

## AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, August 14, 2006, 7:00 p.m.

### ROLL CALL PLEDGE OF ALLEGIANCE

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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

- \* 06-0814-01 City of Duluth petition to reclassify from R-3 to R-2 property described as Lots 7-9, Block 55, and Lots 10-12, Block 79, Duluth Proper Third Division. -- Assessor
- \* 06-0814-02 Joseph and Rose Kleiman petition to reclassify from M-1 to C-1 property described as Lot 14 and the southerly 58 feet of lots 15 and 16, Block 23, Endion Division of Duluth. -- Assessor
- \* 06-0814-03 Pizza Lucé and A&L Properties application for renewal of concurrent use permit for obstruction of sidewalk for Pizza Luce' III, Inc., 11 East Superior Street. -- Planning commission
- \* 06-0814-04 Sixth Judicial District Chief Judge David P. Sullivan order reappointing Steven Filipovich, Jeffery Davin Anderson and Cynthia Albright; and appointing Robert F. Eaton, George Hanson, Ronald Dean Hanson and Eli J. Miletich for four year terms effective June 1, 2006. -- Received
- \* 06-0814-05 The following proposed 2007 tax levy requests: (a) Arrowhead Regional Development Commission (budget also); (b) Duluth Seaway Port Authority. -- Received

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### REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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### REPORTS FROM OTHER OFFICERS

- \* 06-0814-06 Assessor affidavit of mailing of notice of hearing by the special assessment board on Tuesday, August 8, 2006, at 3:30 p.m. in Room 106A, City Hall, regarding reassessment of canceled assessments. -- Clerk
- \* 06-0814-07 Clerk application to the Minnesota gambling control board for exemption from lawful gambling from Rotary Club of Duluth Harbortown, Minnesota, USA, on November 17, 2006 (raffle). -- Received
- \* 06-0814-08 Parks and recreation department director Lake Superior zoological society: (a) Director, education and executive reports for July 2006; (b) Minutes of May 17, 2006, meeting. -- Received

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**REPORTS OF BOARDS AND COMMISSIONS**

- \* 06-0814-09 Board of zoning appeals minutes of June 27, 2006, meeting. -- Received
- \* 06-0814-10 Duluth airport authority minutes of June 20, 2006, meeting. -- Received
- \* 06-0814-11 Duluth state convention center administrative board minutes of: (a) April 4; (b) April 25; (c) May 30; (d) June 27, 2006, meetings. -- Received
- \* 06-0814-12 Parks and recreation commission minutes of June 14, 2006, meeting. -- Received
- \* 06-0814-13 Planning commission minutes of July 11, 2006, meeting. -- Received
- \* 06-0814-14 Spirit Mountain recreation area authority minutes of June 7, 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 2**

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

06-0532R - RESOLUTION DENYING A REZONING PETITION TO PROVIDE FOR THE RECLASSIFICATION FROM R-3, APARTMENT RESIDENTIAL, TO C-1, COMMERCIAL DISTRICT, PROPERTY LOCATED AT 1225 EAST FIRST STREET (LAKE SUPERIOR DENTAL ASSOCIATES).

(TABLED 7/24 FOR CONSIDERATION WITH ORDINANCE 06-024-O)

06-0541R - RESOLUTION TRANSFERRING FUNDS IN THE AMOUNT OF \$40,000 IN THE 2005 HUD HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM AND APPROVING A FIRST AMENDMENT TO THE TENANT-BASED RENTAL ASSISTANCE PROGRAM CONTRACT.

(TABLED 7/24)

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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)**

06-0554R - RESOLUTION AWARDED CONSTRUCTION CONTRACT TO ERLING R. HANSEN GENERAL CONTRACTORS, INC., FOR THE CONSTRUCTION OF ADA COMPLIANT RESTROOMS AT CENTRAL HILLSIDE COMMUNITY CENTER ON ITS LOW BID OF \$108,600.

06-0559R - RESOLUTION AUTHORIZING AMENDMENT TO CONTRACT #20143 WITH EPC ENGINEERING AND TESTING, INC., FOR PROVIDING CERTAIN ADDITIONAL PROFESSIONAL SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH THE CITY CENTER WEST POLICE STATION ADDITION IN AN AMOUNT NOT TO EXCEED \$3,726. **(REPLACEMENT)**

06-0567R - 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.

