

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, September 26, 2005, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS: - 7:00 p.m. - Miller Trunk Highway improvement project.
7:30 p.m. - Charter amendments re: administrative assistant title change (05-040-O).
7:30 p.m. - Charter amendment re: licensed sale of alcoholic beverages at Enger Park Golf Course (05-039-O).

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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

- * 05-0926-01 Easy Housing of Duluth, Inc., by Kurt Johnson, submitting petition to improve Spear Avenue from Silcox Avenue to Livingston Avenue. -- Assessor
- * 05-0926-02 Minnesota state auditor submitting Duluth/North Shore Sanitary District audit report for the year ended December 31, 2004. -- Received
- * 05-0926-03 The following submitting communications regarding the proposed Sugarloaf Enterprises, LLC, reclassification of property (05-037-O): (a) Duluth tree commission; (b) Christine Penney; (c) Shelly St. Germaine. -- Received (E-MAILED)

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REPORTS OF OFFICERS

- * 05-0926-04 Assessor submitting letters of sufficiency of:
 - (a) Petition to construct a watermain in Lawn Street from Portal Avenue to approximately 383 feet east of center line of Portal Avenue;
 - (b) Petition to vacate Boone Street running from 79th Avenue East to Highway 61 right-of-way;
 - (c) Remonstrance petition to construct 1,360 lineal feet of low pressure sanitary sewer within West Morgan Street beginning at the intersection of Joshua Avenue and extending westerly ordered in by Resolution 05-0574. -- Received
- * 05-0926-05 Clerk submitting application to the Minnesota gambling control board for exemption from lawful gambling license from Rotary Club of Duluth on March 2, 2006 (raffle). -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 05-0926-06 Commission on disabilities minutes of August 3, 2005, meeting. -- Received (E-MAILED)
- * 05-0926-07 Duluth housing commission minutes of August 11, 2006, meeting. -- Received (E-MAILED)

- * 05-0926-08 Duluth human rights commission minutes of August 10, 2005, meeting. -- Received (E-MAILED)
- * 05-0926-09 Housing and redevelopment authority minutes of: (a) March 29; (b) April 26; (c) May 31; (d) June 28, 2005, meetings. -- Received (E-MAILED)
- * 05-0926-10 Parks and Recreation commission minutes of: (a) July 13; (b) August 10, 2005, meetings. -- Received (E-MAILED)

* 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)
- Kapsner issues (8/22/2005)

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS FOR RECONSIDERATION

COMMITTEE 1

BY COUNCILOR STAUBER (FINANCE)

05-0607R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, SEAWAY PORT AUTHORITY, FOR THE YEAR 2006.

05-0608R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2006.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0597R - RESOLUTION AUTHORIZING REQUEST TO DISCONTINUE OPERATION OF FOG HORN AS A PRIVATE AID TO NAVIGATION.

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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 STAUBER (FINANCE)

05-0626R - RESOLUTION AUTHORIZING AN AGREEMENT FOR APPRAISAL SERVICES WITH THE VALUATION GROUP, INC., RELATED TO THE SEARS TAX COURT PROCEEDINGS IN THE AMOUNT OF \$3,000.

05-0627R - RESOLUTION AUTHORIZING AN AGREEMENT FOR APPRAISAL SERVICES WITH THE VALUATION GROUP, INC., RELATED TO THE KOHLS TAX COURT PROCEEDINGS IN THE AMOUNT OF \$6,000.

05-0628R - RESOLUTION AUTHORIZING AN AGREEMENT FOR APPRAISAL SERVICES WITH THE VALUATION GROUP, INC., RELATED TO THE YOUNKERS TAX COURT PROCEEDINGS IN THE AMOUNT OF \$3,000.

BY COUNCILOR STEWART (PURCHASING & LICENSING)

05-0654R - RESOLUTION AWARDED CONTRACT TO J.R. JENSEN AND SON, INC., FOR CONSTRUCTION OF A SAND AND SALT STORAGE FACILITY IN THE AMOUNT OF \$276,400.

05-0656R - RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO NORTHLAND VIETNAM VETERANS ASSOCIATION, BAYFRONT PARK.

05-0657R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM MF ENTERPRISES, INC. (GOPHER RESTAURANT & LOUNGE), 402 NORTH CENTRAL AVENUE, TO S&D ENTERPRISES, INC. (GOPHER RESTAURANT & LOUNGE), SAME ADDRESS.

05-0658R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR DULUTH CENTRAL SPORTS ASSOCIATION.

BY COUNCILOR JOHNSON (PERSONNEL)

05-0639R - RESOLUTION APPROVING AMENDING PAY FOR THE JOB CLASSIFICATION OF LIBRARY TECHNICIAN.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0641R - RESOLUTION AUTHORIZING HOUSING INVESTMENT FUND (HIF) LOAN AGREEMENTS WITH APPROPRIATE AGENCIES.

