

# AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, March 25, 2013, 7:00 p.m.

## ROLL CALL

## PLEDGE OF ALLEGIANCE

## APPROVAL OF MINUTES - January 14, 2013.

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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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## REPORTS FROM THE ADMINISTRATION

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## REPORTS FROM OTHER OFFICERS

\*13-0325-01 Clerk applications for exempt permits (raffles) to the Minnesota gambling control board from:  
(a) Duluth AA Institute on May 9, 2013; (b) National Kidney Foundation on May 18, 2013. -- Received

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## REPORTS OF BOARDS AND COMMISSIONS

\*13-0325-02 Library board minutes of January 22, 2013, meeting. -- Received

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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 HARTMAN

(FINANCE)

**NEW** 13-0117R - RESOLUTION AMENDING AND RENEWING THE JOINT POWERS AGREEMENT NO. 20604 WITH THE DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY FOR THE OPERATION OF THE MINNESOTA SLIP PEDESTRIAN DRAW BRIDGE DURING YEAR 2013 FOR A TOTAL AMOUNT NOT TO EXCEED \$36,441.02.

**COMMITTEE 1**

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

13-0127R - RESOLUTION APPROVING THE ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE AND ISSUING TEMPORARY DANCE LICENSES TO GRANDMA'S MARATHON - DULUTH, INC., CANAL PARK DRIVE AND BUCHANAN STREET.

13-0133R - RESOLUTION AUTHORIZING A CONTRACT WITH THANE HAWKINS POLAR CHEVROLET FOR THE PURCHASE AND DELIVERY OF THREE VEHICLES, INCLUDING TWO 2013 CHEVROLET SILVERADO 2500 4X4 EXTENDED CAB, REGULAR BOX DIESEL PICKUP TRUCKS FOR PUBLIC WORKS AND UTILITIES AND ONE 2013 CHEVROLET SILVERADO 3500 4X4 REGULAR CAB AND CHASSIS PICKUP TRUCK FOR STREET MAINTENANCE, FOR A TOTAL AMOUNT OF \$106,865.20.

13-0151R - RESOLUTION APPROVING THE ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO ORDER OF OWLS, NEST 1200 (ART IN BAYFRONT PARK), BAYFRONT PARK.

**BY COUNCILOR GARDNER (PERSONNEL)**

13-0129R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF NETWORK ADMINISTRATOR.

13-0130R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF CORROSION TECHNICIAN INCLUDING A TITLE CHANGE TO CORROSION TECHNICIAN II AND SPECIFYING CONTRACT BENEFITS FOR SAME.

13-0131R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF CORROSION TECHNICIAN I AND SPECIFYING CONTRACT BENEFITS FOR SAME.

13-0134R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF REGULATOR MECHANIC AND SPECIFYING CONTRACT BENEFITS FOR SAME.

13-0135R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF WATER CONVEYANCE SPECIALIST AND SPECIFYING CONTRACT BENEFITS FOR SAME.

13-0136R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF WATER CONVEYANCE TECHNICIAN AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**COMMITTEE 2**

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

13-0132R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE MINNESOTA HOUSING FINANCE AGENCY RELATED TO THE LOW INCOME HOUSING TAX CREDIT PROGRAM.

13-0137R - RESOLUTION AMENDING THE COMPREHENSIVE PLAN - FUTURE LAND USE MAP FROM SOUTH 21ST AVENUE EAST TO SOUTH 26TH AVENUE EAST BETWEEN LONDON ROAD AND INTERSTATE HIGHWAY 35 (CITY OF DULUTH).

13-0143R - RESOLUTION VACATING AN UTILITY EASEMENT AT THE 4500 BLOCK OF MINNESOTA AVENUE (DANIEL AND AMANDA THRALOW).

**COMMITTEE 2**

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

13-0144R - RESOLUTION VACATING PORTIONS OF PLATTED UNIMPROVED ROAD EASEMENT OF SECOND AVENUE WEST BETWEEN WEST EIGHTH AND WEST NINTH AVENUE (DEBORAH ANDERSON AND DIANNA HUNTER).

13-0145R - RESOLUTION VACATING PORTIONS OF PLATTED UNIMPROVED ROAD EASEMENT OF 49TH AVENUE EAST BETWEEN WOODLAWN STREET AND KINGSTON STREET (JIM MAINELLA).

13-0146R - RESOLUTION VACATING ONE FOOT OF LONDON ROAD RIGHT-OF-WAY AT 1732 LONDON ROAD (GREGORY KAMP/COLDWELL BANKER).

