

Tuesday, March 28, 2006, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - February 9, 13 and 27, 2006.

PUBLIC HEARINGS - 7:30 p.m. - 2007 Qualified Allocation Plan for the Housing Tax Credit Program.
7:30 p.m. - Sinex Aviation Technologies, d/b/a EmpowerMX, business subsidy work out agreement.

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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

- * 06-0328-01 Kelly K. Johnson, et al. (five signatures), petition to vacate 28th Avenue East (formerly Victoria Place) between East Eighth Street and Elizabeth Street. -- Assessor
- * 06-0328-02 Janette Radich, et al. (four signatures), remonstrance petition regarding construction of a sewer main in Maple Grove Road beginning 200 feet west of Robin Avenue and extending westerly 1,000 feet. -- Assessor
- * 06-0328-03 Cottage Homesteads of Duluth III, Inc., by Michael Saxton, communication regarding planning commission recommendation to deny a request to amend an existing special use permit (06-0228R and 06-0236R). -- Received
- * 06-0328-04 Phyllis Miller communication regarding appeal of the board of zoning appeals denial of 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 (Dennis Jensen) (06-0132R and 06-0133R). -- Received

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REPORTS OF MAYOR, ADMINISTRATIVE ASSISTANT AND OTHER OFFICERS

- Retiree healthcare benefits
- * 06-0328-05 Assessor:
 - (a) For confirmation, the assessment roll levied to defray the assessable portion of Contract No. 5401, Butternut Avenue - Maple Ridge full development (assessable amount \$298,101.32);
 - (b) Letter of sufficiency of remonstrance petition regarding construction of a sewer main in Maple Grove Road beginning 200 feet west of Robin Avenue and extending westerly 1,000 feet. -- Received
- * 06-0328-06 Parks and recreation department director minutes of Lake Superior zoological society March 15, 2006, meeting. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 06-0328-07 Duluth housing commission minutes of January 12, 2006, meeting. -- Received
- * 06-0328-08 Duluth human rights commission minutes of February 8, 2006, meeting. -- Received
- * 06-0328-09 Duluth legacy endowment fund project group minutes of February 23, 2006, meeting. -- Received
- * 06-0328-10 Heritage preservation commission minutes of: (a) August 23; (b) September 27; (c) October 25; (d) November 27; (e) December 13, 2005, meetings. -- Received
- * 06-0328-11 Planning commission minutes of February 14, 2006, 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
- Planned unit development

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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RESOLUTIONS TABLED

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

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. (TABLED 3/13)

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 25 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). (TABLED 3/13)

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). (TABLED 3/13)

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

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. (TABLED 3/13 UNTIL 4/10)

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-0188R - RESOLUTION ESTABLISHING PARKING METER ZONES IN CANAL PARK AND RATES AND TIME LIMITS THEREFORE. (TABLED 3/13) (REPLACEMENT)

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MOTIONS AND RESOLUTIONS

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

COMMITTEE 2

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

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

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)

06-0224R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF BUTTERNUT AVENUE-MAPLE RIDGE FULL DEVELOPMENT.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0213R - RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH HARBORMASTERS (DULUTH AIRSHOW), 4127 GRINDEN DRIVE.

06-0214R - RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO JUST TAKE ACTION INC., (BREWHOUSE BURRITO), 1332 EAST FOURTH STREET.

06-0215R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE TO LINCOLN PARK BUSINESS GROUP.

BY COUNCILOR JOHNSON (PERSONNEL)

06-0207R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF ASSESSMENT SYSTEMS ANALYST INCLUDING A TITLE CHANGE TO SPECIAL ASSESSMENT COORDINATOR.

COMMITTEE 1

BY COUNCILOR JOHNSON (PERSONNEL)

06-0208R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF WATER LAB CHEMIST AND SPECIFYING CONTRACT BENEFITS FOR SAME.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0189R - RESOLUTION AUTHORIZING WORK OUT AGREEMENT WITH SINEX AVIATION TECHNOLOGY D/B/A EMPOWERMX.

