

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, April 22, 2013, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - February 11 and 25, March 11 and 25, 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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PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

*13-0422-01 Minnesota state auditor Duluth/North Shore Sanitary District audit report for the year ended December 31, 2011. -- Received

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REPORTS FROM THE ADMINISTRATION

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REPORTS OF BOARDS AND COMMISSIONS

- *13-0422-02 Commission on disabilities minutes of March 6, 2013, meeting. -- Received
- *13-0422-03 Community development committee minutes of: (a) December 4, 2012, meeting and public hearing; (b) January 29; (c) February 26, 2013, meetings. -- Received
- *13-0422-04 Duluth citizen review board minutes of February 26, 2013, meeting. -- Received
- *13-0422-05 Duluth economic development authority minutes of February 27, 2013, meeting. -- Received
- *13-0422-06 Duluth public utilities commission: (a) Minutes of: (1) February 19, (2) February 26, 2013, meetings; (b) Resolution establishing natural gas rates effective with meter readings after April 30, 2013; superseding all prior inconsistent or conflicting rates as of May 1, 2013 (13PUC-004). -- Received
- *13-0422-07 Duluth Seaway Port authority budget summary of March 2013. -- Received
- *13-0422-08 Housing and redevelopment authority audit report for the year ended September 30, 2012. -- 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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RESOLUTION TABLED

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

13-0158R - RESOLUTION OF INTENT TO IMPROVE A PORTION OF TENTH AVENUE EAST AND TO ASSESS A PORTION OF THE COSTS THEREOF. (TABLED 4/1)

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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)

13-0174R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY IN THE AMOUNT OF \$60,000.

13-0181R - RESOLUTION AUTHORIZING AN AGREEMENT WITH GREAT LAKES AQUARIUM IN THE AMOUNT OF \$60,000.

13-0205R - RESOLUTION AMENDING RESOLUTION NO. 06-0498 MODIFYING THE MEMBERSHIP OF THE CITY SPECIAL BOARD OF REVIEW.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

13-0171R - RESOLUTION IN THE MATTER OF THE OFF SALE 3.2 PERCENT MALT LIQUOR LICENSE OF D & C LETOURNEAU, ENT. (D & C LAKESIDE MILKHOUSE).

13-0176R - RESOLUTION AWARDED A CONTRACT TO ARROWHEAD CONCRETE WORKS, INC., FOR THE PURCHASE AND DELIVERY OF AN ESTIMATED 750 CUBIC YARDS OF READY-MIX CONCRETE AS NEEDED IN FISCAL YEAR 2013 FOR AN ESTIMATED TOTAL AMOUNT OF \$82,320.47.

13-0187R - RESOLUTION AWARDED AN ANNUAL CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC, AS THE CITY'S PRIMARY VENDOR FOR THE PURCHASE OF HOT MIX (FINE) IN YEAR 2013 FOR A TOTAL ESTIMATED AMOUNT OF \$639,085.78.

13-0188R - RESOLUTION AWARDED AN ANNUAL CONTRACT TO ULLAND BROTHERS, INC., AS THE CITY'S SECONDARY VENDOR FOR THE PURCHASE OF HOT MIX FINE IN YEAR 2013 FOR A TOTAL ESTIMATED AMOUNT OF \$61,133.07.

13-0194R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO MARSHALL SCHOOL (MARSHALL AUCTION), 1215 RICE LAKE ROAD.

13-0195R - RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ISSUING AN ADDITIONAL BAR LICENSE TO THE FLAME NIGHTCLUB, INC. (FLAME NIGHTCLUB), 28 NORTH FIRST AVENUE WEST.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

13-0196R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF GRANDMA'S RESTAURANT CO. (LITTLE ANGIE'S CANTINA), 11 EAST BUCHANAN STREET.

13-0197R - RESOLUTION APPROVING THE TRANSFER OF THE OFF SALE INTOXICATING LIQUOR LICENSE FROM GOLDEN EAGLE LIQUORS, LLC (SPORTSMEN'S LIQUOR), 3904 GRAND AVENUE, TO BROAD EAVES, LLC (PIEDMONT LIQUOR), 2818 PIEDMONT AVENUE.

13-0198R - RESOLUTION APPROVING THE ISSUANCE OF AN ON SALE WINE LICENSE AND ISSUING A 3.2 PERCENT MALT LIQUOR LICENSE TO STEWART ZAUN, INC. (AMAZING GRACE BAKERY), 394 LAKE AVENUE SOUTH.

