

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, August 28, 2006, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - July 6, 10 and 24, 2006.

PUBLIC HEARINGS - 7:30 p.m. - Business subsidy criteria amendments.

7:30 p.m. - JOBZ business subsidy agreement with American Engineering Testing.

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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

- * 06-0828-01 A&L Properties:
 - (a) Concurrent use permit application to use the entire right-of-way of 15th Avenue East from the southerly right-of-way of London Road to the northerly right-of-way of South Street; and the entire right-of-way of South Street from the prolongation of the westerly right-of-way of 15th Avenue East to the prolongation of the shared lot line of Lots 12 and 13, Block 19, Endion Division, for the purpose of creating additional parking (16 spaces) and to construct a pedestrian walkway between the parking levels of the two Lakewalk buildings, on property located at 1500 London Road. -- Planning commission
 - (b) Petition to vacate the existing utility easement in Lots 1, 2, 3, 4, 13, 14, 15 and 16, Block 19, Endion Division, lying northeasterly of the northeast right-of-way of 15th Avenue East and southwesterly of a line parallel with and ten feet southwesterly of the northeast line of Lots 4 and 13, Block 19, Endion Division. -- Assessor

- * 06-0828-02 DM&IR Railway Company petition to vacate Helm Avenue, O'Hara's Division, from the corner of Lots 10 and 11, Block 22, to the corner of Lots 6 and 7, Block 22; and Michigan Street, O'Hara's Division, from the corner of Lots 3 and 4, Block 20, to the intersection of Helm Avenue. -- Assessor

- * 06-0828-03 Ralph Johnson, et al. (three signatures), petition to vacate the easterly three feet of 50th Avenue East adjacent to Lot 13, Morris Park Division. -- Assessor

- * 06-0828-12 Susan Peters, by CF Design, Ltd., petition to vacate eight feet of the southeast side of 29th Street between Minnesota Avenue and Lake Street. -- Assessor

- * 06-0828-04 Steven Pitschka, et al. (three signatures), petition to vacate the northerly 15 by 100 feet adjacent to Lot 39, Lake Avenue and the northerly 15 by 100 feet adjacent to Lot 120, Minnesota Avenue, and 15 by 100 feet adjacent to Lot 121, Lake Avenue, and 15 by 100 feet adjacent to Lot 122, Minnesota Avenue. -- Assessor

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REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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REPORTS FROM OTHER OFFICERS

- * 06-0828-05 Assessor:
 - (a) For confirmation the assessment roll levied to defray the assessable portion of the following contracts: Contract 5424, Central Avenue Alley sanitary sewer extension (assessable: \$24,981.64); Contract 5429, sanitary sewer extension for 4502 and 4508 Grand Avenue (assessable: \$10,557); Contract 5428, sanitary sewer extension for 4302, 4304, 4306 and 4308 Grand Avenue (assessable: \$10,457.58);
 - (b) Letters of sufficiency of petitions to:
 - (1) Reclassify from:
 - (A) 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;
 - (B) R-3 to R-2 property described as Lots 7-9, Block 55, and Lots 10-12, Block 79, Duluth Proper Third Division;
 - (2) Vacate:
 - (A) The easterly three feet of 50th Avenue East adjacent to Lot 13, Morris Park Division;
 - (B) The existing utility easement in Lots 1, 2, 3, 4, 13, 14, 15 and 16, Block 19, Endion Division, lying northeasterly of the northeast right-of-way of 15th Avenue East and southwesterly of a line parallel with and ten feet southwesterly of the northeast line of Lots 4 and 13, Block 19, Endion Division;
 - (C) The northerly 15 by 100 feet adjacent to Lot 39, Lake Avenue and the northerly 15 by 100 feet adjacent to Lot 120, Minnesota Avenue, and 15 by 100 feet adjacent to Lot 121, Lake Avenue, and 15 by 100 feet adjacent to Lot 122, Minnesota Avenue. -- Received
- * 06-0828-06 Clerk applications to the Minnesota gambling control board for exemption from lawful gambling (raffles) from: (a) Animal Allies Humane Society on December 4, 2006; (b) Muskies, Inc., Lake Superior Chapter, on February 22, 2007. -- Received
- * 06-0828-07 Treasurer annual report of all gifts received by the city for \$5,000 or less during the period of August 1, 2005, through July 31, 2006, pursuant to Resolution 97-0954. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 06-0828-08 Duluth airport authority: (a) Balance sheet for: (1) May 31; (2) June 30, 2006; (b) Minutes of: (1) July 24; (2) August 11, 2006, meetings. -- Received
- * 06-0828-09 Duluth/North Shore Sanitary District minutes of July 12, 2006, meeting. -- Received
- * 06-0828-10 Duluth human rights commission minutes of July 12, 2006, meeting. -- Received
- * 06-0828-11 Planning commission minutes of July 26, 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 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. (TABLED 8/14)

06-0565R - RESOLUTION TO ESTABLISH NO PARKING ON VARIOUS STREETS. (TABLED 8/14)

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. (TABLED 8/14)

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MOTIONS AND RESOLUTIONS

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

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0606R - RESOLUTION AUTHORIZING A JOB OPPORTUNITY BUILDING ZONE (JOBZ) BUSINESS SUBSIDY AGREEMENT WITH AMERICAN ENGINEERING TESTING, INC.

