

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, May 13, 2013, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - April 1, 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

*13-0513-01 Summit Management, LLC, further petition (one additional signature) for signal and intersection improvements at the intersection of Woodland Avenue and Summit Street. -- Assessor

*13-0513-02 Minnesota state auditor of Spirit Mountain recreation area authority audit report for the years ended April 30, 2012, and 2011. -- Received

*13-0513-03 Daniel and Barbara Hoffman communications regarding the proposed Tenth Avenue East improvement (13-0158R). -- Received

*13-0513-04 Gregory Kamp/Coldwell Banker acceptance of terms conditions and provisions of concurrent use permit granted by Ordinance 10216 on April 1, 2013. -- Received

*13-0513-05 The following communications regarding the proposed ordinance related to mobile food carts and vehicles (13-030-O): (a) Duluth Area Chamber of Commerce; (b) Michelle Peterson; (c) Ken Steil. -- Received

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REPORTS FROM THE ADMINISTRATION

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REPORTS FROM OTHER OFFICERS

*13-0513-06 Acting assessor letter of sufficiency regarding petition to construct signal and intersection improvements at Woodland Avenue and Summit Street. -- Received

*13-0513-07 Budget manager 2012 general fund reconciled budget report, pursuant to Ordinance No. 10130. -- Received

*13-0513-08 Clerk application for exempt permit to the Minnesota gambling control board from Duluth Amateur Hockey Association on January 10, 2014 (raffle). -- Received

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REPORTS OF BOARDS AND COMMISSIONS

*13-0513-09 Duluth citizen review board minutes of March 26, 2013, meeting. -- Received

- *13-0513-10 Duluth economic development authority minutes of March 27, 2013, meeting. - Received
- *13-0513-11 Duluth parking commission minutes of: (a) December 7, 2012; (b) February 22, 2013, meetings. -- Received
- *13-0513-12 Entertainment and convention center authority minutes of: (a) November 20; (b) December 18; 2012, meetings. -- Received
- *13-0513-13 Housing and redevelopment authority minutes of: (a) February 26; (b) March 26, 2013, meetings. -- Received
- *13-0513-14 Library board minutes of: (a) February 26; (b) March 26, 2013, meetings. -- 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)
(REPLACEMENT)

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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 KRAUSE (PURCHASING & LICENSING)

NEW 13-0210R - RESOLUTION AMENDING RESOLUTION 12-0152 AND AUTHORIZING AN OVERALL INCREASE OF \$133,085.31 IN THE THREE-YEAR AGREEMENT WITH TOSHIBA SOLUTIONS, INC., FOR A NEW ADJUSTED CONTRACT TOTAL OF \$541,849.83.

13-0216R - RESOLUTION AUTHORIZING A CONTRACT WITH HOVLAND INC., FOR ENGER PARK SHELTER IMPROVEMENTS AND ROTARY PEACE PLAZA IN THE AMOUNT OF \$325,000.

13-0218R - RESOLUTION AUTHORIZING A \$1,711 INCREASE TO AGREEMENT NO. 21607 WITH BARR ENGINEERING CO. FOR PROFESSIONAL CONSULTING SERVICES FOR THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT WORKSHEET FOR THE DULUTH TRAVERSE TRAIL IN AN AMOUNT NOT TO EXCEED \$25,211.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

13-0232R - RESOLUTION AWARDDING A CONTRACT TO BROCK WHITE COMPANY FOR THE PURCHASE AND DELIVERY OF 100,000 POUNDS OF CRACK SEALER IN YEAR 2013 IN THE AMOUNT OF \$61,185.94.

13-0236R - RESOLUTION AWARDDING A CONTRACT WITH HOFFMAN & MCNAMARA CO. FOR THE PURCHASE AND DELIVERY OF TREES FOR PLANTING IN DULUTH PARKS, BOULEVARDS, AND OTHER CITY PROPERTY IN YEAR 2013 FOR AN AMOUNT NOT TO EXCEED \$84,000.

13-0239R - RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO MINNESOTA WINE EXCHANGE, LLC (MINNESOTA WINE EXCHANGE), 3 WEST SUPERIOR STREET.

13-0240R - RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF LAST CHANCE OF DULUTH, INC. (LAST CHANCE LIQUOR), 619 EAST FOURTH STREET.

13-0241R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF VARIOUS LICENSEES.

13-0242R - RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF GRANDMA'S INC. (GRANDMA'S SALOON & DELI), 522 LAKE AVENUE SOUTH AND GRANDMA'S OF MILLER HILL, INC. (GRANDMA'S SALOON & GRILL), 2202 MAPLE GROVE ROAD.

13-0243R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO THE COLLEGE OF ST. SCHOLASTICA, 1200 KENWOOD AVENUE.

13-0244R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR DULUTH SUPERIOR SYMPHONY ASSOCIATION AND NORTHERN LIGHTS FOUNDATION.

13-0247R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE TO THE DULUTH PLAYHOUSE, INC. (THE UNDERGROUND), 506 WEST MICHIGAN STREET.