13-0199R - RESOLUTION APPROVING THE ISSUANCE OF OFF SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY 1, 2013, AND ENDING APRIL 30, 2014.

13-0200R - RESOLUTION APPROVING THE ISSUANCE OF ON SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY 1, 2013, AND ENDING APRIL 30, 2014.

13-0201R - RESOLUTION RECOMMENDING APPROVAL OF THE CONSUMPTION AND DISPLAY LICENSE RENEWALS OF THE ORDER OF THE OWLS, DULUTH NEST #1200 AND DULUTH WOMAN'S CLUB FOR THE PERIOD BEGINNING APRIL 1, 2013, AND ENDING MARCH 31, 2014.

BY COUNCILOR GARDNER (PERSONNEL)

13-0165R - RESOLUTION CONFIRMING THE APPOINTMENT OF TIMOTHY L. MEYER TO THE PLANNING COMMISSION, REPLACING HEATHER RAND.

13-0193R - RESOLUTION AUTHORIZING A TRANSFER OF ASSETS AGREEMENT WITH THE DULUTH PUBLIC ARTS FUND, INC.

13-0209R - RESOLUTION CONFIRMING THE APPOINTMENT OF JARON A. SMALLWOOD TO THE AMERICAN INDIAN COMMISSION, REPLACING PRISCILLA FAIRBANKS.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-0164R - RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1210 SOUTH LAKE AVENUE (HEATHER PITSCHKA).

13-0166R - RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1535 SOUTH LAKE AVENUE (HEATHER PITSCHKA).

13-0167R - RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1302 MINNESOTA AVENUE (HEATHER PITSCHKA).

13-0168R - RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 124 NORTH HAWTHORNE ROAD (THERESA HANSON).

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-0178R - RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 3330 MINNESOTA AVENUE (COTTAGE ON THE POINT, LLC/PATRICIA BURNS).

13-0184R - RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 206 NORTH 11TH AVENUE WEST (TED W. STEIN AND CARELLE STEIN).

13-0185R - RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1202 SOUTH LAKE AVENUE (JERRY PAULSON AND BETSY SNOW).

13-0186R - RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1018 SOUTH LAKE AVENUE (DEBORAH MEDLIN).

13-0202R - RESOLUTION REQUESTING STATE LEGISLATION PERMITTING THE BALANCE OF TIF #3 TO BE USED FOR WADE STADIUM REHABILITATION.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

13-0161R - RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION, INCLUDING PLAN APPROVAL, FOR GRADING, BITUMINOUS MILL AND OVERLAY, AND CONSTRUCTION OF BRIDGE NO. 69X12 ON TH23 FROM POLK STREET TO I-35, AT AN ESTIMATED COST OF \$101,357.66.

13-0177R - RESOLUTION AUTHORIZING A CONTRACT WITH ON2 SOLUTIONS FOR THE PURCHASE AND DELIVERY OF LED ROADWAY LUMINAIRES IN THE AMOUNT OF \$71,178.75.

13-0179R - RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR CONSTRUCTION OF THE LAKEWALK EAST EXTENSION, PHASE IV IN THE AMOUNT OF \$524,345.37.

13-0180R - RESOLUTION AWARDED A CONTRACT TO VEIT & COMPANY, INC. FOR CONSTRUCTION OF THE WEST DULUTH RESERVOIR SURGE TANK IN THE AMOUNT OF \$498,925.

13-0182R - RESOLUTION AWARDED A CONTRACT TO HOVLAND, INC. FOR THE CASCADE PARK PERMANENT FLOOD REPAIRS IN THE AMOUNT OF \$74,570.

13-0183R - RESOLUTION AWARDED A CONTRACT TO HANCO UTILITIES, INC. FOR CONSTRUCTION OF HIGH PRESSURE GAS MAINS AND SERVICES IN VARIOUS LOCATIONS IN THE AMOUNT OF \$647,621.

13-0189R - RESOLUTION AUTHORIZING A FIVE YEAR MASTER SERVICES AGREEMENT WITH MINNESOTA POWER FOR EMERGENCY REPAIR SERVICES.

13-0206R - RESOLUTION AUTHORIZING BILL OF SALE AND TRANSFER AGREEMENT WITH WLSSD FOR EXCHANGE OF SEWERS.