06-0220R - RESOLUTION AUTHORIZING AN AMENDMENT TO THE JOINT POWERS AGREEMENT WITH THE MINNESOTA HOUSING FINANCE AGENCY RELATED TO THE LOW INCOME HOUSING TAX CREDIT PROGRAM EXTENDING THE TERM THEREOF.

06-0221R - RESOLUTION APPROVING 2007 LOW INCOME HOUSING TAX CREDIT QUALIFIED ALLOCATION PLAN.

06-0222R - RESOLUTION TRANSFERRING FUNDS IN THE AMOUNT OF \$100 IN THE 2006 HUD HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME).

06-0230R - RESOLUTION AWARDED A CONTRACT TO LHB, INC., FOR PROFESSIONAL CONSULTING SERVICES FOR THE PUBLIC PARKING LOT AT AIRPORT ROAD IN THE OF AMOUNT OF \$88,958.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0211R - RESOLUTION AMENDING RESOLUTION 04-0542 AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A JOINT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION, ST. LOUIS COUNTY, THE CITY OF DULUTH AND SHORT ELLIOT HENDRICKSON, INC., FOR DETAIL DESIGN ENGINEERING SERVICES RELATING TO THE CONSTRUCTION OF TRUNK HIGHWAY 53 (MILLER TRUNK HIGHWAY) AND ADJACENT FRONTAGE ROADS, COUNTY ROADS AND CITY STREETS, INCREASING THE AMOUNT BY \$78,021 FOR A NEW TOTAL OF \$415,003.15.

06-0217R - RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND ST. LOUIS COUNTY, INCLUDING PLAN APPROVAL, FOR THE RECONSTRUCTION OF SNIVELY ROAD BETWEEN ARROWHEAD ROAD AND GLENWOOD STREET FOR AN ESTIMATED COST OF \$41,245.

06-0219R - RESOLUTION AUTHORIZING AMENDMENT #1 TO AGREEMENT 19893 WITH NORTHSPAN GROUP, INC., FOR PROVIDING CERTAIN ADDITIONAL PROFESSIONAL SERVICES IN CONJUNCTION WITH THE PETERSON ARENA REPLACEMENT (A.K.A. DULUTH HERITAGE HOCKEY CENTER) IN AN AMOUNT OF \$3,148.03.

06-0223R - RESOLUTION APPROVING SETTLEMENT OF LAWSUIT OF MARY LOU RUFF AND JACK RUFF IN THE AMOUNT OF \$24,000.

06-0225R - RESOLUTION AWARDED A CONTRACT TO VIELE CONTRACTING, INC., FOR CONSTRUCTION OF 125 FEET OF SANITARY SEWER IN CENTRAL AVENUE ALLEY BEGINNING 60 FEET NORTH OF ALBION STREET AND EXTENDING NORTHERLY IN THE AMOUNT OF \$17,910.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0227R - RESOLUTION AWARDDING CONTRACT TO NELS NELSON AND SONS, INC., FOR CONSTRUCTION OF YEAR 2006 STREET IMPROVEMENT OF CODY SOUTHWEST II IN THE AMOUNT OF \$323,978.83.

06-0229R - RESOLUTION AMENDING RESOLUTION 05-0046 AWARDDING A CONTRACT FOR A PROFESSIONAL ENGINEERING AGREEMENT WITH CAMP, DRESSER AND McKEE FOR THE DEVELOPMENT OF A LONG TERM PLAN FOR EVALUATION AND ELIMINATION OF OVERFLOWS IN THE CITY'S SANITARY SEWER SYSTEM IN THE ESTIMATED AMOUNT OF \$35,620, FOR A NEW TOTAL OF \$235,620.

