

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, September 11, 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

- * 06-0911-01 The following communications regarding the proposed designation of two-way traffic on a portion of First Street (06-0564R): (a) Aero Stich Riderwear; (b) Greater Downtown Council. -- Received
- * 06-0911-02 The following communications regarding proposed increases in utility rates (06-0513R, 06-0514R, 06-0516R, 06-0517R): (a) Paul Anderson; (b) Richard Paulson; (c) Sally Spellerberg. -- Received

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REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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REPORTS FROM OTHER OFFICERS

- * 06-0911-09 Mayor Bergson submitting: (a) 2006 budget; (b) 2007 budget address. -- Received
- * 06-0911-03 Assessor:
 - (a) Affidavits of mailing of notices of:
 - (1) Ordering in of a local improvement and the levying of an assessment or assessments against the property specially benefitted for unpaid delinquent stormwater utility bills. -- Received;
 - (2) Hearing by the special assessment board on Tuesday, September 12, 2006, at 3:30 p.m. in Room 106A, City Hall, regarding reassessment of canceled assessments. -- Clerk
 - (b) Letters of sufficiency of petitions to vacate:
 - (1) Eight feet of the southeast side of 29th Street between Minnesota Avenue and Lake Street;
 - (2) 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. -- Received
- * 06-0911-04 Clerk application to the Minnesota gambling control board for exemption from lawful gambling from March of Dimes on October 26, 2006 (raffle). -- Received
- * 06-0911-05 Community development division manager requests for 2007 CDBG funding. -- Received
- * 06-0911-06 Parks and recreation associate director rental agreement with Pam Carter for residential dwelling unit located at Irving Community Center, pursuant to Section 2-35, Duluth City Code. -- Mayor for execution

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REPORTS OF BOARDS AND COMMISSIONS

* 06-0911-07 Duluth transit authority: (a) Income statement for April, 2006; (b) Minutes of May 31, 2006, meeting. -- Received

* 06-0911-08 Library board minutes of: (a) June 27; (b) August 22, 2006, meetings. -- 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 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. (TABLED 8/28 FOR 9/11 COMMITTEE MEETING)

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. (TABLED 8/28 FOR 9/11 COMMITTEE MEETING)

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. (TABLED 8/28 FOR 9/11 COMMITTEE MEETING)

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. (TABLED 8/28 FOR 9/11 COMMITTEE MEETING)

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 FOR RESIDENT INPUT)

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

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UNFINISHED BUSINESS

The following entitled resolution is to be read for the second 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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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)

06-0624R - RESOLUTION CONFIRMING ASSESSMENT ROLLS LEVIED TO DEFRAY THE ASSESSABLE PORTIONS OF TRINITY ROAD SEWER EXTENSIONS.

06-0626R - RESOLUTION ESTABLISHING THE DATE FOR A PUBLIC HEARING AT WHICH THE DULUTH CITY COUNCIL WILL ADOPT ITS FINAL BUDGET AND TAX LEVY FOR 2007.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0638R - RESOLUTION AMENDING RESOLUTION NO.06-0176R TO INCREASE THE CONTRACT WITH INTER-CITY OIL COMPANY, INC., FOR FURNISHING AND DELIVERING FUEL AS NEEDED THROUGH DECEMBER 31, 2006, AT AN ESTIMATED INCREASE OF \$30,000, FOR A NEW TOTAL OF \$80,000.

06-0646R - RESOLUTION APPROVING THE ISSUANCE OF A 2:00 A.M. BEVERAGE LICENSE TO S&D ENTERPRISES, INC. (GOPHER RESTAURANT AND LOUNGE), AND T-BONZ ENTERPRIZES, INC. (T-BONZ BAR).

06-0647R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO LAKESIDE/LESTER PARK BUSINESS ASSOCIATION (LESTER RIVER FESTIVAL), LESTER PARK.

06-0648R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF FOND DU LAC MANAGEMENT, INC. (FOND DU LUTH CASINO). (REPLACEMENT)

06-0649R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO LAKE SUPERIOR BREWING COMPANY (LAKE SUPERIOR BREWING COMPANY), 2711 WEST SUPERIOR STREET.

06-0652R - RESOLUTION SETTING FORTH SUGGESTED CRITERIA FOR THE ISSUANCE BY THE DULUTH CITY COUNCIL OF AVAILABLE BUT PRESENTLY UNISSUED ON SALE INTOXICATING LIQUOR LICENSES.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0633R - RESOLUTION ACCEPTING A CERTIFIED LOCAL GOVERNMENT GRANT OF \$625 FROM THE MINNESOTA STATE HISTORICAL SOCIETY FOR HERITAGE PRESERVATION COMMISSION MEMBERS TO ATTEND THE 2006 ANNUAL STATEWIDE HISTORIC PRESERVATION CONFERENCE.

06-0639R - RESOLUTION AUTHORIZING AN APPLICATION TO THE STATE OF MINNESOTA FOR A MINNESOTA INVESTMENT FUND GRANT IN THE AMOUNT OF UP TO \$500,000 (NORTHSTAR MACHINE AND TOOL COMPANY, INC., DBA NORTHSTAR AEROSPACE).

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

06-0618R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO AMEND A CONTRACT WITH ST. LOUIS COUNTY TO PROVIDE FOOD SUPPORT EMPLOYMENT AND TRAINING SERVICES FROM OCTOBER 1, 2005, THROUGH SEPTEMBER 30, 2006, AT A TOTAL COST NOT TO EXCEED \$46,359; AND TO EXTEND THE SUPPORT SERVICES GRANT FROM JULY 1, 2006, THROUGH JUNE 30, 2007, WITH A MAXIMUM ALLOCATION OF \$1,430.50.

