

Monday, June 26, 2006, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - May 8, 11 and 22, 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

* 06-0626-01 Mark and Kim Gilbertson communication regarding reclassification of property at 7717 Congdon Boulevard (06-0408R and 06-016-O). -- Received

REPORTS FROM THE ADMINISTRATION

● Retiree healthcare benefits

* 06-0626-02 Mayor Bergson veto of Resolution 06-0450 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. -- Received

REPORTS FROM OTHER OFFICERS

* 06-0626-03 Assessor letters of sufficiency of petitions to vacate:
Park;
(a) A 16 foot wide utility easement running through Lots 9, 10, 13, 14 and 15, Clearview
(b) Portion of Lemon Street adjacent to Lots 1-8, Block 2, Jackson Division of Duluth. --
Received

* 06-0626-04 Purchasing agent emergency order awarded to Stout Mechanical, Inc., for replacement of steam vault roof at First Avenue East and First Street. -- Received

REPORTS OF BOARDS AND COMMISSIONS

* 06-0626-05 American Indian commission minutes of May 15, 2006, meeting. -- Received

* 06-0626-06 Commission on disabilities minutes of May 3, 2006, meeting. -- Received

* 06-0626-07 Duluth/North Shore Sanitary District board minutes of May 10, 2006, meeting. -- Received

* 06-0626-08 Environmental advisory council minutes of: (a) September 7; (b) October 5; (c) November 2; (d) December 7, 2005; (e) January 4; (f) February 1; (g) March 1; (h) April 5, 2006, meetings. -- Received

* 06-0626-09 Heritage preservation commission minutes of: (a) January 25; (b) February 28; (c) March 28; (d) April 25, 2006, meetings. -- Received

* 06-0626-10 Planning commission minutes of: (a) April 26, (b) May 9, 2006, meetings. -- Received

* Listed only, not copied.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

- Comprehensive plan
- Planned unit development

OPPORTUNITY FOR CITIZENS TO BE HEARD

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)

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)

06-0440R - RESOLUTION APPROVING THE ISSUANCE OF LAWFUL GAMBLING PREMISE PERMITS TO NATIONAL MULTIPLE SCLEROSIS SOCIETY AND DULUTH AMATEUR YOUTH BASKETBALL ASSOCIATION.

06-0454R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO DULUTH POLICE SOFTBALL TEAM, WHEELER FIELD.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0455R - RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO RIDGEVIEW COUNTRY CLUB, 700 WEST REDWING STREET, AND NORTHLAND VIETNAM VETERANS ASSOCIATION, BAYFRONT PARK.

06-0456R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSES OF LYRIC BLOCK DEVELOPMENT CORPORATION (SNEAKERS/PORTERS/GREENERY), 200 WEST FIRST STREET.

06-0458R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF SCANLON RIVER INN, INC. (PIONEER BAR), 323 WEST FIRST STREET.

BY COUNCILOR JOHNSON (PERSONNEL)

06-0447R - RESOLUTION ABOLISHING SEVEN OBSOLETE AND INACTIVE JOB CLASSIFICATIONS.

06-0459R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF MICHAEL ORMAN AND THE APPOINTMENTS OF CONRAD E. FIRLING AND ROBERT C. PEARSON, REPLACING TODD FEDORA AND DENNIS RAMBERG, TO THE DULUTH AIRPORT AUTHORITY.

06-0460R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF ROBERT BEAUDIN AND MARK EMMEL, AND THE APPOINTMENT OF JOHN B. ARNOLD III, REPLACING STEPHEN BIANCHI, TO THE DULUTH STATE CONVENTION CENTER ADMINISTRATIVE BOARD.

06-0461R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF MELANIE HENDRICKSON, WALTER KRAMER AND LEWIS MARTIN TO THE DULUTH TRANSIT AUTHORITY.

06-0462R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF JOHN SIMPSON TO THE PARKING COMMISSION.

06-0463R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF KEN BUEHLER, NANCY NELSON AND PAULINE OLSEN, AND THE APPOINTMENTS OF WILLARD M. MUNGER, JR., AND LISA E. AUGUSTINE, REPLACING ERIC KAISER AND JOHN GOLDFINE, TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

06-0465R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF UTILITY ACCOUNTS RECEIVABLE SPECIALIST AND SPECIFYING CONTRACT BENEFITS FOR SAME.

06-0488R - RESOLUTION CONFIRMING THE APPOINTMENTS OF ERI FUJIEDA AND MICHELLE WIKLUND, REPLACING EILEEN ZEITZ HUDELSON AND JAMES F. YEAGER, TO THE SISTER CITY COMMISSION.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0467R - RESOLUTION VACATING A 20 FOOT WIDE UTILITY EASEMENT ON PROPERTY LOCATED AT 4242-1/2 MINNESOTA AVENUE (KOMSRKA).

