

Monday, June 12, 2006, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - April 10 and 24, 2006.

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

- * 06-0612-01 Canal Park Lodge, LLC, application to amend concurrent use permit granted by Ordinance 9001 on October 9, 1990. -- Planning commission
- * 06-0612-02 Sulo Kangas, Jr., et al. (three signatures), petition to vacate the portion of Lemon Street adjacent to Lots 1-8, Block 2, Jackson Division of Duluth. -- Assessor
- * 06-0612-03 Lake Superior Dental Associates, et al. (nine signatures), petition to reclassify from R-3 to C-1 Lots 7 and 8, Block 18, Banning and Ray's Subdivision. -- Assessor
- * 06-0612-04 USANDE, LLC, et al. (two signatures), petition to vacate 16 foot wide utility easement running through Lots 9, 10, 13, 14 and 15, Clearview Park. -- Assessor
- * 06-0612-05 Minnesota state auditor audit report for Duluth transit authority for the years ended December 31, 2005 and 2004. -- Received (COUNCILORS ONLY) (PREVIOUSLY DISTRIBUTED)
- * 06-0612-06 Mike and JoAnn Lundstrom appeal of planning commission approval of a WRMO variance at 3302 Greysolon Road. -- Committee 2 (planning and economic development)
- * 06-0612-07 The following communications regarding the proposed Gilbertson reclassification at 7717 Congdon Boulevard (06-0408R and 06-016-O): (a) John E. Kessler; (b) Tim and Judy Sheriff (2 e-mails). -- Received

REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

06-0612-08 Mayor Bergson veto of Ordinance 9776, amending Chapter 2 of the Duluth City Code, 1959, as amended; adding Article XXXIV - minimum requirements for a development agreement. -- Received

REPORTS FROM OTHER OFFICERS

- * 06-0612-09 Assessor letters of sufficiency regarding petitions to:
 - (a) Reclassify from R-3 to C-1 Lots 7 and 8, Block 18, Banning and Ray's Subdivision;
 - (b) Vacate a utility easement on Lots 25 and 54, Block 3, Oatka Beach. -- Received

- * 06-0612-10 Clerk application to the Minnesota gambling control board for exemption from lawful gambling from Head of the Lakes Chapter Rocky Mountain Elk Foundation on September 9, 2006 (raffle). -- Received
- * 06-0612-11 Parks and recreation department director:
 - (a) Lake Superior Zoological Society May 17, 2006, zoo director, executive and education reports. -- Received
 - (b) Rental agreement for Enger Park Golf Course clubhouse apartment with Travis Hill, pursuant to Section 2-35 of the Duluth City Code. -- Mayor for execution
- * 06-0612-12 Purchasing agent emergency orders for police department awarded to:
 - (a) Tower 2000 for construction of a U-14x180 foot self supporting tower;
 - (b) Zones for 17 computer laptops and two docking stations. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 06-0612-13 Duluth airport authority minutes of April 18, 2006, meeting. -- Received
- * 06-0612-14 Duluth/North Shore Sanitary District minutes of April 12, 2006, meeting. -- Received
- * 06-0612-15 Duluth transit authority:
 - (a) March 2006 income statement;
 - (b) Minutes of March 29, 2006, meeting. -- Received
- 06-0612-16 Housing and Redevelopment Authority of Duluth annual audit report for the year ended September 30, 2005. -- Received (COUNCILORS ONLY)
- * 06-0612-17 Library board minutes of April 25, 2006, meeting. -- Received
- * 06-0612-18 Seaway Port authority of Duluth minutes of meetings on:
 - (a) December 14, 2005;
 - (b) January 26, 2006;
 - (c) March 28, 2006. -- 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 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0408R - RESOLUTION DENYING A REZONING PETITION TO PROVIDE FOR THE RECLASSIFICATION FROM S-2, SUBURBAN RESIDENTIAL TO R-1-A, SINGLE FAMILY RESIDENTIAL, PROPERTY LOCATED AT 7717 CONGDON BOULEVARD (GILBERTSON). (TABLED 5/22)

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0382R - RESOLUTION ORDERING THE CONSTRUCTION OF A RESIDENTIAL STREET, SANITARY SEWER AND WATERMAIN ON SPEAR AVENUE FROM SILCOX AVENUE TO LIVINGSTON AVENUE AT AN ESTIMATED COST OF \$430,000. (TABLED 5/22)

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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 KRAUSE (PURCHASING & LICENSING)

06-0356R - RESOLUTION AWARDDING CONTRACT TO ALL COMPUTER SERVICE FOR COMPUTER HARDWARE MAINTENANCE SERVICE AS NEEDED DURING YEAR 2006 AT AN ESTIMATED COST OF \$16,775.28.

