

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, October 24, 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

- * 05-1024-01 St. Mary's/Duluth Clinic Health System, by Neal Hessen, attorney, submitting application for concurrent use permit to use a portion over the right-of-way of East First Street and Fourth Avenue East for the construction and maintenance of decorative streetlights, data conduits and snow-melt heating system. -- Planning commission
- * 05-1024-02 Seaway Port authority submitting petition to vacate streets and alleys in Rice's Point. -- Assessor

REPORTS OF OFFICERS

- * 05-1024-03 Assessor submitting letters of sufficiency of petitions to:
 - (a) 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;
 - (b) 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. -- Received
- * 05-1024-04 Clerk submitting applications to the Minnesota gambling control board for exemption from lawful gambling license from: (a) Regents of the University of Minnesota on February 16, 2006 (raffle); (b) St. Louis and Carlton County Chapter of Pheasants Forever on March 31, 2006 (raffle). -- Received
- * 05-1024-05 Purchasing agent submitting emergency purchase orders awarding contracts to:
 - (a) Green Jacket for impermeable turf protection system for greens protection in the winter months;
 - (b) Thermacor Process, L.P., for Duluth Entertainment Convention Center water heating loop piping. -- Received

REPORTS OF BOARDS AND COMMISSIONS

- * 05-1024-06 Commission on disabilities minutes of September 7, 2005, meeting. -- Received
- * 05-1024-07 Duluth state convention center administrative board minutes of August 30, 2005, meeting. -- Received
- * 05-1024-08 Parking commission minutes of: (a) September 13; (b) September 27, 2005, meetings. -- Received

* 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 TABLED

COMMITTEE 1

BY COUNCILOR STEWART (PURCHASING & LICENSING)

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.
(TABLED 10/11)

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

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.
(TABLED 10/11)

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)

05-0716R - RESOLUTION CONFIRMING ASSESSMENT ROLLS LEVIED TO DEFRAID THE ASSESSABLE PORTIONS OF SANITARY SEWER EXTENSION AT 87TH AVENUE WEST.

BY COUNCILOR STEWART (PURCHASING & LICENSING)

05-0690R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF DULUTH ENTERTAINMENT CONVENTION CENTER, 350 HARBOR DRIVE.

COMMITTEE 1

BY COUNCILOR STEWART (PURCHASING & LICENSING)

05-0691R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO DULUTH SOFTBALL PLAYERS ASSOCIATION, MULTIPLE SCLEROSIS SOCIETY, AMERICAN RED CROSS AND NORTHLAND VIETNAM VETERANS ASSOCIATION.

05-0697R - RESOLUTION APPROVING THE RENEWAL OF A MINNESOTA CURRENCY EXCHANGE LICENSE TO CASH STATION LLC, DBA MONEYXCHANGE.

05-0698R - RESOLUTION APPROVING THE RENEWAL OF A MINNESOTA CURRENCY EXCHANGE LICENSE TO PAWN AMERICA MINNESOTA, LLC.

05-0707R - RESOLUTION APPROVING THE EXEMPTION OF A BINGO LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR LINCOLN PARK BUSINESS GROUP.

05-0720R - RESOLUTION AWARDED CONTRACT TO A.W. KUETTEL & SONS, INC., FOR RE-ROOFING CITY BUILDINGS IN THE AMOUNT OF \$114,790.

BY COUNCILOR JOHNSON (PERSONNEL)

05-0695R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF PAT CASTELLANO AND MARY WICTOR AND THE APPOINTMENT OF JANIS STERN, REPLACING ROBERT A. BERQUIST, TO THE ANIMAL HUMANE BOARD.

05-0696R - RESOLUTION CONFIRMING THE APPOINTMENT OF NETTIE R. BOTHWELL TO THE PARKS AND RECREATION COMMISSION.

05-0701R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF HOUSING INSPECTOR LEADWORKER.

05-0702R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF PLANS EXAMINER LEADWORKER AND SPECIFYING CONTRACT BENEFITS FOR SAME.

