

Monday, January 23, 2006, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - 7:00 p.m. - Intent to issue 2006-2010 capital improvement bonds.

The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

* 06-0123-01 St. Louis County Board of Commissioners certified copy of resolution appointing commissioners Fink and Kron, with Commissioner O'Neil as alternate, as St. Louis County's representatives to the Northwest Airlines tax increment financing district board (Duluth) for terms expiring December 31, 2006. -- Received

* 06-0123-02 Robert W. Prestidge application for amendment to concurrent use permit granted by Ordinance 8792 to Harcourt, Brace, Jovanovich, Inc., to construct, maintain, use and repair a skyway, viaduct or overpass over Lake Avenue. -- Planning commission

REPORTS OF OFFICERS

* 06-0123-09 Mayor Bergson order appointing Councilor Roger Reinert as acting mayor in his absence. -- Received

* 06-0123-03 Clerk application to the Minnesota gambling control board for exemption from lawful gambling from St. James School on June 6, 2006 (raffle). -- Received

REPORTS OF BOARDS AND COMMISSIONS

* 06-0123-04 Commission on disabilities: (a) Minutes of December 7, 2005, meeting; (b) Year end report for 2005. -- Received

* 06-0123-05 Duluth human rights commission minutes of November 9, 2005, meeting. -- Received

* 06-0123-06 Duluth/North Shore Sanitary District board minutes of December 14, 2005, meeting. -- Received

* 06-0123-07 Parking commission minutes of: (a) November 15; November 22, 2005, meetings. -- Received

* 06-0123-08 Special assessment board minutes of December 13, 2005, meeting. -- Received

* Listed only, not copied.

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 COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0761R - RESOLUTION TERMINATING A CONCURRENT USE PERMIT TO THE DULUTH TRANSIT AUTHORITY FOR A BUS SHELTER ON SECOND AVENUE EAST ABOVE SUPERIOR STREET (NORSHOR BUILDING). (TABLED 11/14/2005)

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0005R - RESOLUTION OF INTENT TO RECONSTRUCT SUNDBY ROAD FROM PAGE STREET NORTHERLY 1,415± FEET AND CONSTRUCT UTILITIES PER PLANS PREPARED BY SEH, INC., FOR CITY PROJECT 0390TR01, DATED AUGUST 28, 2005. (TABLED 1/9/2006)

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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 STEWART (FINANCE)

06-0050R - RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, STATING THE INTENT TO ISSUE AN AMOUNT NOT TO EXCEED \$915,000 GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2006.

06-0062R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF CITY OF DULUTH \$13,000,000 GENERAL OBLIGATION TAX AND AID ANTICIPATION CERTIFICATES OF INDEBTEDNESS OF 2006.

06-0071R - RESOLUTION AUTHORIZING AN AGREEMENT WITH HISTORIC UNION DEPOT, INC., IN THE AMOUNT OF \$148,807.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0027R - RESOLUTION AUTHORIZING AN AGREEMENT LEASING TEN PARKING SPACES FROM KEGLERS, INC., DBA INCLINE STATION AT AN ESTIMATED ANNUAL AMOUNT OF \$4,200.

06-0034R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF GONZALEZ RAMOS, INC. (MAYA FAMILY MEXICAN RESTAURANT), 1725 MILLER TRUNK HIGHWAY.

06-0035R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO THE MINNESOTA CHAPTER OF THE MULTIPLE SCLEROSIS SOCIETY.

06-0036R - RESOLUTION APPROVING ISSUANCE OF A BREWERY MALT LIQUOR OFF SALE LICENSE TO LAKE SUPERIOR BREWING COMPANY (LAKE SUPERIOR BREWING COMPANY), 2711 WEST SUPERIOR STREET.

06-0072R - RESOLUTION FOR EXECUTION OF CONTRACT WITH RTW FOR PROFESSIONAL SERVICES FOR THIRD PARTY ADMINISTRATION OF WORKERS' COMPENSATION INSURANCE.

06-0080R - RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1, TO CONTRACT NO. 19944 WITH MINNESOTA ELEVATOR, INC., FOR PROVIDING ADDITIONAL UPGRADE SERVICES TO CITY HALL ELEVATORS TO COMPLY WITH STATE ELEVATOR INSPECTION REQUIREMENTS, IN AN AMOUNT OF \$16,692.

