

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, March 11, 2013, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - December 17, 2012.

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.

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]

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

*13-0311-01 Pete Johnson communication regarding the proposed ordinances relating to civil service (13-008-O and 13-013-O). -- Received

*13-0311-02 Communications regarding the proposed ordinance regarding sign regulations (13-009-O): (a) Jerry Kimball; (b) Todd Signs. -- Received

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

*13-0311-03 Clerk application for exempt permit to the Minnesota gambling control board from St. Luke's Foundation on July 22, 2013 (raffle). -- Received

REPORTS OF BOARDS AND COMMISSIONS

*13-0311-04 American Indian commission minutes of: (a) December 17, 2012; (b) January 28, 2013, meetings. -- Received

*13-0311-05 Building appeal board minutes of: (a) November 14; (b) December 12, 2012, meetings. -- Received

*13-0311-06 Commission on disabilities minutes of: (a) December 5, 2012; (b) January 2, 2013, meetings. -- Received

*13-0311-07 Duluth citizen review board minutes of: (a) January 22, 2013; (b) February 19, 2013, meetings. -- Received

*13-0311-08 Duluth economic development authority minutes of January 23, 2013: (a) Special; (b) Regular, meetings. -- Received

*13-0311-09 Duluth parking commission: (a) Minutes of November 9, 2012, meeting; (b) Resolutions: (1) To prohibit parking near the intersection of East 8th Street and East College Street (2013-1); (2) To rescind the weekly alternate side parking system for East 8th Street between its cul-de-sac terminus just east of Woodland Avenue and East Clover Street (2013-2); (3) To prohibit parking on the north side of the east half of East Arrowhead Road between Wallace Avenue and Vermillion Road (2013-3); (4) To allow parking on the north side of Water Street between 22nd Avenue East and the west end of Beacon Pointe Resort, which is located at 2100 East Water Street (2013-4). -- Received

*13-0311-10 Duluth public utilities commission resolution establishing natural gas rates effective with meter readings after March 31, 2013; superseding all prior inconsistent or conflicting rates as of April 1, 2013 (13PUC-003). -- Received

*13-0311-11 Duluth transit authority: (a) Minutes of: (1) November 28; (2) December 12, 2012; (3) January 2, 2013, meetings; (b) Income statements for: (1) November 2012; (2) December 2012. -- Received

*13-0311-12 Housing and redevelopment authority of Duluth minutes of January 29, 2013: (a) Annual; (b) Regular, meetings. -- Received

REPORTS OF COUNCIL COMMITTEES

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 HARTMAN

(FINANCE)

13-0123R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ALLOCATE \$775,000 FROM THE TOURISM TAX FUND BALANCE, \$100,000 FROM CAPITAL IMPROVEMENTS BALANCE, AND \$675,000 FROM THE UNDESIGNATED UNRESERVED FUND BALANCE TO VARIOUS TOURISM-RELATED IMPROVEMENT PROJECTS.

BY COUNCILOR KRAUSE

(PURCHASING & LICENSING)

13-0082R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE AND SUNDAY LICENSE TO GRANDMA'S SPORTS BAR & GRILL, INC. (GRANDMA'S HOSPITALITY #1), 250 CANAL PARK DRIVE.

13-0124R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR REGENTS OF THE UNIVERSITY OF MINNESOTA-DULUTH.

COMMITTEE 1

BY COUNCILOR GARDNER (PERSONNEL)

13-0056R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF ARCHITECT AND SPECIFYING CONTRACT BENEFITS FOR SAME.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-0118R - RESOLUTION AUTHORIZING AN AGREEMENT WITH SRF CONSULTING GROUP, INC., FOR A TRAFFIC IMPACT STUDY OF THE PROPOSED DOWNTOWN OFFICE TOWER PROJECT SITE FOR AN AMOUNT NOT TO EXCEED \$27,500.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

13-0010R - RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT OF A UTILITY AND PEDESTRIAN EASEMENT FROM ISD #709.

13-0107R - RESOLUTION AWARDED A CONTRACT TO VEIT & COMPANY, INC., FOR LIFT STATION NO. 14 RECONSTRUCTION IN THE AMOUNT OF \$189,500.

13-0112R - RESOLUTION AMENDING CONTRACT NO. 21801 WITH LIMNOTECH FOR PROFESSIONAL SERVICES FOR PREPARATION OF MRTF AND OTHER GRANT APPLICATIONS FOR STREAM RESTORATION PROJECTS AS A RESULT OF THE JUNE 2012 FLOODING IN THE ESTIMATED AMOUNT OF \$75,000 FOR A NEW TOTAL OF \$175,000.

13-0113R - RESOLUTION AMENDING CONTRACT NO. 21800 WITH BARR ENGINEERING FOR PROFESSIONAL SERVICES FOR PREPARATION OF MRTF AND OTHER GRANT APPLICATIONS FOR STREAM RESTORATION PROJECTS AS A RESULT OF THE JUNE 2012 FLOODING IN THE ESTIMATED AMOUNT OF \$75,000 FOR A NEW TOTAL OF \$175,000.

13-0114R - RESOLUTION AWARDED A CONTRACT TO HANCO UTILITIES FOR CONSTRUCTION OF A NEW 8" AND 12" PE GAS MAIN, RECONNECTION OF LOCAL SERVICES AND BRANCH MAINS, AND ABANDONMENT OF AN EXISTING 8" STEEL GAS MAIN LOCATED ALONG FIRST STREET FROM MESABA AVENUE TO 15TH AVENUE WEST IN THE AMOUNT OF \$480,525.

