

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, October 14, 2013, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - May 28, and June 10, 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

*13-1014-01 Clerk application for exempt permit to the Minnesota gambling control board from Lake Superior Chapter 33 Muskies, Inc. on February 8, 2014 (raffle). -- Received

*13-1014-02 Purchasing agent emergency order for the purchase of replacement of steam pipe for the Duluth Steam Plant. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

*13-1014-03 Building appeal board minutes of August 14, 2013, meeting. -- Received

*13-1014-04 Commission on disabilities minutes of August 7, 2013, meeting. -- Received

*13-1014-05 Duluth airport authority minutes of: (a) August 20; (b) August 26, 2013, meetings. -- Received

*13-1014-06 Duluth citizen review board minutes of: (a) July 23; (b) August 27, 2013, meetings. -- Received

*13-1014-07 Duluth economic development authority minutes of July 24, 2013, meeting. -- Received

*13-1014-08 Duluth public utilities commission minutes of August 20, 2013, meeting. -- Received

*13-1014-09 Duluth transit authority: (a) Minutes of June 26, 2013, meeting; (b) Financial statements for: (1) June; (2) July, 2013. -- Received

*13-1014-10 Spirit Mountain recreation area authority minutes of August 15, 2013, meeting. -- Received

* Listed only, not copied.

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REPORTS OF COUNCIL COMMITTEES

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REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

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)

13-0494R - RESOLUTION AUTHORIZING EXECUTION OF 2014-2016 PROFESSIONAL SERVICES AGREEMENT WITH DULUTH JOINT POWERS ENTERPRISE TRUST AND ACCEPTING \$255,000 ANNUALLY FROM THE DULUTH JOINT POWERS ENTERPRISE TRUST.

13-0510R - RESOLUTION ESTABLISHING A REVOLVING LINE OF CREDIT NOT TO EXCEED \$900,000 FOR THE SPIRIT MOUNTAIN RECREATION AUTHORITY.

BY COUNCILOR HARTMAN (PURCHASING & LICENSING)

13-0500R - RESOLUTION AUTHORIZING A CONTRACT WITH PB DISTRIBUTING, INC., DBA PHIL'S GARAGE DOOR SERVICE FOR THE PURCHASE, DELIVERY, AND INSTALLATION OF OVERHEAD DOORS FOR FIRE STATIONS 2 AND 8 IN THE AMOUNT OF \$60,971.

13-0502R - RESOLUTION AUTHORIZING AMENDMENT ONE TO AGREEMENT C21707 WITH ARCHITECTURAL RESOURCES, INC., FOR PROFESSIONAL DESIGN SERVICES FOR PORTIONS OF THE DULUTH TRAVERSE TRAIL FOR AN INCREASE OF \$7,800, AND A TOTAL CONTRACT AMOUNT OF \$30,600.

13-0504R - RESOLUTION AUTHORIZING A CONTRACT WITH DIVERSE CONSTRUCTION SERVICES, LLC, FOR REPLACEMENT OF THE ROOF OF THE CITY CENTER WEST BUILDING IN THE AMOUNT OF \$230,750.

13-0515R - RESOLUTION APPROVING THE EXEMPTION OF A BINGO LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR ST. JOHN THE EVANGELIST CHURCH AND APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR PROGRAM FOR VICTIMS OF SEXUAL ASSAULT, INC. **(REPLACEMENT)**

13-0522R - RESOLUTION APPROVING THE ISSUANCE OF A 2014 MINNESOTA CURRENCY EXCHANGE LICENSE TO PAWN AMERICA MINNESOTA, LLC.

BY COUNCILOR GARDNER (PERSONNEL)

13-0521R - RESOLUTION CONFIRMING THE APPOINTMENT OF JOAN McNAMARA TO THE DULUTH CITIZEN REVIEW BOARD, REPLACING DAVID BAKER.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-0499R - RESOLUTION APPROVING A LAND SALE AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND NORTHERN HEALTH CARE PROPERTIES, LLC RELATING TO THE ACQUISITION AND SALE OF MNDOT PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD.

13-0513R - RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A \$4,900 GRANT FROM THE MINNESOTA HISTORICAL SOCIETY THROUGH ITS ARTS AND CULTURAL HERITAGE FUND FOR THE I-35 DULUTH AREA CONSTRUCTION ORAL HISTORY PROJECT.

13-0514R - RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN PROPERTY IN THE IRVING NEIGHBORHOOD.

13-0516R - RESOLUTION APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND RAMSEY III, LLC RELATING TO THE RAMSEY NEIGHBORHOOD TOWNHOME DEVELOPMENT.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

13-0498R - RESOLUTION AUTHORIZING PURCHASE OF A UTILITY EASEMENT FROM RONALD A. AND MARIE A. WEBER FOR \$4,000.

13-0506R - RESOLUTION AMENDING RESOLUTION 13-0489R REVISING THE ESTIMATED COST FOR THE IMPROVEMENT OF PLUM STREET FROM NINTH AVENUE EAST TO SKYWOOD LANE TO \$13,000.

13-0507R - RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO ROAD MAINTENANCE AGREEMENT WITH ST. LOUIS COUNTY TO EXTEND THE TERMINATION DATE TO SEPTEMBER 30, 2014.

13-0509R - RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR UPGRADE OF PEDESTRIAN CURB RAMPS, BITUMINOUS RECLAIM AND OVERLAY OF WEST FIRST STREET FROM MESABA AVENUE TO PIEDMONT AVENUE AT AN ESTIMATED COST OF \$230,640.