06-0471R - RESOLUTION VACATING THE ALLEY BETWEEN 69TH AND 71ST AVENUES WEST BETWEEN CLAY AND EARL STREETS (RIVER OF LIFE CHURCH/NAPOLI).

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0476R - RESOLUTION VACATING A PORTION OF AN ALLEY IN SUNNYSIDE GARDENS DIVISION AND CERTAIN STREETS IN AUDITORS PLAT #24 (STOCKE).

06-0477R - RESOLUTION REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF ST. LOUIS COUNTY TO WITHHOLD FROM SALE CERTAIN TAX FORFEITED PARCELS (ANNUAL LIST - LANDS TAX FORFEITED IN 2005).

06-0483R - RESOLUTION AWARDED CONTRACT TO VIELE CONTRACTING, INC., FOR THE CONSTRUCTION YEAR 2006 ACCESSIBILITY PROJECT-CURB RAMPS IN THE AMOUNT OF \$84,700.

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

06-0469R - RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH JOHNSON CONTROLS, INC., IN AN AMOUNT NOT TO EXCEED \$169,716.

06-0486R - RESOLUTION AUTHORIZING A SPONSORSHIP AGREEMENT WITH KERNZ AND COMPANY, INC., AND DULUTH AIR AND AVIATION EXPO PURSUANT TO WHICH THE CITY AGREES TO PROVIDE IN-KIND SERVICES ALL RELATED TO THE DULUTH AIRSHOW.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0351R - RESOLUTION APPROVING RATES AND CHARGES APPLICABLE TO STEAM DISTRICT NO. 1.

06-0442R - RESOLUTION RESCINDING AWARD OF A CONTRACT TO 3B'S SEWER AND DRAIN SERVICES FOR THE 2006 CURED-IN-PLACE PIPE (CIPP) REHABILITATION OF SANITARY SEWER LATERALS IN BASIN NO. 1 IN THE AMOUNT OF \$798,169.90.

06-0443R - RESOLUTION AWARDED A CONTRACT TO PERFORMANCE PIPELINING, INC., FOR THE 2006 CURED-IN-PLACE PIPE (CIPP) REHABILITATION OF SANITARY SEWER LATERALS IN BASIN #1 IN THE AMOUNT OF \$924,450. **(REPLACEMENT)**

06-0448R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A JOINT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION, ST. LOUIS COUNTY, HERMANTOWN AND THE CITY OF DULUTH, FOR DESIGN AND CONSTRUCTION ENGINEERING EXPENSES, ENVIRONMENTAL DOCUMENTATION PREPARATION AND THE PARTICIPATING CONSTRUCTION COST SHARE FOR THE RECONSTRUCTION OF AIRPORT ROAD AT AN ESTIMATED COST TO THE CITY OF \$237,800.

06-0449R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A JOINT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION, ST. LOUIS COUNTY AND THE CITY OF DULUTH, FOR PROPERTY ACQUISITION 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 NOT TO EXCEED \$1,500,000.

06-0451R - RESOLUTION AUTHORIZING THE ACQUISITION OF A PARCEL OF TAX FORFEIT PROPERTY LOCATED IN REARRANGEMENT OF EAST DULUTH AND FIRST ADDITION OF EAST DULUTH, FOR A PUBLIC USE, FROM THE STATE OF MINNESOTA THROUGH ST. LOUIS COUNTY AS A FREE CONVEYANCE.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0452R - RESOLUTION AUTHORIZING EASEMENT AGREEMENT WITH NORTHWEST PUBLICATIONS, INC., FOR EQUIPMENT RELATED TO STEAM DISTRICT NO. 1 CHILLED WATER FACILITIES AT 408 WEST FIRST STREET.

06-0457R - RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH CLEARWIRE, LLC, FOR INSTALLATION OF WIRELESS COMMUNICATIONS EQUIPMENT AT THE ORPHANAGE WATER TOWER.

06-0466R - RESOLUTION AUTHORIZING AMENDMENT TO RESOLUTION NO. 06-0204 INCREASING THE AMOUNT PAYABLE TO THE SOO LINE RAILROAD COMPANY FOR THE PURCHASE OF PROPERTY FOR HELBERG DRIVE TO THE AMOUNT \$83,809.60.

06-0472R - RESOLUTION AWARDING ALLIANCE STEEL CONSTRUCTION, INC., FOR THE CONSTRUCTION OF 2006 STORM SEWER EXTENSIONS IN VARIOUS AREAS IN THE AMOUNT OF \$125,273.

