

Tuesday, October 11, 2005, 7:00 p.m.

**ROLL CALL  
PLEDGE OF ALLEGIANCE**

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- \* 05-1011-04 Minnesota state auditor submitting management and compliance report for the city of Duluth for the year ended December 31, 2004. -- Received (PREVIOUSLY DISTRIBUTED)
- \* 05-1011-05 The following submitting communications regarding the proposed Sugarloaf Enterprises, LLC, reclassification of property (05-037-O): (a) Melissa Mundwiler, Sarah Sederski and Jeremy Nelson; (b) Kaija Webster; (c) Beth Wentzlaff. -- Received

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**OPPORTUNITY FOR CITIZENS TO BE HEARD**

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**RESOLUTIONS TABLED**

**COMMITTEE 2**

**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. (TABLED 9/26 FOR 10/6 COMMITTEE MEETING)

**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.  
(TABLED 9/26 FOR 10/6 COMMITTEE MEETING)

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**MOTIONS AND RESOLUTIONS**

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**BY COUNCILOR STAUBER (FINANCE)**

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**BY COUNCILOR JOHNSON (PERSONNEL)**

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

05-0661R - RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT ADDENDUM WITH THE ARROWHEAD REGIONAL DEVELOPMENT COMMISSION FOR A REDUCTION IN THE MAXIMUM NUMBER OF MEALS THAT CAN RECEIVE REIMBURSEMENT IN 2005.

05-0662R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ACCEPT A GRANT AS FISCAL AGENT FOR THE LAKE SUPERIOR HIKING TRAIL ASSOCIATION IN THE AMOUNT OF \$14,000 AND FURTHER AUTHORIZING CITY OFFICIALS TO ENTER INTO A MEMORANDUM OF UNDERSTANDING RELATING TO GRANT RECORD KEEPING, REPORTING AND TRAIL MAINTENANCE.

**END OF CONSENT AGENDA**

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

**COMMITTEE 2**

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

05-0670R - RESOLUTION REAFFIRMING A PLANNING COMMISSION ACTION GRANTING A WATER RESOURCES MANAGEMENT ORDINANCE VARIANCE TO JOE KLEIMAN FOR PROPERTY LOCATED AT 422 SOUTH 19TH AVENUE EAST.

05-0671R - RESOLUTION OVERTURNING A PLANNING COMMISSION ACTION GRANTING A WATER RESOURCES MANAGEMENT ORDINANCE VARIANCE TO JOE KLEIMAN FOR PROPERTY LOCATED AT 422 SOUTH 19TH AVENUE EAST.

05-0681R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO HOVLAND-DONOVAN PROPERTIES, INC., FOR A RESIDENTIAL CARE FACILITY, SECTION 50-56(E) ASSISTED LIVING FACILITY, FOR PROPERTY LOCATED ON THE SOUTH SIDE OF MIDDLE ROAD.

**COMMITTEE 3**

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

05-0689R - RESOLUTION SUPPORTING DOG PARK SITES.

**NEW** 05-0694R - RESOLUTION OF INTENT TO ESTABLISH THE BAYVIEW SCHOOL FOREST AND TO ENTER INTO A JOINT MANAGEMENT PROGRAM THEREFORE WITH THE PROCTOR SCHOOLS.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**ORDINANCE TABLED**

**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:

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

05-044-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 28 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-B, SINGLE FAMILY RESIDENTIAL, TO C-5, PLANNED COMMERCIAL, PROPERTY LOCATED AT 117 WEST CENTRAL ENTRANCE (OSTRANDER).

05-046-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, AMENDING PUBIC DOCUMENT NO. 03-0324-15 ENTITLED "RAMSEY VILLAGE NEIGHBORHOOD DOCUMENTS OF IMPLEMENTATION."

**BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)**

05-045-O - AN ORDINANCE PERTAINING TO CABLE TELEVISION FRANCHISE.

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

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**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**

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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.

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**COUNCILOR QUESTIONS AND COMMENTS**

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**END OF CONSENT AGENDA**

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

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Tuesday, October 11, 2005, 7:00 p.m.

**ROLL CALL  
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**RESOLUTIONS TABLED**

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**(COMMITTEE OF THE WHOLE)**

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05-0676R - RESOLUTION CONFIRMING THE APPOINTMENTS OF MARGARETHE FERGUSON KORMAN AND JAMIE A. KUMBERA-TUPPER TO THE PARKING COMMISSION, REPLACING VALERIE OUELLETTE AND TERRY FAWCETT.

05-0678R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF TOMASZ MAJEWSKI AND PENNY PERRY TO THE DULUTH PUBLIC ARTS COMMISSION.

05-0683R - RESOLUTION CONFIRMING THE APPOINTMENT OF CHARLES "TIM" CAINES TO THE PARKS AND RECREATION COMMISSION, REPLACING JOANNE CARROLL.

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05-0686R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF EMPLOYEE BENEFITS SPECIALIST AND SPECIFYING CONTRACT BENEFITS FOR SAME.

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**COMMITTEE 2**

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

05-0669R - RESOLUTION APPROVING CONTRACT WITH UNIVERSITY OF MINNESOTA - NRRI; NOT TO EXCEED \$5,550.

05-0682R - RESOLUTION VACATING BOONE STREET BETWEEN 79TH AVENUE EAST AND HIGHWAY 61 RIGHT-OF-WAY.

05-0688R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO MATTERHORN APARTMENTS, LLC, FOR TOWNHOUSE-GROUP DWELLINGS FOR PROPERTY LOCATED SOUTH OF MATTERHORN MALL ON MATTERHORN CIRCLE.

**COMMITTEE 3**

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

05-0624R - RESOLUTION AUTHORIZING SEASONAL CLOSING OF PORTIONS OF SKYLINE PARKWAY.

05-0655R - RESOLUTION AMENDING RESOLUTION 04-0436 AWARDED CONTRACT TO SALO ENGINEERING FOR YEAR 2005 STREET IMPROVEMENT PROJECT DULUTH HEIGHTS SOUTHEAST 3 (CITY JOB NO. 0341TR) TO INCREASE THE AMOUNT BY \$39,527 FOR A NEW TOTAL OF 143,048.59.

05-0659R - RESOLUTION AWARDED CONTRACT TO MIDWEST REGION GAS TASK FORCE ASSOCIATION FOR MEMBERSHIP FOR YEAR 2005 IN THE AMOUNT OF \$20,582.56.

05-0664R - RESOLUTION OF INTENT TO CONSTRUCT A PERMANENT RESIDENTIAL DESIGN STREET IN SACKETTE ADDITION IN DENIM DRIVE FROM DENIM STREET TO 780 FEET SOUTH OF DENIM STREET TO INCLUDE SANITARY SEWER, STORM SEWER, GAS MAIN, WATERMAIN AND STORM WATER RETENTION POND (CITY JOB NO. 0500TR).

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05-0672R - RESOLUTION AMENDING RESOLUTION 05-0388 AWARDED CONTRACT TO NORTHLAND BITUMINOUS, INC., FOR YEAR 2005 FINE MIX PAVING PROGRAM TO INCREASE THE AMOUNT BY \$17,800 FOR A NEW TOTAL OF \$83,000.

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05-0677R - RESOLUTION AWARDED CONTRACT TO A.W. KUETTEL & SONS, INC., FOR INSTALLATION OF PIPING FOR DECC HEATING AND COOLING SYSTEM IN THE AMOUNT OF \$926,800.

05-0679R - RESOLUTION AWARDED CONTRACT TO DAVIES NORTHERN WATER WORKS SUPPLY, INC., FOR HDPE PIPE AND FITTINGS IN THE AMOUNT OF \$60,765.36.

05-0680R - RESOLUTION AWARDED CONTRACT TO UTILITY SYSTEMS OF AMERICA FOR CONSTRUCTION OF BRISTOLWOOD FIRST ADDITION IN THE AMOUNT OF \$439,628.59.

05-0692R - RESOLUTION AWARDED CONTRACT TO FRONTIER PIPELINE, LLC FOR 8" WATER MAIN IN OSAGE AVENUE, IN THE AMOUNT OF \$47,674.90.

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

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

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**COUNCILOR QUESTIONS AND COMMENTS**

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Tuesday, October 11, 2005, 7:00 p.m.