13-0512R - RESOLUTION AUTHORIZING THE 2012 ROAD AND BRIDGE DISASTER RELIEF BOND GRANT 04527 AND ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR ENGINEERING AND RECONSTRUCTION OF WEST FIRST STREET FROM MESABA AVENUE TO PIEDMONT AVENUE IN THE AMOUNT OF \$104,874.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

13-0518R - RESOLUTION AWARDDING A CONTRACT TO VEIT COMPANIES FOR FLOOD DEBRIS REMOVAL AND BANK STABILIZATION AT MISSION CREEK IN THE AMOUNT OF \$519,950.

13-0519R - RESOLUTION AWARDDING A CONTRACT TO SUNRAM CONSTRUCTION, INC. FOR FLOOD DEBRIS REMOVAL AND BANK STABILIZATION AT KINGSBURY CREEK IN THE AMOUNT OF \$338,237.49.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

13-0496R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT A SUPPLEMENTAL GRANT FROM THE DEPARTMENT OF JUSTICE OFFICE OF VIOLENCE AGAINST WOMEN IN THE AMOUNT OF \$200,000 AS PART OF THE BLUEPRINT FOR SAFETY ADAPTATION DEMONSTRATION PROJECT AND AUTHORIZING AN AGREEMENT WITH DOMESTIC ABUSE INTERVENTION PROGRAMS.

13-0497R - RESOLUTION ESTABLISHING ACCESSIBLE PARKING SPACES.

13-0503R - RESOLUTION AUTHORIZING ACCEPTANCE OF GRANTS FROM ENBRIDGE ENERGY COMPANY, INC. IN THE AMOUNTS OF \$1,000 (2013) AND \$1,000 (2012) FOR THE PURPOSE OF PURCHASING WATER RESCUE EQUIPMENT.

13-0517R - RESOLUTION ESTABLISHING ACCESSIBLE PARKING SPACES.

BY COUNCILOR LARSON (RECREATION, LIBRARIES, & AUTHORITIES)

13-0495R - RESOLUTION AUTHORIZING EXECUTION OF 2013-2014 PROFESSIONAL SERVICES AGREEMENT WITH ARROWHEAD REGIONAL DEVELOPMENT COMMISSION FOR HEART OF THE CONTINENT PARTNERSHIP NATIONAL GEOGRAPHIC GEO-TOURISM PROJECT AND PAYMENT OF \$40,000.

13-0508R - RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A PARKS AND TRAILS LEGACY GRANT OF \$1,000,000 FOR RESTORATION AND IMPROVEMENTS AT CHAMBERS GROVE PARK RELATED TO THE JUNE 2012 FLOOD.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR HARTMAN (PURCHASING & LICENSING)

13-0501R - RESOLUTION AUTHORIZING A CONTRACT WITH GRAYBAR ELECTRIC CO. INC. FOR THE PURCHASE OF LED LIGHT FIXTURES TO REPLACE HID FIXTURES ON POLES ALONG LAKEWALK IN THE AMOUNT OF \$51,652.69.

BY COUNCILOR GARDNER (PERSONNEL)

NEW 13-0524R - RESOLUTION CONFIRMING THE APPOINTMENT OF JAMES FILBY WILLIAMS AS DIRECTOR OF PUBLIC ADMINISTRATION FOR THE CITY OF DULUTH.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-0505R - RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) TO DISPOSE OF SNOW ON PROPERTY OWNED BY DEDA LOT D LOCATED WEST OF BAYFRONT PARK AT NO COST TO THE CITY.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

13-0492R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF \$44,611 WITH A MATCH REQUIREMENT OF \$15,537 FOR AN EXPLOSIVE DETECTION CANINE TEAM AND FURTHER AUTHORIZING EXECUTION OF GRANT AGREEMENT.

BY COUNCILOR LARSON (RECREATION, LIBRARIES, & AUTHORITIES)

13-0520R - RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A PARKS AND TRAILS LEGACY GRANT OF \$2,240,000 FOR COMPLETION OF THE DULUTH TRAVERSE TRAIL.

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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 HARTMAN (FINANCE)

13-063-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION AIRPORT IMPROVEMENT BONDS IN THE MAXIMUM AMOUNT OF \$3,400,000 OF THE CITY OF DULUTH UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTIONS OF THE CITY COUNCIL AND LEVYING TAXES FOR THE PAYMENT THEREOF.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-066-O - AN ORDINANCE AMENDING THE APPROVED REGULATING PLAN FOR RAMSEY VILLAGE TO AMEND THE PERMITTED BUILDING TYPES TO INCLUDE FOUR UNIT APARTMENTS (RAMSEY TOWNHOUSES III, LLC).

13-067-O - AN ORDINANCE AMENDING THE APPROVED REGULATING PLAN FOR BAYHILL COVE TO REDUCE THE NUMBER OF APPROVED BUILDING SITES FROM 15 TO 14 (S.V. BAYHILL COVE, LLC).

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

COMMITTEE 1

BY COUNCILOR HARTMAN (FINANCE)

13-064-O - AN ORDINANCE AMENDING SECTION 1-2 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ADDING CITY ASSESSOR DEFINITION.

BY COUNCILOR GARDNER (PERSONNEL)

13-053-O - AN ORDINANCE AMENDING ARTICLE XXVIII OF CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO THE AMERICAN INDIAN COMMISSION.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

13-065-O - AN ORDINANCE GRANTING TO WHOLE FOODS CO-OP A CONCURRENT USE PERMIT FOR THE INSTALLATION OF AN ELECTRICAL CONNECTION UNDER EAST FOURTH ALLEY.

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COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS

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