05-0645R - RESOLUTION VACATING 46TH AVENUE EAST FROM OTSEGO STREET TO THE ALLEY NORTH OF TIOGA STREET IN LAKESIDE.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0647R - RESOLUTION RATIFYING APPROVAL OF AGREEMENTS APPROVED BY RESOLUTION NOS. 05-0599 AND 05-0600 PERTAINING TO THE SHERMAN HOTEL PROJECT SKYWALK.

05-0650R - RESOLUTION AMENDING A SPECIAL USE PERMIT FOR A RADIO OR TELEVISION TOWER ELIMINATING THE EXPIRATION DATE AND ALLOWING THE PLACEMENT OF AN ADDITIONAL EQUIPMENT BUILDING ON PROPERTY LOCATED AT 1306 WINDSOR AVENUE IN THE TOWER FARM (FMHC/AAT COMMUNICATIONS).

BY COUNCILOR ATKINS (INTERGOVERNMENTAL RELATIONS)

05-0623R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH JOB SERVICES FOR THE PROVISION OF DISLOCATED WORKER SERVICES IN AN AMOUNT NOT TO EXCEED \$91,000 FOR THE FEDERAL PROGRAM AND \$169,626 FOR THE STATE PROGRAM FOR THE PERIOD OF JULY 1, 2005, THROUGH JUNE 30, 2006.

05-0642R - RESOLUTION RATIFYING EXECUTION OF A GRANT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, CRIME VICTIMS SERVICES, RELATING TO AN EMERGENCY FUND FOR CRIME VICTIMS IN AN AMOUNT OF \$3,000.

BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)

05-0636R - RESOLUTION AUTHORIZING SECOND AMENDMENT TO AGREEMENT WITH CARLSON MEDIA, INC., FOR DEVELOPMENT AND PRODUCTION OF AN AERIAL LIFT BRIDGE DOCUMENTARY IN THE AMOUNT OF \$25,000.

05-0637R - RESOLUTION APPOINTING ELECTION JUDGES FOR THE NOVEMBER 8, 2005, MUNICIPAL AND SCHOOL BOARD GENERAL ELECTION.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0635R - RESOLUTION AUTHORIZING GRANT AGREEMENT WITH DULUTH-SUPERIOR AREA COMMUNITY FOUNDATION IN THE AMOUNT OF \$25,000 FOR AERIAL LIFT BRIDGE DOCUMENTARY.

05-0640R - RESOLUTION AWARDDING CONTRACT TO HYDRO METERING TECHNOLOGY FOR COMPLETE WATER METERS WITH REMOTE REGISTER AS NEEDED DURING YEAR 2005 AT AN ESTIMATED AMOUNT OF \$51,013.50.

05-0646R - RESOLUTION AWARDDING CONTRACT TO LUTHER EGGBRECHT CHEVROLET FOR ONE CAB AND CHASSIS IN THE AMOUNT OF \$42,228.27.

05-0648R - RESOLUTION AWARDDING CONTRACT TO _____ FOR CONSTRUCTION OF 44TH AVENUE WEST FROM GRAND AVENUE TO 398 FEET SOUTHERLY IN THE ESTIMATED AMOUNT OF \$143,376.50.
(REPLACEMENT)

05-0649R - RESOLUTION AWARDDING CONTRACT TO MONROE TRUCK EQUIPMENT FOR TWO UTILITY BODIES IN THE AMOUNT OF \$68,500.80.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0651R - RESOLUTION AWARDDING CONTRACT TO FRONTIER PIPELINE, LLC, FOR HDPE WATERMAIN IN 90TH AVENUE EAST AND SUPERIOR STREET IN THE AMOUNT OF \$183,688.50.

05-0652R - RESOLUTION ACCEPTING DONATION OF EASEMENT FROM WALGREEN COMPANY FOR MAINTENANCE OF CHESTER CREEK AT 13TH AVENUE EAST AND SUPERIOR STREET.

05-0653R - RESOLUTION ESTABLISHING REVISED NATURAL GAS RATES EFFECTIVE WITH METER READINGS AFTER NOVEMBER 1, 2005, AND RESCINDING ALL PRIOR INCONSISTENT OR CONFLICTING RESOLUTIONS WITH RESPECT TO SUCH RATES.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

05-0625R - RESOLUTION TO ESTABLISH ONE STALL HANDICAPPED PARKING ZONES AT VARIOUS LOCATIONS.