**ROLL CALL  
PLEDGE OF ALLEGIANCE**

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**REPORTS OF OFFICERS**

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  - (b) Letters of sufficiency of petitions to construct:
    - (1) Curb and gutter street with water, sewer and gas utilities from Spear Avenue from Silcox Avenue to Livingston Avenue;
    - (2) Permanent residential street on Denim Drive from Denim Street to 780 feet south of Denim Street to include sanitary sewer, storm sewer, gas main, watermain and a storm water retention pond. -- Received

\* 05-1011-07 Building official submitting appeal to reverse the board of zoning appeals' denial of a request to relax the minimum side yard setback on a corner lot from 20 feet to ten feet for the construction of a 904 square foot addition to an existing 576 square foot detached garage on property located at 322 North 80th Avenue West (David Mark Ridgewell). -- Committee 2 (Planning and economic development)

\* 05-1011-08 Clerk submitting applications to the Minnesota gambling control board for exemption from lawful gambling license from: (a) Duluth Area Chamber of Commerce on October 12, 2005 (raffle); (b) Rotary Club of Duluth on March 2, 2006 (raffle). -- Received

\* 05-1011-09 Parks and recreation department director submitting Lake Superior zoological society: (a) Financial statements for period January through August, 2005; (b) Minutes of: (1) July 20; (2) September 21, 2005, meetings. -- Received

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**REPORTS OF BOARDS AND COMMISSIONS**

\* 05-1011-10 Board of zoning appeals minutes of August 23, 2005, meeting. -- Received

\* 05-1011-11 Duluth airport authority minutes of: (a) August 16; (b) August 26; (c) September 15, 2005, meetings. -- Received

\* 05-1011-12 Library board minutes of August 23, 2005, meeting. -- Received

\* 05-1011-13 Environmental advisory council minutes of August 3, 2005, meeting. -- Received

\* 05-1011-14 Heritage preservation commission minutes of July 26, 2005, 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**

- 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)

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**OPPORTUNITY FOR CITIZENS TO BE HEARD**

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**RESOLUTIONS TABLED**

**COMMITTEE 2**

**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. (TABLED 9/26 FOR 10/6 COMMITTEE MEETING)

**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.  
(TABLED 9/26 FOR 10/6 COMMITTEE MEETING)

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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)**

05-0663R - RESOLUTION AUTHORIZING THE TRANSFER OF \$28,084 FROM THE CITY'S STORMWATER IMPROVEMENT FUND 535-500-1905-5535 INTO DEDA FUND 860 RELATING TO STORMWATER IMPROVEMENT WORK PERFORMED IN GARY NEW DULUTH PURSUANT TO DEDA'S CONTRACT WITH VIELE CONTRACTING, INC.

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

05-0684R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR DULUTH AMATEUR HOCKEY ASSOCIATION.

05-0685R - RESOLUTION AWARDED CONTRACT TO CELLULAR ONE DULUTH/SUPERIOR FOR CELLULAR AIR TIME SERVICE AND HARDWARE IN THE TOTAL AMOUNT OF APPROXIMATELY \$70,668.

**BY COUNCILOR JOHNSON (PERSONNEL)**

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**RESOLUTIONS TABLED**

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**BY PRESIDENT NESS**

**(COMMITTEE OF THE WHOLE)**

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**END OF CONSENT AGENDA**

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

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

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**NEW** 05-0694R - RESOLUTION OF INTENT TO ESTABLISH THE BAYVIEW SCHOOL FOREST AND TO ENTER INTO A JOINT MANAGEMENT PROGRAM THEREFORE WITH THE PROCTOR SCHOOLS.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**ORDINANCE TABLED**

**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 2**

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

05-044-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 28 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-B, SINGLE FAMILY RESIDENTIAL, TO C-5, PLANNED COMMERCIAL, PROPERTY LOCATED AT 117 WEST CENTRAL ENTRANCE (OSTRANDER).

05-046-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, AMENDING PUBIC DOCUMENT NO. 03-0324-15 ENTITLED "RAMSEY VILLAGE NEIGHBORHOOD DOCUMENTS OF IMPLEMENTATION."

**BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)**

05-045-O - AN ORDINANCE PERTAINING TO CABLE TELEVISION FRANCHISE.

The following entitled ordinances are to be read for the second 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.

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**COUNCILOR QUESTIONS AND COMMENTS**

- - -

Tuesday, October 11, 2005, 7:00 p.m.

**ROLL CALL  
PLEDGE OF ALLEGIANCE**

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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**

- \* 05-1011-01 Gregory A. and Kimberly K. Crawford petitioning to vacate a utility easement in the northerly five feet of Lot 1 and southerly five feet of Lot 2, except the easterly 40 feet, Block 1, Central Baptist Division of Duluth. -- Assessor
- \* 05-1011-02 David Sackette submitting:
  - (a) Petition to construct a permanent residential design street in Sackette Addition in Denim Drive from Denim Street to 780 feet south of Denim Street to include sanitary sewer, storm sewer, gas main, watermain and storm water retention pond. -- Assessor
  - (b) Waiver agreement to construct a permanent residential design street in Sackette Addition in Denim Drive from Denim Street to 780 feet south of Denim Street to include sanitary sewer, storm sewer, gas main, watermain and storm water retention pond. -- Engineer
- \* 05-1011-03 St. Luke's Hospital, et al. (three signatures), submitting petition to construct a permanent alley in First Alley from 377 feet to 470 feet easterly of Tenth Avenue East to serve Lots 15 and 16 of Block 19, and Lots 15 and 16 of Block 16, Portland Division. -- Assessor
- \* 05-1011-04 Minnesota state auditor submitting management and compliance report for the city of Duluth for the year ended December 31, 2004. -- Received (PREVIOUSLY DISTRIBUTED)
- \* 05-1011-05 The following submitting communications regarding the proposed Sugarloaf Enterprises, LLC, reclassification of property (05-037-O): (a) Melissa Mundwiler, Sarah Sederski and Jeremy Nelson; (b) Kaija Webster; (c) Beth Wentzlaff. -- Received

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**REPORTS OF OFFICERS**

- \* 05-1011-06 Assessor submitting:
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**COUNCILOR QUESTIONS AND COMMENTS**

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Tuesday, October 11, 2005, 7:00 p.m.

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05-0624R - RESOLUTION AUTHORIZING SEASONAL CLOSING OF PORTIONS OF SKYLINE PARKWAY.

05-0655R - RESOLUTION AMENDING RESOLUTION 04-0436 AWARDED CONTRACT TO SALO ENGINEERING FOR YEAR 2005 STREET IMPROVEMENT PROJECT DULUTH HEIGHTS SOUTHEAST 3 (CITY JOB NO. 0341TR) TO INCREASE THE AMOUNT BY \$39,527 FOR A NEW TOTAL OF 143,048.59.

05-0659R - RESOLUTION AWARDED CONTRACT TO MIDWEST REGION GAS TASK FORCE ASSOCIATION FOR MEMBERSHIP FOR YEAR 2005 IN THE AMOUNT OF \$20,582.56.

05-0664R - RESOLUTION OF INTENT TO CONSTRUCT A PERMANENT RESIDENTIAL DESIGN STREET IN SACKETTE ADDITION IN DENIM DRIVE FROM DENIM STREET TO 780 FEET SOUTH OF DENIM STREET TO INCLUDE SANITARY SEWER, STORM SEWER, GAS MAIN, WATERMAIN AND STORM WATER RETENTION POND (CITY JOB NO. 0500TR).

05-0665R - RESOLUTION ORDERING THE CONSTRUCTION OF A PERMANENT STREET, SANITARY AND STORM SEWERS, GAS MAIN, WATER MAIN, AND STORM WATER RETENTION POND IN DENIM DRIVE FROM DENIM STREET TO 780 FEET SOUTH OF DENIM STREET (SACKETTE ADDITION) (CITY JOB NO. 0500TR).

05-0672R - RESOLUTION AMENDING RESOLUTION 05-0388 AWARDED CONTRACT TO NORTHLAND BITUMINOUS, INC., FOR YEAR 2005 FINE MIX PAVING PROGRAM TO INCREASE THE AMOUNT BY \$17,800 FOR A NEW TOTAL OF \$83,000.

**COMMITTEE 3**

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05-0677R - RESOLUTION AWARDED CONTRACT TO A.W. KUETTEL & SONS, INC., FOR INSTALLATION OF PIPING FOR DECC HEATING AND COOLING SYSTEM IN THE AMOUNT OF \$926,800.

05-0679R - RESOLUTION AWARDED CONTRACT TO DAVIES NORTHERN WATER WORKS SUPPLY, INC., FOR HDPE PIPE AND FITTINGS IN THE AMOUNT OF \$60,765.36.

05-0680R - RESOLUTION AWARDED CONTRACT TO UTILITY SYSTEMS OF AMERICA FOR CONSTRUCTION OF BRISTOLWOOD FIRST ADDITION IN THE AMOUNT OF \$439,628.59.

05-0692R - RESOLUTION AWARDED CONTRACT TO FRONTIER PIPELINE, LLC FOR 8" WATER MAIN IN OSAGE AVENUE, IN THE AMOUNT OF \$47,674.90.

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

05-0667R - RESOLUTION AUTHORIZING THE SOLICITATION OF BIDS FOR BUILDING DEMOLITION.

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

05-0661R - RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT ADDENDUM WITH THE ARROWHEAD REGIONAL DEVELOPMENT COMMISSION FOR A REDUCTION IN THE MAXIMUM NUMBER OF MEALS THAT CAN RECEIVE REIMBURSEMENT IN 2005.

05-0662R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ACCEPT A GRANT AS FISCAL AGENT FOR THE LAKE SUPERIOR HIKING TRAIL ASSOCIATION IN THE AMOUNT OF \$14,000 AND FURTHER AUTHORIZING CITY OFFICIALS TO ENTER INTO A MEMORANDUM OF UNDERSTANDING RELATING TO GRANT RECORD KEEPING, REPORTING AND TRAIL MAINTENANCE.

**END OF CONSENT AGENDA**

- - -

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

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05-0670R - RESOLUTION REAFFIRMING A PLANNING COMMISSION ACTION GRANTING A WATER RESOURCES MANAGEMENT ORDINANCE VARIANCE TO JOE KLEIMAN FOR PROPERTY LOCATED AT 422 SOUTH 19TH AVENUE EAST.

