

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, September 9, 2013, 7:00 p.m.

ROLL CALL PLEDGE OF ALLEGIANCE

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

*13-0909-09 Councilor Garry Krause resignation from the office of Fourth District City Councilor. -- Received

*13-0909-01 The following communications regarding regulation of electronic cigarettes (13-059-O and 13-060-O): (a) Peggy Anderson; (b) Brian Annis; (c) Jessica Backe-Zweifel; (d) Laura Bennett; (e) Jodi Broadwell; (f) Terry Bronniche; (g) Ann Doberstein; (h) Jill Doberstein; (i) Mary Gallegos; (j) Cassie Grubbe; (k) Thomas J. Hagen; (l) Martin Herman; (m) Kelly Higgins Kleven; (n) Frank J. Kampa; (o) Amy Lee; (p) Addie Licari; (q) Kim Mitchell; (r) Angie Nolle; (s) Jenny Peterson; (t) Colene Rose; (u) Andrew Roseth; (v) John Salisbury; (w) Danny Strohm; (x) Ladona Tornabene; (y) Lisa Vogelsang; (z) Ashley Wallace; (aa) Jeanne Weigum; (bb) Allise Wuorio. -- Received

REPORTS FROM THE ADMINISTRATION

REPORTS OF BOARDS AND COMMISSIONS

*13-0909-02 Commission on disabilities minutes of June 5, 2013, meeting. -- Received

*13-0909-03 Duluth human rights commission minutes of July 10, 2013, meeting. -- Received

*13-0909-04 Duluth public utilities commission: (a) Minutes of June 18, 2013, meeting; (b) Resolution establishing natural gas rates effective with meter reading after September 30, 2013; amending fixed monthly charges and volumetric charges; superseding all prior inconsistent or conflicting rates as of October 1, 2013 (13PUC-006). -- Received

*13-0909-05 Duluth transit authority: (a) Minutes of May 29, 2013, meeting; (b) May 2013 financial statement. -- Received

*13-0909-06 Duluth Seaway Port authority budget summary of July 2013. -- Received

*13-0909-07 Entertainment and convention center authority minutes of: (a) April 30; (b) May 28; (c) June 25, 2013, meetings. -- Received

*13-0909-08 Housing and redevelopment authority of Duluth minutes: (a) May 28; (b) July 15; (c) July 30, meetings. -- Received

* 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 COUNCILOR KRAUSE (PURCHASING & LICENSING)

13-0438R - RESOLUTION AUTHORIZING A CONTRACT WITH NORTH AMERICAN SALT COMPANY FOR THE PURCHASE OF ROAD SALT FOR OCTOBER THROUGH DECEMBER 2013 IN THE AMOUNT OF \$252,909.
(TABLED 8/26)

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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)

13-0400R - RESOLUTION AUTHORIZING AN ANNUAL CONTRACT WITH SHI INTERNATIONAL CORPORATION FOR THE PURCHASE AND DELIVERY OF COMPUTER PC REPLACEMENTS AND ACCESSORIES IN YEAR 2013 FOR AN AMOUNT NOT TO EXCEED THE BUDGET ALLOCATION OF \$275,000.

13-0401R - RESOLUTION AUTHORIZING THE RENEWAL OF A CONTRACT WITH CDW GOVERNMENT, INC., FOR THE PURCHASE AND DELIVERY OF COMPUTER LAPTOP REPLACEMENTS AND ACCESSORIES IN YEAR 2013 FOR AN AMOUNT NOT TO EXCEED THE BUDGET ALLOCATION OF \$95,000.

13-0470R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR REGENTS OF THE UNIVERSITY OF MINNESOTA DULUTH AND ST. MICHAEL'S CHURCH. **(REPLACEMENT)**

BY COUNCILOR GARDNER (PERSONNEL)

13-0469R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF SIGNAL TECHNICIAN.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-0458R - RESOLUTION AUTHORIZING THE ACCEPTANCE OF \$2,481,395 IN LEAD-BASED PAINT HAZARD CONTROL GRANT PROGRAM FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL AND AUTHORIZING CONTRACTS WITH APPROPRIATE AGENCIES.

13-0464R - RESOLUTION AUTHORIZING AN AGREEMENT WITH UNITED WAY OF GREATER DULUTH TO SERVE AS FISCAL HOST AND PROVIDE AFTER SCHOOL PROGRAMMING AND INCREASE ACADEMIC ACHIEVEMENT SUPPORT FOR THE ONE YEAR AGREEMENT NOT TO EXCEED \$150,000.