06-0568R - RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE ON SALE INTOXICATING LIQUOR LICENSE OF CW CHIPS BAR/GRILL, INC. (TWIN'S BAR), 501 EAST FOURTH STREET.

06-0569R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO DULUTH SOFTBALL PLAYERS ASSOCIATION AND WALTMAN-TESSIER MEMORIAL SOFTBALL TOURNAMENT.

06-0570R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE AND 2:00 A.M. BEVERAGE LICENSE FROM RAY'S B&G, INC. (NORTH POLE BAR & RAY'S GRILL), 5606-5610 RALEIGH STREET, TO NORTH POLE BAR AND GRILL, LLC (NORTH POLE BAR AND RAY'S GRILL), SAME ADDRESS.

06-0571R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HISTORIC UNION DEPOT (SLC HERITAGE AND ARTS CENTER), 506 WEST MICHIGAN STREET.

06-0573R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH-SUPERIOR GLBT PRIDE, INC. (DULUTH-SUPERIOR GLBT PRIDE FESTIVAL), BAYFRONT PARK.

06-0574R - RESOLUTION APPROVING THE ISSUANCE OF AN ON SALE WINE LICENSE AND ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO TORKE, INC. (TORKE), 37 EAST SUPERIOR STREET.

06-0575R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO DULUTH CURLING CLUB AND CLIMB THEATRE.

06-0576R - RESOLUTION ISSUING AN OFF SALE 3.2 PERCENT MALT LIQUOR LICENSE TO MINER'S, INC. (JUBILEE FOODS), 5928 EAST SUPERIOR STREET, 15 SOUTH 13TH AVENUE EAST AND 1316 WEST ARROWHEAD ROAD.

**COMMITTEE 1**

**BY COUNCILOR JOHNSON (PERSONNEL)**

06-0553R - RESOLUTION CONFIRMING THE APPOINTMENT OF CHARLES H. ANDRESEN TO THE SPECIAL BOARD OF REVIEW, REPLACING NEAL HESSEN.

**COMMITTEE 2**

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

06-0577R - RESOLUTION APPROVING AN AMENDMENT TO AIRPARK JOBZ SUBZONE NUMBER 97.

06-0586R - RESOLUTION AUTHORIZING DULUTH HERITAGE SPORTS CENTER/CLYDE REDEVELOPMENT GRANT.

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

06-0580R - RESOLUTION DESIGNATING POLLING PLACES FOR THE SEPTEMBER 12, 2006, STATE PRIMARY ELECTION AND THE NOVEMBER 7, 2006, STATE GENERAL ELECTION.

06-0581R - RESOLUTION APPOINTING ELECTION JUDGES FOR THE SEPTEMBER 12, 2006, STATE PRIMARY ELECTION AND THE NOVEMBER 7, 2006, STATE GENERAL ELECTION.

**COMMITTEE 3**

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

06-0555R - RESOLUTION AMENDING RESOLUTION 03-0416 AWARDED A CONTRACT TO LHB ENGINEERS AND ARCHITECTS FOR PROFESSIONAL ENGINEERING SERVICES FOR REHABILITATION OF BRIDGE NO. L8477 OVER MILLER CREEK AT WEST TENTH STREET, TO INCREASE THE AMOUNT BY \$102,293 FOR A NEW TOTAL OF \$195,825.

06-0556R - RESOLUTION AWARDED A THREE YEAR CONTRACT TO CARLSON MEDIA, INC., FOR DEVELOPMENT AND PROMOTION OF PUBLIC AWARENESS ABOUT PRODUCT SAFETY AND UTILITY SERVICES NOT TO EXCEED \$84,900 IN 2006, \$85,000 FOR 2007 AND \$85,000 FOR 2008.

06-0562R - RESOLUTION AWARDED CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR REHABILITATION OF BRIDGE NO. L8477 AND APPROACHES LOCATED ON TENTH STREET (MSAS 203) FROM 500 FEET EAST OF THE INTERSECTION WITH 26TH AVENUE WEST TO THE INTERSECTION WITH 24TH AVENUE WEST IN THE AMOUNT OF \$1,495,792.90.