13-0208R - RESOLUTION AMENDING RESOLUTION 12-0579R AND INCREASING GRANT NO. 01618 FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR THE REHABILITATION OF BRIDGE NO. L6007 AT SKYLINE PARKWAY OVER STEWART CREEK BY \$12,526.80 FOR A NEW TOTAL OF \$85,669.80.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

13-0170R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A LEASE AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY FOR LEASED SPACE FOR THE DULUTH POLICE DEPARTMENT AT NO COST TO THE CITY.

13-0192R - RESOLUTION AUTHORIZING FIRST AMENDMENT TO THE AGREEMENT REGARDING FY 2012 JUSTICE ASSISTANCE GRANT BETWEEN ST. LOUIS COUNTY SHERIFF'S OFFICE AND THE CITY OF DULUTH.

BY COUNCILOR LARSON (RECREATION, LIBRARIES, & AUTHORITIES)

13-0162R - RESOLUTION ACCEPTING REIMBURSEMENT MONEY IN THE AMOUNT OF \$47,002 FROM THE ARROWHEAD LIBRARY SYSTEM FOR THE PURCHASE OF LIBRARY MATERIALS.

13-0190R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH DAVID JOSEPH CONLEY FOR RENTAL OF THE RESIDENTIAL DWELLING UNIT LOCATED WITHIN THE UPPER LEVEL OF THE CHESTER BOWL CHALET.

13-0191R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH DONALD RODERICK KUCHENBECKER FOR RENTAL OF THE RESIDENTIAL DWELLING UNIT LOCATED WITHIN THE UPPER LEVEL OF THE CHESTER BOWL CHALET.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR HARTMAN (FINANCE)

13-0109R - RESOLUTION AUTHORIZING THE CITY TREASURER TO ACCEPT GIFTS ON BEHALF OF THE CITY IN THE AMOUNT OF \$10,000 OR LESS.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-0163R - RESOLUTION REQUESTING THE UN-FAIR CAMPAIGN ORGANIZATION REMOVE THE CITY OF DULUTH AS A LISTED SPONSOR ON THEIR WEB PAGE AND LITERATURE.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

13-0207R - RESOLUTION AUTHORIZING AN AGREEMENT WITH BENCH STRENGTH PARTNERS, INC., FOR PROFESSIONAL SERVICES IN THE NEGOTIATION OF CONTRACTS FOR RENTAL OF SPACE BY COMMUNICATION CARRIERS ON DESIGNATED COMMUNICATION AND WATER TOWER INFRASTRUCTURE, TO BE PROVIDED AT NO COST TO THE CITY UNTIL A SPECIFIC ECONOMIC RESULT IS ACHIEVED.

COMMITTEE 3

BY COUNCILOR LARSON (RECREATION, LIBRARIES & AUTHORITIES)

13-0169R - RESOLUTION AUTHORIZING LEASE AGREEMENT WITH NORTH SHORE SUP, LLC, FOR OPERATION OF A SEASONAL BUSINESS OFFERING PADDLEBOARD RENTALS, GUIDED TOURS AND A VARIETY OF INSTRUCTIONAL CLASSES AT A CITY OWNED PROPERTY LOCATED AT 45TH STREET AND MINNESOTA AVENUE.

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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 GARDNER (PERSONNEL)

13-026-O - AN ORDINANCE AMENDING SECTION 2-90 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ADDING ONE ADDITIONAL MEMBER TO DULUTH DEFERRED COMPENSATION PLAN COMMISSION.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-027-O - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM MIXED USE-BUSINESS (MU-B) AND MIXED USE-NEIGHBORHOOD (MU-N) TO MIXED USE-COMMERCIAL (MU-C), FOR PROPERTIES LOCATED AT THE 2100 BLOCK OF LONDON ROAD (LONDON ACQUISITION, LLC).

13-028-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING SIGN REGULATIONS.

13-029-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING DIMENSIONAL STANDARDS, PERMITTED AND SPECIAL USES, USE SPECIFIC STANDARDS, THE HISTORIC PRESERVATION COMMISSION AND DEFINITIONS.

COMMITTEE 3

BY COUNCILOR LARSON (RECREATION, LIBRARIES, & AUTHORITIES)

NEW 13-030-O - AN ORDINANCE AMENDING CHAPTER 27 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ADDING A NEW ARTICLE RELATED TO MOBILE FOOD CARTS AND VEHICLES.

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The following entitled ordinance is to be read for the second time:

COMMITTEE 1

BY COUNCILOR GARDNER (PERSONNEL)

13-025-O - AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XIX, OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING THE DULUTH PUBLIC ARTS COMMISSION.

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COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS

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