06-0082R - RESOLUTION AWARDED CONTRACT TO MCGANN ASSOCIATES FOR ASSORTED EQUIPMENT TO CONVERT TECHNOLOGY VILLAGE PARKING RAMP IN THE AMOUNT OF \$160,985.

06-0083R - RESOLUTION AWARDED CONTRACT TO MACQUEEN EQUIPMENT, INC., FOR A STREET SWEEPER IN THE AMOUNT OF \$141,750.14.

BY COUNCILOR JOHNSON (PERSONNEL)

06-0026R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF HEAVY EQUIPMENT MECHANIC.

NEW 06-0031R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF RICHARD WHITEMAN AND THE APPOINTMENT OF ROBERT J. REICHERT, REPLACING JAMES R. PETERSON, TO THE HOUSING AND REDEVELOPMENT AUTHORITY.

06-0040R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SUPERVISOR, REAL PROPERTY, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

06-0044R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF SENIOR ENGINEERING TECHNICIAN.

NEW 06-0051R - RESOLUTION CONFIRMING THE APPOINTMENTS OF SCOTT LUNDBERG AND JENNIFER MURPHY TO THE COMMUNITY DEVELOPMENT COMMITTEE, REPLACING RICK MINOTTE AND JUDY HARPER.

NEW 06-0052R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF JEFFERY D. ANDERSON AND THE APPOINTMENTS OF KARLA MILLER, REPLACING JUDY H. BROWN, AND ERIK TORCH TO THE DULUTH HOUSING COMMISSION.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0011R - RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH F.I. SALTER COMPANY, INC., FOR THE APPRAISAL OF CERTAIN LANDS AS PART OF THE FIRST STREET PARKING RAMP PROJECT IN AN AMOUNT NOT TO EXCEED \$42,000.

06-0041R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A LICENSE AGREEMENT WITH THE STATE OF MINNESOTA PROVIDING FOR THE USE OF THE DEPARTMENT OF NATURAL RESOURCES NATURAL HERITAGE INFORMATION SYSTEM.

06-0060R - RESOLUTION REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF ST. LOUIS COUNTY TO RECLASSIFY FROM CONSERVATION TO NONCONSERVATION AND TO OFFER FOR SALE A TAX FORFEITED PARCEL NOW WITHHELD FROM SALE IN CONSERVATION (DAN WILLIAMS).

06-0061R - RESOLUTION OBJECTING TO PROPOSED RECLASSIFICATION TO NONCONSERVATION AND SALE OF CERTAIN TAX FORFEITED PARCELS BY THE BOARD OF COUNTY COMMISSIONERS OF ST. LOUIS COUNTY (DECEMBER 14, 2005, RECLASSIFICATION LETTER).

06-0067R - RESOLUTION AUTHORIZING THE CONVEYANCE OF CITY PROPERTY TO DEDA WITHOUT BIDS AT NO COST.

06-0069R - RESOLUTION AUTHORIZING EXECUTION OF CONSENT OF MORTGAGE HOLDER RELATED TO THE LAKE SUPERIOR VIEW CONDOMINIUM PROJECT.

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

06-0025R - RESOLUTION AWARDED CONTRACT TO ST LOUIS COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT FOR SERVING MEALS TO ELIGIBLE SENIOR CITIZENS AT THE RAINBOW AND LINCOLN PARK CENTERS FOR APPROXIMATELY \$177,648.

06-0066R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE CITIES OF HERMANTOWN, MINNESOTA, AND SUPERIOR, WISCONSIN, AND THE COUNTY OF ST. LOUIS PROVIDING FOR THE CITY OF DULUTH TO PARTICIPATE IN THE LAKE SUPERIOR DRUG AND GANG TASK FORCE.

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

06-0046R - RESOLUTION APPROVING AMENDMENT TO THE RULES ADMINISTERING PUBLIC ACCESS CHANNELS.

06-0004R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DULUTH-SUPERIOR PUBLIC ACCESS COMMUNITY TELEVISION, INC., FOR COMMUNITY ACCESS CABLECASTING, TRAINING, PRODUCTION AND ADMINISTRATIVE SERVICES IN 2006 IN THE AMOUNT OF \$178,000.

06-0053R - RESOLUTION REGARDING ESTABLISHMENT OF A SANITARY DISTRICT UNDER MINNESOTA STATUTES, SECTIONS 115.18 THROUGH 115.37.

NEW 06-0057R - RESOLUTION DESIGNATING POLLING PLACES FOR THE FEBRUARY 28, 2006, SPECIAL REFERENDUM ELECTION.