05-0671R - RESOLUTION OVERTURNING A PLANNING COMMISSION ACTION GRANTING A WATER RESOURCES MANAGEMENT ORDINANCE VARIANCE TO JOE KLEIMAN FOR PROPERTY LOCATED AT 422 SOUTH 19TH AVENUE EAST.

05-0681R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO HOVLAND-DONOVAN PROPERTIES, INC., FOR A RESIDENTIAL CARE FACILITY, SECTION 50-56(E) ASSISTED LIVING FACILITY, FOR PROPERTY LOCATED ON THE SOUTH SIDE OF MIDDLE ROAD.

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05-0689R - RESOLUTION SUPPORTING DOG PARK SITES.

**NEW** 05-0694R - RESOLUTION OF INTENT TO ESTABLISH THE BAYVIEW SCHOOL FOREST AND TO ENTER INTO A JOINT MANAGEMENT PROGRAM THEREFORE WITH THE PROCTOR SCHOOLS.

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**END OF CONSENT AGENDA**

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

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**COUNCILOR QUESTIONS AND COMMENTS**

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Tuesday, October 11, 2005, 7:00 p.m.

**ROLL CALL  
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**OPPORTUNITY FOR CITIZENS TO BE HEARD**

- - -

**RESOLUTIONS TABLED**

**COMMITTEE 2**

**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. (TABLED 9/26 FOR 10/6 COMMITTEE MEETING)

**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.  
(TABLED 9/26 FOR 10/6 COMMITTEE MEETING)

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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)**

05-0663R - RESOLUTION AUTHORIZING THE TRANSFER OF \$28,084 FROM THE CITY'S STORMWATER IMPROVEMENT FUND 535-500-1905-5535 INTO DEDA FUND 860 RELATING TO STORMWATER IMPROVEMENT WORK PERFORMED IN GARY NEW DULUTH PURSUANT TO DEDA'S CONTRACT WITH VIELE CONTRACTING, INC.

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

05-0684R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR DULUTH AMATEUR HOCKEY ASSOCIATION.

05-0685R - RESOLUTION AWARDING CONTRACT TO CELLULAR ONE DULUTH/SUPERIOR FOR CELLULAR AIR TIME SERVICE AND HARDWARE IN THE TOTAL AMOUNT OF APPROXIMATELY \$70,668.

**BY COUNCILOR JOHNSON (PERSONNEL)**

05-0673R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF JAMES P. BERRY, JON HELSTROM AND HOWARD JACOBS TO THE BUILDING APPEAL BOARD.

05-0674R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF LOUISE LEVY AND JOHN T. MOIR TO THE TREE COMMISSION.

05-0675R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF RICHARD J. ANDREE, PETER S. DOWNS AND EDWIN S. LEVEY TO THE WATER AND GAS SERVICE HEARING BOARD.

05-0676R - RESOLUTION CONFIRMING THE APPOINTMENTS OF MARGARETHE FERGUSON KORMAN AND JAMIE A. KUMBERA-TUPPER TO THE PARKING COMMISSION, REPLACING VALERIE OUELLETTE AND TERRY FAWCETT.

05-0678R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF TOMASZ MAJEWSKI AND PENNY PERRY TO THE DULUTH PUBLIC ARTS COMMISSION.

05-0683R - RESOLUTION CONFIRMING THE APPOINTMENT OF CHARLES "TIM" CAINES TO THE PARKS AND RECREATION COMMISSION, REPLACING JOANNE CARROLL.

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05-0686R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF EMPLOYEE BENEFITS SPECIALIST AND SPECIFYING CONTRACT BENEFITS FOR SAME.

05-0687R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF WATER LAB TECHNICIAN AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**COMMITTEE 2**

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

05-0669R - RESOLUTION APPROVING CONTRACT WITH UNIVERSITY OF MINNESOTA - NRRI; NOT TO EXCEED \$5,550.

05-0682R - RESOLUTION VACATING BOONE STREET BETWEEN 79TH AVENUE EAST AND HIGHWAY 61 RIGHT-OF-WAY.

05-0688R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO MATTERHORN APARTMENTS, LLC, FOR TOWNHOUSE-GROUP DWELLINGS FOR PROPERTY LOCATED SOUTH OF MATTERHORN MALL ON MATTERHORN CIRCLE.

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**RESOLUTIONS TABLED**

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**BY PRESIDENT NESS**

**(COMMITTEE OF THE WHOLE)**

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**END OF CONSENT AGENDA**

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

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**COUNCILOR QUESTIONS AND COMMENTS**

- - -

Tuesday, October 11, 2005, 7:00 p.m.

**ROLL CALL  
PLEDGE OF ALLEGIANCE**

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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**

- \* 05-1011-01 Gregory A. and Kimberly K. Crawford petitioning to vacate a utility easement in the northerly five feet of Lot 1 and southerly five feet of Lot 2, except the easterly 40 feet, Block 1, Central Baptist Division of Duluth. -- Assessor
- \* 05-1011-02 David Sackette submitting:
  - (a) Petition to construct a permanent residential design street in Sackette Addition in Denim Drive from Denim Street to 780 feet south of Denim Street to include sanitary sewer, storm sewer, gas main, watermain and storm water retention pond. -- Assessor
  - (b) Waiver agreement to construct a permanent residential design street in Sackette Addition in Denim Drive from Denim Street to 780 feet south of Denim Street to include sanitary sewer, storm sewer, gas main, watermain and storm water retention pond. -- Engineer
- \* 05-1011-03 St. Luke's Hospital, et al. (three signatures), submitting petition to construct a permanent alley in First Alley from 377 feet to 470 feet easterly of Tenth Avenue East to serve Lots 15 and 16 of Block 19, and Lots 15 and 16 of Block 16, Portland Division. -- Assessor
- \* 05-1011-04 Minnesota state auditor submitting management and compliance report for the city of Duluth for the year ended December 31, 2004. -- Received (PREVIOUSLY DISTRIBUTED)
- \* 05-1011-05 The following submitting communications regarding the proposed Sugarloaf Enterprises, LLC, reclassification of property (05-037-O): (a) Melissa Mundwiler, Sarah Sederski and Jeremy Nelson; (b) Kaija Webster; (c) Beth Wentzlaff. -- Received

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**REPORTS OF OFFICERS**

- \* 05-1011-06 Assessor submitting:
  - (a) Affidavit of mailing of notice of public hearing by the special assessment board on Tuesday, October 11, 2005, at 3:30 p.m. in Room 106A, City Hall, regarding the proposed construction of a watermain in Lawn Street from Portal Avenue to 383 feet east of centerline of Portal Avenue. -- Clerk
  - (b) Letters of sufficiency of petitions to construct:
    - (1) Curb and gutter street with water, sewer and gas utilities from Spear Avenue from Silcox Avenue to Livingston Avenue;
    - (2) Permanent residential street on Denim Drive from Denim Street to 780 feet south of Denim Street to include sanitary sewer, storm sewer, gas main, watermain and a storm water retention pond. -- Received

\* 05-1011-07 Building official submitting appeal to reverse the board of zoning appeals' denial of a request to relax the minimum side yard setback on a corner lot from 20 feet to ten feet for the construction of a 904 square foot addition to an existing 576 square foot detached garage on property located at 322 North 80th Avenue West (David Mark Ridgewell). -- Committee 2 (Planning and economic development)

\* 05-1011-08 Clerk submitting applications to the Minnesota gambling control board for exemption from lawful gambling license from: (a) Duluth Area Chamber of Commerce on October 12, 2005 (raffle); (b) Rotary Club of Duluth on March 2, 2006 (raffle). -- Received

\* 05-1011-09 Parks and recreation department director submitting Lake Superior zoological society: (a) Financial statements for period January through August, 2005; (b) Minutes of: (1) July 20; (2) September 21, 2005, meetings. -- Received

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**REPORTS OF BOARDS AND COMMISSIONS**

\* 05-1011-10 Board of zoning appeals minutes of August 23, 2005, meeting. -- Received

\* 05-1011-11 Duluth airport authority minutes of: (a) August 16; (b) August 26; (c) September 15, 2005, meetings. -- Received

\* 05-1011-12 Library board minutes of August 23, 2005, meeting. -- Received

\* 05-1011-13 Environmental advisory council minutes of August 3, 2005, meeting. -- Received

\* 05-1011-14 Heritage preservation commission minutes of July 26, 2005, 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**

- 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)

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**RESOLUTIONS TABLED**

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**BY PRESIDENT NESS**

**(COMMITTEE OF THE WHOLE)**

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05-0662R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ACCEPT A GRANT AS FISCAL AGENT FOR THE LAKE SUPERIOR HIKING TRAIL ASSOCIATION IN THE AMOUNT OF \$14,000 AND FURTHER AUTHORIZING CITY OFFICIALS TO ENTER INTO A MEMORANDUM OF UNDERSTANDING RELATING TO GRANT RECORD KEEPING, REPORTING AND TRAIL MAINTENANCE.

**END OF CONSENT AGENDA**

- - -

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

**COMMITTEE 2**

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

05-0670R - RESOLUTION REAFFIRMING A PLANNING COMMISSION ACTION GRANTING A WATER RESOURCES MANAGEMENT ORDINANCE VARIANCE TO JOE KLEIMAN FOR PROPERTY LOCATED AT 422 SOUTH 19TH AVENUE EAST.

