

Monday, August 22, 2005, 7:00 p.m.

**ROLL CALL
PLEDGE OF ALLEGIANCE**

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

- * 05-0822-01 Allied Properties, Inc., et al. further petition (five signatures) to reclassify from R to C-5 Lots 14, 15 and 16, Block 31, Duluth Heights, Sixth Division. -- Assessor
- * 05-0822-08 Robert and Tammy Olson regarding construction of watermain at 1504 Osage Avenue:
 - (a) Petition. -- Assessor
 - (b) Waiver agreement. -- Engineering
- * 05-0822-02 Dean Symens, et al. (two signatures), petition to vacate a 1/2 block of 46th Avenue East from Otsego Street south to alley easement. -- Assessor

REPORTS OF OFFICERS

- * 05-0822-03 Assessor letters of sufficiency of petitions to:
 - (a) Construct a:
 - (1) Permanent alley in Central Avenue from Bristol to Ramsey streets;
 - (2) Residential street, sanitary sewer, water and gas mains to serve Bristolwood First Addition;
 - (b) Vacate:
 - (1) A 1/2 block of 46th Avenue East from Otsego Street south to alley easement;
 - (2) Utility easements in Lot 3, Block 4, Airport Division. -- Received
- 05-0822-04 Building official appeal of board of zoning appeals' denial of a variance to reduce the minimum front yard setback requirements for the construction of a new dwelling on property located at 3129 Minnesota Avenue (Marick Development, Inc., by Daniel Maddy, attorney). -- Committee 2 (Planning and economic development)
- * 05-0822-09 Community development manager public notification of Neighborhood Housing Service's request for waivers to HUD conflict of interest rules. -- Received (emailed)

REPORTS OF BOARDS AND COMMISSIONS

- * 05-0822-05 Civil service board minutes of: (a) May 3; (b) June 7, 2005, meetings. -- Received (emailed)
- * 05-0822-06 Commission on disabilities minutes of July 6, 2005, meeting. -- Received (emailed)
- * 05-0822-07 Duluth human rights commission minutes of July 13, 2005, meeting. -- Received (emailed)

* Listed only, not copied.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

- Comprehensive plan (5/28/2002)
- Planned unit development (5/28/2002)
- Canal Park parking ramp (11/21/2002)
- Bayfront master plan (12/16/2002)
- ISD 709 (7/10/2003)
- Retiree benefits (4/12/2004)
- Air National Guard base (7/21/2005)

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

COMMITTEE 1

BY COUNCILOR STEWART (PURCHASING & LICENSING)

05-0522R - RESOLUTION AWARDING CONTRACT TO OSCAR J. BOLDT CONSTRUCTION, FOR CONSTRUCTION OF MEDICAL DISTRICT PARKING RAMP AND SKYWALKS IN THE AMOUNT OF \$11,548,400. (TABLED 7/25)

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0347R - RESOLUTION UPHOLDING THE DULUTH PLANNING COMMISSION'S DENIAL OF A WATER RESOURCES MANAGEMENT ORDINANCE VARIANCE TO JACOB KAPSNER FOR TWO 8,000 SQUARE FOOT LOTS AT 2810 AND 2814 MINNESOTA AVENUE (JACOB KAPSNER/CARLA TAMBURRO). (TABLED 7/11) (REPLACEMENT)

05-0348R - RESOLUTION REVERSING THE DULUTH PLANNING COMMISSION'S DENIAL OF A WATER RESOURCES MANAGEMENT ORDINANCE VARIANCE TO JACOB KAPSNER FOR TWO 8,000 SQUARE FOOT LOTS AT 2810 AND 2814 MINNESOTA AVENUE (KAPSNER/TAMBURRO). (TABLED 7/11)

05-0421R - RESOLUTION DENYING THE VACATION OF PORTIONS OF 18TH STREET SOUTH BETWEEN MINNESOTA AVENUE AND LAKE AVENUE (SELINSKI). (TABLED 7/11) (REPLACEMENT)

05-0422R - RESOLUTION VACATING PORTIONS OF 18TH STREET SOUTH BETWEEN MINNESOTA AVENUE AND LAKE AVENUE ON PARK POINT (SELINSKI). (TABLED 7/11) (REPLACEMENT)

MOTIONS AND RESOLUTIONS

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

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

NEW 05-0587R - RESOLUTION APPROVING A BUSINESS SUBSIDY DEVELOPMENT AGREEMENT AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AND DELIVER NECESSARY DOCUMENTS FOR THE CIRRUS DESIGN CORPORATION PROJECT.

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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 STAUBER (FINANCE)

05-0570R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF \$4,260,000 GENERAL OBLIGATION STREET IMPROVEMENT BONDS, SERIES 2005D, AND \$310,000 GENERAL OBLIGATION TAX ABATEMENT BONDS, SERIES 2005E.

