

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Tuesday, October 10, 2006, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - August 14, 24 and 28, 2006.

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

- * 06-1010-01 Duluth Teacher's Credit Union, et al. (three signatures), petition to vacate alley in Lots 1, 2, 3, 4, 5 and 6, Blocks 2 and 11, Whipple's Addition; and Lots 6 and 7 and the north 11 feet of Lot 8, along the south six feet of Lot 5, Block 1, Whipple's Addition; the east facing side of Lot 1, Block 1, Whipple's Addition; and the northerly 12 feet of Lot 1, Block 1, facing the northerly 12 feet of Lot 1, Block 2, Whipple's addition. -- Assessor
- * 06-1010-02 Seth Oliver application for concurrent use permit to construct two balconies above 414 West First Street. -- Planning commission
- * 06-1010-03 SVCNDA petition to vacate a ten foot alley between Lots 1, 2, 3, 4, 4-1/2 and 5, Block 186, from 50th Avenue West to existing 16 foot alley, West Duluth Seventh Division. -- Assessor
- * 06-1010-04 Minnesota state auditor management and compliance report for the city of Duluth for the year ended December 31, 2005. -- Received (PREVIOUSLY DISTRIBUTED)
- * 06-1010-05 Joseph Kleiman communication regarding the proposed reclassification from M-1 to C-1 property located at 1901 South Street (06-0661R and 06-035-O). -- Received
- * 06-1010-06 The following communications regarding the proposed Heritage Sports facility (06-0692R): (a) Ed Allan; (b) Brian Amundson; (c) Brenda Anderson; (d) Kurt and Rachel Anderson; (e) Lance Autio; (f) Terri Balaich; (g) Cory Bates; (h) Steve Bauer; (i) Dorian Beaulieu; (j) Kristin and Steve Bergerson; (k) Patrick Bergquist; (l) Tim Bradshaw; (m) Margie Brady; (n) Shane Bubacz; (o) Tom Budisalovich; (p) Patrick J. Burke; (q) Greg Carlson; (r) Andrea Cartier Black; (s) Matt Cartier; (t) Luke Clough; (u) Ryan Coole; (v) Pauline M. Davies; (w) Dan and Darcie Defrang; (x) Jeffrey Doig; (y) Jill A. Eichenwald Cornwell; (z) Julie Erickson; (aa) Pat Fairchild; (bb) Mike Farrell; (cc) Noah Finch; (dd) Bryce and Edie Fontaine; (ee) Jason Francisco; (ff) Bridget Friday; (gg) Kelly and Kent Fugere; (hh) Donald W. Gabbert; (ii) Joe Golcz; (jj) Donn Groth; (kk) Corry Gruwell; (ll) Branden Hakala; (mm) Nicole Hautajarvi; (nn) Jeff Heikkila; (oo) Natalie Hoff; (pp) Frank Holappa; (qq) Carla Holm; (rr) Dean Holm; (ss) Donald Holm; (tt) Duane Holm; (uu) Jeff, Michelle, Brenna, Colin, Kelsey and Ryan Humphreys; (vv) David Ierino; (ww) Jamar Company; (xx) Joe Jeannette; (yy) Linda Jeannette; (zz) Jeffrey Jensen; (aaa) Jodie Johnson; (bbb) Karl Johnson; (ccc) Kurt Johnson; (ddd) David A. Jones; (eee) Jason Ketola; (fff) Cindy Kerr; (ggg) Christian Koelling; (hhh) Angie LaFlamme; (iii) Paul Laskowski; (jjj) Mike Lebsack; (kkk) Steve Lent; (lll) Cindy Lieffring; (mmm) Deb Logergren; (nnn) Patti Logergren; (ooo) Elizabeth Lundgren; (ppp) Mary Magnuson; (qqq) Darrin and Jen Mass; (rrr) Matt Mathias; (sss) Steve Meyer; (ttt) Steve Miller; (uuu) Adam Nelson; (vvv) Charles H. Nelson, Jr.; (www) Brant Nicklin; (xxx) Randy Norton; (yyy) Angela L. O'Connell; (zzz) Pat O'Connell; (aaaa) James A. Olson; (bbbb) Heather Opsahl; (cccc) Scott Patten; (dddd) John Paulson; (eeee) Steve Payette; (fff) Michael R. Pennington; (gggg) Michelle Peterson; (hhhh) Katie Pfeffer; (iiii) Bob Pratt; (jjjj) Anders Priley; (kkkk) Ginny Randolph; (llll) Kari Rengo; (mmmm) Shawn Roed; (nnnn) Ben Ross; (oooo) John and Chris Ross; (pppp) Travis Rybchinski; (qqqq) Steve Samuelson; (rrrr) Greg Schendel; (ssss) Dave Schuman; (tttt) Teri Schuman; (uuuu) Adam Shadiow; (vvvv) Shane Simonette; (wwww) Laura Simonson; (xxxx) Steve Sutherland; (yyyy) Tracey Teller; (zzzz) Jim Thole; (aaaaa) Chad and Rica Thompson;