05-0671R - RESOLUTION OVERTURNING A PLANNING COMMISSION ACTION GRANTING A WATER RESOURCES MANAGEMENT ORDINANCE VARIANCE TO JOE KLEIMAN FOR PROPERTY LOCATED AT 422 SOUTH 19TH AVENUE EAST.

05-0681R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO HOVLAND-DONOVAN PROPERTIES, INC., FOR A RESIDENTIAL CARE FACILITY, SECTION 50-56(E) ASSISTED LIVING FACILITY, FOR PROPERTY LOCATED ON THE SOUTH SIDE OF MIDDLE ROAD.

**COMMITTEE 3**

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

05-0689R - RESOLUTION SUPPORTING DOG PARK SITES.

**NEW** 05-0694R - RESOLUTION OF INTENT TO ESTABLISH THE BAYVIEW SCHOOL FOREST AND TO ENTER INTO A JOINT MANAGEMENT PROGRAM THEREFORE WITH THE PROCTOR SCHOOLS.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**ORDINANCE TABLED**

**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 2**

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

05-044-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 28 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-B, SINGLE FAMILY RESIDENTIAL, TO C-5, PLANNED COMMERCIAL, PROPERTY LOCATED AT 117 WEST CENTRAL ENTRANCE (OSTRANDER).

05-046-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, AMENDING PUBIC DOCUMENT NO. 03-0324-15 ENTITLED "RAMSEY VILLAGE NEIGHBORHOOD DOCUMENTS OF IMPLEMENTATION."

**BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)**

05-045-O - AN ORDINANCE PERTAINING TO CABLE TELEVISION FRANCHISE.

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

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**BY COUNCILOR STAUBER (FINANCE)**

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**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.

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**COUNCILOR QUESTIONS AND COMMENTS**

- - -

Tuesday, October 11, 2005, 7:00 p.m.

**ROLL CALL  
PLEDGE OF ALLEGIANCE**

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

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**COUNCILOR QUESTIONS AND COMMENTS**

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Tuesday, October 11, 2005, 7:00 p.m.

**ROLL CALL  
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**RESOLUTIONS TABLED**

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**(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. (TABLED 9/26 FOR 10/6 COMMITTEE MEETING)

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05-0678R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF TOMASZ MAJEWSKI AND PENNY PERRY TO THE DULUTH PUBLIC ARTS COMMISSION.

05-0683R - RESOLUTION CONFIRMING THE APPOINTMENT OF CHARLES "TIM" CAINES TO THE PARKS AND RECREATION COMMISSION, REPLACING JOANNE CARROLL.

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05-0686R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF EMPLOYEE BENEFITS SPECIALIST AND SPECIFYING CONTRACT BENEFITS FOR SAME.

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**COMMITTEE 2**

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

05-0669R - RESOLUTION APPROVING CONTRACT WITH UNIVERSITY OF MINNESOTA - NRRI; NOT TO EXCEED \$5,550.

05-0682R - RESOLUTION VACATING BOONE STREET BETWEEN 79TH AVENUE EAST AND HIGHWAY 61 RIGHT-OF-WAY.

05-0688R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO MATTERHORN APARTMENTS, LLC, FOR TOWNHOUSE-GROUP DWELLINGS FOR PROPERTY LOCATED SOUTH OF MATTERHORN MALL ON MATTERHORN CIRCLE.

**COMMITTEE 3**

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

05-0624R - RESOLUTION AUTHORIZING SEASONAL CLOSING OF PORTIONS OF SKYLINE PARKWAY.

05-0655R - RESOLUTION AMENDING RESOLUTION 04-0436 AWARDED CONTRACT TO SALO ENGINEERING FOR YEAR 2005 STREET IMPROVEMENT PROJECT DULUTH HEIGHTS SOUTHEAST 3 (CITY JOB NO. 0341TR) TO INCREASE THE AMOUNT BY \$39,527 FOR A NEW TOTAL OF 143,048.59.

05-0659R - RESOLUTION AWARDED CONTRACT TO MIDWEST REGION GAS TASK FORCE ASSOCIATION FOR MEMBERSHIP FOR YEAR 2005 IN THE AMOUNT OF \$20,582.56.

05-0664R - RESOLUTION OF INTENT TO CONSTRUCT A PERMANENT RESIDENTIAL DESIGN STREET IN SACKETTE ADDITION IN DENIM DRIVE FROM DENIM STREET TO 780 FEET SOUTH OF DENIM STREET TO INCLUDE SANITARY SEWER, STORM SEWER, GAS MAIN, WATERMAIN AND STORM WATER RETENTION POND (CITY JOB NO. 0500TR).

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05-0672R - RESOLUTION AMENDING RESOLUTION 05-0388 AWARDED CONTRACT TO NORTHLAND BITUMINOUS, INC., FOR YEAR 2005 FINE MIX PAVING PROGRAM TO INCREASE THE AMOUNT BY \$17,800 FOR A NEW TOTAL OF \$83,000.

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05-0677R - RESOLUTION AWARDED CONTRACT TO A.W. KUETTEL & SONS, INC., FOR INSTALLATION OF PIPING FOR DECC HEATING AND COOLING SYSTEM IN THE AMOUNT OF \$926,800.

05-0679R - RESOLUTION AWARDED CONTRACT TO DAVIES NORTHERN WATER WORKS SUPPLY, INC., FOR HDPE PIPE AND FITTINGS IN THE AMOUNT OF \$60,765.36.

05-0680R - RESOLUTION AWARDED CONTRACT TO UTILITY SYSTEMS OF AMERICA FOR CONSTRUCTION OF BRISTOLWOOD FIRST ADDITION IN THE AMOUNT OF \$439,628.59.

05-0692R - RESOLUTION AWARDED CONTRACT TO FRONTIER PIPELINE, LLC FOR 8" WATER MAIN IN OSAGE AVENUE, IN THE AMOUNT OF \$47,674.90.

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

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

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**COUNCILOR QUESTIONS AND COMMENTS**

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Tuesday, October 11, 2005, 7:00 p.m.

**ROLL CALL  
PLEDGE OF ALLEGIANCE**

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**REPORTS OF OFFICERS**

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  - (b) Letters of sufficiency of petitions to construct:
    - (1) Curb and gutter street with water, sewer and gas utilities from Spear Avenue from Silcox Avenue to Livingston Avenue;
    - (2) Permanent residential street on Denim Drive from Denim Street to 780 feet south of Denim Street to include sanitary sewer, storm sewer, gas main, watermain and a storm water retention pond. -- Received

\* 05-1011-07 Building official submitting appeal to reverse the board of zoning appeals' denial of a request to relax the minimum side yard setback on a corner lot from 20 feet to ten feet for the construction of a 904 square foot addition to an existing 576 square foot detached garage on property located at 322 North 80th Avenue West (David Mark Ridgewell). -- Committee 2 (Planning and economic development)

\* 05-1011-08 Clerk submitting applications to the Minnesota gambling control board for exemption from lawful gambling license from: (a) Duluth Area Chamber of Commerce on October 12, 2005 (raffle); (b) Rotary Club of Duluth on March 2, 2006 (raffle). -- Received

\* 05-1011-09 Parks and recreation department director submitting Lake Superior zoological society: (a) Financial statements for period January through August, 2005; (b) Minutes of: (1) July 20; (2) September 21, 2005, meetings. -- Received

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**REPORTS OF BOARDS AND COMMISSIONS**

\* 05-1011-10 Board of zoning appeals minutes of August 23, 2005, meeting. -- Received

\* 05-1011-11 Duluth airport authority minutes of: (a) August 16; (b) August 26; (c) September 15, 2005, meetings. -- Received

\* 05-1011-12 Library board minutes of August 23, 2005, meeting. -- Received

\* 05-1011-13 Environmental advisory council minutes of August 3, 2005, meeting. -- Received

\* 05-1011-14 Heritage preservation commission minutes of July 26, 2005, 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**

- 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)

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**OPPORTUNITY FOR CITIZENS TO BE HEARD**

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**RESOLUTIONS TABLED**

**COMMITTEE 2**

**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. (TABLED 9/26 FOR 10/6 COMMITTEE MEETING)

**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.  
(TABLED 9/26 FOR 10/6 COMMITTEE MEETING)

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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)**

05-0663R - RESOLUTION AUTHORIZING THE TRANSFER OF \$28,084 FROM THE CITY'S STORMWATER IMPROVEMENT FUND 535-500-1905-5535 INTO DEDA FUND 860 RELATING TO STORMWATER IMPROVEMENT WORK PERFORMED IN GARY NEW DULUTH PURSUANT TO DEDA'S CONTRACT WITH VIELE CONTRACTING, INC.

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

05-0684R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR DULUTH AMATEUR HOCKEY ASSOCIATION.

05-0685R - RESOLUTION AWARDED CONTRACT TO CELLULAR ONE DULUTH/SUPERIOR FOR CELLULAR AIR TIME SERVICE AND HARDWARE IN THE TOTAL AMOUNT OF APPROXIMATELY \$70,668.

