

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, October 23, 2006, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - 7:00 p.m. - Denfeld resident permit parking zone amendment (06-0706R).

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

- * 06-1023-01 A&L Properties:
 - (a) Application for concurrent use permit for skywalk over 15th Avenue East between London Road and South Street. -- Planning commission
 - (b) Petition to vacate dedicated skywalk system area on the second floor of the Livingston Building located at 222 West Superior Street (Lot 44, Block 6, Central Division of Duluth). -- Assessor
- * 06-1023-02 Richard LeBeau, et al. (six signatures), petition to reclassify from R-1-a to C-5 property described as: Duluth lands in the city, Section 8, Township 50, Range 14, southerly 433 feet of south ½ of southeast ¼ lying west of a line commencing on south line, 1,308.11 feet westerly of southeast corner thence running north 0° 9' 52" west 433 feet except westerly 66 feet. -- Assessor
- * 06-1023-03 Ray Wood petition to vacate that portion of 14th Street Alley adjoining Lots 1 through 4, Block 35, Harrison's Brookdale Division of Duluth, lying between Piedmont Avenue and U.S. Highway 53. -- Assessor
- * 06-1023-04 Duluth Teacher's Credit Union withdrawing 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. -- Received
- * 06-1023-05 The following communications regarding the proposed Heritage Sports facility (06-0692R):
(a) Randy Norton; (b) Shawn Roed. -- Received
- * 06-1023-06 The following communications regarding the proposed ordinance providing for labor union organization procedures for certain city projects (06-042-O): (a) Paul Anderson, et al. (103 signatures); (b) Barbara Gay; (c) Ron Kope; (d) Jack G. Liljegren; (e) Aaron Peterson; (f) Elizabeth Sandwick; (g) Karen Young. -- Received

REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

REPORTS FROM OTHER OFFICERS

* 06-1023-07 Assessor for confirmation the assessment roll levied to defray the assessable portion of Contract #5423, construction of Central Avenue Alley from Bristol street to Ramsey Street (assessable amount: \$92,675.97). -- Received

* 06-1023-08 Clerk application to the Minnesota gambling control board for exemption from lawful gambling license from Minnesota Program Development on December 7, 2006 (raffle). -- Received

- - -

REPORTS OF BOARDS AND COMMISSIONS

* 06-1023-09 Commission on disabilities minutes of September 6, 2006, meeting. -- Received

* 06-1023-10 Duluth/North Shore Sanitary District minutes of September 13, 2006, meeting. -- Received

* 06-1023-11 Parks and recreation minutes of July 12, 2006, meeting. -- Received

* Listed only, not copied.

- - -

REPORTS OF COUNCIL COMMITTEES

- - -

REPORTS OF COUNCIL OPEN ISSUES

- Planned unit development
- Zoning Code changes

- - -

OPPORTUNITY FOR CITIZENS TO BE HEARD

- - -

RESOLUTIONS TABLED

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

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)

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

(TABLED 10/10)

- - -

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)

06-0734R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF PERMANENT ALLEY IMPROVEMENTS FOR CENTRAL AVENUE FROM BRISTOL STREET TO RAMSEY STREET.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0729R - RESOLUTION ISSUING ALCOHOLIC BEVERAGE LICENSES TO J&J MILLER, INC. (COPASETIC LOUNGE), 322 EAST CENTRAL ENTRANCE, AND LIDO OF DULUTH, INC. (LIDO), 600 EAST SUPERIOR STREET.

BY COUNCILOR JOHNSON (PERSONNEL)

06-0722R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF LYNN BEECHLER TO THE SPECIAL BOARD OF REVIEW.

06-0723R - RESOLUTION CONFIRMING THE APPOINTMENT OF DON O'CONNOR TO THE BUILDING APPEAL BOARD, REPLACING JIM SCHWERDT.

06-0724R - RESOLUTION CONFIRMING THE APPOINTMENT OF SCOTT M. WALLSCHLAEGER TO THE COMMUNITY DEVELOPMENT COMMITTEE, REPLACING SCOTT LUNDBERG.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0739R - RESOLUTION AUTHORIZING APPLICATION FOR A MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT CONTAMINATION CLEAN-UP GRANT IN THE AMOUNT OF \$429,214, THE LOCAL MATCH, AND AUTHORIZING EXECUTION OF AGREEMENTS NECESSARY TO IMPLEMENT THE GRANT.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0721R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A JOINT CONTRACT WITH THE CITY OF PROCTOR AND ST. LOUIS COUNTY FOR THE JOINT IMPLEMENTATION OF PHASE TWO OF THE BIKEWAYS PLAN, AT AN ESTIMATED COST TO THE CITY OF \$13,000.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0727R - RESOLUTION AWARDED A CONTRACT TO APEX MECHANICAL PLUMBING, HEATING AND UTILITIES FOR THE INSTALLATION OF A HIGH PRESSURE STEAM PIPING SYSTEM TO FIRST LUTHERAN CHURCH IN THE AMOUNT OF \$72,100.

