013; APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

**COMMITTEE 2**

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

12-075-O - AN ORDINANCE AMENDING ORDINANCE NUMBER 10162 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO CORRECT THE LEGAL DESCRIPTION (CITY OF DULUTH).

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**COUNCILOR QUESTIONS AND COMMENTS**

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**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

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