**BY COUNCILOR JOHNSON (PERSONNEL)**

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**RESOLUTIONS TABLED**

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**BY PRESIDENT NESS**

**(COMMITTEE OF THE WHOLE)**

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**END OF CONSENT AGENDA**

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

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

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**NEW** 05-0694R - RESOLUTION OF INTENT TO ESTABLISH THE BAYVIEW SCHOOL FOREST AND TO ENTER INTO A JOINT MANAGEMENT PROGRAM THEREFORE WITH THE PROCTOR SCHOOLS.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**ORDINANCE TABLED**

**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 2**

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

05-044-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 28 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-B, SINGLE FAMILY RESIDENTIAL, TO C-5, PLANNED COMMERCIAL, PROPERTY LOCATED AT 117 WEST CENTRAL ENTRANCE (OSTRANDER).

05-046-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, AMENDING PUBIC DOCUMENT NO. 03-0324-15 ENTITLED "RAMSEY VILLAGE NEIGHBORHOOD DOCUMENTS OF IMPLEMENTATION."

**BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)**

05-045-O - AN ORDINANCE PERTAINING TO CABLE TELEVISION FRANCHISE.

The following entitled ordinances are to be read for the second 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.

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**COUNCILOR QUESTIONS AND COMMENTS**

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Tuesday, October 11, 2005, 7:00 p.m.

**ROLL CALL  
PLEDGE OF ALLEGIANCE**

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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**

- \* 05-1011-01 Gregory A. and Kimberly K. Crawford petitioning to vacate a utility easement in the northerly five feet of Lot 1 and southerly five feet of Lot 2, except the easterly 40 feet, Block 1, Central Baptist Division of Duluth. -- Assessor
- \* 05-1011-02 David Sackette submitting:
  - (a) Petition to construct a permanent residential design street in Sackette Addition in Denim Drive from Denim Street to 780 feet south of Denim Street to include sanitary sewer, storm sewer, gas main, watermain and storm water retention pond. -- Assessor
  - (b) Waiver agreement to construct a permanent residential design street in Sackette Addition in Denim Drive from Denim Street to 780 feet south of Denim Street to include sanitary sewer, storm sewer, gas main, watermain and storm water retention pond. -- Engineer
- \* 05-1011-03 St. Luke's Hospital, et al. (three signatures), submitting petition to construct a permanent alley in First Alley from 377 feet to 470 feet easterly of Tenth Avenue East to serve Lots 15 and 16 of Block 19, and Lots 15 and 16 of Block 16, Portland Division. -- Assessor
- \* 05-1011-04 Minnesota state auditor submitting management and compliance report for the city of Duluth for the year ended December 31, 2004. -- Received (PREVIOUSLY DISTRIBUTED)
- \* 05-1011-05 The following submitting communications regarding the proposed Sugarloaf Enterprises, LLC, reclassification of property (05-037-O): (a) Melissa Mundwiler, Sarah Sederski and Jeremy Nelson; (b) Kaija Webster; (c) Beth Wentzlaff. -- Received

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**REPORTS OF OFFICERS**

- \* 05-1011-06 Assessor submitting:
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**COUNCILOR QUESTIONS AND COMMENTS**

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Tuesday, October 11, 2005, 7:00 p.m.

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05-0624R - RESOLUTION AUTHORIZING SEASONAL CLOSING OF PORTIONS OF SKYLINE PARKWAY.

05-0655R - RESOLUTION AMENDING RESOLUTION 04-0436 AWARDED CONTRACT TO SALO ENGINEERING FOR YEAR 2005 STREET IMPROVEMENT PROJECT DULUTH HEIGHTS SOUTHEAST 3 (CITY JOB NO. 0341TR) TO INCREASE THE AMOUNT BY \$39,527 FOR A NEW TOTAL OF 143,048.59.

05-0659R - RESOLUTION AWARDED CONTRACT TO MIDWEST REGION GAS TASK FORCE ASSOCIATION FOR MEMBERSHIP FOR YEAR 2005 IN THE AMOUNT OF \$20,582.56.

05-0664R - RESOLUTION OF INTENT TO CONSTRUCT A PERMANENT RESIDENTIAL DESIGN STREET IN SACKETTE ADDITION IN DENIM DRIVE FROM DENIM STREET TO 780 FEET SOUTH OF DENIM STREET TO INCLUDE SANITARY SEWER, STORM SEWER, GAS MAIN, WATERMAIN AND STORM WATER RETENTION POND (CITY JOB NO. 0500TR).

05-0665R - RESOLUTION ORDERING THE CONSTRUCTION OF A PERMANENT STREET, SANITARY AND STORM SEWERS, GAS MAIN, WATER MAIN, AND STORM WATER RETENTION POND IN DENIM DRIVE FROM DENIM STREET TO 780 FEET SOUTH OF DENIM STREET (SACKETTE ADDITION) (CITY JOB NO. 0500TR).

05-0672R - RESOLUTION AMENDING RESOLUTION 05-0388 AWARDED CONTRACT TO NORTHLAND BITUMINOUS, INC., FOR YEAR 2005 FINE MIX PAVING PROGRAM TO INCREASE THE AMOUNT BY \$17,800 FOR A NEW TOTAL OF \$83,000.

**COMMITTEE 3**

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05-0677R - RESOLUTION AWARDED CONTRACT TO A.W. KUETTEL & SONS, INC., FOR INSTALLATION OF PIPING FOR DECC HEATING AND COOLING SYSTEM IN THE AMOUNT OF \$926,800.

05-0679R - RESOLUTION AWARDED CONTRACT TO DAVIES NORTHERN WATER WORKS SUPPLY, INC., FOR HDPE PIPE AND FITTINGS IN THE AMOUNT OF \$60,765.36.

05-0680R - RESOLUTION AWARDED CONTRACT TO UTILITY SYSTEMS OF AMERICA FOR CONSTRUCTION OF BRISTOLWOOD FIRST ADDITION IN THE AMOUNT OF \$439,628.59.

05-0692R - RESOLUTION AWARDED CONTRACT TO FRONTIER PIPELINE, LLC FOR 8" WATER MAIN IN OSAGE AVENUE, IN THE AMOUNT OF \$47,674.90.

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

05-0667R - RESOLUTION AUTHORIZING THE SOLICITATION OF BIDS FOR BUILDING DEMOLITION.

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

05-0661R - RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT ADDENDUM WITH THE ARROWHEAD REGIONAL DEVELOPMENT COMMISSION FOR A REDUCTION IN THE MAXIMUM NUMBER OF MEALS THAT CAN RECEIVE REIMBURSEMENT IN 2005.

05-0662R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ACCEPT A GRANT AS FISCAL AGENT FOR THE LAKE SUPERIOR HIKING TRAIL ASSOCIATION IN THE AMOUNT OF \$14,000 AND FURTHER AUTHORIZING CITY OFFICIALS TO ENTER INTO A MEMORANDUM OF UNDERSTANDING RELATING TO GRANT RECORD KEEPING, REPORTING AND TRAIL MAINTENANCE.

**END OF CONSENT AGENDA**

- - -

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

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05-0670R - RESOLUTION REAFFIRMING A PLANNING COMMISSION ACTION GRANTING A WATER RESOURCES MANAGEMENT ORDINANCE VARIANCE TO JOE KLEIMAN FOR PROPERTY LOCATED AT 422 SOUTH 19TH AVENUE EAST.

05-0671R - RESOLUTION OVERTURNING A PLANNING COMMISSION ACTION GRANTING A WATER RESOURCES MANAGEMENT ORDINANCE VARIANCE TO JOE KLEIMAN FOR PROPERTY LOCATED AT 422 SOUTH 19TH AVENUE EAST.

05-0681R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO HOVLAND-DONOVAN PROPERTIES, INC., FOR A RESIDENTIAL CARE FACILITY, SECTION 50-56(E) ASSISTED LIVING FACILITY, FOR PROPERTY LOCATED ON THE SOUTH SIDE OF MIDDLE ROAD.

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05-0689R - RESOLUTION SUPPORTING DOG PARK SITES.

**NEW** 05-0694R - RESOLUTION OF INTENT TO ESTABLISH THE BAYVIEW SCHOOL FOREST AND TO ENTER INTO A JOINT MANAGEMENT PROGRAM THEREFORE WITH THE PROCTOR SCHOOLS.

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**END OF CONSENT AGENDA**

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

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**COUNCILOR QUESTIONS AND COMMENTS**

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Tuesday, October 11, 2005, 7:00 p.m.

**ROLL CALL  
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**OPPORTUNITY FOR CITIZENS TO BE HEARD**

- - -

**RESOLUTIONS TABLED**

**COMMITTEE 2**

**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. (TABLED 9/26 FOR 10/6 COMMITTEE MEETING)

**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.  
(TABLED 9/26 FOR 10/6 COMMITTEE MEETING)

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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)**

05-0663R - RESOLUTION AUTHORIZING THE TRANSFER OF \$28,084 FROM THE CITY'S STORMWATER IMPROVEMENT FUND 535-500-1905-5535 INTO DEDA FUND 860 RELATING TO STORMWATER IMPROVEMENT WORK PERFORMED IN GARY NEW DULUTH PURSUANT TO DEDA'S CONTRACT WITH VIELE CONTRACTING, INC.

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

05-0684R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR DULUTH AMATEUR HOCKEY ASSOCIATION.

