

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, July 10, 2006, 7:00 p.m.

ROLL CALL PLEDGE OF ALLEGIANCE

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

- * 06-0710-01 Minnesota state auditor submitting audit reports for Duluth airport authority for the year ended December 31, 2005. -- Received
- * 06-0710-02 Charter Communications acceptance of terms, conditions and provisions of Ordinance 9775, approved on May 8, 2006, granting a franchise. -- Received
- * 06-0710-03 The following communications regarding reclassification of property at 7717 Congdon Boulevard (06-0408R and 06-016-O): (a) Mark and Kim Gilbertson; (b) Carol Kivi; (c) William and Bonita Tasky. -- Received

REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

REPORTS FROM OTHER OFFICERS

- * 06-0710-04 Assessor for confirmation, the assessment roll to be levied to defray in full the expense of solid waste collection during the period March 1, 2005, to June 1, 2006, for which the collector has not been reimbursed. -- Received
- * 06-0710-05 Auditor comprehensive annual financial report for the city of Duluth for the fiscal year ended December 31, 2005. -- Received
- * 06-0710-06 Clerk application to the Minnesota gambling control board for exemption from lawful gambling license from Memorial Blood Centers on September 28, 2006 (raffle). -- Received

REPORTS OF BOARDS AND COMMISSIONS

- * 06-0710-07 Duluth transit authority:
 - (a) March 2006 income statement;
 - (b) Minutes of April 26, 2006, meeting. -- Received
- * 06-0710-08 Board of zoning appeals minutes of: (a) April 25; (b) May 23, 2006, meetings. -- Received
- * 06-0710-09 Library board minutes of May 23, 2006, meeting. -- Received
- * 06-0710-10 Parks and recreation commission minutes of May 10, 2006, meeting. -- Received
- * 06-0710-11 Tree commission minutes of May 15, 2006, minutes. -- Received

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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)

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) (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 STEWART (FINANCE)

06-0500R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF \$895,000 GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2006A, \$1,705,000 GENERAL OBLIGATION STORMWATER UTILITY REVENUE BONDS, SERIES 2006B, \$3,355,000 GENERAL OBLIGATION STREET IMPROVEMENT BONDS, SERIES 2006C, AND \$1,985,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2006D.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0496R - RESOLUTION AWARDED CONTRACT TO A. J. SPANJERS COMPANY, INC., FOR THE PHASE III CITY HALL EXTERIOR RESTORATION PROJECT, IN THE AMOUNT OF \$186,715.

06-0509R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HOSPITALITY ASSOCIATES OF DULUTH, LLC, (ACES ON FIRST), 113 WEST FIRST STREET.

06-0510R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO BEERHUNTERS SOFTBALL TEAM, COPASETIC SOFTBALL TEAM, AND WOODLAND FASTPITCH ASSOCIATION (JIMMY HERALD MEMORIAL TOURNAMENT).

06-0511R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO DULUTH CURLING CLUB AND WELCH CENTER.

06-0512R - RESOLUTION AWARDED CONTRACT TO GROEBNER AND ASSOCIATES, INC., FOR GAS METERS, IN THE AMOUNT OF \$46,077.23.

BY COUNCILOR JOHNSON (PERSONNEL)

06-0487R - RESOLUTION CONFIRMING THE APPOINTMENTS OF DONALD DASS, TONY DIERCKINS, MARYANNE NORTON, AND CAROLYN SUNDQUIST, REPLACING ELLIOT BAYLY, DIANE KETTELHUT, HUGH REITAN, AND GORDON FON, TO THE HERITAGE PRESERVATION COMMISSION.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0504R - RESOLUTION VACATING A UTILITY EASEMENT ON PROPERTY LOCATED ALONG THE SOUTH SIDE OF CENTRAL ENTRANCE EAST OF BLACKMAN AVENUE. (USANDE LLC)

06-0507R - A RESOLUTION VACATING A PORTION OF LEMON STREET, WEST OF SOUTH ARLINGTON AVENUE (KANGAS).

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

06-0506R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH NOAH A. DENNIS, INDEPENDENT LICENSED TEACHER, TO PROVIDE BASIC EDUCATION SERVICES AT THE DULUTH WORKFORCE CENTER AT A COST OF \$20,800.

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

06-0498R - RESOLUTION AMENDING RESOLUTION NO. 01-0601 MODIFYING THE MEMBERSHIP OF THE CITY SPECIAL BOARD OF REVIEW.