06-0058R - RESOLUTION APPOINTING ELECTION JUDGES FOR THE FEBRUARY 28, 2006, SPECIAL REFERENDUM ELECTION.

COMMITTEE 2

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

06-0077R - RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH MOSS AND BARNETT RELATED TO THE CABLE FRANCHISE RENEWAL PROCESS.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0042R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH NORTHERN ENERGETICS FOR PROFESSIONAL SERVICES RELATING TO ENERGY AUDITS FOR 2006 THROUGH 2007.

06-0045R - RESOLUTION AUTHORIZING A \$500,000 GRANT AGREEMENT BETWEEN THE CITY OF DULUTH AND THE UNITED STATES DEPARTMENT OF THE ARMY FOR PHASE IV OF THE MORGAN PARK WASTEWATER COLLECTION SYSTEM IMPROVEMENT PROJECT.

06-0049R - RESOLUTION AUTHORIZING AMENDMENT #1 TO AGREEMENT #19785 WITH KRECH OJARD & ASSOCIATES, P.A., FOR PROVIDING CERTAIN ADDITIONAL ENGINEERING SERVICES FOR A NEW CITY OF DULUTH SALT/SAND STORAGE FACILITY IN AN AMOUNT NOT TO EXCEED \$3,500.

06-0064R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF DENNIS M. DOHERTY IN THE AMOUNT OF \$10,656.18.

06-0065R - RESOLUTION AUTHORIZING PAYMENT OF \$11,604.36 TO LIBERTY MUTUAL INSURANCE GROUP, AS SUBROGEE OF DAVID KLASS, FOR SETTLEMENT OF ALL SUBROGATION CLAIMS ARISING FROM WATERMAIN BREAK ON DECEMBER 21, 2004.

06-0084R - RESOLUTION AWARDED CONTRACT TO HAWKINS, INC., FOR 55 TONS OF LIQUID CHLORINE IN THE AMOUNT OF \$28,677.

NEW 06-0085R - RESOLUTION AWARDED CONTRACT TO K.A. STEEL, INC., FOR 100,000 GALLONS OF CAUSTIC SODA IN THE AMOUNT OF \$169,000.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-0063R - RESOLUTION AUTHORIZING CITY OFFICIALS TO GIVE TO OFFICER MICHELLE RAFFERTY TIMBER, A POLICE CANINE.

06-0074R - RESOLUTION DESIGNATING IRVIN AND SCULPTURED WALL LOTS FOR OFF-STREET PARKING.

06-0075R - RESOLUTION ESTABLISHING PARKING METER ZONES IN CANAL PARK AND RATES AND TIME LIMITS THEREFORE. **(REPLACEMENT)**

06-0076R - RESOLUTION ESTABLISHING PARKING METER ZONES ADJACENT TO DOWNTOWN AND RATES AND TIME LIMITS THEREFORE. **(REPLACEMENT)**

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0007R - RESOLUTION AWARDED CONTRACT TO GRAND AMERICA BUS SALES FOR A SPRINT VAN IN THE AMOUNT OF \$45,311.98.

COMMITTEE 3

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0022R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE ARROWHEAD REGIONAL DEVELOPMENT COMMISSION FOR A PERFORMANCE BASED CONTRACT FOR THE CITY'S SENIOR DINING PROGRAM FOR AN AMOUNT NOT TO EXCEED \$268,984.

06-0023R - RESOLUTION AUTHORIZING PROPER CITY OFFICERS TO EXECUTE AN AGREEMENT WITH THE WOODLAND GARDENS ASSOCIATION FOR THE OPERATION OF THE DULUTH SENIOR DINING PROGRAM.

06-0024R - RESOLUTION AUTHORIZING PROPER CITY OFFICERS TO EXECUTE AN AGREEMENT WITH THE HOLY CROSS LUTHERAN CHURCH OF DULUTH HEIGHTS, FOR THE OPERATION OF THE DULUTH SENIOR DINING PROGRAM AT A COST OF \$7,416.

06-0037R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH WILLARD ENTERPRISES, INC., AMENDING CONTRACT NO. 19117 PROVIDING FOR A LEASE OF THE INDIAN POINT CAMPGROUND ON A YEAR ROUND BASIS.

06-0038R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH WILLIAM STARKS PROVIDING FOR STARK'S USE OF THE WASHINGTON RECREATION CENTER FOR HIS BASKETBALL LEAGUE ACTIVITIES.