05-0685R - RESOLUTION AWARDED CONTRACT TO CELLULAR ONE DULUTH/SUPERIOR FOR CELLULAR AIR TIME SERVICE AND HARDWARE IN THE TOTAL AMOUNT OF APPROXIMATELY \$70,668.

**BY COUNCILOR JOHNSON (PERSONNEL)**

05-0673R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF JAMES P. BERRY, JON HELSTROM AND HOWARD JACOBS TO THE BUILDING APPEAL BOARD.

05-0674R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF LOUISE LEVY AND JOHN T. MOIR TO THE TREE COMMISSION.

05-0675R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF RICHARD J. ANDREE, PETER S. DOWNS AND EDWIN S. LEVEY TO THE WATER AND GAS SERVICE HEARING BOARD.

05-0676R - RESOLUTION CONFIRMING THE APPOINTMENTS OF MARGARETHE FERGUSON KORMAN AND JAMIE A. KUMBERA-TUPPER TO THE PARKING COMMISSION, REPLACING VALERIE OUELLETTE AND TERRY FAWCETT.

05-0678R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF TOMASZ MAJEWSKI AND PENNY PERRY TO THE DULUTH PUBLIC ARTS COMMISSION.

05-0683R - RESOLUTION CONFIRMING THE APPOINTMENT OF CHARLES "TIM" CAINES TO THE PARKS AND RECREATION COMMISSION, REPLACING JOANNE CARROLL.

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05-0686R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF EMPLOYEE BENEFITS SPECIALIST AND SPECIFYING CONTRACT BENEFITS FOR SAME.

05-0687R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF WATER LAB TECHNICIAN AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**COMMITTEE 2**

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

05-0669R - RESOLUTION APPROVING CONTRACT WITH UNIVERSITY OF MINNESOTA - NRRI; NOT TO EXCEED \$5,550.

05-0682R - RESOLUTION VACATING BOONE STREET BETWEEN 79TH AVENUE EAST AND HIGHWAY 61 RIGHT-OF-WAY.

05-0688R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO MATTERHORN APARTMENTS, LLC, FOR TOWNHOUSE-GROUP DWELLINGS FOR PROPERTY LOCATED SOUTH OF MATTERHORN MALL ON MATTERHORN CIRCLE.

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**RESOLUTIONS TABLED**

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**BY PRESIDENT NESS**

**(COMMITTEE OF THE WHOLE)**

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**END OF CONSENT AGENDA**

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

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**COUNCILOR QUESTIONS AND COMMENTS**

- - -

Tuesday, October 11, 2005, 7:00 p.m.

**ROLL CALL  
PLEDGE OF ALLEGIANCE**

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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**

- \* 05-1011-01 Gregory A. and Kimberly K. Crawford petitioning to vacate a utility easement in the northerly five feet of Lot 1 and southerly five feet of Lot 2, except the easterly 40 feet, Block 1, Central Baptist Division of Duluth. -- Assessor
- \* 05-1011-02 David Sackette submitting:
  - (a) Petition to construct a permanent residential design street in Sackette Addition in Denim Drive from Denim Street to 780 feet south of Denim Street to include sanitary sewer, storm sewer, gas main, watermain and storm water retention pond. -- Assessor
  - (b) Waiver agreement to construct a permanent residential design street in Sackette Addition in Denim Drive from Denim Street to 780 feet south of Denim Street to include sanitary sewer, storm sewer, gas main, watermain and storm water retention pond. -- Engineer
- \* 05-1011-03 St. Luke's Hospital, et al. (three signatures), submitting petition to construct a permanent alley in First Alley from 377 feet to 470 feet easterly of Tenth Avenue East to serve Lots 15 and 16 of Block 19, and Lots 15 and 16 of Block 16, Portland Division. -- Assessor
- \* 05-1011-04 Minnesota state auditor submitting management and compliance report for the city of Duluth for the year ended December 31, 2004. -- Received (PREVIOUSLY DISTRIBUTED)
- \* 05-1011-05 The following submitting communications regarding the proposed Sugarloaf Enterprises, LLC, reclassification of property (05-037-O): (a) Melissa Mundwiler, Sarah Sederski and Jeremy Nelson; (b) Kaija Webster; (c) Beth Wentzlaff. -- Received

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**REPORTS OF OFFICERS**

- \* 05-1011-06 Assessor submitting:
  - (a) Affidavit of mailing of notice of public hearing by the special assessment board on Tuesday, October 11, 2005, at 3:30 p.m. in Room 106A, City Hall, regarding the proposed construction of a watermain in Lawn Street from Portal Avenue to 383 feet east of centerline of Portal Avenue. -- Clerk
  - (b) Letters of sufficiency of petitions to construct:
    - (1) Curb and gutter street with water, sewer and gas utilities from Spear Avenue from Silcox Avenue to Livingston Avenue;
    - (2) Permanent residential street on Denim Drive from Denim Street to 780 feet south of Denim Street to include sanitary sewer, storm sewer, gas main, watermain and a storm water retention pond. -- Received

\* 05-1011-07 Building official submitting appeal to reverse the board of zoning appeals' denial of a request to relax the minimum side yard setback on a corner lot from 20 feet to ten feet for the construction of a 904 square foot addition to an existing 576 square foot detached garage on property located at 322 North 80th Avenue West (David Mark Ridgewell). -- Committee 2 (Planning and economic development)

\* 05-1011-08 Clerk submitting applications to the Minnesota gambling control board for exemption from lawful gambling license from: (a) Duluth Area Chamber of Commerce on October 12, 2005 (raffle); (b) Rotary Club of Duluth on March 2, 2006 (raffle). -- Received

\* 05-1011-09 Parks and recreation department director submitting Lake Superior zoological society: (a) Financial statements for period January through August, 2005; (b) Minutes of: (1) July 20; (2) September 21, 2005, meetings. -- Received

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**REPORTS OF BOARDS AND COMMISSIONS**

\* 05-1011-10 Board of zoning appeals minutes of August 23, 2005, meeting. -- Received

\* 05-1011-11 Duluth airport authority minutes of: (a) August 16; (b) August 26; (c) September 15, 2005, meetings. -- Received

\* 05-1011-12 Library board minutes of August 23, 2005, meeting. -- Received

\* 05-1011-13 Environmental advisory council minutes of August 3, 2005, meeting. -- Received

\* 05-1011-14 Heritage preservation commission minutes of July 26, 2005, 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**

- 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)

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**BY PRESIDENT NESS**

**(COMMITTEE OF THE WHOLE)**

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05-0662R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ACCEPT A GRANT AS FISCAL AGENT FOR THE LAKE SUPERIOR HIKING TRAIL ASSOCIATION IN THE AMOUNT OF \$14,000 AND FURTHER AUTHORIZING CITY OFFICIALS TO ENTER INTO A MEMORANDUM OF UNDERSTANDING RELATING TO GRANT RECORD KEEPING, REPORTING AND TRAIL MAINTENANCE.

**END OF CONSENT AGENDA**

- - -

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

**COMMITTEE 2**

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

05-0670R - RESOLUTION REAFFIRMING A PLANNING COMMISSION ACTION GRANTING A WATER RESOURCES MANAGEMENT ORDINANCE VARIANCE TO JOE KLEIMAN FOR PROPERTY LOCATED AT 422 SOUTH 19TH AVENUE EAST.

05-0671R - RESOLUTION OVERTURNING A PLANNING COMMISSION ACTION GRANTING A WATER RESOURCES MANAGEMENT ORDINANCE VARIANCE TO JOE KLEIMAN FOR PROPERTY LOCATED AT 422 SOUTH 19TH AVENUE EAST.

05-0681R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO HOVLAND-DONOVAN PROPERTIES, INC., FOR A RESIDENTIAL CARE FACILITY, SECTION 50-56(E) ASSISTED LIVING FACILITY, FOR PROPERTY LOCATED ON THE SOUTH SIDE OF MIDDLE ROAD.

**COMMITTEE 3**

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

05-0689R - RESOLUTION SUPPORTING DOG PARK SITES.

**NEW** 05-0694R - RESOLUTION OF INTENT TO ESTABLISH THE BAYVIEW SCHOOL FOREST AND TO ENTER INTO A JOINT MANAGEMENT PROGRAM THEREFORE WITH THE PROCTOR SCHOOLS.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**ORDINANCE TABLED**

**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 2**

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

05-044-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 28 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-B, SINGLE FAMILY RESIDENTIAL, TO C-5, PLANNED COMMERCIAL, PROPERTY LOCATED AT 117 WEST CENTRAL ENTRANCE (OSTRANDER).

05-046-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, AMENDING PUBIC DOCUMENT NO. 03-0324-15 ENTITLED "RAMSEY VILLAGE NEIGHBORHOOD DOCUMENTS OF IMPLEMENTATION."

**BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)**

05-045-O - AN ORDINANCE PERTAINING TO CABLE TELEVISION FRANCHISE.

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

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**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.

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**COUNCILOR QUESTIONS AND COMMENTS**

- - -

Tuesday, October 11, 2005, 7:00 p.m.

**ROLL CALL  
PLEDGE OF ALLEGIANCE**

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**END OF CONSENT AGENDA**

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

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Tuesday, October 11, 2005, 7:00 p.m.