13-0147R - RESOLUTION GRANTING AN INTERIM USE PERMIT FOR TWO VACATION DWELLING UNITS AT 1003-1005 SOUTH LAKE AVENUE (JOEL AND JOY JOHNSON).

13-0148R - RESOLUTION GRANTING AN INTERIM USE PERMIT FOR TWO VACATION DWELLING UNITS AT 1621 EAST SUPERIOR STREET (JEFF LATZ, DBA LATZ PROPERTIES).

13-0149R - RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 3315 MINNESOTA AVENUE (DOUG SABO AND LORRI HANNA).

13-0150R - RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1615 EAST SUPERIOR STREET (JEREMY PAGGEN).

**COMMITTEE 3**

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

13-0128R - RESOLUTION ORDERING THE IMPROVEMENT OF THE 2013 STREET PRESERVATION PROJECT AT AN ESTIMATED COST OF \$704,400.

13-0139R - RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH ENERGY INSIGHT, INC., FOR PROFESSIONAL SERVICES RELATED TO A COMMERCIAL AND INDUSTRIAL CONSERVATION IMPROVEMENT PROGRAM FOR DULUTH PUBLIC WORKS AND UTILITIES, FOR AN ANNUAL AMOUNT NOT TO EXCEED \$35,000 IN EACH OF YEARS 2013, 2014 AND 2015, AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$105,000 AND RESCINDING RESOLUTION 13-0069.

13-0140R - RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH BRAUN INTERTEC CORPORATION, FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR A TOTAL ANNUAL AMOUNT NOT TO EXCEED \$50,000, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.

13-0141R - AUTHORIZING A FIVE YEAR MASTER SERVICES AGREEMENT WITH AMERICAN ENGINEERING TESTING, INC., FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR A TOTAL ANNUAL AMOUNT NOT TO EXCEED \$50,000, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.

13-0142R - RESOLUTION AUTHORIZING A FIVE YEAR MASTER SERVICES AGREEMENT WITH EPC ENGINEERING & TESTING, FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR A TOTAL ANNUAL AMOUNT NOT TO EXCEED \$50,000, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.

**COMMITTEE 3**

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

13-0126R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES IN CANAL PARK ON JUNE 22, 2013, IN CONJUNCTION WITH GRANDMA'S MARATHON AND SUBJECT TO CERTAIN CONDITIONS.

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

13-0138R - RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES LOCAL TRAIL CONNECTIONS GRANT PROGRAM AND TO ENTER INTO A GRANT AGREEMENT FOR THE BAYFRONT TRAILS.

END OF CONSENT AGENDA

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**ORDINANCE TABLED**

**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. (TABLED 3/11)

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

**COMMITTEE 2**

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

13-019-O - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO R-2, R-1 TO R-C, MU-N TO R-N, AND R-1 TO RR-2, PROPERTIES LOCATED IN THE KENWOOD NEIGHBORHOOD AREA.

13-020-O - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO R-2, R-2 TO R-1, R-2 TO MU-N, AND MU-N TO R-2, PROPERTIES LOCATED IN THE EAST HILLSIDE AND ENDION NEIGHBORHOODS.

13-021-O - AN ORDINANCE GRANTING TO GREGORY KAMP/COLDWELL BANKER A CONCURRENT USE PERMIT FOR CONSTRUCTION OF A CANOPY TO PROJECT INTO THE LONDON ROAD RIGHT-OF-WAY AT 1732 LONDON ROAD.

13-022-O - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RURAL RESIDENTIAL ONE (RR-1), TO INDUSTRIAL-GENERAL (I-G), THE PROPERTIES LOCATED AT 1100 WEST GARY STREET (VONCO V, LLC).

**NEW** 13-023-O - AN ORDINANCE AMENDING ORDINANCE NO. 10198 EXTENDING THE CLOSING DATE AND CORRECTING THE LEGAL DESCRIPTION RELATING TO THE SALE OF THE ENDION STATION.

**NEW** 13-024-O - AN ORDINANCE AMENDING ORDINANCE NO. 10201 AUTHORIZING THE DEDICATION OF A STREET AND UTILITY EASEMENT OVER CERTAIN CITY PROPERTY IN THE CANAL PARK AREA, TO CORRECT THE LEGAL DESCRIPTION.

The following entitled ordinances are to be read for the second 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 & 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 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 BUSES, AT DTA FACILITIES, AND IN DTA SHELTERS AND AUTHORIZING DRIVERS AND OTHER DTA EMPLOYEES TO REFUSE SERVICE FOR DISORDERLY PERSONS.

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**COUNCILOR QUESTIONS AND COMMENTS**

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**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

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