

# AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, June 10, 2013, 7:00 p.m.

## ROLL CALL PLEDGE OF ALLEGIANCE

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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

\*13-0610-01 Minnesota state auditor audit report for Duluth entertainment and convention center authority for the years ended December 31, 2012 and 2011. -- Received

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## REPORTS FROM THE ADMINISTRATION

\*13-0610-10 Chief administrative officer notice regarding conversion of two Lake Place Lot metered parking spaces to a loading zone pursuant to Section 33-87 of the Duluth City Code. -- Received

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## REPORTS FROM OTHER OFFICERS

\*13-0610-02 Clerk application for exempt permit to the Minnesota gambling control board from Order of Ahepa Chapter #267 on November 7, 2013 (bingo). -- Received

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## REPORTS OF BOARDS AND COMMISSIONS

\*13-0610-03 Civil service board minutes of March 5, 2013, meeting. -- Received

\*13-0610-04 Commission on disabilities minutes of April 3, 2013, meeting. -- Received

\*13-0610-05 Duluth economic development authority minutes of April 24, 2013, meeting. - Received

\*13-0610-06 Duluth parking commission minutes of March 15, 2013, meeting. -- Received

\*13-0610-07 Duluth public utilities commission minutes of March 27, 2013, meeting. -- Received

\*13-0610-08 Duluth transit authority: (a) Minutes of March 27, 2013, meeting; (b) March 2013 financial statement. -- Received

\*13-0610-09 Library board minutes of April 23, 2013, meeting. -- Received

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\* Listed only, not copied.

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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 1

BY COUNCILORS GARDNER AND KRUG

13-0282R - RESOLUTION AMENDING RESOLUTION 12-0608, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2013, BY ADDING A LICENSE FEE FOR SYNTHETIC DRUG ESTABLISHMENTS. (TABLED 5/28 FOR CONSIDERATION WITH ORDINANCE 13-039)

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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** 13-0259R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF VARIOUS LICENSEES.

**NEW** 13-0285R - RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF JUST TAKE ACTION, INC. (TYCOON'S ALEHOUSE & EATERY), 132 EAST SUPERIOR STREET.

**NEW** 13-0286R - RESOLUTION ISSUING AN ON SALE 3.2 MALT LIQUOR LICENSE TO DULUTH SOFTBALL PLAYERS ASSOCIATION, WHEELER FIELD.

**NEW** 13-0287R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO MINNESOTA CRAFT BREWER'S GUILD, (ALL PINTS NORTH), BAYFRONT PARK AND LAKE SUPERIOR BREWING COMPANY, LLC, (LAKE SUPERIOR BREWING COMPANY), BAYFRONT PARK.

**NEW** 13-0288R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE TO AT SARA'S TABLE CHESTER CREEK CAFÉ, LLC, (AT SARA'S TABLE CHESTER CREEK CAFÉ), 1902 EAST EIGHTH STREET.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-0290R - RESOLUTION AUTHORIZING A MINNESOTA HISTORICAL AND CULTURAL GRANT AGREEMENT WITH THE MINNESOTA HISTORICAL SOCIETY TO DEVELOP A HISTORIC RESOURCES SURVEY OF THE CENTRAL HILLSIDE RESIDENTIAL AREA - PHASE V IN AN AMOUNT NOT TO EXCEED \$12,000.

**COMMITTEE 2**

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

13-0308R - RESOLUTION AUTHORIZING AGREEMENT WITH LASALLE DEVELOPMENT GROUP, LTD. AND WALKER PARKING CONSULTANTS FOR OWNER'S AGENT SERVICES RELATED TO THE 425 BUILDING PROJECT IN THE AMOUNT NOT TO EXCEED \$497,500.

**BY COUNCILOR KRUG (INTERGOVERNMENTAL RELATIONS)**

13-0300R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT FUNDS FROM THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR PROVISION OF WORKFORCE INVESTMENT ACT TITLE I SERVICES, MINNESOTA YOUTH PROGRAM SERVICES AND OLDER AMERICAN PROGRAM SERVICES FOR THE PERIOD 2013-2018.

**COMMITTEE 3**

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

13-0294R - RESOLUTION AWARDDING A CONTRACT TO ULLAND BROTHERS, INC., FOR THE 2012 FLOOD REPAIRS TO HAWTHORNE ROAD, VERMILION ROAD, ST. MARIE STREET AND BRIDGE L8517 IN THE AMOUNT OF \$1,188,679.50.

13-0295R - RESOLUTION AWARDDING A CONTRACT TO ULLAND BROTHERS, INC., FOR THE 2012 FLOOD REPAIRS TO SECOND STREET, FIRST AVENUE WEST, FIRST AVENUE EAST, SECOND AVENUE EAST, THIRD AVENUE EAST, 10TH AVENUE EAST AND CENTRAL ENTRANCE IN THE AMOUNT OF \$353,512.37.

13-0297R - RESOLUTION AWARDDING A CONTRACT TO RJS CONSTRUCTION GROUP, LLC FOR LIFT STATION NO. 39 IMPROVEMENTS IN THE AMOUNT OF \$298,200.