**ROLL CALL  
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**RESOLUTIONS TABLED**

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**(COMMITTEE OF THE WHOLE)**

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05-0676R - RESOLUTION CONFIRMING THE APPOINTMENTS OF MARGARETHE FERGUSON KORMAN AND JAMIE A. KUMBERA-TUPPER TO THE PARKING COMMISSION, REPLACING VALERIE OUELLETTE AND TERRY FAWCETT.

05-0678R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF TOMASZ MAJEWSKI AND PENNY PERRY TO THE DULUTH PUBLIC ARTS COMMISSION.

05-0683R - RESOLUTION CONFIRMING THE APPOINTMENT OF CHARLES "TIM" CAINES TO THE PARKS AND RECREATION COMMISSION, REPLACING JOANNE CARROLL.

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05-0686R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF EMPLOYEE BENEFITS SPECIALIST AND SPECIFYING CONTRACT BENEFITS FOR SAME.

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**COMMITTEE 2**

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

05-0669R - RESOLUTION APPROVING CONTRACT WITH UNIVERSITY OF MINNESOTA - NRRI; NOT TO EXCEED \$5,550.

05-0682R - RESOLUTION VACATING BOONE STREET BETWEEN 79TH AVENUE EAST AND HIGHWAY 61 RIGHT-OF-WAY.

05-0688R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO MATTERHORN APARTMENTS, LLC, FOR TOWNHOUSE-GROUP DWELLINGS FOR PROPERTY LOCATED SOUTH OF MATTERHORN MALL ON MATTERHORN CIRCLE.

**COMMITTEE 3**

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

05-0624R - RESOLUTION AUTHORIZING SEASONAL CLOSING OF PORTIONS OF SKYLINE PARKWAY.

05-0655R - RESOLUTION AMENDING RESOLUTION 04-0436 AWARDED CONTRACT TO SALO ENGINEERING FOR YEAR 2005 STREET IMPROVEMENT PROJECT DULUTH HEIGHTS SOUTHEAST 3 (CITY JOB NO. 0341TR) TO INCREASE THE AMOUNT BY \$39,527 FOR A NEW TOTAL OF 143,048.59.

05-0659R - RESOLUTION AWARDED CONTRACT TO MIDWEST REGION GAS TASK FORCE ASSOCIATION FOR MEMBERSHIP FOR YEAR 2005 IN THE AMOUNT OF \$20,582.56.

05-0664R - RESOLUTION OF INTENT TO CONSTRUCT A PERMANENT RESIDENTIAL DESIGN STREET IN SACKETTE ADDITION IN DENIM DRIVE FROM DENIM STREET TO 780 FEET SOUTH OF DENIM STREET TO INCLUDE SANITARY SEWER, STORM SEWER, GAS MAIN, WATERMAIN AND STORM WATER RETENTION POND (CITY JOB NO. 0500TR).

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05-0672R - RESOLUTION AMENDING RESOLUTION 05-0388 AWARDED CONTRACT TO NORTHLAND BITUMINOUS, INC., FOR YEAR 2005 FINE MIX PAVING PROGRAM TO INCREASE THE AMOUNT BY \$17,800 FOR A NEW TOTAL OF \$83,000.

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05-0677R - RESOLUTION AWARDED CONTRACT TO A.W. KUETTEL & SONS, INC., FOR INSTALLATION OF PIPING FOR DECC HEATING AND COOLING SYSTEM IN THE AMOUNT OF \$926,800.

05-0679R - RESOLUTION AWARDED CONTRACT TO DAVIES NORTHERN WATER WORKS SUPPLY, INC., FOR HDPE PIPE AND FITTINGS IN THE AMOUNT OF \$60,765.36.

05-0680R - RESOLUTION AWARDED CONTRACT TO UTILITY SYSTEMS OF AMERICA FOR CONSTRUCTION OF BRISTOLWOOD FIRST ADDITION IN THE AMOUNT OF \$439,628.59.

05-0692R - RESOLUTION AWARDED CONTRACT TO FRONTIER PIPELINE, LLC FOR 8" WATER MAIN IN OSAGE AVENUE, IN THE AMOUNT OF \$47,674.90.

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

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

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**COUNCILOR QUESTIONS AND COMMENTS**

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Tuesday, October 11, 2005, 7:00 p.m.

**ROLL CALL  
PLEDGE OF ALLEGIANCE**

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**REPORTS OF OFFICERS**

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  - (b) Letters of sufficiency of petitions to construct:
    - (1) Curb and gutter street with water, sewer and gas utilities from Spear Avenue from Silcox Avenue to Livingston Avenue;
    - (2) Permanent residential street on Denim Drive from Denim Street to 780 feet south of Denim Street to include sanitary sewer, storm sewer, gas main, watermain and a storm water retention pond. -- Received

\* 05-1011-07 Building official submitting appeal to reverse the board of zoning appeals' denial of a request to relax the minimum side yard setback on a corner lot from 20 feet to ten feet for the construction of a 904 square foot addition to an existing 576 square foot detached garage on property located at 322 North 80th Avenue West (David Mark Ridgewell). -- Committee 2 (Planning and economic development)

\* 05-1011-08 Clerk submitting applications to the Minnesota gambling control board for exemption from lawful gambling license from: (a) Duluth Area Chamber of Commerce on October 12, 2005 (raffle); (b) Rotary Club of Duluth on March 2, 2006 (raffle). -- Received

\* 05-1011-09 Parks and recreation department director submitting Lake Superior zoological society: (a) Financial statements for period January through August, 2005; (b) Minutes of: (1) July 20; (2) September 21, 2005, meetings. -- Received

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**REPORTS OF BOARDS AND COMMISSIONS**

\* 05-1011-10 Board of zoning appeals minutes of August 23, 2005, meeting. -- Received

\* 05-1011-11 Duluth airport authority minutes of: (a) August 16; (b) August 26; (c) September 15, 2005, meetings. -- Received

\* 05-1011-12 Library board minutes of August 23, 2005, meeting. -- Received

\* 05-1011-13 Environmental advisory council minutes of August 3, 2005, meeting. -- Received

\* 05-1011-14 Heritage preservation commission minutes of July 26, 2005, 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**

- 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)

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**OPPORTUNITY FOR CITIZENS TO BE HEARD**

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**RESOLUTIONS TABLED**

**COMMITTEE 2**

**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. (TABLED 9/26 FOR 10/6 COMMITTEE MEETING)

**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.  
(TABLED 9/26 FOR 10/6 COMMITTEE MEETING)

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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)**

05-0663R - RESOLUTION AUTHORIZING THE TRANSFER OF \$28,084 FROM THE CITY'S STORMWATER IMPROVEMENT FUND 535-500-1905-5535 INTO DEDA FUND 860 RELATING TO STORMWATER IMPROVEMENT WORK PERFORMED IN GARY NEW DULUTH PURSUANT TO DEDA'S CONTRACT WITH VIELE CONTRACTING, INC.

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

05-0684R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR DULUTH AMATEUR HOCKEY ASSOCIATION.

05-0685R - RESOLUTION AWARDED CONTRACT TO CELLULAR ONE DULUTH/SUPERIOR FOR CELLULAR AIR TIME SERVICE AND HARDWARE IN THE TOTAL AMOUNT OF APPROXIMATELY \$70,668.

**BY COUNCILOR JOHNSON (PERSONNEL)**

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  - (a) Affidavit of mailing of notice of public hearing by the special assessment board on Tuesday, October 11, 2005, at 3:30 p.m. in Room 106A, City Hall, regarding the proposed construction of a watermain in Lawn Street from Portal Avenue to 383 feet east of centerline of Portal Avenue. -- Clerk
  - (b) Letters of sufficiency of petitions to construct:
    - (1) Curb and gutter street with water, sewer and gas utilities from Spear Avenue from Silcox Avenue to Livingston Avenue;
    - (2) Permanent residential street on Denim Drive from Denim Street to 780 feet south of Denim Street to include sanitary sewer, storm sewer, gas main, watermain and a storm water retention pond. -- Received

\* 05-1011-07 Building official submitting appeal to reverse the board of zoning appeals' denial of a request to relax the minimum side yard setback on a corner lot from 20 feet to ten feet for the construction of a 904 square foot addition to an existing 576 square foot detached garage on property located at 322 North 80th Avenue West (David Mark Ridgewell). -- Committee 2 (Planning and economic development)

\* 05-1011-08 Clerk submitting applications to the Minnesota gambling control board for exemption from lawful gambling license from: (a) Duluth Area Chamber of Commerce on October 12, 2005 (raffle); (b) Rotary Club of Duluth on March 2, 2006 (raffle). -- Received

\* 05-1011-09 Parks and recreation department director submitting Lake Superior zoological society: (a) Financial statements for period January through August, 2005; (b) Minutes of: (1) July 20; (2) September 21, 2005, meetings. -- Received

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**REPORTS OF BOARDS AND COMMISSIONS**

\* 05-1011-10 Board of zoning appeals minutes of August 23, 2005, meeting. -- Received

\* 05-1011-11 Duluth airport authority minutes of: (a) August 16; (b) August 26; (c) September 15, 2005, meetings. -- Received

\* 05-1011-12 Library board minutes of August 23, 2005, meeting. -- Received

\* 05-1011-13 Environmental advisory council minutes of August 3, 2005, meeting. -- Received

\* 05-1011-14 Heritage preservation commission minutes of July 26, 2005, 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**

- 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)

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**OPPORTUNITY FOR CITIZENS TO BE HEARD**

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**RESOLUTIONS TABLED**

**COMMITTEE 2**

**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. (TABLED 9/26 FOR 10/6 COMMITTEE MEETING)

**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.  
(TABLED 9/26 FOR 10/6 COMMITTEE MEETING)

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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)**

05-0663R - RESOLUTION AUTHORIZING THE TRANSFER OF \$28,084 FROM THE CITY'S STORMWATER IMPROVEMENT FUND 535-500-1905-5535 INTO DEDA FUND 860 RELATING TO STORMWATER IMPROVEMENT WORK PERFORMED IN GARY NEW DULUTH PURSUANT TO DEDA'S CONTRACT WITH VIELE CONTRACTING, INC.