06-0370R - RESOLUTION AWARDDING CONTRACTS TO ACE PROPERTY MAINTENANCE, INC., FOR GRASS CUTTING SERVICES IN THE TOTAL AMOUNT OF \$38,803.50.

06-0407R - RESOLUTION AMENDING RESOLUTION 05-0748, AUTHORIZING CHANGE ORDER NO. 1, FOR ADDITIONAL CONSTRUCTION SERVICES WITH DULUTH SUPERIOR ERECTION TO INCREASE THE AMOUNT BY \$16,600 FOR A NEW TOTAL OF \$77,200.

06-0429R - RESOLUTION CONTRACT TO NORTHWEST OUTLET FOR UTILITY AND MAINTENANCE OPERATION UNIFORMS AS NEEDED DURING THE YEAR 2006 AT AN ESTIMATED AMOUNT OF \$40,400.

06-0435R - RESOLUTION AWARDDING CONTRACT TO MONROE TRUCK EQUIPMENT, INC., FOR EIGHT FRAMECAM AND 19 H2 REAR VISION SYSTEMS IN ACCORDANCE WITH ITS QUOTE OF \$13,382.79.

06-0437R - RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE LICENSED PREMISES OF THE ON SALE INTOXICATING LIQUOR LICENSE OF VA BENE CAFÉ, INC. (VA BENE CAFFE), 734 EAST SUPERIOR STREET.

06-0438R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO BRIDGE SYNDICATE (BAYFRONT REGGAE FESTIVAL), BAYFRONT PARK, AND DULUTH SKYLINE ROTARY (FOURTH FEST), BAYFRONT PARK. (REPLACEMENT)

06-0439R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE INTOXICATING LIQUOR LICENSE OF RAY SKELTON (BEDROCK BAR), 2023 WEST SUPERIOR STREET.

06-0441R - RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO RENEGADE COMEDY THEATRE, 222 EAST SUPERIOR STREET.

COMMITTEE 1

BY COUNCILOR JOHNSON (PERSONNEL)

06-0364R - RESOLUTION CONFIRMING THE APPOINTMENT OF DANIEL P. D'ALLAIRD TO THE LIBRARY BOARD, REPLACING MARK MELHUS.

06-0365R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF JAMES BERRY AND LYNN NEPHEW TO THE TECHNICAL DESIGN ADVISORY COMMITTEE FOR THE DWMX-D.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0413R - RESOLUTION GRANTING AN OBSTRUCTION OF SIDEWALK PERMIT TO VA BENE CAFÉ, INC. - SORRENTO GROUP, LLC, FOR PROPERTY LOCATED AT 734 EAST SUPERIOR STREET.

06-0421R - RESOLUTION VACATING A PORTION OF NORTH 12TH AVENUE WEST ABOVE WEST FIFTH STREET (NELSON).

06-0422R - RESOLUTION VACATING 12TH AVENUE EAST FROM THE NORTH LINE OF EAST SEVENTH STREET ALLEY TO THE SOUTH LINE OF EAST SEVENTH STREET (MAESHIMA, WARMAN).

06-0432R - RESOLUTION APPROVING A SUBSTANTIAL AMENDMENT TO THE FY 2006 ACTION PLAN AND TRANSFERRING FUNDS IN THE AMOUNT OF \$23,500 IN THE 2006 HUD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

06-0433R - RESOLUTION REQUESTING THE FREE CONVEYANCE OF TAX FORFEITED LAND FOR STREET AND UTILITY PURPOSES LOCATED SOUTH OF IRWIN AVENUE.

06-0446R - RESOLUTION AUTHORIZING A COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT WITH MA & POPS 4TH STREET MARKET, INC., PURSUANT TO WHICH THE CITY AGREES TO PURCHASE A CERTIFICATE OF DEPOSIT IN AN AMOUNT NOT TO EXCEED \$80,000 AND FURTHER AUTHORIZING A THIRD PARTY PLEDGE AGREEMENT WITH MEMBERS COOPERATIVE CREDIT UNION.