13-0298R - RESOLUTION AWARDDING A CONTRACT TO WATTERS & SONS EXCAVATING, LLC FOR THE 20TH AVENUE EAST SANITARY SEWER REPLACEMENT IN THE AMOUNT OF \$56,655.50.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

13-0291R - RESOLUTION AUTHORIZING AGREEMENT WITH MINNESOTA DEPARTMENT OF PUBLIC SAFETY FIRE MARSHAL DIVISION TO CONDUCT HOTEL CODE INSPECTIONS.

**NEW** 13-0314R - 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)**

**NEW** 13-0284R - RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO THE CITY OF DULUTH-DULUTH SOFTBALL PLAYERS ASSOCIATION, INC., WHEELER FIELD SOFTBALL COMPLEX CONCESSION BUILDING AGREEMENT.

**COMMITTEE 3**

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

13-0293R - RESOLUTION NAMING THE PARK AREA LOCATED ABOVE THE EAST INTERCEPTOR SANITARY SEWER OVERFLOW FACILITY AS SISTER CITIES PARK.

**COMMITTEE 3**

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

13-0299R - RESOLUTION AUTHORIZING AGREEMENT WITH THE PARK POINT COMMUNITY CLUB FOR THE PARK POINT ART FAIR FOR \$1,500 PER YEAR.

**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)**

**NEW** 13-0312R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ALLOCATE \$37,000 FROM THE TOURISM TAX FUND BALANCE TO THE GENERAL FUND FOR PARK RANGERS.

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

13-0301R - RESOLUTION AUTHORIZING A CONTRACT WITH ELECTION SYSTEMS AND SOFTWARE, LLC, FOR THE PURCHASE AND DELIVERY OF OPTICAL SCAN VOTING SYSTEM EQUIPMENT, SOFTWARE AND RELATED SERVICES FOR A TOTAL ESTIMATED AMOUNT OF \$269,249.57.

**BY COUNCILOR GARDNER (PERSONNEL)**

13-0302R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF SENIOR PROJECT ENGINEER AND SPECIFYING CONTRACT BENEFITS FOR SAME. **(REPLACEMENT)**

13-0303R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF PROJECT ENGINEER. **(REPLACEMENT)**

13-0304R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF SAFETY AND TRAINING OFFICER. **(REPLACEMENT)**

13-0305R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF DATABASE ADMINISTRATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

13-0306R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF APPLICATIONS ADMINISTRATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

13-0307R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF PROPERTY AND FACILITIES MANAGER.

**COMMITTEE 1**

**BY COUNCILORS GARDNER AND HARTMAN**

13-0311R - RESOLUTION OF INTENT TO SUPPORT THE RC LIMITED LIABILITY CORPORATION'S REQUEST TO THE MINNESOTA HOUSING FINANCE AGENCY FOR FUNDING FOR THE PASTORET TERRACE PROJECT.

**COMMITTEE 2**

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

13-0309R - RESOLUTION OF INTENT TO SUPPORT THE RC LIMITED LIABILITY CORPORATION'S REQUEST TO THE MINNESOTA HOUSING FINANCE AGENCY FOR FUNDING FOR THE PASTORET TERRACE PROJECT. **(REPLACEMENT)**

**NEW** 13-0313R - RESOLUTION AMENDING RESOLUTION 12-0608, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2013, AMENDING AND ADDING FEES RELATED TO ANIMAL CONTROL. **(REPLACEMENT)**

**COMMITTEE 3**

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

13-0292R - RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$79,880 FROM PARKS FUND NEIGHBORHOOD GRANTS PROGRAM. **(AMENDMENT)**

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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)**

**NEW** 13-040-O - AN ORDINANCE AMENDING CHAPTER 6 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATED TO ANIMAL CONTROL AND LICENSING.

**COMMITTEE 3**

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

**NEW** 13-041-O - AN ORDINANCE AMENDING SECTION 29A-27 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING RENTAL LICENSING. **(REPLACEMENT)**

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

**COMMITTEE 1**

**BY COUNCILORS GARDNER AND KRUG**

13-038-O - AN ORDINANCE AMENDING THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING CHAPTER 28, ADDING A NEW ARTICLE VIII PROHIBITING CONSUMPTION OF PRODUCTS LABELED NOT FOR HUMAN CONSUMPTION.

13-039-O - AN ORDINANCE AMENDING THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING CHAPTER 5 ADDING A NEW ARTICLE VII REGARDING SYNTHETIC DRUG ESTABLISHMENTS.

**COMMITTEE 2**

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

13-029-O(b) - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING DIMENSIONAL STANDARDS IN THE MU-N, MU-C, MU-B AND MU-W DISTRICTS.  
(AS AMENDED)

13-037-O - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM MIXED USE BUSINESS (MU-B) TO MIXED USE NEIGHBORHOOD (MU-N) FOR PROPERTIES LOCATED AT 4502 EAST SUPERIOR STREET (GREG KLEIN).

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**COUNCILOR QUESTIONS AND COMMENTS**

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**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

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