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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)

06-0594R - RESOLUTION AUTHORIZING REASSESSMENT OF PREVIOUSLY CANCELED DEMOLITION ASSESSMENTS.

06-0607R - RESOLUTION CONFIRMING ASSESSMENT ROLLS LEVIED TO DEFRAID THE ASSESSABLE PORTIONS OF PORTIONS OF CENTRAL AVENUE AND GRAND AVENUE SEWER EXTENSIONS.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0600R - RESOLUTION APPROVING RENEWAL AND ISSUANCE OF ON SALE INTOXICATING LIQUOR, ON SALE SUNDAY INTOXICATING LIQUOR, ADDITIONAL BAR, ON SALE DANCING, 2:00 A.M. BEVERAGE LICENSE AND LATE HOUR ENTERTAINMENT LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2006, AND ENDING AUGUST 31, 2007.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0601R - RESOLUTION APPROVING THE ISSUANCE OF ON SALE WINE RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2006, AND ENDING AUGUST 31, 2007.

06-0602R - RESOLUTION APPROVING THE ISSUANCE OF ON SALE CLUB LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2006, AND ENDING AUGUST 31, 2007.

06-0603R - RESOLUTION APPROVING THE ISSUANCE OF OFF SALE INTOXICATING LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2006, AND ENDING AUGUST 31, 2007.

06-0604R - RESOLUTION APPROVING THE ISSUANCE OF BREWERY MALT LIQUOR OFF SALE INTOXICATING LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2006, AND ENDING AUGUST 31, 2007.

06-0609R - RESOLUTION APPROVING THE RENEWAL OF THE ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE AND 2:00 A.M. BEVERAGE LICENSE OF J&J MILLER, INC. (COPASETIC LOUNGE), 322 EAST CENTRAL ENTRANCE, SUBJECT TO CERTAIN CONDITIONS.

06-0610R - RESOLUTION APPROVING THE RENEWAL OF THE ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE AND 2:00 A.M. BEVERAGE LICENSE TO BLACK RIVER MILLS, INC. (NORSHOR THEATRE), 211 EAST SUPERIOR STREET, SUBJECT TO CERTAIN CONDITIONS.

06-0615R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH MINNESOTA COUNTIES INFORMATION SYSTEMS, PROVIDING FOR THE CONVERSIONS OF INFORMATION SYSTEMS IN AN AMOUNT NOT TO EXCEED \$9,183.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0591R - RESOLUTION GRANTING A SIDEWALK OBSTRUCTION PERMIT TO PIZZA LUCÉ III AND A&L PROPERTIES, INC., FOR A SIDEWALK CAFÉ AT 11 EAST SUPERIOR STREET.

06-0595R - RESOLUTION AUTHORIZING FIRST AMENDMENT TO AGREEMENT WITH DULUTH BUILDING LIMITED LIABILITY COMPANY, CONTRACT NO. 18154, FOR THE LINCOLN PARK REDEVELOPMENT PROJECT.

06-0599R - RESOLUTION ACCEPTING A CERTIFIED LOCAL GOVERNMENT GRANT OF \$4,000 FROM THE MINNESOTA STATE HISTORICAL SOCIETY AND A LOCAL MATCH OF \$4,000 THAT INCLUDES A \$3,000 CASH MATCH FROM THE DULUTH PRESERVATION ALLIANCE AND \$1,000 WORTH OF IN-KIND SERVICES FROM THE CITY FOR A SURVEY OF THE CITY'S EAST END RESIDENTIAL AREA.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0589R - RESOLUTION AUTHORIZING THE ACCEPTANCE OF A UTILITY EASEMENT FOR SANITARY SEWER PURPOSES FROM ACCESSIBLE SPACE, INC.

06-0590R - RESOLUTION AUTHORIZING THE ACCEPTANCE OF A UTILITY EASEMENT FOR SANITARY SEWER PURPOSES FROM DULUTH RETIREMENT, LLC.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0597R - RESOLUTION AWARDED CONTRACT TO AQITY, INC./DUNCAN PARKING TECHNOLOGIES FOR NEW PARKING METERS AND PARKING METER PARTS IN THE AMOUNT OF \$67,414.50.