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

06-0436R - RESOLUTION AUTHORIZING A TRANSFER OF \$9,000 FROM THE GENERAL FUND TO THE SPECIAL PROJECTS FUND RELATING TO THE PUBLIC ACCESS EQUIPMENT AND REPLACEMENT.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0334R - RESOLUTION AWARDED A CONTRACT TO NELS NELSON & SONS, INC., FOR CONSTRUCTION OF A WATERMAIN IN LAWN STREET FROM PORTAL AVENUE TO APPROXIMATELY 383 FEET EAST OF CENTERLINE OF PORTAL AVENUE IN THE AMOUNT OF \$47,858.15.

06-0423R - RESOLUTION AWARDED CONTRACT TO DULUTH READY MIX, INC., FOR APPROXIMATELY 15,250 TONS OF WASHED SAND AS NEEDED DURING YEAR 2006 IN THE ESTIMATED AMOUNT OF \$127,948.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0424R - RESOLUTION AWARDDING CONTRACT TO DULUTH READY MIX, INC., FOR 14,500 TONS OF CLASS 5 GRAVEL, CRUSHED ROCK AS NEEDED DURING YEAR 2006 AT THE ESTIMATED AMOUNT OF \$110,200.

06-0425R - RESOLUTION ORDERING THE CONSTRUCTION OF APPROXIMATELY 160 FEET OF SANITARY SEWER IN EAST SKYLINE PARKWAY ALLEY BEGINNING 360 FEET SOUTH OF CHESTER PARKWAY AND CONTINUING SOUTHERLY, PURSUANT TO SECTION 61(A) OF THE HOME RULE CHARTER OF THE CITY OF DULUTH AT AN ESTIMATED COST OF \$37,500.

06-0426R - RESOLUTION AWARDDING A CONTRACT TO MSA PROFESSIONAL SERVICES, INC., FOR PROFESSIONAL SERVICES TO DEVELOP SAFETY RELATED PROCEDURES FOR FALL PROTECTION OPTIONS AND PROCEDURES FOR THE USE OF FALL PROTECT EQUIPMENT AT WASTEWATER LIFT STATIONS IN THE ESTIMATED AMOUNT OF \$17,657.

06-0430R - RESOLUTION AWARDDING A CONTRACT TO LETOURNEAU AND SONS, INC., FOR THE CONSTRUCTION OF THE CARLTON STREET RECONDITIONING PROJECT IN THE AMOUNT OF \$253,087.10.

06-0434R - RESOLUTION DEDICATING AN EASEMENT FOR RIGHT-OF-WAY PURPOSES FOR WEST TENTH STREET BETWEEN 24TH AND 26TH AVENUES WEST.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-0402R - RESOLUTION AWARDDING CONTRACT TO E/S SUPPORT SERVICES FOR COMPUTER HARDWARE AND SOFTWARE MAINTENANCE AS NEEDED DURING THE YEAR 2006 AT AN ESTIMATED AMOUNT OF \$16,000.

06-0431R - RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. JAMES HOUSE D/B/A WOODLAND HILLS TO PROVIDE A YOUTH DIVERSION PROGRAM FOR A TOTAL COST OF \$50,000.

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0152R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ACCEPT A GRANT FROM ST. LOUIS COUNTY, OUTDOOR RECREATION PROJECT FUND, FOR IMPROVEMENTS AT THE 12TH STREET PARK AND GARDEN BENCH IN THE AMOUNT OF \$10,000 AND TO EXECUTE THE GRANT AGREEMENT.

06-0415R - RESOLUTION AUTHORIZING THE CITY TO APPLY FOR AND ACCEPT A SNOWMOBILE TRAILS ASSISTANCE PROGRAM GRANT FOR FY2007 FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN THE AMOUNT OF \$24,000 AND TO AUTHORIZE THE PROPER CITY OFFICIALS TO EXECUTE THE GRANT AGREEMENT.

06-0416R - RESOLUTION AUTHORIZING MAINTENANCE AGREEMENT FOR THE LIBRARY'S SECURITY AND SELF-CHECK SYSTEMS TO 3M LIBRARY SYSTEMS IN THE AMOUNT OF \$10,712.

06-0417R - RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO AGREEMENT NO. 19987 WITH THE DRIFT TOPPERS SNOWMOBILE CLUB TO INCREASE THE AMOUNT PAYABLE THEREUNDER BY \$2,000.

COMMITTEE 3

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0418R - RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO AGREEMENT NO. 19988 WITH THE OVER THE HILL NIGHT RIDERS SNOWMOBILE CLUB TO INCREASE THE AMOUNT PAYABLE THEREUNDER BY \$2,000.