13-0256R - RESOLUTION ACCEPTING A GIFT OF \$105,000 FROM THE DULUTH ROTARY CLUBS TO BE USED FOR CONSTRUCTION OF A NEW PLAZA AT ENGER PARK AND EXPRESSING PUBLIC GRATITUDE FOR THE GENEROUS GIFT.

BY COUNCILOR GARDNER (PERSONNEL)

13-0222R - RESOLUTION ABOLISHING 15 OBSOLETE AND INACTIVE JOB CLASSIFICATIONS.

13-0223R - RESOLUTION CONFIRMING THE APPOINTMENT OF ELAINE HANSEN TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY, REPLACING VERONICA NELSON.

13-0248R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF ADMINISTRATIVE FINANCE SPECIALIST.

13-0249R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF ASSISTANT STOREKEEPER.

13-0250R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF STOREKEEPER.

COMMITTEE 1

BY COUNCILOR GARDNER (PERSONNEL)

13-0251R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF ASSISTANT CITY CLERK.

13-0252R - RESOLUTION AMENDING RESOLUTION 13-0135 APPROVING PROPOSED SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF WATER CONVEYANCE SPECIALIST AND CONTRACT BENEFITS FOR SAME; CORRECTING PAY RANGE FROM RANGE 32, \$4,044 TO \$4,785 PER MONTH TO RANGE 31, \$3,875 TO \$4,586 PER MONTH.

13-0253R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF BUDGET & OPERATIONS ANALYST.

13-0254R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF FLEET ASSISTANT, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

13-0255R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF SAFETY COORDINATOR AND SPECIFYING CONTRACT BENEFITS FOR SAME.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-0214R - RESOLUTION EMPOWERING THE ST. LOUIS COUNTY HOUSING AND REDEVELOPMENT AUTHORITY TO PROVIDE FUNDING TO A PROJECT WITHIN THE BOUNDARIES OF THE CITY OF DULUTH.

13-0215R - RESOLUTION OF RECOMMENDATION FOR ALLOCATION OF FY 2011, 2012 AND 2013 EMERGENCY SOLUTIONS GRANT (HESG) FUNDS.

13-0238R - RESOLUTION AUTHORIZING ACCEPTANCE OF A STATE OF MINNESOTA HEALTH IMPACT ASSESSMENT GRANT RELATED TO THE CITY OF DULUTH'S SMALL AREA PLAN FOR THE GARY AND NEW DULUTH NEIGHBORHOODS AND THE MASTER AREA PLAN FOR THE US STEEL DULUTH WORKS SITE IN THE AMOUNT OF \$30,000.

BY PRESIDENT BOYLE (COMMITTEE OF THE WHOLE)

13-0173R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF MINNESOTA DULUTH - SCHOOL OF FINE ARTS, IN THE AMOUNT OF \$100,000. (REPLACEMENT)

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

13-0211R - RESOLUTION AMENDING RESOLUTION 12-0016 AUTHORIZING A CONTRACT WITH SEH, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR PHASES IV AND V OF THE LAKEWALK EAST EXTENSION PROJECT, TO INCREASE THE AMOUNT BY \$35,855 FOR A NEW TOTAL OF \$221,655.

13-0212R - RESOLUTION ACCEPTING GRANTS FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND THE BOARD OF WATER AND SOIL RESOURCES FOR FLOOD DISASTER RECOVERY FUNDING FOR STREAM RESTORATION PROJECTS AS A RESULT OF THE JUNE 2012 FLOODING IN THE ESTIMATED TOTAL AMOUNT OF \$2,377,419.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

13-0220R - RESOLUTION AWARDDING A CONTRACT TO VEIT & CO., INC. FOR THE RECONSTRUCTION OF OLNEY STREET FROM 57TH AVENUE WEST TO 260 FEET WESTERLY, IN THE AMOUNT OF \$65,490.

13-0224R - RESOLUTION AWARDDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR THE MILL AND OVERLAY OF VINLAND STREET FROM IRWIN AVENUE TO BOUNDARY AVENUE AND 27TH AVENUE WEST FROM THIRD STREET TO 11TH STREET IN THE AMOUNT OF \$467,333.60.

13-0226R - RESOLUTION AUTHORIZING THE PURCHASE OF THREE 2013 FORD ECONOLINE E350 CARGO VANS FROM ROSEVILLE MIDWAY FORD IN THE AMOUNT OF \$73,610.56.

13-0227R - RESOLUTION AUTHORIZING THE PURCHASE OF ONE 2014 FREIGHTLINER MODEL 114 SD TANDEM AXLE CAB AND CHASSIS UNIT FROM BOYER FORD TRUCKS IN THE AMOUNT OF \$114,981.

13-0228R - RESOLUTION AMENDING CONTRACT NO. C21121 WITH MSA PROFESSIONAL SERVICES, INC., FOR ENGINEERING SERVICES FOR DESIGN AND CONSTRUCTION OF FIVE SANITARY SEWER LIFT STATIONS IN THE ESTIMATED AMOUNT OF \$29,971 FOR A NEW TOTAL OF \$293,288.

