

# AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

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

## ROLL CALL

## PLEDGE OF ALLEGIANCE

**APPROVAL OF MINUTES** - January 3, 9 and 23, 2006.

**PUBLIC HEARING** - 7:00 p.m. - Amendment to 2006-2010 Capital Improvement Plan.

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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

- \* 06-0313-01 Diana C. Hill, et al. (three signatures), petition to vacate the alley adjacent to Blocks 1 and 2, and 101st Avenue West adjacent to Block 1, Riverside Park Second Addition. -- Assessor
- \* 06-0313-02 James A. Miner, Jr., et al (four signatures), petition to improve the alley in Central Avenue Alley from Bristol Street to Roosevelt Street. -- Assessor
- \* 06-0313-14 Alison Clarke communication regarding the Beacon Point development (06-0182R). -- Received (E-MAILED)

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## REPORTS OF MAYOR, ADMINISTRATIVE ASSISTANT AND OTHER OFFICERS

- Retiree healthcare benefits
- \* 06-0313-03 Assessor:
  - (a) For confirmation the assessment rolls levied to defray the assessable portions of:
    - (1) Contract No. 5404, Bay View Alley from Piedmont to Diamond Avenue (assessable amount: \$20,805.70); Contract No. 5398, Cedar Ridge Estates full development (assessable amount: \$926,021.04);
    - (2) Various 2005 street improvement project contract Nos. 7079, 7080, 7081, 7083 (assessable amounts: various);
  - (b) Letter of sufficiency of petition to improve the alley in Central Avenue Alley from Bristol Street to Roosevelt Street. -- Received
- \* 06-0313-04 Facilities management submitting right of entry agreements for environmental investigation activities, pursuant to Section 2-35 of the Duluth City Code, with:
  - (a) Seaway Port authority of Duluth for property adjoining Garfield Avenue described as Lots 174-200 (even numbered), Block 38, Rice's Point Division;
  - (b) SEH, on behalf of Duluth Salvation Army, for property located at 3501 Grand Avenue.-- Mayor for execution
- \* 06-0313-05 Purchasing agent emergency order awarded to Otis-Magie, Inc., for insurance including premises coverages (building and personal property) and boiler and machinery coverage. -- Received

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**REPORTS OF BOARDS AND COMMISSIONS**

- \* 06-0313-06 Commission on disabilities minutes of February 1, 2006, meeting. -- Received
- \* 06-0313-07 Duluth airport authority minutes of: (a) January 17, (b) February 3; (c) February 9, 2006, meetings. -- Received
- \* 06-0313-08 Duluth/North Shore Sanitary District board minutes of January 11, 2006, meeting. -- Received
- \* 06-0313-09 Housing and redevelopment authority of Duluth minutes of: (a) September 27; (b) October 25, 2005, meeting. -- Received
- \* 06-0313-10 Library board minutes of January 24, 2006, meeting. -- Received
- \* 06-0313-11 Parking commission minutes of January 10, 2006, meeting. -- Received
- \* 06-0313-12 Seaway Port authority of Duluth financial statement of January 31, 2006. -- Received
- \* 06-0313-13 Spirit Mountain recreation area authority minutes of: (a) November 17, (b) December 15; (c) December 28, 2005; (d) January 19, 2006, meetings. -- Received

\* Listed only, not copied.

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**REPORTS OF COUNCIL COMMITTEES**

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**REPORTS OF COUNCIL OPEN ISSUES**

- Comprehensive plan
- Planned unit development

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**OPPORTUNITY FOR CITIZENS TO BE HEARD**

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**RESOLUTION TABLED**

**COMMITTEE 2**

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

06-0182R - RESOLUTION REQUESTING ADMINISTRATION TO DETERMINE WHETHER BEACON POINT IS IN COMPLIANCE WITH WATER RESOURCE MANAGEMENT ORDINANCE SETBACK REQUIREMENTS AND TO TAKE APPROPRIATE ACTION. (TABLED 2/27)

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**MOTIONS AND RESOLUTIONS**

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

**COMMITTEE 2**

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

06-0169R - RESOLUTION AMENDING RULE 7 OF THE STANDING RULES OF THE CITY COUNCIL.

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**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)**

06-0186R - RESOLUTION APPROVING AN AMENDMENT TO THE 2006-2010 CAPITAL IMPROVEMENT PLAN AND STATING THE INTENT TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION 475.521, IN AN AMOUNT NOT TO EXCEED \$915,000.