(bbbb) Pam Tomassoni; (cccc) Pokey and Cathie Trachsel; (dddd) Chris Trapp; (eeee) Karen Turnboom; (ffff) Mark Udd; (gggg) Carol Valentini; (hhhh) Jason Watt; (iiii) Leah Wrazidlo. -- Received

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REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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REPORTS FROM OTHER OFFICERS

- * 06-1010-07 Assessor letter of sufficiency of petition to vacate a ten foot alley between Lots 1, 2, 3, 4, 4-1/2 and 5, Block 186, from 50th Avenue West to existing 16 foot alley, West Duluth Seventh Division. -- Received
- * 06-1010-08 Clerk application to the Minnesota gambling control board for exemption from lawful gambling license from Duluth Amateur Hockey Association on January 12, 2007 (raffle). -- Received
- * 06-1010-09 Parks and recreation department director Lake Superior zoological society: (a) Education and executive reports for September 2006; (b) Minutes of July 19, 2006, meeting. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 06-1010-10 Board of zoning appeals minutes of July 25, 2006, meeting. -- Received
- * 06-1010-11 Duluth airport authority unaudited balance sheet of July 31, 2006. -- Received
- * 06-1010-12 Duluth transit authority minutes of June 28, 2006, meeting. -- Received
- * 06-1010-13 Library board minutes of August 22, 2006, meeting. -- Received
- * 06-1010-14 Planning commission minutes of September 12, 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 FOR RECONSIDERATION

COMMITTEE 2

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

NEW 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.

COMMITTEE 3

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

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

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RESOLUTIONS TABLED

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). (TABLED 9/25 FOR CONSIDERATION WITH ORDINANCE 06-035-O)

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) (TABLED 9/25 FOR COMMITTEE MEETING)

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 KRAUSE (PURCHASING & LICENSING)

06-0697R - RESOLUTION APPROVING THE RENEWAL OF A MINNESOTA CURRENCY EXCHANGE LICENSE TO PAWN AMERICA MINNESOTA, LLC.

BY COUNCILOR JOHNSON (PERSONNEL)

06-0708R - RESOLUTION CONFIRMING THE APPOINTMENT OF CHARLES ANDRESEN REPLACING HOWARD MARTZ TO THE BOARD OF ZONING APPEALS.

06-0709R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF DENNIS LAMKIN AND JONATHAN LEE TO THE DULUTH PUBLIC ARTS COMMISSION.

06-0710R - RESOLUTION CONFIRMING THE APPOINTMENT OF CYNTHIA HAGLEY REPLACING DAVID J. SMITH, TO THE ENVIRONMENTAL ADVISORY COUNCIL.

06-0711R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF BRIAN ALLEN AND THE APPOINTMENT OF CHARLES KORSCH TO THE TREE COMMISSION, REPLACING THERESE VAUGHN.

06-0715R - RESOLUTION CONFIRMING THE APPOINTMENTS OF CHERYL GRAHAM, CHERIE SAWINSKI AND RANDAL ZIMMERMANN, REPLACING ISOBEL RAPAICH, TO THE SISTER CITY COMMISSION.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

NEW 06-0659R - RESOLUTION VACATING PARTS OF HELM AVENUE AND MICHIGAN STREET (DMIR).

06-0718R - RESOLUTION AMENDING RESOLUTION 05-0641 TO AUTHORIZE A HOUSING INVESTMENT FUND (HIF) LOAN AGREEMENT IN THE AMOUNT OF \$150,000 WITH MATTERHORN APARTMENTS, LLC, FOR THE VILLAGE AT MATTERHORN PROJECT AND AUTHORIZING EXECUTION OF DOCUMENTS RELATED THERETO.

06-0720R - RESOLUTION REQUESTING THE FREE CONVEYANCE OF 1.46 ACRES OF TAX FORFEITED LAND FOR STREET AND UTILITY PURPOSES LOCATED ALONG BAYHILL DRIVE SOUTH OF PULASKI STREET.

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

06-0690R - RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ST LOUIS COUNTY BOARD FOR THE FURNISHING OF HOME DELIVERED MEALS TO INCREASE THE PAYMENT FOR ELDERLY WAIVER MEALS FROM \$5.94 TO \$6.08 PER MEAL.

COMMITTEE 2

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

06-0694R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH JOB SERVICES TO PROVIDE DISLOCATED WORKER SERVICES IN AN AMOUNT NOT TO EXCEED \$97,259 FOR THE FEDERAL PROGRAM (FOR THE PERIOD JULY 1, 2006 - JUNE 30, 2007), \$161,584 FOR THE STATE PROGRAM (FOR THE PERIOD JULY 1, 2006 - JUNE 30, 2007) AND \$76,000 FOR THE AIRLINE WORKER PROGRAM (FOR THE PERIOD JULY 1, 2006 - DECEMBER 31, 2006).