06-0232R - RESOLUTION AUTHORIZING AGREEMENT WITH PRO-WEST AND ASSOCIATES, INC., FOR PROFESSIONAL SERVICES IN CONNECTION WITH SURVEYING AND LOCATING SPECIFIED GOVERNMENT AND PLAT CORNERS AT A COST OF NOT TO EXCEED \$20,000.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-0212R - RESOLUTION TO ESTABLISH ONE STALL HANDICAPPED PARKING ZONES AT VARIOUS LOCATIONS.

06-0231R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA, OFFICE OF TRAFFIC SAFETY, IN THE AMOUNT OF \$5,000 TO CONDUCT INCREASED SEAT BELT AND CHILD SEAT ENFORCEMENT.

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0218R - RESOLUTION AUTHORIZING THE FORM OF AGREEMENT PROVIDING FOR GAME OFFICIALS FOR YOUTH AND ADULT ATHLETIC LEAGUE PROGRAM ACTIVITIES.

END OF CONSENT AGENDA

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

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0228R - RESOLUTION DENYING AN AMENDMENT TO SPECIAL USE PERMIT RESOLUTION 03-0463, AS ADOPTED JUNE 23, 2003, BY COTTAGE HOMESTEADS OF DULUTH III FOR EXPANSION OF A LOW DENSITY PLANNED DEVELOPMENT ON PROPERTY LOCATED ON THE EAST SIDE OF SUNDBY ROAD AND 200 TO 400 FEET NORTH OF PAGE STREET.

06-0236R - RESOLUTION GRANTING CONDITIONAL APPROVAL TO AN AMENDMENT TO SPECIAL USE PERMIT RESOLUTION 03-0463, AS ADOPTED JUNE 23, 2003, BY COTTAGE HOMESTEADS OF DULUTH III FOR EXPANSION OF A LOW-DENSITY, PLANNED DEVELOPMENT ON PROPERTY LOCATED ON THE EAST SIDE OF SUNDBY ROAD AND 200 TO 400 FEET NORTH OF PAGE STREET.

COMMITTEE 2

BY COUNCILORS GILBERT AND JOHNSON

06-0237R - RESOLUTION DECLARING CITY COUNCIL AND DEDA POLICY FOR THE REVIEW AND APPROVAL OF CERTAIN DEVELOPMENT AGREEMENTS PURSUANT TO WHICH THE CITY OF DULUTH PROMISES TO PROVIDE PHYSICAL IMPROVEMENTS.

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

06-0210R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT FUNDS FROM THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR PROVISION OF WORKFORCE INVESTMENT ACT TITLE I SERVICES, MINNESOTA YOUTH PROGRAM SERVICES AND OLDER AMERICAN PROGRAM SERVICES FOR PROGRAM YEARS 2006-2009.

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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)

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

COMMITTEE 1

BY COUNCILORS KRAUSE AND LITTLE

06-011-O - AN ORDINANCE AMENDING SECTION 29C-9 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO THE CITY ATTORNEY'S DUTIES TO REPRESENT HUMAN RIGHTS COMPLAINANTS.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-006-O - AN ORDINANCE TO RENAME DENIM DRIVE TO DENIM STREET (SACKETTE).

06-008-O - AN ORDINANCE AN ORDINANCE AMENDING ORDINANCE NO. 8792, TO EXPAND THE USES WITHIN THE SKYWAY OVER LAKE AVENUE IN THE CITY OF DULUTH (WELCH BUILDING LLC).

06-009-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 23 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-B, ONE FAMILY RESIDENTIAL, TO C-2, HIGHWAY COMMERCIAL, PROPERTY LOCATED AT THE NORTHEAST CORNER OF TRINITY ROAD AND ANDERSON ROAD (SCOTT AND SUSAN HANSEN).

COMMITTEE 3

BY COUNCILOR LITTLE

(PUBLIC SAFETY)

06-007-O - AN ORDINANCE AMENDING CHAPTER 21 OF THE CITY CODE; AMENDING SECTION 21-5 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO UPDATE A REFERENCE TO THE STATE FIRE CODE AND REPEALING SECTIONS 21-24 AND 21-34 THEREOF.

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COUNCILOR QUESTIONS AND COMMENTS

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