06-0428R - RESOLUTION ACCEPTING A GRANT FROM THE NORTHLAND FOUNDATION IN THE AMOUNT OF \$165 AND AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE THE GRANT AGREEMENT.

06-0453R -RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DULUTH ECONOMIC DEVELOPMENT AUTHORITY, LAKE SUPERIOR CENTER AUTHORITY AND SECRET SERVICE ENTERTAINMENT LLC PROVIDING FOR THE PRODUCTION, PROMOTION AND MANAGEMENT OF TWO SPECIAL EVENTS AT BAYFRONT FESTIVAL PARK AT A COST OF \$25,000. **(REPLACEMENT)**

END OF CONSENT AGENDA

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

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0419R - RESOLUTION DENYING A REZONING PETITION TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-A, SINGLE FAMILY RESIDENTIAL, TO R-1-B, SINGLE FAMILY RESIDENTIAL, PROPERTY LOCATED AT 4100 LONDON ROAD (BELL).

06-0420R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO ST. LOUIS COUNTY FOR A PUBLIC SAFETY BUILDING AND COMMUNICATIONS TOWER ON PROPERTY LOCATED AT 2501 RICE LAKE ROAD.

06-0427R - RESOLUTION ACCEPTING REIMBURSEMENT OF \$4,000 FROM THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY PERTAINING TO THE HIRING OF AN ADDITIONAL PARKING METER MONITOR.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0414R - RESOLUTION ORDERING THE TEMPORARY CLOSURE OF THE NORTHBOUND LANE OF LAKEVIEW DRIVE AT SNIVELY ROAD FOR A SIX MONTH PERIOD.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-0265R - RESOLUTION ESTABLISHING PARKING METER ZONES ON SECOND STREET AND RATES AND TIME LIMITS THEREFORE. **(REPLACEMENT)**

06-0266R - RESOLUTION TO ESTABLISH NO PARKING 2:00 A.M. TO 6:00 A.M. ON NORTH SIDE OF SECOND STREET FROM FOURTH AVENUE WEST TO FOURTH AVENUE EAST.

COMMITTEE 3

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0445R - RESOLUTION ACCEPTING GIFT TO THE LIBRARY AND EXPRESSING GRATITUDE TO DULUTH LIBRARY FOUNDATION.

06-0450R - RESOLUTION REQUESTING THE DULUTH CITY CHARTER COMMISSION REVIEW AND MAKE A RECOMMENDATION CHANGING THE CHARTER TO INCLUDE THE CITY COUNCIL ON ANY REMOVAL DECISION OF THE CITY ATTORNEY.

NEW 06-0464R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A TERMINATION AGREEMENT WITH DULUTH ECONOMIC DEVELOPMENT AUTHORITY, LAKE SUPERIOR CENTER AUTHORITY AND LOU CAMPBELL, D/B/A LOU CAMPBELL PRODUCTIONS.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 1

BY COUNCILOR STEWART (FINANCE)

06-017-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF \$1,725,000 GENERAL OBLIGATION STORMWATER UTILITY REVENUE BONDS OF THE CITY OF DULUTH FOR THE IMPROVEMENT OF THE MUNICIPAL STORMWATER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-018-O - AN ORDINANCE PERTAINING TO INSPECTION AND REMOVAL OF VACANT BUILDINGS; AMENDING CHAPTER 10 OF THE DULUTH CITY CODE, 1959, AS AMENDED, AND CREATING A FEE.

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

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-015-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 41 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-A, SINGLE FAMILY RESIDENTIAL, TO R-1-B, SINGLE FAMILY RESIDENTIAL, PROPERTY LOCATED AT 4100 LONDON ROAD (BELL).

06-016-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 47 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM S-2, SUBURBAN RESIDENTIAL TO R-1-A, SINGLE FAMILY RESIDENTIAL, PROPERTY LOCATED AT 7717 CONGDON BOULEVARD (GILBERTSON).

COMMITTEE 2

BY PRESIDENT REINERT

(COMMITTEE OF THE WHOLE)

06-014-O - AN ORDINANCE AMENDING CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED; AMENDING SECTION 2-112 TO INCREASE THE MEMBERSHIP OF THE SISTER CITY COMMISSION TO 15 MEMBERS; AMENDING SECTION 2-113 TO PROVIDE FOR THE TERMS OF THE NEW MEMBERS.

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COUNCILOR QUESTIONS AND COMMENTS

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