06-0195R - RESOLUTION CONFIRMING ASSESSMENT ROLLS LEVIED TO DEFRAY THE ASSESSABLE PORTIONS OF PORTIONS OF THE 2005 STREET IMPROVEMENT PROGRAM. **(REPLACEMENT)**

06-0196R - RESOLUTION CONFIRMING ASSESSMENT ROLLS LEVIED TO DEFRAY THE ASSESSABLE PORTIONS OF CEDAR RIDGE ESTATES FULL DEVELOPMENT AND BAY VIEW ALLEY FROM PIEDMONT TO DIAMOND AVENUE.

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

06-0167R - RESOLUTION AWARDED CONTRACT TO DULUTH LAWN AND SPORT, INC., FOR JOHN DEERE REPAIR PARTS AND SUPPLIES AS NEEDED DURING YEAR 2006 AT AN ESTIMATED AMOUNT OF \$10,000.

06-0168R - RESOLUTION AWARDED CONTRACT TO POMPS TIRE SERVICE, CURTIS OIL COMPANY, FOR TIRES AND TUBES AS NEEDED DURING YEAR 2006 AT AN ESTIMATED TOTAL AMOUNT OF \$33,000.

06-0170R - RESOLUTION AWARDED CONTRACT TO MANEY INTERNATIONAL OF DULUTH, INC., FOR O.E.M. NAVISTAR PARTS AND REPAIRS AS NEEDED DURING YEAR 2006 AT AN ESTIMATED AMOUNT OF \$40,000.

06-0171R - RESOLUTION AWARDED CONTRACT TO BOYER TRUCKS, DULUTH-SUPERIOR, INC., FOR O.E.M. PARTS AND REPAIRS FOR FORD/FREIGHTLINER VEHICLES AS NEEDED DURING THE YEAR 2006 AT AN ESTIMATED AMOUNT OF \$16,000.

06-0172R - RESOLUTION AWARDED CONTRACT TO MACQUEEN EQUIPMENT, INC., FOR O.E.M. PARTS AND REPAIRS FOR ELGIN VACTOR O.E.M. REPAIR PARTS AS NEEDED DURING THE YEAR 2006 AT AN ESTIMATED AMOUNT OF \$30,000.

**COMMITTEE 1**

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

06-0173R - RESOLUTION AWARDED CONTRACT TO ZIEGLER, INC., FOR O.E.M. PARTS AND REPAIRS FOR CATERPILLAR EQUIPMENT AS NEEDED DURING THE YEAR 2006 IN AN ESTIMATED AMOUNT OF \$25,000.

06-0174R - RESOLUTION AWARDED CONTRACT TO ST. JOSEPH EQUIPMENT OF DULUTH FOR O.E.M. PARTS AND REPAIRS FOR CASE EQUIPMENT IN THE AMOUNT OF \$13,000.

06-0175R - RESOLUTION AWARDED CONTRACT TO NORTRAX EQUIPMENT OF DULUTH FOR O.E.M. PARTS AND REPAIRS FOR JOHN DEERE EQUIPMENT IN THE AMOUNT OF \$16,000.

06-0176R - RESOLUTION AWARDED CONTRACT TO INTER-CITY OIL COMPANY, INC., FOR DELIVERED FUEL AS NEEDED FOR 12 MONTHS COMMENCING SEPTEMBER 2006 AT AN ESTIMATED AMOUNT OF \$50,000.

06-0177R - RESOLUTION AWARDED CONTRACT TO TWIN CITIES MACK AND VOLVO TRUCK FOR TWO MACK TRUCK CAB AND CHASSIS IN THE AMOUNT OF \$178,917.67.

06-0178R - RESOLUTION AWARDED CONTRACT TO LARSON CHEV-OLDS FOR O.E.M. PARTS AND REPAIRS FOR GENERAL MOTORS VEHICLES AS NEEDED DURING THE YEAR 2006 IN AN ESTIMATED AMOUNT OF \$20,000.

06-0179R - RESOLUTION AWARDED CONTRACT TO EMERGENCY AUTOMOTIVE TECHNOLOGIES FOR EMERGENCY LIGHTS AND STROBES, PARTS AND SUPPLIES AS NEEDED DURING YEAR 2006 AT AN ESTIMATED AMOUNT OF \$12,000.

06-0180R - RESOLUTION AWARDED CONTRACT TO NAPA AUTO PARTS, INC., FOR AIR, OIL AND FUEL FILTERS AS NEEDED DURING YEAR 2006 AT AN ESTIMATED AMOUNT OF \$10,000.

06-0181R - RESOLUTION AWARDED CONTRACT TO STEPP MANUFACTURING COMPANY, INC., FOR TWO PRE-MIX HEATERS - MODEL SPH-3.0 IN THE AMOUNT OF \$37,967.25.

06-0184R - RESOLUTION AWARDED CONTRACT TO NELSON DODGE GMC FOR TWO MARKED PATROL VEHICLES IN THE AMOUNT OF \$47,760.