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

05-0684R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR DULUTH AMATEUR HOCKEY ASSOCIATION.

05-0685R - RESOLUTION AWARDED CONTRACT TO CELLULAR ONE DULUTH/SUPERIOR FOR CELLULAR AIR TIME SERVICE AND HARDWARE IN THE TOTAL AMOUNT OF APPROXIMATELY \$70,668.

**BY COUNCILOR JOHNSON (PERSONNEL)**

05-0673R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF JAMES P. BERRY, JON HELSTROM AND HOWARD JACOBS TO THE BUILDING APPEAL BOARD.

05-0674R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF LOUISE LEVY AND JOHN T. MOIR TO THE TREE COMMISSION.

05-0675R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF RICHARD J. ANDREE, PETER S. DOWNS AND EDWIN S. LEVEY TO THE WATER AND GAS SERVICE HEARING BOARD.

05-0676R - RESOLUTION CONFIRMING THE APPOINTMENTS OF MARGARETHE FERGUSON KORMAN AND JAMIE A. KUMBERA-TUPPER TO THE PARKING COMMISSION, REPLACING VALERIE OUELLETTE AND TERRY FAWCETT.

05-0678R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF TOMASZ MAJEWSKI AND PENNY PERRY TO THE DULUTH PUBLIC ARTS COMMISSION.

05-0683R - RESOLUTION CONFIRMING THE APPOINTMENT OF CHARLES "TIM" CAINES TO THE PARKS AND RECREATION COMMISSION, REPLACING JOANNE CARROLL.

**COMMITTEE 1**

**BY COUNCILOR JOHNSON (PERSONNEL)**

05-0686R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF EMPLOYEE BENEFITS SPECIALIST AND SPECIFYING CONTRACT BENEFITS FOR SAME.

05-0687R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF WATER LAB TECHNICIAN AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**COMMITTEE 2**

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

05-0669R - RESOLUTION APPROVING CONTRACT WITH UNIVERSITY OF MINNESOTA - NRRI; NOT TO EXCEED \$5,550.

05-0682R - RESOLUTION VACATING BOONE STREET BETWEEN 79TH AVENUE EAST AND HIGHWAY 61 RIGHT-OF-WAY.

05-0688R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO MATTERHORN APARTMENTS, LLC, FOR TOWNHOUSE-GROUP DWELLINGS FOR PROPERTY LOCATED SOUTH OF MATTERHORN MALL ON MATTERHORN CIRCLE.

**COMMITTEE 3**

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

05-0624R - RESOLUTION AUTHORIZING SEASONAL CLOSING OF PORTIONS OF SKYLINE PARKWAY.

05-0655R - RESOLUTION AMENDING RESOLUTION 04-0436 AWARDED CONTRACT TO SALO ENGINEERING FOR YEAR 2005 STREET IMPROVEMENT PROJECT DULUTH HEIGHTS SOUTHEAST 3 (CITY JOB NO. 0341TR) TO INCREASE THE AMOUNT BY \$39,527 FOR A NEW TOTAL OF 143,048.59.

05-0659R - RESOLUTION AWARDED CONTRACT TO MIDWEST REGION GAS TASK FORCE ASSOCIATION FOR MEMBERSHIP FOR YEAR 2005 IN THE AMOUNT OF \$20,582.56.

05-0664R - RESOLUTION OF INTENT TO CONSTRUCT A PERMANENT RESIDENTIAL DESIGN STREET IN SACKETTE ADDITION IN DENIM DRIVE FROM DENIM STREET TO 780 FEET SOUTH OF DENIM STREET TO INCLUDE SANITARY SEWER, STORM SEWER, GAS MAIN, WATERMAIN AND STORM WATER RETENTION POND (CITY JOB NO. 0500TR).

05-0665R - RESOLUTION ORDERING THE CONSTRUCTION OF A PERMANENT STREET, SANITARY AND STORM SEWERS, GAS MAIN, WATER MAIN, AND STORM WATER RETENTION POND IN DENIM DRIVE FROM DENIM STREET TO 780 FEET SOUTH OF DENIM STREET (SACKETTE ADDITION) (CITY JOB NO. 0500TR).

05-0672R - RESOLUTION AMENDING RESOLUTION 05-0388 AWARDED CONTRACT TO NORTHLAND BITUMINOUS, INC., FOR YEAR 2005 FINE MIX PAVING PROGRAM TO INCREASE THE AMOUNT BY \$17,800 FOR A NEW TOTAL OF \$83,000.

**COMMITTEE 3**

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

05-0677R - RESOLUTION AWARDED CONTRACT TO A.W. KUETTEL & SONS, INC., FOR INSTALLATION OF PIPING FOR DECC HEATING AND COOLING SYSTEM IN THE AMOUNT OF \$926,800.

05-0679R - RESOLUTION AWARDED CONTRACT TO DAVIES NORTHERN WATER WORKS SUPPLY, INC., FOR HDPE PIPE AND FITTINGS IN THE AMOUNT OF \$60,765.36.

05-0680R - RESOLUTION AWARDED CONTRACT TO UTILITY SYSTEMS OF AMERICA FOR CONSTRUCTION OF BRISTOLWOOD FIRST ADDITION IN THE AMOUNT OF \$439,628.59.

05-0692R - RESOLUTION AWARDED CONTRACT TO FRONTIER PIPELINE, LLC FOR 8" WATER MAIN IN OSAGE AVENUE, IN THE AMOUNT OF \$47,674.90.

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

05-0667R - RESOLUTION AUTHORIZING THE SOLICITATION OF BIDS FOR BUILDING DEMOLITION.

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

05-0661R - RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT ADDENDUM WITH THE ARROWHEAD REGIONAL DEVELOPMENT COMMISSION FOR A REDUCTION IN THE MAXIMUM NUMBER OF MEALS THAT CAN RECEIVE REIMBURSEMENT IN 2005.

05-0662R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ACCEPT A GRANT AS FISCAL AGENT FOR THE LAKE SUPERIOR HIKING TRAIL ASSOCIATION IN THE AMOUNT OF \$14,000 AND FURTHER AUTHORIZING CITY OFFICIALS TO ENTER INTO A MEMORANDUM OF UNDERSTANDING RELATING TO GRANT RECORD KEEPING, REPORTING AND TRAIL MAINTENANCE.

**END OF CONSENT AGENDA**

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

**COMMITTEE 2**

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

05-0670R - RESOLUTION REAFFIRMING A PLANNING COMMISSION ACTION GRANTING A WATER RESOURCES MANAGEMENT ORDINANCE VARIANCE TO JOE KLEIMAN FOR PROPERTY LOCATED AT 422 SOUTH 19TH AVENUE EAST.

05-0671R - RESOLUTION OVERTURNING A PLANNING COMMISSION ACTION GRANTING A WATER RESOURCES MANAGEMENT ORDINANCE VARIANCE TO JOE KLEIMAN FOR PROPERTY LOCATED AT 422 SOUTH 19TH AVENUE EAST.

05-0681R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO HOVLAND-DONOVAN PROPERTIES, INC., FOR A RESIDENTIAL CARE FACILITY, SECTION 50-56(E) ASSISTED LIVING FACILITY, FOR PROPERTY LOCATED ON THE SOUTH SIDE OF MIDDLE ROAD.

**COMMITTEE 3**

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

05-0689R - RESOLUTION SUPPORTING DOG PARK SITES.

**NEW** 05-0694R - RESOLUTION OF INTENT TO ESTABLISH THE BAYVIEW SCHOOL FOREST AND TO ENTER INTO A JOINT MANAGEMENT PROGRAM THEREFORE WITH THE PROCTOR SCHOOLS.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**ORDINANCE TABLED**

**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 2**

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

05-044-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 28 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-B, SINGLE FAMILY RESIDENTIAL, TO C-5, PLANNED COMMERCIAL, PROPERTY LOCATED AT 117 WEST CENTRAL ENTRANCE (OSTRANDER).

05-046-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, AMENDING PUBIC DOCUMENT NO. 03-0324-15 ENTITLED "RAMSEY VILLAGE NEIGHBORHOOD DOCUMENTS OF IMPLEMENTATION."

**BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)**

05-045-O - AN ORDINANCE PERTAINING TO CABLE TELEVISION FRANCHISE.

The following entitled ordinances are to be read for the second 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.

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**COUNCILOR QUESTIONS AND COMMENTS**

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