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

06-0642R - RESOLUTION AUTHORIZING EXECUTION OF LOAN AGREEMENTS TO FUND A REVOLVING MAINTENANCE FUND FOR AFFORDABLE HOUSING.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0619R - RESOLUTION ACCEPTING DONATION OF PERMANENT ROADWAY EASEMENT FROM CANAL PARK LODGE LLC FOR LAKE PLACE DRIVE.

06-0634R - RESOLUTION ALIENATING CERTAIN CITY OWNED PROPERTY IN THE VICINITY OF MESABA AVENUE AND CENTRAL ENTRANCE AND MAKING SAID PROPERTY AVAILABLE FOR PUBLIC SALE BY THE ST. LOUIS COUNTY LAND DEPARTMENT.

06-0635R - RESOLUTION AWARDED A CONTRACT TO CONSTRUCTION SERVICES, INC., FOR THE REPLACEMENT OF AN 18 INCH STORM SEWER LINE AT CHESTER PARK BELOW SKYLINE PARKWAY IN THE AMOUNT OF \$77,700.

06-0636R - RESOLUTION AWARDED CONTRACT TO KGM CONTRACTORS, INC., FOR COMPLETING THE SECOND PHASE OF REMEDIAL ACTION AT THE FORMER CITY OF DULUTH DUMPSITE #1 LOCATED AT 4206 RICE LAKE ROAD IN THE AMOUNT OF \$273,071.

06-0637R - RESOLUTION AWARDED A CONTRACT TO ADVANCED ENGINEERING AND ENVIRONMENTAL SERVICES, INC., FOR PROFESSIONAL SERVICES TO CONDUCT A COST OF SERVICE STUDY AND RATE DESIGN FOR THE CITY'S WATER UTILITY IN THE ESTIMATED AMOUNT OF \$24,888.

06-0641R - RESOLUTION AUTHORIZING CONTRACTS WITH JOHNSON CONTROLS, INC., AND DULUTH STEAM COOPERATIVE FOR IMPROVEMENTS TO DULUTH STEAM PLANT AND TRANSFER OF CARBON OFFSETS, NET \$3,198,360.

COMMITTEE 3

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-0625R - RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO GRANT CONTRACT NO. 2000-9748 WITH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, EXTENDING THE TERM THEREOF.

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0643R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH ADVENTURE DULUTH, LLC, PROVIDING FOR A PERMIT FOR A RACING EVENT AT VARIOUS PARK AND RECREATION VENUES IN THE CITY OF DULUTH.

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)

06-0627R - RESOLUTION SETTING A PROPOSED BUDGET FOR THE FISCAL YEAR 2007.

06-0628R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2007.

06-0629R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR FUNDING OTHER POST EMPLOYMENT BENEFITS (OPEB) FOR THE YEAR 2007.

06-0630R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2007.

06-0631R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2007.

06-0632R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, SEAWAY PORT AUTHORITY, FOR THE YEAR 2007.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0645R - RESOLUTION REQUESTING THE CHARTER COMMISSION TO RECOMMEND ADOPTION OF AN ORDINANCE AMENDING SECTIONS 23, 31, 33, 34, 54 AND 55 OF THE CHARTER TO IMPROVE THE CITY PURCHASING FUNCTION.

06-0650R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE, AND 2:00 A.M. BEVERAGE LICENSE FROM DARREL FREDRICKSON (HORSESHOE BILLIARDS), 2415 WEST SUPERIOR STREET, TO LUCKY BREAK, INC. (HORSESHOE BILLIARDS), SAME ADDRESS. (REPLACEMENT)

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0654R - RESOLUTION DENYING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE, AND 2:00 A.M. BEVERAGE LICENSE FROM DARREL FREDRICKSON (HORSESHOE BILLIARDS), 2415 WEST SUPERIOR STREET, TO LUCKY BREAK, INC. (HORSESHOE BILLIARDS), SAME ADDRESS.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0644R - RESOLUTION AUTHORIZING NEIGHBORHOOD HOUSING SERVICES OF DULUTH, MINNESOTA TO FORGIVE A PARTIAL AMOUNT OF A REHABILITATION LOAN MADE UNDER A PROPERTY REHABILITATION PROGRAM.

NEW 06-0657R - RESOLUTION DEDICATING REVENUES.

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

NEW 06-0656R - RESOLUTION DECLARING POLICY FOR ACTIONS TO ADEQUATELY FUND POST-RETIREMENT BENEFITS.

COMMITTEE 3

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-0623R - RESOLUTION ACCEPTING A DONATION FROM SMDC OF NINE AUTOMATED EXTERNAL DEFIBRILLATORS.

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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)

06-033-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION STEAM UTILITY REVENUE BONDS OF THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$4,525,000 FOR THE IMPROVEMENT OF THE DULUTH STEAM PLANT UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

COMMITTEE 3

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-032-O - AN ORDINANCE REGULATING SMOKING NEAR MEDICAL FACILITIES; AMENDING DULUTH CITY CODE, 1959, AS AMENDED, BY ADDING A NEW SECTION 28-72. (REPLACEMENT)

COMMITTEE 3

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-034-O - AN ORDINANCE AMENDING CHAPTER 47, ARTICLE III OF THE DULUTH CITY CODE, REGULATING TAXI CABS.

BY COUNCILOR STAUBER AND PRESIDENT REINERT

06-031-O - AN ORDINANCE REGULATING THE SALE OF CITY PARK LAND AND THE USE OF PROCEEDS OF SUCH SALE; ADDING A NEW SECTION 2-179 TO THE DULUTH CITY CODE, 1959, AS AMENDED.

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

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COUNCILOR QUESTIONS AND COMMENTS

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