

Monday, September 25, 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**

- \* 06-0925-01 Marguerite Acheson application for concurrent use permit to allow structural encroachments (awning) into the right-of-way of Superior Street, 47th Avenue East and McCulloch Street in the northeast corner of Lot 8, Block 45, London Addition to Duluth. -- Planning commission
- \* 06-0925-02 Minnesota state auditor:
  - (a) Comprehensive annual financial report for the year ended December 31, 2005, for Western Lake Superior Sanitary District;
  - (b) Management and compliance report for the year ended December 31, 2005, for Western Lake Superior Sanitary District. -- Received
- \* 06-0925-03 Mags David communication regarding proposed reclassification from M-1 to C-1, property located at 1901 South Street (Joseph and Rose Kleiman) (06-0661R and 06-035-O). -- Received
- \* 06-0925-11 The following communications regarding regulation of taxi cabs (06-034-O): (a) Allied Taxi; (b) Rick Preston. -- Received

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**REPORTS FROM THE ADMINISTRATION**

- Retiree healthcare benefits

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**REPORTS FROM OTHER OFFICERS**

- \* 06-0925-04 Assessor, for confirmation, assessment roll for Contract #5263, previously canceled, for a permanent street and utility assessment (\$3,000). -- Received
- \* 06-0925-05 Clerk application to the Minnesota gambling control board for exemption from lawful gambling licenses from Lincoln Park Business Group on November 16, 2006 (bingo and raffle). -- Received
- \* 06-0925-06 Parks and recreation associate director lease agreement with YWCA for Rooms 118 and 118A located in Washington Center for the purpose of operating the YWCA Girl-Power Program, pursuant to Section 2-35, Duluth City Code. -- Mayor for execution

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**REPORTS OF BOARDS AND COMMISSIONS**

- \* 06-0925-07 Commission on disabilities minutes of August 2, 2006, meeting. -- Received

- \* 06-0925-08 Duluth human rights commission minutes of August 9, 2006, meeting. -- Received
- \* 06-0925-09 Duluth/North Shore Sanitary District minutes of August 9, 2006, meeting. -- Received
- \* 06-0925-10 Planning commission minutes of August 8, 2006, meeting. -- Received

\* Listed only, not copied.

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**REPORTS OF COUNCIL COMMITTEES**  
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**REPORTS OF COUNCIL OPEN ISSUES**

- Planned unit development
- Zoning Code changes

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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 FOR RESIDENT INPUT)

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

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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)**

06-0673R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF A CANCELED PERMANENT STREET AND UTILITY ASSESSMENT.

**BY COUNCILOR KRAUSE (PURCHASING & LICENSING)**

06-0664R - RESOLUTION AMENDING RESOLUTION 06-0176 (CHANGE 2) 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 \$41,000, FOR A NEW TOTAL OF \$121,000.

**COMMITTEE 1**

**BY COUNCILOR JOHNSON (PERSONNEL)**

06-0640R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF EMPLOYEE BENEFITS SPECIALIST.

06-0653R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF POLICE OFFICER.

06-0658R - RESOLUTION REAPPOINTING THOMAS A. CLURE TO SEAWAY PORT AUTHORITY OF DULUTH.

**COMMITTEE 2**

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

06-0660R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO ST. LOUIS COUNTY FOR A HEATED STORAGE BUILDING FOR PROPERTY LOCATED AT 2501 RICE LAKE ROAD.

06-0674R - RESOLUTION AUTHORIZING AGREEMENT WITH LARSON FISHER ASSOCIATES, INC., FOR PROFESSIONAL SERVICES FOR AN HISTORIC PROPERTY SURVEY IN THE AMOUNT OF \$7,000.

06-0676R - RESOLUTION AUTHORIZING EXECUTION OF PROFESSIONAL SERVICE AGREEMENT WITH DAHLEN, DWYER AND FOLEY, INC., FOR LAND APPRAISAL SERVICES RELATING TO SPIRIT MOUNTAIN LAWCON CONVERSION IN AN AMOUNT NOT TO EXCEED \$5,000.

06-0677R - RESOLUTION AUTHORIZING EXECUTION OF PROFESSIONAL SERVICE AGREEMENT WITH WALKER APPRAISALS FOR REVIEW LAND APPRAISAL SERVICES RELATING TO SPIRIT MOUNTAIN LAWCON CONVERSION IN AN AMOUNT NOT TO EXCEED \$1,800.

06-0681R - RESOLUTION VACATING THE EASTERLY THREE FEET OF 50TH AVENUE EAST BETWEEN LONDON ROAD AND THE SLLC RAILROAD WHILE RETAINING A PEDESTRIAN AND UTILITY EASEMENT AND ACCEPTING THE DEDICATION OF A PEDESTRIAN EASEMENT OVER THE WESTERLY FOUR FEET OF LOT 13, MORRIS PARK DIVISION OF DULUTH (RALPH AND MARY JOHNSON).

