

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, February 13, 2006, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - December 1, 5, 15, 19 and 28, 2005.

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

- * 06-0213-01 Miller-Dwan Foundation petition to vacate portions of Davis Street and Broadway, Virginia and Kentucky avenues in Claque and Prindles Oak Knoll Subdivision. -- Assessor
- * 06-0213-02 Share Advantage, et al. (three signatures), petition to vacate and terminate that portion of Lot 1, Block 1, Village Mall First Addition (aka 2502 Maple Grove Road). -- Assessor
- * 06-0213-03 Marick Development, by Daniel D. Maddy, attorney, appealing planning commission denial of a variance at 3129 Minnesota Avenue. -- Committee 2 (planning and economic development)

REPORTS OF OFFICERS

- * 06-0213-04 Assessor:
 - (a) Affidavit of mailing of notice of special assessment board public hearing to be held on February 14, 2006, at 3:30 p.m. in Room 106A, City Hall, regarding the proposed construction of a permanent alley in Central Avenue Alley from Bristol to Ramsey streets. -- Clerk
 - (b) For confirmation the assessment roll levied to defray the assessable portion of construction of a watermain in McCulloch Street from Superior Street to 48th Avenue East, Contract No. 5368 (assessable portion \$22,113.84);
 - (c) Letter of sufficiency of petition to vacate portions of Davis Street and Broadway, Virginia and Kentucky avenues in Claque and Prindles Oak Knoll Subdivision. -- Received
- * 06-0213-05 Building official appeal of Dennis Jensen to reverse the decision of the board of zoning appeals to deny a variance to reduce the minimum street frontage requirement in a suburban zoning district from 250 feet to zero feet for the construction of a single family dwelling on vacant land with an access easement off Swan Lake Road. -- Committee 2 (Planning and economic development)
- * 06-0213-06 Clerk applications to the Minnesota gambling control board for exemptions from lawful gambling licenses (raffles) from: (a) Holy Family Catholic Church on September 9, 2006; (b) Lincoln Park Business Group on June 24, 2006; (c) Minnesota Citizens Federation - Northeast on September 28, 2006. -- Received
- * 06-0213-07 Parks and recreation department director minutes of Lake Superior zoological society meetings of: (a) November 16, 2005; (b) January 11, 2006: (1) Annual; (2) Business. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 06-0213-08 Commission on disabilities minutes of January 4, 2006, meeting. -- Received
- * 06-0213-09 Duluth airport authority October 31, 2005, unaudited balance sheet. -- Received
- * 06-0213-10 Duluth housing commission minutes of September 8, 2005, meeting. -- Received
- * 06-0213-11 Duluth human rights commission 2005 year end report. -- Received
- * 06-0213-12 Duluth transit authority: (a) Minutes of November 30, 2005, meeting; (b) October 2005 income statement. -- Received
- * 06-0213-13 Library board minutes of November 29, 2005, meeting. -- Received

* 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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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)

06-0012R - RESOLUTION AUTHORIZING ACCEPTANCE OF TRANSFER OF IDB FEES RESULTING FROM THE SMDC PROJECT FROM DEDA.

06-0118R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF WATERMAIN INSTALLATION IN McCULLOCH STREET FROM SUPERIOR STREET TO 48TH AVENUE EAST IN THE AMOUNT OF \$22,113.84.

BY COUNCILOR KRAUSE

(PURCHASING & LICENSING)

06-0113R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO THE WELCH CENTER.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0114R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE TO RUFFED GROUSE SOCIETY.

06-0115R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF T-BONZ ENTERPRISES, INC. (T-BONZ BAR), 2531 WEST SUPERIOR STREET.

06-0116R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF WIZNER COMPANY (NORMAN'S), 113 WEST FIRST STREET.

BY COUNCILOR JOHNSON (PERSONNEL)

06-0028R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF LYNN D. BEECHLER, DAVID W. KRECH, JAMES A. WALTERS AND ALLEN WILLMAN TO THE BUILDING APPEAL BOARD.

06-0029R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF JOYCE BLODGETT, NETTIE R. BOTHWELL, SHANNON McCARTHY BICHA, KIMBERLY A. McKAY AND KATHERINE E. QUISTAD AND THE APPOINTMENT OF JENNIFER MURPHY, REPLACING WALTER KRAMER, TO THE COMMISSION ON DISABILITIES.

06-0030R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF ROBERT CORMIER, NANCY COSTA AND REBECCA PITTNER TO THE ENVIRONMENTAL ADVISORY COUNCIL.

06-0032R - RESOLUTION CONFIRMING THE APPOINTMENT OF VIRGINIA T. KATZ TO THE LIBRARY BOARD, REPLACING TERESE M. TOMANEK.

06-0033R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF RUTH ANN EATON AND HEATHER RAND AND THE APPOINTMENT OF HENRY L. BANKS, REPLACING JEANNE KONECZNY, TO THE PLANNING COMMISSION.