BY COUNCILOR STEWART (PURCHASING & LICENSING)

05-0551R - RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE ON SALE INTOXICATING LIQUOR LICENSE, SUNDAY LICENSE, DANCING LICENSE, AND 2:00 A.M. BEVERAGE LICENSE OF LEMON'S REEF, INC. (REEF BAR), 2002 LONDON ROAD.

05-0553R - RESOLUTION ISSUING AN ON SALE SUNDAY INTOXICATING LIQUOR LICENSE TO LAKE AIRE SERVICE COMPANY DULUTH, INC. (BEST WESTERN EDGEWATER), 2330 LONDON ROAD.

05-0554R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE LICENSED PREMISES OF GRANDMA'S, INC. (GRANDMA'S SALOON & DELI), 522 LAKE AVENUE SOUTH.

05-0556R - RESOLUTION APPROVING THE ISSUANCE OF A BED AND BREAKFAST ON SALE WINE LICENSE TO CASTLES IN THE SKY, LLC (MANOR ON THE CREEK INN), 2215 EAST SECOND STREET.

05-0557R - RESOLUTION APPROVING RENEWAL AND ISSUANCE OF ON SALE INTOXICATING LIQUOR, ON SALE SUNDAY INTOXICATING LIQUOR, ADDITIONAL BAR, ON SALE DANCING, 2:00 A.M. BEVERAGE LICENSE AND LATE HOUR ENTERTAINMENT LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2005, AND ENDING AUGUST 31, 2006.

05-0558R - RESOLUTION APPROVING THE ISSUANCE OF ON SALE WINE RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2005, AND ENDING AUGUST 31, 2006.

05-0559R - RESOLUTION APPROVING THE ISSUANCE OF ON SALE CLUB LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2005, AND ENDING AUGUST 31, 2006.

05-0560R - RESOLUTION APPROVING THE ISSUANCE OF OFF SALE INTOXICATING LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2005, AND ENDING AUGUST 31, 2006.

05-0561R - RESOLUTION APPROVING THE ISSUANCE OF A BREWERY MALT LIQUOR OFF SALE INTOXICATING LIQUOR RENEWAL LICENSE FOR THE PERIOD BEGINNING SEPTEMBER 1, 2005, AND ENDING AUGUST 31, 2006.

05-0562R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO NATIONAL MULTIPLE SCLEROSIS SOCIETY, IRVING COMMUNITY ASSOCIATION AND IRVING YOUTH HOCKEY.

05-0563R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR MEMORIAL BLOOD CENTERS AND ANIMAL ALLIES.

COMMITTEE 1

BY COUNCILOR STEWART (PURCHASING & LICENSING)

05-0565R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF C&S OF DULUTH, INC. (TERRY'S PLACE), 2232 WEST SUPERIOR STREET.

05-0566R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF WIZNER COMPANY (NORMAN'S), 113 WEST FIRST STREET.

05-0571R - RESOLUTION AWARDED CONTRACT TO HOLIDAY STATION STORES FOR FUEL AS NEEDED FOR 12 MONTHS COMMENCING SEPTEMBER 1, 2005, AT AN ESTIMATED AMOUNT OF \$480,000.

05-0572R - RESOLUTION AWARDED CONTRACT TO INTER-CITY OIL COMPANY, INC. FOR DELIVERED FUEL AS NEEDED FOR 12 MONTHS COMMENCING SEPTEMBER 2005, AT AN ESTIMATED AMOUNT OF \$50,000.

BY COUNCILOR JOHNSON (PERSONNEL)

05-0548R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF SIGNAL TECHNICIAN.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0550R - RESOLUTION APPROVING THE PRIORITIZATION OF PROJECTS TO RECEIVE 2006 LOW INCOME HOUSING TAX CREDITS.

05-0569R - RESOLUTION VACATING TWO UTILITY EASEMENTS IN LOT 3, BLOCK 4 OF AIRPORT DIVISION (CIRRUS DESIGN).

BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)

05-0575R - RESOLUTION AUTHORIZING AN AGREEMENT WITH FRYBERGER, BUCHANAN, SMITH AND FREDERICK, P.A., FOR LEGISLATIVE SERVICES IN AN AMOUNT NOT TO EXCEED \$14,000 FOR THE PERIOD OF SEPTEMBER 1, 2005, THROUGH DECEMBER 31, 2005.

05-0584R - RESOLUTION AUTHORIZING GRANT AGREEMENT WITH DULUTH-SUPERIOR AREA COMMUNITY FOUNDATION IN THE AMOUNT OF \$25,000 FOR AERIAL LIFT BRIDGE DOCUMENTARY.

05-0585R - RESOLUTION AUTHORIZING AGREEMENT WITH CARLSON MEDIA, INC., FOR DEVELOPMENT AND PRODUCTION OF AN AERIAL LIFT BRIDGE DOCUMENTARY IN THE AMOUNT OF \$25,000.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0545R - RESOLUTION AUTHORIZING THE CITY OF DULUTH TO SUBMIT INFORMATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY AND TO ENTER INTO A GRANT AGREEMENT FOR THE CONSTRUCTION OF SANITARY SEWER OVERFLOW (SSO) STORAGE FACILITIES AT SELECTED LOCATIONS IN THE CITY OF DULUTH.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0555R - RESOLUTION AWARDDING CONTRACT TO THANE HAWKINS POLAR CHEVROLET FOR TWO CAB AND CHASSIS IN THE AMOUNT OF \$69,219.18.