06-0682R - RESOLUTION VACATING A PORTION OF A UTILITY EASEMENT ON PROPERTY LOCATED AT 1500 LONDON ROAD (A&L DEVELOPMENT).

06-0683R - RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH RANGE CREDIT BUREAU, INC., FOR COLLECTION OF A PAST DUE, OUTSTANDING BALANCE ON A FORGIVABLE LOAN EXTENDED TO INVISION OF DULUTH, INC., D/B/A CONNECTING POINT.

06-0686R - RESOLUTION ACCEPTING THE DEDICATION OF STREET AND UTILITY EASEMENTS IN HARBOR HIGHLANDS PHASE I (HRA/FRYBERGER).

**BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)**

06-0672R - RESOLUTION AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, CRIME VICTIM SERVICES, RELATING TO AN EMERGENCY FUND FOR CRIME VICTIMS IN AN AMOUNT OF \$1,500.

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

**NEW** 06-0691R - RESOLUTION AUTHORIZING EMPLOYMENT CONTRACT WITH THE CHIEF ADMINISTRATIVE OFFICER.

**COMMITTEE 3**

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

06-0663R - RESOLUTION AWARDDING A PROFESSIONAL SERVICES CONTRACT TO SALO ENGINEERING, INC., TO PROVIDE ENGINEERING PLANS FOR THE GARFIELD SERVICE CENTER PAVED PARKING LOT/STORAGE SITE FOR A TOTAL AMOUNT OF \$10,299.01.

06-0665R - RESOLUTION AWARDDING CONTRACT TO ZIEGLER CAT FOR THE PURCHASE OF GRADER BLADES AS NEEDED DURING THE 2006-2007 SNOW SEASON FOR A TOTAL ESTIMATED AMOUNT OF \$33,518.75.

06-0667R - RESOLUTION ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR THE REHABILITATION OF BRIDGE NO. L8477 OVER MILLER CREEK/LINCOLN PARK DRIVE ON TENTH STREET (MSAS 203) IN THE AMOUNT OF \$236,322.40.

06-0670R - RESOLUTION AWARDDING A CONTRACT TO SYSTECH ENGINEERING, INC., FOR PROFESSIONAL SERVICES TO PERFORM CITYWIDE STORMWATER ANALYSIS AND MODELING TO COMPLY WITH THE MPCA MANDATED NONDEGRADATION REQUIREMENTS IN THE ESTIMATED AMOUNT OF \$150,000.

06-0678R - RESOLUTION AWARDDING A CONTRACT TO ST. JOSEPH EQUIPMENT, INC., FOR ONE CASE MODEL 420 SKID STEER LOADER IN THE AMOUNT OF \$34,064.03.

06-0679R - RESOLUTION AWARDDING CONTRACT TO J.R. JENSEN CONSTRUCTION COMPANY FOR CONSTRUCTION OF A COLD STORAGE BUILDING FOR THE UTILITY DIVISION ON BIRCH AND GARFIELD AVENUE IN THE AMOUNT OF \$63,500.

06-0684R - RESOLUTION AWARDDING A CONTRACT TO UTILITY SYSTEMS OF AMERICA, INC., FOR SLIPLINING OF A 30 INCH WATER MAIN IN LONDON ROAD FROM 15TH AVENUE EAST TO 26TH AVENUE EAST IN THE AMOUNT OF \$1,074,457.50, CITY JOB NO. 0436WA.

06-0687R - RESOLUTION AWARDDING CONTRACT TO NORTHLAND MATERIALS, LLC, DBA NORTHLAND BITUMINOUS FOR 1,040 TONS OF COLD MIX AS NEEDED FOR YEAR 2006 FOR A TOTAL COST OF \$60,474.96.

06-0688R - RESOLUTION AWARDDING CONTRACT TO HIGGINS INDUSTRIAL SUPPLY COMPANY FOR TRUCK PLOW BLADES AND WING EDGES AS NEEDED DURING THE 2006-2007 WINTER SEASON FOR A TOTAL AMOUNT OF \$33,575.15.

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

06-0651R - RESOLUTION AUTHORIZING PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES ON SUPERIOR STREET IN CONJUNCTION WITH GREATER DOWNTOWN COUNCIL COMMUNITY EVENT.

06-0662R - RESOLUTION TO ESTABLISH ONE STALL HANDICAPPED PARKING ZONES AT VARIOUS LOCATIONS.