06-0185R - RESOLUTION AWARDED CONTRACT TO ELK RIVER FORD FOR TEN MARKED PATROL VEHICLES IN THE AMOUNT OF \$209,730.

06-0190R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE, SUNDAY LICENSE, DANCING LICENSE AND APPLICATION FOR A 2:00 A.M. BEVERAGE LICENSE FROM D.S. PROPERTY MANAGEMENT, INC. (LIMIT BAR), 1426 COMMONWEALTH AVENUE, TO LEBLANC/TERWEY, INC. (LIMIT BAR), SAME ADDRESS.

06-0191R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND SUNDAY LICENSE AND APPLICATION FOR A 2:00 A.M. BEVERAGE LICENSE FROM NYLEN, MAGIE AND STRUM PROPERTIES (BUENA VISTA LOUNGE), 1144 MESABA AVENUE, TO HIPPO DOWN THE STREET, LLC (CARMODY IRISH PUB), 308 EAST SUPERIOR STREET.

06-0192R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND SUNDAY LICENSE FROM COPASETIC, INC. (KOZY BAR), 129 EAST FIRST STREET, TO TEMPLECORP, INC. (KOZY BAR), SAME ADDRESS.

**(REPLACEMENT)**

**COMMITTEE 1**

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

06-0193R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO IRVING COMMUNITY ASSOCIATION, PIEDMONT HEIGHTS HOCKEY ASSOCIATION AND SECOND HARVEST NORTHERN LAKES FOOD BANK.

06-0194R - RESOLUTION DECLARING THE RESULTS OF THE SPECIAL MUNICIPAL ELECTION HELD FEBRUARY 28, 2006.

06-0199R - RESOLUTION FOR AWARD AND EXECUTION OF CONTRACT WITH MIDWEST EAP SOLUTIONS FOR PROVIDING EMPLOYEE ASSISTANCE PROGRAM SERVICES NOT TO EXCEED \$6,500 IN 2006, \$7,000 IN 2007 AND \$7,500 IN 2008.

06-0205R - RESOLUTION AWARDED CONTRACT TO ALEX AIR APPARATUS, INC., FOR A 20-HP BREATHING AIR COMPRESSOR AND TWO-CYLINDERS IN THE AMOUNT OF \$29,071.31.

06-0209R - RESOLUTION AWARDED CONTRACT TO MTI DISTRIBUTING, INC., FOR FIVE YEAR LEASE PURCHASE OF ASSORTED GOLF COURSE MAINTENANCE EQUIPMENT TO BE PAID IN SIX MONTHLY INSTALLMENTS OF \$16,873.86 ANNUALLY FOR A PERIOD OF FIVE YEARS ON A PRINCIPAL AMOUNT OF \$463,005 AT 3.95 PERCENT ANNUALLY.

**BY COUNCILOR JOHNSON (PERSONNEL)**

06-0144R - RESOLUTION CONFIRMING APPOINTMENT OF ROGER REINERT TO SISTER CITY COMMISSION REPLACING JIM STAUBER.

**COMMITTEE 2**

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

06-0200R - RESOLUTION TRANSFERRING FUNDS IN THE AMOUNT OF \$12,700 IN THE 2005 HUD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

06-0206R - RESOLUTION APPROVING THE TRANSFER TO THE MINNESOTA ASSISTANCE COUNCIL FOR VETERANS OF THE GENERAL PARTNERSHIP INTEREST OF CENTER CITY HOUSING CORPORATION IN MPA LIMITED PARTNERS II LIMITED PARTNERSHIP WITH RESPECT TO A HOME PROGRAM LOAN AGREEMENT, CDBG SRO LOAN AGREEMENT AND CDBG GRANT AGREEMENT WITH THE CITY RELATED TO MEMORIAL PARK APARTMENTS.

**COMMITTEE 3**

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

06-0134R - RESOLUTION AWARDED A CONTRACT TO MSA PROFESSIONAL SERVICES FOR PROFESSIONAL ENGINEERING SERVICES FOR DESIGN, PLANS AND SPECIFICATIONS FOR A SCADA SYSTEM TO MONITOR THE WATER, WASTEWATER AND GAS FLOWS WITHIN THE CITY OF DULUTH IN THE ESTIMATED AMOUNT OF \$58,830.

**NEW** 06-0164R - RESOLUTION AWARDED CONTRACT TO MINNESOTA MUNICIPAL UTILITY ASSOCIATION FOR GAS CIRCUIT RIDER PROGRAM AT AN ESTIMATED AMOUNT OF \$10,000.

**COMMITTEE 3**

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

06-0197R - RESOLUTION ACCEPTING DEED AND BILL OF SALE FROM WLSSD FOR PUMPING STATION AND FORCE MAIN FROM 47TH AVENUE EAST TO 52ND AVENUE EAST AND ACCEPTING FUNDS.