13-0231R - RESOLUTION AWARDDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR THE 2013 STREET PRESERVATION PROJECT IN THE AMOUNT OF \$569,586.90.

13-0234R - RESOLUTION AWARDDING A CONTRACT TO RJS CONSTRUCTION GROUP, LLC, FOR 2013 WATER MAIN IMPROVEMENTS IN THE AMOUNT OF \$1,372,000.

13-0235R - RESOLUTION AWARDDING A CONTRACT TO HANCO UTILITIES, INC., FOR REPLACEMENT OF APPROXIMATELY 960 COPPER GAS SERVICE RISERS WITH ANODELESS SERVICE RISERS AND RELATED WORK IN THE AMOUNT OF \$593,625.

NEW 13-0257R - RESOLUTION OF INTENT TO MAKE SIGNAL AND INTERSECTION IMPROVEMENTS AT THE INTERSECTION OF WOODLAND AVENUE AND SUMMIT STREET, AND TO ASSESS THE COSTS THEREOF.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

13-0213R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF NATIONWIDE INSURANCE COMPANY (AS SUBROGEE: TYLER WEDEL) IN THE AMOUNT OF \$11,844.93.

13-0217R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON HARBOR DRIVE FROM JULY 25-JULY 28, 2013, IN CONJUNCTION WITH TALL SHIPS DULUTH 2013 AND SUBJECT TO CERTAIN CONDITIONS.

13-0221R - RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE CITY OF MINNEAPOLIS IN THE AMOUNT OF UP TO \$22,391.77 TO REIMBURSE CITY FOR COSTS OF HAZARDOUS MATERIAL TRANSPORTATION SPECIALIST TRAINING.

13-0246R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON COMMONWEALTH AVENUE IN CONJUNCTION WITH FAR WEST FEST AND SUBJECT TO CERTAIN CONDITIONS.

COMMITTEE 3

BY COUNCILOR LARSON (RECREATION, LIBRARIES, & AUTHORITIES)

13-0175R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH SRF CONSULTING GROUP, INC., FOR PROFESSIONAL SERVICES FOR THE DEVELOPMENT OF A MASTER PLAN FOR TWO CITY PARKS (HARTLEY PARK AND WOODLAND RECREATION AREA) FOR AN AMOUNT NOT TO EXCEED \$50,000.

13-0225R - RESOLUTION AMENDING RESOLUTION 12-0608, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2013, BY ADDING FEES RELATED TO MOBILE FOOD CART AND MOBILE FOOD VEHICLE LICENSING.

END OF CONSENT AGENDA

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The following entitled resolution is also for consideration at this meeting:

COMMITTEE 1

BY COUNCILOR GARDNER (PERSONNEL)

13-0203R - RESOLUTION REAPPOINTING JENNIFER JULSRUD AND LINDA ROSS SELLNER AND APPOINTING _____, REPLACING PATRICK HUSTON, TO THE DULUTH PUBLIC UTILITIES COMMISSION.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-0230R - RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY THE LINCOLN SCHOOL LIMITED PARTNERSHIP TO THE STATE OF MINNESOTA FOR THE AWARD OF LOW-INCOME HOUSING TAX CREDITS FOR THE LINCOLN PARK SCHOOL PROJECT.

13-0237R - RESOLUTION OF INTENT TO CREATE STREET IMPROVEMENT BOARD AND TO ESTABLISH CERTAIN PROCEDURES PERTAINING TO STREET IMPROVEMENTS AND FUNDING.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-031-O - AN ORDINANCE ESTABLISHING A STREET IMPROVEMENT TRUST (SIT) FUND, PROVIDING FOR THE CREATION OF A CITY-WIDE STREET IMPROVEMENT PROGRAM AND CONDITIONALLY AUTHORIZING TRANSFERS OF FUNDS TO THE SIT FUND.

COMMITTEE 2

BY PRESIDENT BOYLE (COMMITTEE OF THE WHOLE)

13-032-O - AN ORDINANCE AMENDING CHAPTER I, SECTION 1, OF THE CITY CHARTER AMENDING THE LEGAL DESCRIPTION FOR THE CITY OF DULUTH.

13-033-O - AN ORDINANCE AMENDING CHAPTER IV, SECTION 21, OF THE CITY CHARTER RELATING TO POLITICAL ACTIVITIES OF CITY EMPLOYEES.

13-034-O - AN ORDINANCE AMENDING CHAPTER IV, SECTION 23, OF THE CITY CHARTER REMOVING CITY ASSESSOR REFERENCE.

13-035-O - AN ORDINANCE AMENDING CHAPTER XI, SECTION 84, OF THE CITY CHARTER AMENDING THE STATED DOLLAR AMOUNT FOR FAILURE TO COMPLY LIABILITY.

The following entitled ordinances are to be read for the second 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. **(AMENDMENT)**

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)

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.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS
