

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT 2

Monday, November 13, 2006, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - 7:00 p.m. - MIF loan agreement with Northstar Machine and Tool Company, Inc., dba Northstar Aerospace.

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

- * 06-1113-01 Bryan and Jenny Bjonskaas, et al. (ten signatures), petition to vacate the alley easement adjacent to Lots 1 through 30, Block 32, Gary First Division. -- Assessor
- * 06-1113-02 Minnesota state auditor audit report for Duluth/North Shore Sanitary District for the year ended December 31, 2005. -- Received

REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

REPORTS FROM OTHER OFFICERS

- * 06-1113-03 Assessor:
 - (a) Confirmation of assessment roll to be levied to defray in full the expense of solid waste collection during the period March 1, 2005, to June 1, 2006, for which the collector has not been reimbursed;
 - (b) Letters of sufficiency of petitions to vacate:
 - (1) Alley easement adjacent to Lots 1 through 30, Block 32, Gary First Division;
 - (2) 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);
 - (3) 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. -- Received
- * 06-1113-04 Clerk application to the Minnesota gambling control board for exemption from lawful gambling license from Rotary Club of Duluth on March 8, 2007 (raffle). -- Received

REPORTS OF BOARDS AND COMMISSIONS

- * 06-1113-05 Commission on disabilities minutes of October 4, 2006, meeting. -- Received
- * 06-1113-08 Duluth airport authority balance sheet for month ending of August 31, 2006. -- Received
- * 06-1113-06 Duluth human rights commission minutes of October 11, 2006, meeting. -- Received

- * 06-1113-07 Duluth transit authority: (a) Income statement for June, 2006; (b) Minutes of August 30, 2006, meeting. -- Received
- * 06-1113-09 Housing and redevelopment authority of Duluth minutes of: (a) June 27; (b) July 25, 2006, meetings. -- Received
- * 06-1113-10 Library board minutes of September 26, 2006, meeting. -- Received
- * 06-1113-11 Planning commission minutes of September 27, 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 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)

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

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

(REPLACEMENT)

(TABLED 10/23 FOR PRESENTATION)

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MOTIONS AND RESOLUTIONS

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

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0760R - RESOLUTION AUTHORIZING AN AGREEMENT WITH NORTHSTAR MACHINE AND TOOL COMPANY, INC., D/B/A NORTHSTAR AEROSPACE, IN AN AMOUNT NOT TO EXCEED \$500,000, CONTINGENT UPON RECEIPT OF A MINNESOTA INVESTMENT FUND GRANT FROM THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT.

COMMITTEE 2

BY COUNCILORS GILBERT AND JOHNSON

06-0758R - RESOLUTION ADOPTING A NEW STANDING RULE OF THE CITY COUNCIL PERTAINING TO NOMINATION OF OFFICERS.

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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)

06-0749R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY IN FULL THE EXPENSE OF SOLID WASTE COLLECTION DURING THE PERIOD OF MARCH 1, 2005, TO JUNE 1, 2006, FOR WHICH THE LICENSED COLLECTOR HAS NOT BEEN REIMBURSED AS PROVIDED FOR IN CHAPTER 24 OF THE DULUTH CITY CODE.

06-0765R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION BONDS AND EQUIPMENT CERTIFICATES OF INDEBTEDNESS.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0767R - RESOLUTION AWARDED CONTRACT TO NORTHERN BUSINESS PRODUCTS, INC., FOR THE PURCHASE OF HERMAN MILLER FURNISHINGS IN CONJUNCTION WITH THE AUDITOR'S OFFICE RENOVATION PROJECT IN THE AMOUNT OF \$97,671.08.

06-0768R - RESOLUTION AWARDED CONTRACT TO NYLUND ELECTRIC, INC., FOR ELECTRICAL REWIRING SERVICES IN CONJUNCTION WITH THE AUDITOR'S OFFICE RENOVATION PROJECT IN THE AMOUNT OF \$28,258.

BY COUNCILOR JOHNSON (PERSONNEL)

06-0728R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF TRAFFIC MAINTENANCE PERSON INCLUDING A TITLE CHANGE TO TRAFFIC MAINTENANCE WORKER AND SPECIFYING CONTRACT BENEFITS FOR SAME.

06-0747R - RESOLUTION CONFIRMING THE APPOINTMENTS OF SANDRA GRAFF AND YOLANDE JENNY TO THE ANIMAL HUMANE BOARD, REPLACING MARCIA OPIEN AND MARY JANE SMYTHE.

06-0753R - RESOLUTIONS APPROVING PROPOSED SPECIFICATIONS FOR THE REVISED CIVIL SERVICE CLASSIFICATION OF MANAGER, HUMAN RESOURCES, INCLUDING A TITLE CHANGE TO MANAGER, HUMAN RESOURCES, HEALTH CARE AND SAFETY, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0759R - RESOLUTION AUTHORIZING AMENDMENT TO CONTRACT WITH UNIVERSITY OF MINNESOTA, RESOLUTION 05-0669, ADDING TASKS AND INCREASING AMOUNT BY \$1,800.

COMMITTEE 2

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

06-0752R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH ST. LOUIS COUNTY TO PROVIDE FOOD SUPPORT EMPLOYMENT AND TRAINING SERVICES AT COSTS NOT TO EXCEED \$32,384.50, FROM OCTOBER 1, 2006, THROUGH SEPTEMBER 30, 2007.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0745R - RESOLUTION AWARDED A CONSTRUCTION CONTRACT TO CONSTRUCTION SERVICES, INC., FOR THE REPLACEMENT OF TWO PEDESTRIAN BRIDGES IN LESTER PARK IN THE AMOUNT OF \$81,349.

06-0746R - RESOLUTION AWARDED CONTRACT TO BEDROCK-FLINT, INC., FOR MASONRY RESTORATION OF FIRE STATION #4, 425 WEST COLLEGE STREET, IN THE AMOUNT OF \$45,896.

06-0748R - RESOLUTION ACCEPTING AND DEDICATING AN EASEMENT FOR STREET AND UTILITY PURPOSES AT NO COST FROM ROBERT ALLEN BAUERS ADJACENT TO ROBIN AVENUE IN DULUTH HEIGHTS.

06-0763R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE SALVATION ARMY RELATING TO DISTRIBUTION OF EMERGENCY ENERGY ASSISTANCE FUNDS IN THE AMOUNT OF \$16,086.

06-0764R - RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY FOR A SANITARY SEWER OVERFLOW FACILITY NEAR THE INTERSECTION OF 32ND AVENUE EAST AND LONDON ROAD, FROM TISCHER CREEK, LLC, FOR THE TOTAL COST OF \$64,000.

06-0766R - RESOLUTION ADOPTING THE AMENDMENT TO THE FACILITY PLAN FOR SANITARY SEWER OVERFLOW STORAGE FOR THE LAKESIDE INTERCEPTOR.

06-0771R - RESOLUTION AWARDED A THREE-YEAR CONTRACT TO VINE BODY SHOP FOR VEHICLE BODY REPAIRS AS NEEDED DURING 2006-2007, AT AN ESTIMATED FIRST-YEAR AMOUNT OF \$30,000.

06-0775R - RESOLUTION AMENDING RESOLUTION 06-0472 FOR CONSTRUCTION OF A 12 INCH STORM SEWER IN A UTILITY EASEMENT BETWEEN TIOGA STREET AND COLORADO STREET ABOVE 41ST AVENUE EAST, BY ALLIANCE STEEL CONSTRUCTION, INC., TO INCREASE THE DOLLAR AMOUNT BY \$35,000 FOR A NEW TOTAL OF \$160,273.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-0750R - RESOLUTION AWARDED CONTRACT TO CUSTOM FIRE APPARATUS, INC., FOR A TRIPLE COMBINATION PUMPER FIRE TRUCK IN THE AMOUNT OF \$316,558.

06-0755R - RESOLUTION AUTHORIZING THE CITY TO ACCEPT A \$21,299 GRANT FROM THE STATE OF MINNESOTA DEPARTMENT OF PUBLIC SAFETY AND TO EXECUTE ANY DOCUMENTS REQUIRED TO BE EXECUTED TO ACCEPT SUCH GRANT.

06-0769R - RESOLUTION AWARDED CONTRACTS TO TWO VENDORS - TWIN PORTS EXCAVATING AND CONSTRUCTION SERVICES, INC., (CSI) OF DULUTH - FOR DEMOLITION OF FOUR STRUCTURES FOR A TOTAL AMOUNT OF \$48,707.