13-0115R - RESOLUTION AUTHORIZING A PROPRIETARY CONTRACT WITH NOVASPECT, INC., FOR THE PURCHASE AND DELIVERY OF TWO FISHER REGULATORS IN YEAR 2013 IN THE AMOUNT OF \$29,153.32.

13-0116R - RESOLUTION AUTHORIZING A PROPRIETARY CONTRACT WITH NELSON TECHNOLOGIES, INC., FOR THE PURCHASE AND DELIVERY OF ONE YZ MODEL TOTAL SYSTEM NATURAL GAS ODORIZER IN YEAR 2013 IN THE AMOUNT OF \$36,337.50.

13-0119R - RESOLUTION AMENDING RESOLUTION 11-0663 AMENDING CONTRACT 21549 WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR CONSTRUCTION ADMINISTRATION AND INSPECTION FOR THE REHABILITATION OF BRIDGE NO. L6007 ON SKYLINE PARKWAY AT STEWART CREEK TO INCREASE THE AMOUNT BY \$76,940 FOR A NEW TOTAL OF \$166,802.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

13-0108R - RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MINNESOTA BOARD OF FIREFIGHTER TRAINING AND EDUCATION IN THE AMOUNT OF UP TO \$9,900 FOR THE PURPOSE OF SUPPORTING THE FIRE DEPARTMENT PERSONNEL TRAINING.

BY COUNCILOR LARSON (RECREATION, LIBRARIES & AUTHORITIES)

13-0091R - RESOLUTION AWARDED A CONTRACT TO SUPERIOR GOLF CARS FOR THE THREE YEAR SEASONAL LEASE OF GOLF CARS AND GAS UTILITY TURF VEHICLES AT A TOTAL OF \$81,698.40 FOR EACH OF YEARS 2013, 2014 AND 2015, AND A POTENTIAL TOTAL CONTRACT AMOUNT OF \$245,095.20.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR HARTMAN AND PRESIDENT BOYLE

NEW 13-0125R - RESOLUTION REGARDING LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN® (LEED®) STANDARDS IN THE PLANNING, DESIGN, CONSTRUCTION AND COMMISSIONING OF MUNICIPAL FACILITIES.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-0110R - RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND RAMSEY IV, LLC RELATING TO THE RAMSEY NEIGHBORHOOD TOWNHOME DEVELOPMENT.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

13-0120R - RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES REGIONAL TRAIL GRANT PROGRAM AND TO ENTER INTO A GRANT AGREEMENT FOR THE CROSS CITY TRAIL PHASE 3.

13-0121R - RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES REGIONAL TRAIL GRANT PROGRAM AND TO ENTER INTO A GRANT AGREEMENT FOR THE CROSS CITY TRAIL PHASE 4.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 1

BY COUNCILOR HARTMAN (FINANCE)

13-018-O - AN ORDINANCE REQUIRING RESOLUTION PRE-APPROVING LAND CONVEYANCES, AMENDING SECTION 2-176 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

BY COUNCILORS GARDNER, HARTMAN AND STAUBER

13-008-O - AN ORDINANCE AMENDING CHAPTER 13 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO CIVIL SERVICE. **(REPLACEMENT)**

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-011-O - AN ORDINANCE GRANTING THE DULUTH TRANSIT AUTHORITY A CONCURRENT USE PERMIT TO CONSTRUCT AND MAINTAIN A SKYWALK OVER WEST MICHIGAN STREET BETWEEN SECOND AND THIRD AVENUES WEST.

13-012-O - AN ORDINANCE GRANTING THE DULUTH TRANSIT AUTHORITY A CONCURRENT USE PERMIT TO CONSTRUCT AND MAINTAIN A SKYWALK AND CANOPY OVER WEST MICHIGAN STREET BETWEEN SECOND AND THIRD AVENUES WEST.

13-014-O - AN ORDINANCE 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, TO P-1, MINNESOTA POINT FROM THE SKY HARBOR AIRPORT BOUNDARY TO PARCEL ONE OF THE CLARK'S TRACT REFEREE'S PLAT OF MINNESOTA POINT (CITY OF DULUTH).

13-016-O - AN ORDINANCE ALLOWING BICYCLES TO BE WALKED THROUGH THE NORTHWEST PASSAGE, AMENDING SECTION 44A-5 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

13-017-O - AN ORDINANCE AUTHORIZING CONVEYANCE OF PROPERTY AT 3RD AVENUE WEST AND THE I-35 FRONTAGE ROAD TO DTA AT NO COST FOR THE MULTI-MODAL TRANSPORTATION CENTER, SUBJECT TO CONDITIONS.

COMMITTEE 3

BY COUNCILOR LARSON (RECREATION, LIBRARIES & AUTHORITIES)

13-015-O - AN ORDINANCE PERTAINING TO CONDUCT ON DULUTH TRANSIT AUTHORITY ("DTA") BUSES, AT DTA FACILITIES, AND IN DTA SHELTERS AND AUTHORIZING DRIVERS AND OTHER DTA EMPLOYEES TO REFUSE SERVICE FOR DISORDERLY PERSONS.

- - -

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

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

13-013-O - AN ORDINANCE AMENDING CHAPTER 13 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO CIVIL SERVICE.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-009-O - 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. **(AS AMENDED)**

13-010-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) AND RESIDENTIAL-URBAN (R-2), TO FORM DISTRICT SIX, MID-RISE NEIGHBORHOOD SHOPPING (F-6) FOURTH STREET FROM NORTH SIXTH AVENUE EAST TO NORTH 14TH AVENUE EAST, FROM THE ALLEY ABOVE AND BELOW FOURTH STREET (CITY OF DULUTH).

- - -

COUNCILOR QUESTIONS AND COMMENTS

- - -

COUNCILOR PREVIEW OF UPCOMING BUSINESS

- - -