06-0039R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES ACCEPTING A GRANT OF \$270,000 TO THE CITY OF DULUTH FOR USE AT THE LAKE SUPERIOR ZOO.

06-0070R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH FOND DU LAC TRIBE OF LAKE SUPERIOR PROVIDING FOR USE OF THE WASHINGTON RECREATION CENTER FOR SENIOR ACTIVITY PROGRAMMING.

06-0081R - RESOLUTION AUTHORIZING THE USE OF BINDING ARBITRATION TO RESOLVE AN ISSUE BETWEEN THE CITY OF DULUTH AND SEAWAY PORT AUTHORITY OF DULUTH (SPAD) IN AN AMOUNT NOT TO EXCEED \$1,500.

06-0086R - RESOLUTION AWARDDING CONTRACT TO VERSATILE VEHICLES, INC. FOR GOLF CART AND UTILITY CART LEASE, IN THE AMOUNT OF \$97,080.00.

END OF CONSENT AGENDA

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The following entitled resolution is also for consideration at this meeting:

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0068R - RESOLUTION ACCEPTING \$6,000 IN SETTLEMENT OF THE DEBT OWED BY JAMES MCENROE D/B/A KITCHEN TUNE-UP TO THE REVOLVING LOAN FUND FORMERLY OPERATED BY NORTHSTAR COMMUNITY DEVELOPMENT CORPORATION (NSCDC) AND AUTHORIZING EXECUTION OF A RELEASE.

COMMITTEE 2

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

06-0047R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE SWEETWATER ALLIANCE FOR THE LIVING WATER GARDEN DESIGN PROJECT AT BAYFRONT PARK FOR AN AMOUNT NOT TO EXCEED \$58,179.

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

06-0088R - RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, SUPPORTING CONTINUED AUTHORITY OF LOCAL GOVERNMENT REGARDING FRANCHISING OF CABLE SERVICES.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0073R - RESOLUTION AUTHORIZING JOHNSON CONTROLS, INC. TO APPLY TO THE CLIMATE TRUST FOR A CARBON DIOXIDE OFFSET PROJECT GRANT AND AUTHORIZING A STANDSTILL AGREEMENT WITH CLIMATE TRUST.

06-0078R - RESOLUTION AUTHORIZING A GRANT AGREEMENT WITH AEOA TO PROVIDE ENERGY ASSISTANCE GRANTS TO LOW INCOME PERSONS TO PREVENT CUT OFF OF CITY UTILITIES IN AN AMOUNT NOT TO EXCEED \$50,000.

06-0079R - RESOLUTION AUTHORIZING A GRANT AGREEMENT WITH SALVATION ARMY TO PROVIDE ENERGY ASSISTANCE GRANTS TO LOW INCOME PERSONS TO PREVENT CUT OFF OF CITY UTILITIES IN AN AMOUNT NOT TO EXCEED \$50,000.

NEW 06-0089R - RESOLUTION AMENDING RESOLUTION 03-0588 AUTHORIZING IMMEDIATE TRANSFER OF AN ADDITIONAL \$100,000 TO FUND 520 TO REIMBURSE IT FOR FUNDS LOANED TO THE HOME ENERGY LOAN FUND.

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0048R - RESOLUTION ACCEPTING A MONETARY GIFT IN THE AMOUNT OF \$30,000 FROM THE FRIENDS OF THE DULUTH PUBLIC LIBRARY TO THE DULUTH PUBLIC LIBRARY.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

COMMITTEE 1

BY COUNCILOR STEWART (FINANCE)

05-060-O - AN ORDINANCE AMENDING CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED; ADDING ARTICLE XXXIV - MINIMUM REQUIREMENTS FOR A DEVELOPMENT AGREEMENT.

(TABLED 1/9/2006 FOR COMMITTEE MEETING)

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

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-001-O - AN ORDINANCE AUTHORIZING RECONVEYANCE OF PROPERTY IN THE ENGER PARK/ ARLINGTON AVENUE AREA TO THE STATE OF MINNESOTA.

06-002-O - AN ORDINANCE AUTHORIZING CONVEYANCE OF LOTS 1 THROUGH 4-1/2, BLOCK 186, WEST DULUTH SEVENTH DIVISION, TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

06-003-O - AN ORDINANCE TO RENAME DENIM DRIVE TO WISTERIA LANE (SACKETTE).

COUNCILOR QUESTIONS AND COMMENTS