06-0043R - RESOLUTION CONFIRMING THE APPOINTMENT OF DONALD DASS TO THE DULUTH PUBLIC ARTS COMMISSION, REPLACING TIMOTHY MEYER.

06-0091R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF DEAN GRACE, WENDY GRETHEN, BARBARA STARK AND LUKE W. SYDOW AND THE APPOINTMENT OF DAVID L. HELF, REPLACING JOHN CUMMINGS, TO THE PARKS AND RECREATION COMMISSION.

06-0092R - RESOLUTION CONFIRMING THE APPOINTMENT OF RONALD D. DEGRIO TO THE PARKING COMMISSION, REPLACING STEVEN G. LAFLAMME.

06-0093R - RESOLUTION CONFIRMING THE APPOINTMENTS OF PATRICK COLLINS, MARIA DANZ, JAN KARON AND MARIA STALZER WYANT CUZZO TO THE DULUTH HUMAN RIGHTS COMMISSION, REPLACING NEIL J. GLAZMAN, TADD M. JOHNSON, LESLIE GIBBS AND KEELY MARRS.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0096R - RESOLUTION AUTHORIZING AN AMENDMENT TO SHARING AND SUBORDINATION AGREEMENT WITH HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA, GREATER MINNESOTA HOUSING FUND, CENTER CITY HOUSING CORPORATION, CONRO PROPERTIES, LLC AND US BANK NATIONAL ASSOCIATION RELATED TO THE FOUR-PLEX ADJACENT TO VILLAGE PLACE.

06-0107R - RESOLUTION AUTHORIZING AGREEMENT WITH BARR ENGINEERING COMPANY FOR PROFESSIONAL SERVICES IN CONNECTION WITH THE DULUTH COMMUNITY-WIDE BROWNFIELD ASSESSMENT PROGRAM IN THE AMOUNT OF \$360,531.

06-0109R - RESOLUTION AUTHORIZING DECREASE OF \$42,086 IN THE 2006 HUD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

06-0110R - RESOLUTION AUTHORIZING A DECREASE OF \$1,837 IN THE 2006 HUD HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM.

06-0111R - RESOLUTION AUTHORIZING A DECREASE OF \$968 IN THE 2006 HUD EMERGENCY SHELTER GRANT PROGRAM (ESGP).

BY COUNCILORS GILBERT, NESS AND KRAUSE

06-0117R - RESOLUTION REQUESTING OPERATION OF THE COMMISSION ON HIGHER EDUCATION.

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

06-0112R - RESOLUTION ACCEPTING \$34,500 IN SETTLEMENT OF UNDERPAID FRANCHISE FEE PAYMENTS MADE BY CHARTER TO THE CITY AND AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT AND MUTUAL RELEASE.

06-0125R - RESOLUTION APPROVING AGREEMENT WITH FRYBERGER, BUCHANAN, SMITH AND FREDERICK, P.A., FOR LEGISLATIVE SERVICES NOT TO EXCEED \$44,940.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0090R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH M.S.A. PROFESSIONAL SERVICES FOR ENGINEERING SERVICES FOR THE ESTIMATED AMOUNT OF \$27,710.

06-0094R - RESOLUTION AWARDED A CONTRACT TO LHB ENGINEERS AND ARCHITECTS FOR PROFESSIONAL ENGINEERING SERVICES IN THE AMOUNT OF \$8,960.

06-0098R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH SHORT ELLIOTT HENDRICKSON FOR PROFESSIONAL ENGINEERING SERVICES FOR THE ESTIMATED AMOUNT OF \$42,000.

06-0100R - RESOLUTION AMENDING RESOLUTION 04-0797 AWARDED CONTRACT TO RLK KUUSISTO, LTD, FOR PROFESSIONAL ENGINEERING SERVICES FOR THE CONSTRUCTION OF BUTTERNUT AVENUE, CITY PROJECT NO. 0325TR, INCREASING THE AMOUNT BY \$7,024.85 FOR A NEW TOTAL OF \$29,849.85.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0102R - RESOLUTION APPROVING SETTLEMENT OF CITY CLAIM AGAINST A&L DEVELOPMENT, INC., IN THE AMOUNT OF \$26,472.25.

06-0103R - RESOLUTION AUTHORIZING FIRST AMENDMENT TO CONTRACT NO. 19592 WITH LHB ENGINEERS AND ARCHITECTS, ADDING TO THE SCOPE OF WORK AND INCREASING THE AMOUNT BY \$20,000.

06-0108R - RESOLUTION AMENDING RESOLUTION 03-0468 AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR CONSTRUCTION OF SUPERIOR STREET FROM 26TH AVENUE EAST TO 47TH AVENUE EAST, TO INCREASE THE AMOUNT BY \$740,142.02 FOR A NEW TOTAL OF \$3,112,040.30.

06-0126R - RESOLUTION AMENDING RESOLUTION 05-0619 TO INCREASE THE AMOUNT BY \$152,467.83.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-0097R - RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO CONTRACT NO. 19691 WITH MN DPS HOMELAND SECURITIES DIVISION EXTENDING THE TERM.