06-0731R - RESOLUTION AWARDED A CONTRACT TO ERLING R. HANSEN GENERAL CONTRACTOR, INC., FOR BUILDING IMPROVEMENTS TO THE LAKEWOOD PUMP STATION IN THE AMOUNT OF \$34,750.

06-0732R - RESOLUTION AWARDED A CONTRACT TO VIKING ELECTRIC SUPPLY, INC., FOR DOWNTOWN AND CANAL PARK AREA STREET LIGHT POLE BASES IN THE AMOUNT OF \$22,684.50.

06-0735R - RESOLUTION PURCHASING A LICENSE TO RECONSTRUCT A STORM SEWER PIPELINE ON BURLINGTON RAILWAY COMPANY RIGHT-OF-WAY NEAR GARFIELD AVENUE AND BIRCH STREET AS PART OF CITY PROJECT NO. 0258ST FOR A CONSIDERATION OF \$1,500.

06-0736R - RESOLUTION AMENDING RESOLUTION 05-0423, AWARDED A CONTRACT TO AYRES ASSOCIATES, INC., FOR PROFESSIONAL ENGINEERING SERVICES, TO INCREASE THE AMOUNT BY \$108,275 FOR A NEW TOTAL OF \$257,275.

06-0737R - RESOLUTION ACCEPTING A GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR THE CONSTRUCTION OF THE LAKEWALK EAST TRAIL EXTENSION PHASE I, IN THE AMOUNT OF \$175,000.

06-0738R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH MSA PROFESSIONAL SERVICES TO PROVIDE ENGINEERING SERVICES FOR DESIGN AND CONSTRUCTION OF THE LAKESIDE INTERCEPTOR SANITARY SEWER OVERFLOW STORAGE FACILITY IN THE AMOUNT OF \$482,609.

NEW 06-0740R - RESOLUTION AUTHORIZING AGREEMENT WITH RICE LAKE TOWNSHIP FOR GRADER STORAGE AND USE.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-0700R - RESOLUTION TO INCREASE THE PURCHASE ORDER TO ADVANTAGE SYSTEMS GROUP FOR INSTALLATION OF THE NEW ADDITIONAL CLOSED CIRCUIT TELEVISION (CCTV) SYSTEM EQUIPMENT AT THE CITY CENTER WEST POLICE STATION AND EMERGENCY OPERATIONS CENTER (EOC) BY \$9,248.46, FOR A NEW TOTAL OF \$25,138.95.

06-0706R - RESOLUTION AMENDING RESOLUTION 01-0704 ADDING PORTIONS OF CERTAIN STREETS TO THE DENFELD HIGH SCHOOL-DULUTH RESIDENT PERMIT PARKING ZONES.

END OF CONSENT AGENDA

- - -

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

COMMITTEE 2

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

06-0733R - RESOLUTION REQUESTING GOVERNMENTAL ACTION FOR PROTECTION OF WILD RICE.
(REPLACEMENT)

NEW 06-0741R - RESOLUTION DECLARING POLICY FOR ACTIONS TO FUND POST-RETIREMENT BENEFITS.

NEW 06-0742R - RESOLUTION AUTHORIZING AGREEMENT WITH US DEPARTMENT OF HUD FOR FAIR HOUSING PROGRAM IMPLEMENTATION - HUMAN RIGHTS OFFICE, IN AMOUNT OF \$120,000 FOR YEAR 2007.

COMMITTEE 3

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-0730R - RESOLUTION AWARDED A CONTRACT TO ARROWHEAD RADIO AND SECURITY, INC., FOR MASTER III P25 VHF (VERY HIGH FREQUENCY) REPEATERS, HARDWARE AND RELATED MANUALS IN THE AMOUNT OF \$95,232.30.

- - -

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

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). **(TABLED 10/10)**

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

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-043-O - AN ORDINANCE GRANTING TO DULUTH LAKEWALK OFFICES, LLC, A CONCURRENT USE PERMIT TO CONSTRUCT AND MAINTAIN PARKING SPACES, FOR PRIVATE USE, IN THE RIGHTS-OF-WAY OF 15TH AVENUE EAST AND SOUTH STREET.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-044-O - AN ORDINANCE ALIENATING CERTAIN PROPERTY IN WEST DULUTH AND AUTHORIZING SALE OF SAME TO DALE E. AND DEBRA K. DIERYCK FOR \$25,769.

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

COUNCILOR QUESTIONS AND COMMENTS