05-0573R - RESOLUTION APPROVING SECOND AMENDMENT TO RESOLUTION 03-0650 AWARDDING CONTRACT TO LETOURNEAU & SONS, INC., FOR WASTEWATER COLLECTION SYSTEM AND STREET IMPROVEMENTS IN MORGAN PARK-PHASE I, TO INCREASE THE AMOUNT BY \$509,892.62 FOR A NEW TOTAL OF \$1,992,591.72.

05-0580R - RESOLUTION AMENDING RESOLUTION 04-0253 FOR A CONTRACT TO MSA PROFESSIONAL SERVICES, INC., FOR PROFESSIONAL ENGINEERING SERVICES IN THE AMOUNT OF \$386,679.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

05-0549R - RESOLUTION TO ESTABLISH TWO STALL HANDICAPPED PARKING ZONES AT VARIOUS LOCATIONS.

05-0576R - RESOLUTION AUTHORIZING THE CITY TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, IN THE AMOUNT OF \$3,000, TO PROVIDE FOR OVERTIME COSTS FOR POLICE PERSONNEL ASSOCIATED WITH ADDITIONAL ENFORCEMENT OF ILLEGAL UNDERAGE DRINKING.

05-0577R - RESOLUTION AUTHORIZING THE CITY TO APPLY FOR A GRANT FROM THE STATE OF MINNESOTA, DEPARTMENT OF TRAFFIC SAFETY, IN THE AMOUNT OF \$12,852, TO PROVIDE FOR OVERTIME COSTS FOR EXTRA POLICE PATROLS TO ENFORCE TRAFFIC LAWS AND TO AUTHORIZE THE PROPER CITY OFFICIALS TO EXECUTE THE GRANT AGREEMENT.

05-0578R - RESOLUTION AUTHORIZING THE CITY TO APPLY FOR A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING, IN THE AMOUNT OF \$474,310, TO PROVIDE FOR POLICE DEPARTMENT EQUIPMENT AND TRAINING COSTS AND TO AUTHORIZE THE PROPER CITY OFFICIALS TO EXECUTE ANY REQUIRED GRANT AGREEMENTS.

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

05-0579R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH ADVENTURE DULUTH, LLC, PROVIDING FOR A PERMIT FOR A RACING EVENT AT VARIOUS PARK AND RECREATION VENUES IN THE CITY OF DULUTH.

END OF CONSENT AGENDA

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

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0568R - RESOLUTION REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF ST. LOUIS COUNTY TO RECLASSIFY FROM CONSERVATION TO NONCONSERVATION AND TO OFFER FOR SALE TAX FORFEITED PARCELS NOW WITHHELD FROM SALE IN CONSERVATION.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0567R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF JASON BORMAN IN THE AMOUNT OF \$12,525.35.

05-0574R - RESOLUTION ORDERING THE CONSTRUCTION OF APPROXIMATELY 1,360 FEET OF LOW PRESSURE SANITARY SEWER IN WEST MORGAN STREET BEGINNING AT THE INTERSECTION OF JOSHUA AVENUE AND EXTENDING WESTERLY (CITY JOB NO. 0512SN) AT AN ESTIMATED COST OF \$159,300.

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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 STEWART (PURCHASING & LICENSING)

05-038-O - AN ORDINANCE REGULATING ALIENATION OF REAL PROPERTY BY THE CITY.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-037-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAPS NO. 11, 13 AND 14, AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM S,-SUBURBAN, TO R-1-A, SINGLE FAMILY RESIDENTIAL, PROPERTY LOCATED ABOVE WEST SKYLINE PARKWAY, SOUTH OF WEST ARBUTUS DRIVE AND APPROXIMATELY 1,600 FEET EAST OF US HIGHWAY 2 (SUGARLOAF).

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-036-O - AN ORDINANCE AUTHORIZING CONVEYANCE OF CERTAIN PROPERTY IN CENTRAL HILLSIDE TO THE WOMEN'S TRANSITIONAL HOUSING COALITION, INC.

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

05-028-O - AN ORDINANCE PERTAINING TO THE PARKS AND RECREATION COMMISSION; AMENDING SECTION 2-44 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

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

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-035-O - AN ORDINANCE AUTHORIZING THE CONSENT BY THE CITY OF DULUTH TO AN EASEMENT AGREEMENT BETWEEN CENTER CITY HOUSING CORPORATION AND CENTRAL HILLSIDE DEVELOPMENT LIMITED PARTNERSHIP, LLLP.

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COUNCILOR QUESTIONS AND COMMENTS