06-0119R - RESOLUTION TO ESTABLISH ONE STALL HANDICAPPED PARKING ZONES AT VARIOUS LOCATIONS.

06-0121R - RESOLUTION AUTHORIZING THE CITY TO ACCEPT AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, IN THE AMOUNT OF \$40,489 AND TO AUTHORIZE THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH ST. LOUIS COUNTY.

06-0122R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE AMOUNT OF \$285,000 FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND GANG TASK FORCE AND TO AUTHORIZE EXPENDITURE OF \$45,000 IN MATCHING FUNDS REQUIRED BY SAID GRANT AGREEMENT.

06-0123R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, IN THE AMOUNT OF \$20,250 FOR THE ACQUISITION AND TRAINING OF AN EXPLOSIVE DETECTION CANINE.

06-0124R - RESOLUTION ACCEPTING A COMMUNITY CRIME PREVENTION GRANT FROM THE STATE OF MINNESOTA, OFFICE OF JUSTICE PROGRAMS, IN THE AMOUNT OF \$200,000 AND AUTHORIZING THE EXECUTION OF THE GRANT AGREEMENT.

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0101R - RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO CFMS GRANT NOS. A80787 AND A80788 WITH THE MNDNR TO INCREASE THE AMOUNT OF SNOWMOBILE TRAILS ASSISTANCE PROGRAM GRANT BY \$4,000.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0016R - RESOLUTION AUTHORIZING A CONTRACT WITH LAKE SUPERIOR AREA FAMILY SERVICES FOR THE OPERATION OF AN OUTREACH GAMBLING PROGRAM DURING YEAR 2006 AT A COST TO THE CITY OF \$90,000.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0059R - RESOLUTION VACATING SUMAC AVENUE BETWEEN PAGE STREET AND OSAGE STREET (DEGRIO/WILLOUGHBY).

06-0128R - RESOLUTION REQUESTING THAT THE PLANNING COMMISSION REVIEW THE SPECIAL USE PERMIT AND VARIANCES FOR BEACON POINT CONDOMINIUMS FOR COMPLIANCE WITH CONDITIONS AND AGREEMENTS.

BY PRESIDENT REINERT AND COUNCILOR LITTLE

06-0129R - RESOLUTION OF GRATITUDE TO STEVE LAFLAMME FOR SERVICE TO THE CITY.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0099R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A JOINT CONTRACT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION, THE CITY OF DULUTH AND APPRAISAL PROFESSIONALS, P.A. FOR PROPERTY APPRAISALS RELATING TO THE RECONSTRUCTION OF TRUNK HIGHWAY 53 (MILLER TRUNK HIGHWAY) AND ADJACENT FRONTAGE ROADS, COUNTY ROADS AND CITY STREETS, AT AN ESTIMATED COST TO THE CITY OF \$70,250.

06-0104R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A JOINT CONTRACT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION, ST. LOUIS COUNTY, THE CITY OF DULUTH AND NORELL ON REAL PROPERTY FOR PROPERTY APPRAISALS RELATING TO THE RECONSTRUCTION OF TRUNK HIGHWAY 53 (MILLER TRUNK HIGHWAY) AND ADJACENT FRONTAGE ROADS, COUNTY ROADS AND CITY STREETS, AT AN ESTIMATED COST OF \$38,000.

06-0105R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A JOINT CONTRACT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION, ST. LOUIS COUNTY, THE CITY OF DULUTH AND RAMSLAND & VIGEN FOR PROPERTY APPRAISALS RELATING TO THE RECONSTRUCTION OF TRUNK HIGHWAY 53 (MILLER TRUNK HIGHWAY) AND ADJACENT FRONTAGE ROADS, COUNTY ROADS AND CITY STREETS, AT AN ESTIMATED COST OF \$13,500.

06-0106R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A JOINT CONTRACT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION, ST. LOUIS COUNTY, THE CITY OF DULUTH AND TOM TURNER AND ASSOCIATES FOR PROPERTY APPRAISALS RELATING TO THE RECONSTRUCTION OF TRUNK HIGHWAY 53 (MILLER TRUNK HIGHWAY) AND ADJACENT FRONTAGE ROADS, COUNTY ROADS AND CITY STREETS, AT AN ESTIMATED COST OF \$29,000.

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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)

06-004-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, AMENDING PUBIC DOCUMENT NO. 04-0419-01 ENTITLED "HARBOR VIEW/CENTRAL HILLSIDE REVITALIZATION, TRADITIONAL NEIGHBORHOOD DEVELOPMENT CODE" DOCUMENTS OF IMPLEMENTATION (HOUSING AND REDEVELOPMENT AUTHORITY).

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

06-005-O - AN ORDINANCE AMENDING SECTION 6-78 OF THE DULUTH CITY CODE, 1959, AS AMENDED; REGULATING FEEDING OF PIGEONS.

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

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COUNCILOR QUESTIONS AND COMMENTS

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