05-0643R - RESOLUTION AUTHORIZING AN AMENDMENT TO THE GANG STRIKE FORCE GRANT AGREEMENT FOR REIMBURSEMENT OF CLERICAL SALARY AND BENEFITS AND OTHER OPERATING EXPENSES TO EXPAND LOCAL CAPACITY TO COMBAT GANGS, EXTENDING THE TERM AND INCREASING THE GRANT AMOUNT BY \$53,400.

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

05-0638R - RESOLUTION APPROVING AMENDMENT TO MOUNTAIN VILLAS LEASE AT SPIRIT MOUNTAIN TO CORRECT LEGAL DESCRIPTION.

05-0644R - RESOLUTION AUTHORIZING EXECUTION OF A \$5,000 GRANT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR MAINTENANCE OF CROSS COUNTRY SKI TRAILS.

END OF CONSENT AGENDA

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

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0631R - RESOLUTION AFFIRMING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY A VARIANCE TO REDUCE THE MINIMUM CORNER SIDE YARD SETBACK REQUIREMENT FROM 20 FEET TO 12 FEET, FOUR INCHES AND TO ALLOW AN ACCESSORY STRUCTURE TO EXCEED THE MAXIMUM AREA ALLOWED IN A REQUIRED REAR YARD AREA FROM 30 PERCENT TO 39 PERCENT FOR THE CONSTRUCTION OF A 14 FEET BY 35 FEET DETACHED GARAGE ON PROPERTY LOCATED AT 4101 EAST SUPERIOR STREET (TRAVIS AND MELISSA BUMGARDNER).

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0632R - RESOLUTION REVERSING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY A VARIANCE TO REDUCE THE MINIMUM CORNER SIDE YARD SETBACK REQUIREMENT FROM 20 FEET TO 12 FEET, FOUR INCHES AND TO ALLOW AN ACCESSORY STRUCTURE TO EXCEED THE MAXIMUM AREA ALLOWED IN A REQUIRED REAR YARD AREA FROM 30 PERCENT TO 39 PERCENT FOR THE CONSTRUCTION OF A 14 FEET BY 35 FEET DETACHED GARAGE ON PROPERTY LOCATED AT 4101 EAST SUPERIOR STREET (TRAVIS AND MELISSA BUMGARDNER).

BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)

NEW 05-0660R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH VISIT DULUTH TO PROVIDE ADVERTISING AND PROMOTION SERVICES TO THE CITY OF DULUTH FOR THE YEARS 2006-2008 AT A COST TO THE CITY TO BE DETERMINED ANNUALLY.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0581R - RESOLUTION APPROVING THE FINAL LAYOUT AND PROJECT REPORT FOR THE RECONSTRUCTION OF A PART OF TRUNK HIGHWAY NUMBER 53 (MILLER TRUNK HIGHWAY), JOSHUA AVENUE, COTTONWOOD AVENUE, BURNING TREE DRIVE, SUNDBY ROAD, PAGE STREET, MALL DRIVE, MAPLE GROVE ROAD, AND FRONTAGE ROAD WITHIN THE CORPORATE LIMITS OF THE CITY OF DULUTH.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

COMMITTEE 1

BY COUNCILOR STEWART (PURCHASING & LICENSING)

05-038-O - AN ORDINANCE REGULATING ALIENATION OF REAL PROPERTY BY THE CITY.
(TABLED 9/12 FOR 9/19 COMMITTEE MEETING)
(REPLACEMENT)

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). (REPLACEMENT)
(TABLED 9/12 FOR 9/19 COMMITTEE MEETING)

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

COMMITTEE 1

BY COUNCILOR STAUBER (FINANCE)

05-042-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF \$7,600,000 GENERAL OBLIGATION REVENUE BONDS OF THE CITY OF DULUTH FOR THE IMPROVEMENT OF THE MUNICIPAL SEWER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF. **(REPLACEMENT)**

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-043-O - AN ORDINANCE GRANTING A CONCURRENT USE PERMIT TO SHELTON PROPERTIES, LLC, FOR THREE ELECTRICAL CONDUITS IN THE RIGHT-OF-WAY OF DICKSON STREET LOCATED BETWEEN 1331 AND 1405 COMMONWEALTH AVENUE.

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

COMMITTEE 2

BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)

05-040-O - AN ORDINANCE AMENDING SECTIONS 2, 3, 5, 7, 18, 19, 21, 25, 36 AND 60(A) OF THE CITY CHARTER TO CHANGE THE TITLE OF THE ADMINISTRATIVE ASSISTANT TO CHIEF ADMINISTRATIVE OFFICER AND CHANGE THE RESIDENCY TO BE CONSISTENT WITH STATE LAW.

COMMITTEE 3

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

05-039-O - AN ORDINANCE AMENDING THE CITY CHARTER TO COMPLY WITH STATE LAW PERTAINING TO ALCOHOLIC BEVERAGES.

COUNCILOR QUESTIONS AND COMMENTS