05-0703R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF PLANS EXAMINER AND SPECIFYING CONTRACT BENEFITS FOR SAME.

05-0704R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF SOLID WASTE COMPLIANCE OFFICER.

05-0705R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF WATER AND GAS SERVICE LEADWORKER INCLUDING A TITLE CHANGE TO CUSTOMER SERVICE LEADWORKER.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0714R - RESOLUTION AUTHORIZING AMENDMENT TO THE 2004 COMMUNITY DEVELOPMENT PROGRAM NORTHERN COMMUNITIES LAND TRUST: CITY HOMES PHASE III-INFRASTRUCTURE AGREEMENT, EXTENDING THE TERM OF THE AGREEMENT.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0717R - RESOLUTION AUTHORIZING APPLICATION FOR A MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT CONTAMINATION CLEAN-UP GRANT IN THE AMOUNT OF \$415,895, COMMITTING THE LOCAL MATCH, AUTHORIZING EXECUTION OF AGREEMENTS NECESSARY TO IMPLEMENT THE GRANT AND AUTHORIZING DEDA TO ADMINISTER THE GRANT ON BEHALF OF THE CITY, ALL RELATED TO THE CIRRUS EXPANSION PROJECT.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0666R - RESOLUTION AWARDED CONTRACT TO UTILITY SYSTEMS OF AMERICA FOR CONSTRUCTION OF CONCRETE SEDIMENT CHAMBER STORM MANHOLE AND BYPASS CULVERT IN THE AMOUNT OF \$192,064.90.

05-0708R - RESOLUTION AUTHORIZING THE ACQUISITION OF A TEMPORARY EASEMENT ON ANDERSON ROAD FROM CARRIE JEAN STOCKER AND RAYMOND MICHAEL KYLLONEN/LIFE ESTATE TO RAYMOND J. AND HELEN KYLLONEN, 1723 ANDERSON ROAD, FOR A TOTAL CONSIDERATION OF \$2,000.

05-0709R - RESOLUTION AUTHORIZING THE ACQUISITION OF A TEMPORARY AND PERMANENT EASEMENT ON ANDERSON ROAD FROM DALE L. AND MICHELLE J. IMMERFALL, 1715 ANDERSON ROAD, FOR A TOTAL CONSIDERATION OF \$10,700.

05-0710R - RESOLUTION AUTHORIZING THE ACQUISITION OF A TEMPORARY EASEMENT ON ANDERSON ROAD FROM LINDA D. NELSON AND RANDALL D. NELSON/LIFE ESTATE TO DEAN H. AND OLIVE NELSON, 1738 ANDERSON ROAD, FOR A TOTAL CONSIDERATION OF \$3,300.

05-0711R - RESOLUTION AUTHORIZING THE ACQUISITION OF A TEMPORARY AND PERMANENT EASEMENT ON ANDERSON ROAD FROM ALAN BRUCE ANDERSON/LIFE ESTATE TO ELIZABETH ANDERSON, 1720 ANDERSON ROAD, FOR A TOTAL CONSIDERATION OF \$5,900.

05-0712R - RESOLUTION AUTHORIZING THE ACQUISITION OF A TEMPORARY AND PERMANENT EASEMENT ON ANDERSON ROAD FROM RICHARD W. AND LOIS J. NORDEAN, 3733 TRINITY ROAD, FOR A TOTAL CONSIDERATION OF \$4,500.

05-0713R - RESOLUTION REVISING THE LIST OF HIGH PRIORITY BRIDGES IN THE CITY OF DULUTH.
(REPLACEMENT)

05-0715R - RESOLUTION ORDERING THE CONSTRUCTION OF A WATERMAIN IN LAWN STREET FROM PORTAL AVENUE APPROXIMATELY 383 FEET EAST OF CENTERLINE OF PORTAL AVENUE AT AN ESTIMATED COST OF \$50,000 (CITY JOB NO. 0529WA).