06-0201R - RESOLUTION AWARDED A CONTRACT TO HOFFMAN AND McNAMARA FOR TREE PLANTING FOR THE 2005 STREET IMPROVEMENT PROGRAM AT VARIOUS LOCATIONS IN THE AMOUNT OF \$76,876, CITY JOB NO. 0545TR.

06-0202R - RESOLUTION AUTHORIZING AGREEMENT WITH BARR ENGINEERING COMPANY FOR PROFESSIONAL SERVICES FOR STUDY, ANALYSIS AND RECOMMENDATION FOR SEDIMENT CONTROL IN COFFEE AND MILLER CREEKS IN THE AMOUNT OF \$92,817.

06-0203R - RESOLUTION ACCEPTING STAR GRANT OF \$4,125 FROM MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR ENVIRONMENTAL EDUCATION AND COMMITTING LOCAL MATCH.

06-0204R - RESOLUTION AUTHORIZING AGREEMENT WITH SOO LINE RAILROAD COMPANY FOR THE PURCHASE OF PROPERTY FOR HELBERG DRIVE IN THE AMOUNT OF \$71,445.60.

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

06-0198R - RESOLUTION AUTHORIZING AN AGREEMENT WITH WLSSD FOR USE OF THE CITY'S SOLID WASTE COMPLIANCE OFFICER.

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

06-0054R - RESOLUTION APPROVING A GRANT AGREEMENT FROM THE STATE OF MINNESOTA DEPARTMENT OF NATURAL RESOURCES COASTAL PROGRAM FOR \$7,740 TO BE USED FOR LAND ACQUISITION OF BURLINGTON NORTHERN RAILROAD PROPERTY ON GRASSY POINT.

06-0055R - RESOLUTION APPROVING A GRANT AGREEMENT FROM THE STATE OF MINNESOTA DEPARTMENT OF NATURAL RESOURCES REMEDIATION FUND GRANT PROGRAM FOR \$7,740 TO BE USED FOR LAND ACQUISITION OF BURLINGTON NORTHERN RAILROAD PROPERTY ON GRASSY POINT.

06-0056R - RESOLUTION AUTHORIZING A PURCHASE AGREEMENT WITH BURLINGTON NORTHERN SANTE FE RAILWAY COMPANY FOR THE PURCHASE OF PROPERTY ON GRASSY POINT IN WEST DULUTH FOR \$16,000.

06-0087R - RESOLUTION AUTHORIZING AN ASSIGNMENT OF RIGHTS AGREEMENT WITH APEX PROPERTY AND TRACK EXCHANGE, INC., AND THE BURLINGTON NORTHERN SANTE FE RAILWAY COMPANY FOR PROPERTY BEING ACQUIRED FROM THE BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY ON GRASSY POINT IN WEST DULUTH.

**END OF CONSENT AGENDA**

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The following entitled resolutions are also to be considered at this meeting:

**COMMITTEE 2**

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

06-0132R - RESOLUTION AFFIRMING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY A VARIANCE TO REDUCE THE MINIMUM STREET FRONTAGE REQUIREMENT IN A SUBURBAN DISTRICT FROM 250 FEET TO ZERO FEET FOR THE CONSTRUCTION OF A SINGLE FAMILY DWELLING ON VACANT LAND WITH ACCESS EASEMENT OFF SWAN LAKE ROAD, LEGALLY DESCRIBED AS N1/2 OF SW1/4 OF SW1/4 OF SE1/4 OF SECTION 7, TOWNSHIP 50, RANGE 14 (DENNIS JENSEN).

06-0133R - RESOLUTION REVERSING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY A VARIANCE TO REDUCE THE MINIMUM STREET FRONTAGE REQUIREMENT IN A SUBURBAN DISTRICT FROM 250 FEET TO ZERO FEET FOR THE CONSTRUCTION OF A SINGLE FAMILY DWELLING ON VACANT LAND WITH ACCESS EASEMENT OFF SWAN LAKE ROAD, LEGALLY DESCRIBED AS N1/2 OF SW1/4 OF SW1/4 OF SE1/4 OF SECTION 7, TOWNSHIP 50, RANGE 14 (DENNIS JENSEN).

**COMMITTEE 3**

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

06-0187R - RESOLUTION REQUESTING CONTINUING REPORT FROM THE ADMINISTRATION.

06-0188R - RESOLUTION ESTABLISHING PARKING METER ZONES IN CANAL PARK AND RATES AND TIME LIMITS THEREFORE.

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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) **(REPLACEMENT 2)**

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**COUNCILOR QUESTIONS AND COMMENTS**

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