COMMITTEE 3

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-0772R - RESOLUTION AUTHORIZING AMENDMENT NO. 3 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)

06-0743R - RESOLUTION PROVIDING RETROACTIVE AUTHORIZATION FOR LEASE AGREEMENT WITH MINNESOTA ARMY NATIONAL GUARD FOR VOLLEYBALL COURT RENTAL DURING THE 2005-2006 SEASON IN THE AMOUNT OF \$9,180.

06-0744R -- RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH THE MINNESOTA ARMY NATIONAL GUARD FOR VOLLEYBALL COURT RENTAL DURING THE 2006-2007 SEASON IN THE AMOUNT OF \$9,900.

06-0754R - RESOLUTION ACCEPTING MONETARY GIFT IN THE AMOUNT OF \$25,000 FROM THE FRIENDS OF THE DULUTH PUBLIC LIBRARY TO THE DULUTH PUBLIC LIBRARY.

06-0761R - RESOLUTION AUTHORIZING THE CITY OF DULUTH TO ACCEPT VARIOUS GRANTS FROM THE STATE OF MINNESOTA AND FEDERAL GOVERNMENT ON BEHALF OF THE DULUTH TRANSIT AUTHORITY.

06-0762R - RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE DULUTH TRANSIT AUTHORITY AND FIRST TRANSIT, INC., TO PROVIDE MANAGEMENT OF THE TRANSIT SYSTEM FOR A FIVE YEAR PERIOD COMMENCING NOVEMBER 1, 2006.

06-0770R - RESOLUTION AWARDED CONTRACT TO API ELECTRIC COMPANY FOR THE ELECTRICAL SYSTEM UPGRADE OF WADE STADIUM BALLFIELDS FOR A TOTAL OF \$46,829.

END OF CONSENT AGENDA

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

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0751R - RESOLUTION AMENDING RESOLUTION 05-0458 GRANTING A SPECIAL USE PERMIT TO DON PROULX FOR AN ASSISTED LIVING FACILITY FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF HAINES ROAD AND MORRIS THOMAS ROAD TO PERMIT AN EXPANSION.

06-0773R - RESOLUTION COMMITTING FUNDING SOURCES FOR THE HERITAGE PROGRAM ACCOUNT AND AUTHORIZING A DEVELOPMENT AGREEMENT WITH CLYDE INDUSTRIAL PARK, INC. (CLYDE) AND DULUTH HERITAGE SPORTS CENTER (HERITAGE) AND A PROGRAM AGREEMENT WITH HERITAGE RELATED TO THE HERITAGE SPORTS CENTER PROJECT.

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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)

06-037-O - AN ORDINANCE AMENDING SECTIONS 50-35 AND 50-80 OF THE DULUTH CITY CODE, 1959, AS AMENDED RELATING TO CLINICS IN RESIDENTIAL AND COMMERCIAL ZONES.

06-049-O - AN ORDINANCE GRANTING A CONCURRENT USE PERMIT TO SETH OLIVER FOR TWO BALCONIES TO PROJECT INTO AND OVER THE RIGHT-OF-WAY OF WEST FIRST STREET LOCATED ADJACENT TO 414 WEST FIRST STREET.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-045-O - AN ORDINANCE ALIENATING CERTAIN PROPERTY IN DULUTH HEIGHTS AND AUTHORIZING CONVEYANCE OF SAME TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH AT NO COST, AND ACCEPTING A LAND EXCHANGE FROM THE HRA IN THE HAWK RIDGE AREA AND DEDICATING SAID EXCHANGED PROPERTY FOR PARK PURPOSES.

06-046-O - AN ORDINANCE ALIENATING CERTAIN PROPERTY NEAR THE INTERSECTION OF PECAN AVENUE AND RICE LAKE ROAD AND AUTHORIZING SALE AND CONVEYANCE OF SAME TO JOHN W. PATRICK FOR \$6,220.

06-047-O - AN ORDINANCE AUTHORIZING SALE OF CERTAIN PROPERTY NEAR THE INTERSECTION OF GARFIELD AVENUE AND SUPERIOR STREET TO MINNESOTA POWER FOR \$35,000.

06-048-O - AN ORDINANCE ALIENATING CERTAIN PROPERTY IN WEST DULUTH AND AUTHORIZING SALE OF SAME TO JACK P. AND BONNIE J. SYLVESTER FOR \$19,625.

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

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COUNCILOR QUESTIONS AND COMMENTS

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