13-0465R - RESOLUTION AWARDED A CONSTRUCTION CONTRACT TO LIPE BROTHERS CONSTRUCTION, INC. FOR THE RENOVATION WORK ON THE CENTRAL HILLSIDE COMMUNITY CENTER IN THE AMOUNT OF \$236,900.

13-0466R - RESOLUTION AMENDING THE 2013 ACTION PLAN ADDING A NEW PROJECT TO THE CDBG PROGRAM, THE CITY OF DULUTH'S CENTRAL HILLSIDE COMMUNITY CENTER EXTERIOR WINDOW AND DOOR REPLACEMENT PROJECT ADDING \$124,921 OF NEW 2013 CDBG FUNDS AND TRANSFERRING \$111,995 FROM 2009, 2010 AND 2011 CDBG PROGRAM YEARS.

13-0472R - RESOLUTION AMENDING RESOLUTION 10-0402 VACATING PORTIONS OF STREETS AND ALLEYS AND ACCEPTING A DEDICATION OF A PORTION OF AN ALLEY IN THE AREA OF THE PRIVATE ACCESS ROAD TO WESTERN MIDDLE SCHOOL (ISD 709).

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

13-0456R - RESOLUTION AUTHORIZING AGREEMENT ACCEPTING WATERMAIN EASEMENT FROM ISD 709 RELATED TO EAST HIGH SCHOOL.

13-0459R - RESOLUTION AWARDED A CONTRACT TO UTILITY SYSTEMS OF AMERICA, INC. FOR THE CHESTER PARK SKI TRAIL BRIDGE 2 IN THE AMOUNT OF \$204,927.

13-0461R - RESOLUTION AUTHORIZING THE 2012 ROAD AND BRIDGE DISASTER RELIEF BOND GRANT04173 AND ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR ENGINEERING AND CONSTRUCTION OF BRIDGE NO. 69K15 ON TRIGGS AVENUE IN THE AMOUNT OF \$69,828.75.

13-0462R - RESOLUTION AMENDING CONTRACT NO. 21888 WITH 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 \$307,667 FOR A NEW TOTAL OF \$775,000.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

13-0446R - RESOLUTION AUTHORIZING CODERED SERVICE AGREEMENT AND WEATHER WARNING SERVICE ADDENDUM WITH EMERGENCY COMMUNICATIONS NETWORK LLC IN THE TOTAL AMOUNT OF \$19,871.24.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

13-0449R - RESOLUTION AUTHORIZING A CONTRACT WITH NELSON AUTO CENTER, INC., FOR THE PURCHASE OF NINE 2014 FORD POLICE INTERCEPTOR AWD UTILITY VEHICLES FOR THE DULUTH POLICE DEPARTMENT IN THE AMOUNT OF \$251,288.38.

13-0451R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, PROVIDING FOR THE CITY OF DULUTH POLICE DEPARTMENT TO CONTINUE PARTICIPATION IN THE MINNESOTA INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM.

13-0457R - RESOLUTION ESTABLISHING ACCESSIBLE PARKING SPACES.

13-0467R - RESOLUTION AUTHORIZING MUTUAL AID AGREEMENT FOR TRAINING FOR FIRE PROTECTION AND AMBULANCE SERVICES.

BY COUNCILOR LARSON (RECREATION, LIBRARIES & AUTHORITIES)

NEW 13-0473R - RESOLUTION ALLOWING DULUTH FRIENDS OF TENNIS, INC. TO OPERATE, MANAGE AND USE PORTIONS OF, CITY OWNED, LONGVIEW TENNIS FACILITY FOR ADVANCEMENT OF ITS MISSION AND RELATED SERVICES TO THE COMMUNITY; ADDITIONALLY, FUNDING OF NOT MORE THAN \$50,000 WILL BE PROVIDED TO DULUTH FRIENDS OF TENNIS EXCLUSIVELY FOR RESURFACING THE TENNIS COURTS IN 2013.

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)

13-0450R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2014.

13-0452R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2014.

13-0453R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2014.

NEW 13-0454R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2014.

13-0455R - RESOLUTION SETTING A PROPOSED BUDGET FOR THE FISCAL YEAR 2014.