06-0563R - RESOLUTION AWARDED CONTRACT TO KGM CONTRACTORS, INC., FOR THE CONSTRUCTION OF THE AIRPORT ROAD PARKING LOT IN THE AMOUNT OF \$862,824.

06-0588R - RESOLUTION AUTHORIZING PURCHASE OF 0.36 ACRES OF WETLANDS CREDITS FOR AIRPORT ROAD PARKING LOT FROM THE TERRY ANDERSON WETLAND BANK FOR \$18,720.

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

06-0572R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON MICHIGAN STREET ON AUGUST 31, 2006, IN CONJUNCTION WITH THE DULUTH SUPERIOR GLBT PRIDE FESTIVAL AND SUBJECT TO CERTAIN CONDITIONS.

**COMMITTEE 3**

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

06-0578R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA, OFFICE OF TRAFFIC SAFETY, IN THE AMOUNT OF \$42,000, ACT AS THE FISCAL AGENT AND EXECUTE THE GRANT AGREEMENT (SAFE AND SOBER PROGRAM).

06-0579R - RESOLUTION AUTHORIZING PAYMENT TO DEAN SYMENS IN AN AMOUNT NOT TO EXCEED \$5,826.23 AS PART OF THE IMPLEMENTATION OF A GRIEVANCE ARBITRATION AWARD.

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

06-0566R - RESOLUTION AUTHORIZING PAYMENT FOR VETERINARY SERVICES BY DR. MARY WICTOR IN AN AMOUNT NOT TO EXCEED \$15,050 FOR THE PERIOD ENDING OCTOBER 19, 2006.

06-0587R - RESOLUTION APPROVING THE ISSUANCE BY THE SEAWAY PORT AUTHORITY OF DULUTH OF ITS REVENUE BONDS TO FINANCE A MANUFACTURING FACILITY.

**BY COUNCILORS STAUBER, STEWART AND STOVER**

06-0585R - RESOLUTION AMENDING RESOLUTION 06-0495 DESIGNATING AREAS FOR THE 2006 CITY DEER HUNT.

**END OF CONSENT AGENDA**

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

**COMMITTEE 1**

**BY COUNCILOR STEWART (FINANCE)**

06-0583R - RESOLUTION AUTHORIZING EXECUTION OF A SUPPLEMENTAL LABOR AGREEMENT WITH THE CITY OF DULUTH SUPERVISORY ASSOCIATION.

06-0584R - RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF DULUTH AND THE CITY OF DULUTH SUPERVISORY ASSOCIATION FOR YEARS 2007-2009.

**COMMITTEE 2**

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

06-0582R - RESOLUTION IN SUPPORT OF AN AMENDMENT TO THE MINNESOTA CONSTITUTION PERTAINING TO TRANSPORTATION FUNDING.

**COMMITTEE 3**

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

06-0564R - RESOLUTION TO REMOVE THE ONE-WAY DESIGNATION FROM EAST FIRST STREET BETWEEN 12TH AND 24TH AVENUES EAST.

06-0565R - RESOLUTION TO ESTABLISH NO PARKING ON VARIOUS STREETS.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

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

**COMMITTEE 2**

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

06-024-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 35 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-3, APARTMENT RESIDENTIAL, TO C-1, COMMERCIAL DISTRICT, PROPERTY LOCATED AT 1225 EAST FIRST STREET (LAKE SUPERIOR DENTAL ASSOCIATES).

**COMMITTEE 3**

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

06-025-O - AN ORDINANCE DEDICATING AN EASEMENT FOR STREET RIGHT-OF-WAY PURPOSES FOR WEST TENTH STREET, BETWEEN 24TH AVENUE WEST AND 26TH AVENUE WEST.

06-027-O - AN ORDINANCE AUTHORIZING GRANTING OF STREET EASEMENTS OVER CITY-OWNED PROPERTY AT DIAP.

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**COUNCILOR QUESTIONS AND COMMENTS**

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