06-0698R - RESOLUTION ENTERING INTO AN AGREEMENT ACCEPTING \$196,105 FROM SENIOR SERVICE AMERICA, INC., TO OPERATE THE SENIOR AIDES PROGRAM FROM OCTOBER 1, 2006, TO JUNE 30, 2007; PROGRAM FUNDS WILL BE ACCEPTED UPON RECEIPT OF NOTICES OF FUNDS AVAILABLE.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0696R - RESOLUTION AMENDING RESOLUTION 05-0723, TO INCREASE THE CONTRACT WITH UNITED ELECTRIC COMPANY FOR MOTOR CONTROL EQUIPMENT AND SWITCHGEAR, AT AN INCREASE OF \$13,890.80, FOR A NEW TOTAL OF \$66,533.75.

06-0701R - RESOLUTION AWARDED CONTRACT TO KTM PAVING, INC., FOR THE SNOW PLOWING OF MUNICIPAL PARKING LOTS AND RAMPS AS NEEDED DURING THE 2006-2007 WINTER SEASON AT AN ESTIMATED AMOUNT OF \$25,000.

06-0704R - RESOLUTION AUTHORIZING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ST. LOUIS COUNTY LAND DEPARTMENT.

06-0717R - RESOLUTION AMENDING RESOLUTION 06-0620 TO INCREASE THE CONTRACT WITH HOLIDAY STATIONSTORES, INC., FOR FUEL AS NEEDED THROUGH DECEMBER 31, 2006, BY \$200,000, FOR A NEW TOTAL OF \$650,358.

NEW 06-0725R - RESOLUTION AWARDED A CONTRACT TO STOUT MECHANICAL, INC., FOR INSTALLATION OF HOT WATER SUPPLY AND RETURN LINES TO CANAL PARK INN - LODGE ON LAKE SUPERIOR IN THE AMOUNT OF \$186,000.

NEW 06-0726R - RESOLUTION AWARDED A CONTRACT TO APEX MECHANICAL FOR THE NEW SAN MARCO APARTMENTS STEAM LINE EXTENSION IN THE AMOUNT OF \$80,700.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-0702R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE ST. LOUIS COUNTY SHERIFF TO PROVIDE IDENTIFICATION SERVICES FOR THE CITY OF DULUTH POLICE DEPARTMENT DURING YEAR 2006 FOR AN ESTIMATED \$13,495.

06-0703R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MAINTENANCE AGREEMENT WITH ST. LOUIS COUNTY FOR COMPUTER HARDWARE AND SOFTWARE ASSOCIATED WITH PARTICIPATION IN A SHARED INTEGRATED CRIMINAL JUSTICE SYSTEM KNOWN AS NEMESIS (NORTHEASTERN MINNESOTA ENFORCEMENT AND SAFETY INFORMATION SYSTEM) FOR \$27,500.28.

06-0705R - RESOLUTION AUTHORIZING SEASONAL CLOSING OF PORTIONS OF LINCOLN PARK DRIVE.

COMMITTEE 3

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0693R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AMENDED AGREEMENT WITH THE LAKE SUPERIOR ZOOLOGICAL SOCIETY, INC.

06-0707R - RESOLUTION ACCEPTING A GIFT FROM THE DULUTH LIBRARY FOUNDATION FOR LIBRARY MATERIALS.

06-0713R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH WILLIAM STARKS PROVIDING FOR STARK'S USE OF THE WASHINGTON RECREATION CENTER FOR HIS BASKETBALL LEAGUE ACTIVITIES.

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)

06-0699R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT STORMWATER UTILITY FEES DURING THE PERIOD OF JANUARY 1, 2004, TO DECEMBER 31, 2005, AS PROVIDED FOR IN ARTICLE XI OF CHAPTER 43 OF THE DULUTH CITY CODE.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0714R - RESOLUTION ACCEPTING REIMBURSEMENT FROM THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR CERTAIN BAYWALK CONSTRUCTION EXPENSES IN THE AMOUNT OF \$225,000, AND AUTHORIZING A BAYWALK EASEMENT AGREEMENT IN THE AMOUNT OF \$65,000 AND A LICENSE AGREEMENT WITH MARINE IRON & SHIPBUILDING COMPANY.

06-0716R - RESOLUTION AWARDED CONTRACT TO LETOURNEAU AND SONS, INC., FOR CONSTRUCTION OF BAYWALK EXTENSION PHASE V IN THE AMOUNT OF \$225,000.

06-0719R - RESOLUTION AUTHORIZING AGREEMENT TO ACQUIRE LAKEWALK EASEMENT FROM JUDSON HATFIELD TRUST FOR \$40,000.

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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)

06-041-O - AN ORDINANCE GRANTING A CONCURRENT USE PERMIT TO MARGUERITE P. ACHESON FOR A FIXED AWNING TO PROJECT INTO AND OVER THE RIGHT-OF-WAY OF EAST SUPERIOR STREET, 47TH AVENUE EAST AND MCCULLOCH STREET FOR PROPERTY LOCATED AT 4631 EAST SUPERIOR STREET.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-042-O - AN ORDINANCE PROVIDING FOR LABOR UNION ORGANIZATION PROCEDURES FOR CERTAIN CITY PROJECTS; ADDING A NEW SECTION 2-28 TO THE DULUTH CITY CODE, 1959, AS AMENDED.

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

COUNCILOR QUESTIONS AND COMMENTS