05-0718R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE ST. LOUIS AND LAKE COUNTIES REGIONAL RAILROAD AUTHORITY FOR USE OF ITS RIGHT-OF-WAY IN CONJUNCTION WITH THE EIGHT INCH WATERMAIN EXTENSION IN 90TH AVENUE EAST AND EAST SUPERIOR STREET (CITY JOB NO. 0484WA).

05-0719R - RESOLUTION AWARDED CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR RECONSTRUCTION OF ANDERSON ROAD IN THE AMOUNT OF \$739,411.20.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0721R - RESOLUTION AWARDDING CONTRACT TO COMO OIL AND PROPANE COMPANY FOR LIQUID PROPANE AND DISTRIBUTION IN THE AMOUNT OF \$113,400.

05-0723R - RESOLUTION AWARDDING CONTRACT TO UNITED ELECTRIC COMPANY FOR MOTOR CONTROL EQUIPMENT AND SWITCHGEAR IN THE AMOUNT OF \$49,430.

05-0728R - RESOLUTION AUTHORIZING AGREEMENT ACCEPTING PERMIT FROM UNIVERSITY OF MINNESOTA TO CONSTRUCT AND MAINTAIN A STORM SEWER ON UNIVERSITY PROPERTY AT 60TH AVENUE EAST AND THE LAKEFRONT.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

05-0693R - RESOLUTION TO ESTABLISH ONE STALL HANDICAPPED PARKING ZONES AT VARIOUS LOCATIONS.

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

05-0724R - RESOLUTION AUTHORIZING THE EXECUTION OF A SNOWMOBILE TRAILS ASSISTANCE PROGRAM GRANT AGREEMENT FOR FY2006 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$20,000.

05-0725R - RESOLUTION CONFIRMING, RATIFYING AND APPROVING THE ISSUANCE BY THE DULUTH AIRPORT AUTHORITY OF ITS AIRPORT FACILITY REVENUE NOTE, SERIES 2005A, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$497,378.55 AND THE PLEDGE OF CERTAIN REVENUES THERETO.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILORS STEWART AND STAUBER

05-0706R - RESOLUTION CREATING A JOINT TASK FORCE TO CONSIDER CONSOLIDATING AND SHARING SERVICES OF ST. LOUIS COUNTY AND CITY OF DULUTH, MINNESOTA.

BY COUNCILOR JOHNSON (PERSONNEL)

05-0616R - RESOLUTION APPOINTING MEMBERS TO THE DULUTH LEGACY ENDOWMENT FUND PROJECT GROUP.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0699R - 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 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).

05-0700R - 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 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).

05-0730R - RESOLUTION ADOPTING GOVERNING PRINCIPLES FOR THE COMPREHENSIVE PLAN.

05-0733R - RESOLUTION DECERTIFYING TIF DISTRICT NO. 6.

05-0734R - RESOLUTION APPROVING USE OF GRANT, TAX ABATEMENT AND TAX INCREMENT PROCEEDS BY DEDA TO FUND COSTS OF THE 2005 CIRRUS EXPANSION PROJECT AND/OR REPAY LOANS MADE TO DEDA BY THE DULUTH 1200 FUND, INC., AND/OR THE DULUTH RECOVERY LOAN PROGRAM AND AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE AND DELIVER DOCUMENTS OR AGREEMENTS NECESSARY TO EVIDENCE SUCH APPROVALS.

BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)

05-0736R - RESOLUTION SUPPORTING PLANNING PRINCIPLES FOR DEVELOPMENT IN SOME AREAS.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 1

BY COUNCILOR STEWART (PURCHASING & LICENSING)

05-048-O - AN ORDINANCE AMENDING CHAPTER 8, SECTIONS 13, 18, 24, 27, 32, 40, 41, 42, 44, 49, 50, 51, 52, 55, 56, 57, 59, 62 AND 67 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

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

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

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."

05-047-O - AN ORDINANCE AUTHORIZING CONVEYANCE OF PROPERTY IN CENTRAL HILLSIDE TO WOMEN IN CONSTRUCTION COMPANY, LLC, FOR \$18,400.

BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)

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

COUNCILOR QUESTIONS AND COMMENTS