06-0505R - RESOLUTION AUTHORIZING EXECUTION OF A MAJOR SPONSORSHIP AND BAYFRONT FESTIVAL PARK PERMIT AGREEMENT WITH DULUTH PUBLIC ARTS FUND, INC., FOR THE 2006 FESTIVAL OF CULTURES AT A COST NOT TO EXCEED \$10,000, PLUS IN-KIND SERVICES.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0492R - RESOLUTION AWARDDING CONTRACT TO DUNCAN PARKING TECHNOLOGIES FOR PARKING METERS AND PARTS IN THE AMOUNT OF \$49,080.

06-0493R - RESOLUTION AWARDDING CONTRACT TO YZ SYSTEMS, INC., FOR NATURAL GAS ODORIZER IN THE AMOUNT OF \$23,180.

06-0494R - 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 \$109,953, FOR A NEW TOTAL OF \$345,573.

06-0497R - RESOLUTION AWARDDING A CONTRACT TO LETOURNEAU & SONS, INC., FOR THE RECONDITIONING OF MICHIGAN STREET FROM 13TH AVENUE WEST TO 11TH AVENUE WEST IN THE AMOUNT OF \$229,266.25.

06-0503R - RESOLUTION AWARDDING A CONTRACT TO STOUT MECHANICAL, INC. FOR SKYLINE PARKWAY ALLEY SANITARY SEWER EXTENSION AT 15th AVENUE EAST, CITY JOB NO. 0577SN, IN THE AMOUNT OF \$32,942.

06-0513R - RESOLUTION AWARDDING A CONTRACT TO NELS NELSON AND SONS, INC., BASED ON ITS LOW BID OF \$41,895 FOR THE REPLACEMENT OF THE RETURN DRIVEWAY AT FIRE STATION #4 (UMD STATION).

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-0521R - RESOLUTION AUTHORIZING PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES ON SUPERIOR STREET AND FIRST STREET IN CONJUNCTION WITH GREATER DOWNTOWN COUNCIL COMMUNITY EVENTS.

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0508R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND GREEN MAN FESTIVAL, INC. AUTHORIZING A PERMIT FOR THE PRODUCTION OF A MUSIC FESTIVAL AT BAYFRONT FESTIVAL PARK.

06-0514R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICERS TO EXECUTE AN AMENDMENT TO AGREEMENT NO. 20025 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES REMEDIATION FUND GRANT PROGRAM FOR LAND ACQUISITION OF BURLINGTON NORTHERN RAILROAD PROPERTY ON GRASSY POINT.

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)

06-0517R - RESOLUTION AUTHORIZING AGREEMENT WITH HANFT FRIDE FOR LEGAL SERVICES RELATED TO PARKING RAMP AGREEMENT WITH SMDC, NOT TO EXCEED \$8,500. **(REPLACEMENT)**

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0338R - RESOLUTION DENYING THE VACATION OF VICTORIA PLACE (AKA 28TH AVENUE EAST) BETWEEN EAST EIGHTH STREET AND ELIZABETH STREET, LOCATED BETWEEN 2727 AND 2801 EAST EIGHTH STREET (JOHNSON, REICHHOFF, SJOGREN).

06-0339R - RESOLUTION VACATING VICTORIA PLACE (AKA 28TH AVENUE EAST) BETWEEN EAST EIGHTH STREET AND ELIZABETH STREET, LOCATED BETWEEN 2727 AND 2801 EAST EIGHTH STREET (JOHNSON, REICHHOFF, SJOGREN).

06-0501R - RESOLUTION GRANTING A WATER RESOURCE MANAGEMENT ORDINANCE VARIANCE FOR PROPERTY LOCATED AT 3302 GREYSOLON ROAD, PLANNING FILE NO. 06025 (DEARMOND/CROWELL).

06-0502R - RESOLUTION DENYING A WATER RESOURCE MANAGEMENT ORDINANCE VARIANCE FOR PROPERTY LOCATED AT 3302 GREYSOLON ROAD, PLANNING FILE NO. 06025 (DEARMOND/CROWELL).

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

06-0518R - RESOLUTION AUTHORIZING EMPLOYMENT CONTRACT WITH THE CHIEF ADMINISTRATIVE OFFICER. **(AGREEMENT REPLACED)**

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

COMMITTEE 1

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. **(TABLED 6/26)**

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 ordinance is to be read for the first time:

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-023-O - AN ORDINANCE AUTHORIZING CONVEYANCE OF PROPERTY TO TRINITY DEVELOPMENT GROUP FOR \$12,358.49.

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

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).

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.

COUNCILOR QUESTIONS AND COMMENTS