NEW 13-0475R - RESOLUTION TRANSFERRING MONIES TO STREET IMPROVEMENT DEBT SERVICE FUND FROM THE COMMUNITY INVESTMENT TRUST FUND TO CANCEL 2014 DEBT SERVICE TAX LEVY AND TO REPLENISH THE COMMUNITY INVESTMENT TRUST FUND.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

NEW 13-0474R - RESOLUTION TRANSFERRING MONIES TO STREET IMPROVEMENT DEBT SERVICE FUND FROM THE COMMUNITY INVESTMENT TRUST FUND AND GENERAL FUND RESERVE TO CANCEL 2014 DEBT SERVICE TAX LEVY.

BY COUNCILOR GARDNER (PERSONNEL)

NEW 13-0477R - RESOLUTION ESTABLISHING A PROCEDURE FOR SELECTING A CANDIDATE TO FILL THE PROSPECTIVE VACANCY OF THE FOURTH DISTRICT COUNCIL SEAT OF GARRY KRAUSE.

(REPLACEMENT)

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-0468R - RESOLUTION VETOING DPUC RESOLUTION 13PUC-006 ESTABLISHING NATURAL GAS RATES EFFECTIVE AFTER SEPTEMBER 30, 2013.

BY PRESIDENT BOYLE (COMMITTEE OF THE WHOLE)

13-0460R - RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF STEVE JANKOWSKI AND PETER SCOTT V. CITY OF DULUTH AND PAYMENT OF ATTORNEY FEES IN THE AMOUNT OF \$177,500.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

13-0463R - RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE PLANNING AND PRELIMINARY DESIGN SERVICES FOR THE SUPERIOR STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$361,568.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

COMMITTEE 1

BY COUNCILOR HARTMAN (FINANCE)

13-048-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION BONDS IN THE MAXIMUM AMOUNT OF \$875,000 OF THE CITY OF DULUTH TO FINANCE CROSS CITY TRAIL PHASE I UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTIONS OF THE CITY COUNCIL AND LEVYING TAXES FOR THE PAYMENT THEREOF. (TABLED 8/12)

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-062-O - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RESIDENTIAL-URBAN (R-2) TO MIXED USE-NEIGHBORHOOD (MU-N), FOR PROPERTIES BETWEEN NORTH 24TH AVENUE WEST AND NORTH 28TH AVENUE WEST FROM THE WEST FOURTH STREET ALLEY TO THE WEST THIRD STREET ALLEY (CITY OF DULUTH).

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

COMMITTEE 1

BY COUNCILOR GARDNER (PERSONNEL)

13-061-O - AN ORDINANCE PROHIBITING SMOKING OF ANY KIND IN CENTRAL HILLSIDE PARK, AMENDING SECTIONS 28-63 AND 28-64 TO CHAPTER 28 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-054-O - AN ORDINANCE AMENDING SECTION 33-97.11 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO PARKING CAMPER TRAILERS AND RECREATION VEHICLES.

13-055-O - AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY ON OR IN THE DULUTH HEIGHTS NEIGHBORHOOD TO ETHAN C. AND LAURA L. COLE FOR \$1,600.

13-056-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 THE NORTHWEST CORNER OF COMMONWEALTH AVENUE AND EAST CARTERETT STREET (SMR ACQUISITIONS COMPANY, LLC).

BY PRESIDENT BOYLE (COMMITTEE OF THE WHOLE)

13-057-O - AN ORDINANCE AUTHORIZING THE CHIEF ADMINISTRATIVE OFFICER OR DESIGNEE TO EXECUTE AGREEMENTS WITH ARTISTS FOR THE DISPLAY OF ARTWORK.

COMMITTEE 3

BY COUNCILORS JULSRUD AND KRUG

13-058-O - AN ORDINANCE AMENDING SECTION 28-64 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO THE INGESTION OF PROHIBITED SUBSTANCES. **(AMENDMENT)**

13-059-O - AN ORDINANCE AMENDING SECTIONS 28-63 AND 28-72 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO THE USE OF ELECTRONIC CIGARETTES.

13-060-O - AN ORDINANCE AMENDED CHAPTER 11 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO THE SALE OF ELECTRONIC CIGARETTES.

COMMITTEE 3

BY COUNCILOR FOSLE

(PUBLIC SAFETY)

13-049-O - AN ORDINANCE AMENDING SECTION 10-3 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING NOTICE OF DEMOLITION ORDERS.

13-050-O - AN ORDINANCE AMENDING SECTION 10-5 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TRANSFERRING JURISDICTION OF LOCAL BUILDING CODE APPEALS TO THE STATE APPEALS BOARD.

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COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS

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