06-0478R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH SHORT ELLIOT HENDRICKSON FOR THE YEAR 2007 MUNICIPAL STATE AID TURNBACK PROJECT LOCATED ON MICHIGAN STREET BETWEEN CARLTON STREET AND 21ST AVENUE WEST, 14TH AVENUE EAST BETWEEN LONDON ROAD AND THIRD STREET, AND 27TH AVENUE WEST BETWEEN MICHIGAN STREET AND THIRD STREET AT AN ESTIMATED AMOUNT OF \$37,208.

06-0479R - RESOLUTION AWARDING A CONTRACT TO NORTHLAND CONSTRUCTORS, INC., FOR THE NORTON PARK WEST 2006 STREET IMPROVEMENT PROJECT SITE IN THE AMOUNT OF \$418,185.72.

06-0481R - RESOLUTION AUTHORIZING REIMBURSEMENT TO THE DAA FOR EXCAVATION WORK RELATED TO INSTALLATION OF A GAS MAIN AT THE AIRPORT IN THE AMOUNT OF \$23,835.

06-0482R - RESOLUTION AUTHORIZING THIRD AMENDMENT TO CITY CONTRACT NO. 19227 RELATED TO THE DULUTH STREAMS PROJECT WITH THE U OF M NRRI, EXTENDING THE TERM AND INCREASING THE AMOUNT PAYABLE BY \$20,000.

06-0484R - RESOLUTION ORDERING THE CONSTRUCTION OF APPROXIMATELY 100 FEET OF SANITARY SEWER IN GRAND AVENUE BEGINNING AT 45TH AVENUE WEST AND CONTINUING SOUTHERLY, PURSUANT TO SECTION 61(a) OF THE HOME RULE CHARTER OF THE CITY OF DULUTH, AT AN ESTIMATED COST OF \$11,000.

06-0490R - RESOLUTION AWARDING A CONTRACT TO LETOURNEAU & SONS, INC., FOR THE REPAIRS TO THE WEST FOURTH STREET STORM TUNNEL BETWEEN TENTH AND 11TH AVENUES WEST IN THE AMOUNT OF \$161,286.

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0475R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND BAYFRONT REGGAE FESTIVAL, LLC, AUTHORIZING A PERMIT FOR THE PRODUCTION OF A REGGAE FESTIVAL AT BAYFRONT FESTIVAL PARK.

06-0489R - RESOLUTION AMENDING RESOLUTION NO. 05-0088 FURTHER EXTENDING THE TIME PROVIDED FOR THEREIN.

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)

06-0468R - RESOLUTION DENYING A REZONING PETITION TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-b, ONE FAMILY RESIDENTIAL, TO C-1, COMMERCIAL DISTRICT, PROPERTY LOCATED ON REDWING STREET (MYZEL). (REPLACEMENT)

06-0491R - RESOLUTION ADOPTING THE COMPREHENSIVE PLAN FOR THE CITY OF DULUTH.

COMMITTEE 3

BY COUNCILORS STOVER, GILBERT, JOHNSON AND PRESIDENT REINERT

06-0485R - RESOLUTION SUPPORTING EFFORTS TO RESTORE AND PROTECT THE GREAT LAKES.

BY COUNCILORS STAUBER, STEWART AND STOVER

06-0495R - RESOLUTION AMENDING RESOLUTION NO. 05-0306 DESIGNATING AREAS FOR THE 2006 CITY DEER HUNT.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

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). (TABLED 6/12)

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

COMMITTEE 1

BY COUNCILOR STEWART (FINANCE)

06-022-O - AN ORDINANCE REGULATING ADULT ENTERTAINMENT ESTABLISHMENTS; AMENDING CHAPTER 5, ARTICLE IV, OF THE DULUTH CITY CODE, 1959, AS AMENDED.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-019-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 40 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-b, ONE FAMILY RESIDENTIAL, TO C-1, COMMERCIAL DISTRICT, PROPERTY LOCATED ON REDWING STREET (MYZEL). (REPLACEMENT)

06-020-O - AN ORDINANCE AMENDING ORDINANCE NO. 9001 TO PROVIDE FOR A NEW PUBLIC DOCUMENT (DULUTH LODGE, LLC).

06-021-O - AN ORDINANCE AUTHORIZING LAND EXCHANGE AGREEMENT WITH ODYSSEY DEVELOPMENT, INC., FOR CERTAIN NORTH SHORE PROPERTY.

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

COUNCILOR QUESTIONS AND COMMENTS