06-0598R - RESOLUTION AWARDED CONTRACT TO MERIT CHEVROLET FOR A STEP VAN IN THE AMOUNT OF \$44,345.10.

NEW 06-0620R - RESOLUTION AMENDING RESOLUTION 05-0571 AUTHORIZING THE PROPER CITY OFFICIALS TO EXTEND THE 2005 CONTRACT WITH HOLIDAY STORES, INC., FOR FUEL AS NEEDED FOR A PERIOD OF TWO MONTHS, BEGINNING SEPTEMBER 1, 2006, AND ENDING OCTOBER 31, 2006, AT AN ESTIMATED AMOUNT OF \$200,000.00.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-0611R - RESOLUTION AUTHORIZING THE CITY TO ACCEPT A \$990 GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY AND TO EXECUTE ANY DOCUMENTS REQUIRED TO BE EXECUTED TO ACCEPT SUCH GRANT.

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0612R - RESOLUTION APPROVING AGREEMENT WITH DULUTH AIRPORT AUTHORITY FOR RUNWAY REPAIR IN AMOUNT OF \$21,760.

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

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0608R - RESOLUTION DENYING THE RENEWAL OF THE ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE AND 2:00 A.M. BEVERAGE LICENSE OF DARREL FREDRICKSON (HORSESHOE BILLIARDS), 2415 WEST SUPERIOR STREET.

06-0621R - RESOLUTION APPROVING THE RENEWAL OF THE ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE AND 2:00 A.M. BEVERAGE LICENSE OF DARREL FREDRICKSON (HORSESHOE BILLIARDS), 2415 WEST SUPERIOR STREET.

BY COUNCILOR JOHNSON (PERSONNEL)

06-0593R - RESOLUTION CONFIRMING THE APPOINTMENT OF MINDY GRANLEY TO THE PLANNING COMMISSION, REPLACING CAROL THOMSON.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0596R - RESOLUTION APPROVING THE PRIORITIZATION OF PROJECTS TO RECEIVE 2007 LOW INCOME HOUSING TAX CREDITS.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0605R - RESOLUTION OF THE CITY OF DULUTH TO AMEND ITS BUSINESS SUBSIDY RESOLUTION, RESOLUTION NO. 00-0333(a) ADOPTED MAY 22, 2000, AS AMENDED, TO AMEND CRITERIA AND BUSINESS SUBSIDY REQUIREMENTS RELATED TO JOB OPPORTUNITY BUILDING ZONES.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0613R - RESOLUTION ESTABLISHING THE CUSTOMER CHARGE AND USER CHARGES FOR THE CITY'S WASTEWATER FACILITIES EFFECTIVE WITH METER READINGS AFTER NOVEMBER 1, 2006; RESCINDING ALL PRIOR INCONSISTENT OR CONFLICTING RESOLUTIONS WITH RESPECT TO SUCH RATES.

06-0614R - RESOLUTION ESTABLISHING WATER RATES EFFECTIVE WITH METER READINGS AFTER NOVEMBER 1, 2006; RESCINDING ALL PRIOR INCONSISTENT OR CONFLICTING RESOLUTIONS WITH RESPECT TO SUCH RATES.

06-0616R - RESOLUTION ESTABLISHING A STORMWATER UTILITY USER CHARGE EFFECTIVE NOVEMBER 1, 2006; RESCINDING ALL PRIOR INCONSISTENT OR CONFLICTING RESOLUTIONS WITH RESPECT TO SUCH USER CHARGE.

06-0617R - RESOLUTION ESTABLISHING REVISED NATURAL GAS RATES EFFECTIVE WITH METER READINGS AFTER NOVEMBER 1, 2006, AND RESCINDING ALL PRIOR INCONSISTENT OR CONFLICTING RESOLUTIONS WITH RESPECT TO SUCH RATES.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-028-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NOS. 26 AND 27 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM I-T, INDUSTRIAL-TECHNOLOGY DISTRICT, TO C-5, PLANNED COMMERCIAL DISTRICT, THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF HAINES ROAD AND ARROWHEAD ROAD (HOLAPPA/NORTHERN CITY BAPTIST CHURCH).

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-029-O - AN ORDINANCE AUTHORIZING GRANTING OF STORMWATER UTILITY EASEMENTS OVER CITY-OWNED PROPERTY AT DIAP.

06-030-O - AN ORDINANCE AUTHORIZING SALE OF THE LAKESIDE TOOL HOUSE TO RTW HOLDINGS, LLC, FOR \$81,000.

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COUNCILOR QUESTIONS AND COMMENTS