06-0671R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ACCEPT GRANT MONEY IN AN AMOUNT NOT TO EXCEED \$1,095.74 FROM THE MIDWEST ECONOMIC CRIME FOUNDATION AND TO EXECUTE ANY DOCUMENTS REQUIRED TO BE EXECUTED TO ACCEPT SUCH GRANT MONEY.

06-0689R - RESOLUTION AUTHORIZING THE BUILDING OFFICIAL TO ABATE CERTAIN NUISANCES BY REMOVAL OF STRUCTURALLY UNSOUND BUILDINGS IN THE CITY OF DULUTH.

**COMMITTEE 3**

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

06-0655R - RESOLUTION AUTHORIZING A PURCHASE AGREEMENT WITH BURLINGTON NORTHERN SANTE FE RAILWAY COMPANY FOR THE PURCHASE OF PROPERTY ON GRASSY POINT IN WEST DULUTH FOR \$14,000 AND SETTING DEED RESTRICTIONS ON THE PURCHASED PROPERTY.

**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)**

06-0680R - RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF DULUTH ELK'S LODGE #133, 4250 HAINES ROAD.

**COMMITTEE 2**

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

06-0661R - RESOLUTION DENYING A REZONING PETITION TO PROVIDE FOR THE RECLASSIFICATION FROM M-1, MANUFACTURING, TO C-1, COMMERCIAL DISTRICT, PROPERTY LOCATED AT 1901 SOUTH STREET (JOSEPH AND ROSE KLEIMAN).

06-0675R - RESOLUTION VACATING THE SOUTHEASTERLY EIGHT FEET OF 29TH STREET, BETWEEN LAKE AVENUE AND MINNESOTA AVENUE ON PARK POINT (SUSAN PETERS).

06-0692R - RESOLUTION RESCINDING RESOLUTION 05-0088 IN ITS ENTIRETY AND CONDITIONALLY COMMITTING FUNDING SOURCES FOR ACQUISITION OF A COMPLETED PUBLIC PARKING LOT AND PAYMENT FOR FUTURE PUBLIC RECREATIONAL USE AND PROGRAMMING AT A NEW FACILITY TO REPLACE PETERSON HOCKEY ARENA. (REPLACEMENT)  
**(AMENDMENT)**

**NEW** 06-0695R - RESOLUTION AUTHORIZING A THIRD AMENDMENT TO THE FISCAL YEAR 2004 HOME PROGRAM HOUSING DEVELOPMENT PROJECTS PURCHASE/REHABILITATION/RESALE AGREEMENT WITH NEIGHBORHOOD HOUSING SERVICES.

**COMMITTEE 3**

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

06-0668R - RESOLUTION TO ESTABLISH PARKING METER ZONES ON BOTH SIDES OF FIRST STREET BETWEEN THIRD AVENUE EAST AND FOURTH AVENUE EAST, ON THE NORTH SIDE OF FIRST STREET BETWEEN FOURTH AVENUE EAST AND SIXTH AVENUE EAST, ON THE SOUTH SIDE OF FIRST STREET FROM 125 FEET WEST OF SIXTH AVENUE EAST TO SIXTH AVENUE EAST, ON THE WEST SIDE OF THIRD AVENUE EAST BETWEEN SECOND STREET ALLEY AND SECOND STREET, AND ON THE WEST SIDE OF FOURTH AVENUE EAST BETWEEN SUPERIOR STREET AND SECOND STREET, AND RATES AND TIME LIMITS THEREFOR.

06-0669R - 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 first time:

**COMMITTEE 1**

**BY COUNCILOR STEWART (FINANCE)**

06-038-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF \$1,225,000 GENERAL OBLIGATION REVENUE BONDS OF THE CITY OF DULUTH FOR THE IMPROVEMENT OF THE MUNICIPAL GAS UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

06-039-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF \$1,000,000 GENERAL OBLIGATION REVENUE BONDS OF THE CITY OF DULUTH FOR THE IMPROVEMENT OF THE MUNICIPAL SEWER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

06-040-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF \$1,150,000 GENERAL OBLIGATION REVENUE BONDS OF THE CITY OF DULUTH FOR THE IMPROVEMENT OF THE MUNICIPAL WATER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

**COMMITTEE 2**

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

06-035-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 38 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM M-1, MANUFACTURING DISTRICT, TO C-1, COMMERCIAL DISTRICT, PROPERTY LOCATED AT 1901 SOUTH STREET (JOSEPH AND ROSE KLEIMAN).

06-036-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 29 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-3, APARTMENT RESIDENTIAL, TO R-2, TWO FAMILY RESIDENTIAL, PROPERTY LOCATED NORTHWEST OF MESABA AVENUE BETWEEN SECOND AVENUE WEST AND WEST CASCADE STREET (FINNIGAN).

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

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

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

**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. (REPLACEMENT)

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**COUNCILOR QUESTIONS AND COMMENTS**

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