

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, November 27, 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

* 06-1127-01 Minnesota state auditor audit report for Spirit Mountain recreation area authority for the year ended December 31, 2006. -- Received

* 06-1127-02 The following communications regarding the proposed construction and development and use agreement of the proposed KROC Center (06-0785R): (a) William van Druten; (b) Janet Karon; (c) Kennedy and Graven, Chartered; (d) Laura Puckett; (e) Salvation Army, by Douglas Franzen, attorney.. -- Received

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REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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REPORTS FROM OTHER OFFICERS

* 06-1127-03 Clerk applications to the Minnesota gambling control board for exemption from lawful gambling licenses (raffles) from:
(a) Greater Downtown Council on January 17, 2007;
(b) Regents of the University of Minnesota on February 11, 2007. -- Received

* 06-1127-04 Parks and recreation department director minutes of Lake Superior zoological society meeting of September 20, 2006. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

* 06-1127-05 American Indian commission minutes of October 16, 2006, meeting. -- Received

* 06-1127-06 Duluth airport authority minutes of October 17, 2006, meeting. -- Received

* 06-1127-07 Duluth/North Shore Sanitary District board minutes of October 11, 2006, meeting. -- Received

* 06-1127-08 Parks and recreation commission minutes of October 11, 2006, meeting. -- Received

* 06-1127-09 Planning commission minutes of October 25, 2006, meeting. -- Received

* 06-1127-10 Spirit Mountain recreation area authority minutes of: (a) April 20; (b) July 20; (c) August 17; (d) September 21, 2006, meetings. -- 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

UNFINISHED BUSINESS

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

BY COUNCILORS GILBERT AND JOHNSON

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

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)

06-0777R - RESOLUTION AUTHORIZING AGREEMENT WITH STATE DEPARTMENT OF REVENUE TO ADMINISTER THE CITY SALES TAX SYSTEM.

06-0798R - RESOLUTION ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2007 AND ESTABLISHING THE COUNCIL'S INTENT FOR FUTURE LICENSE, PERMIT AND FEE CHARGES.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0780R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO THE COLLEGE OF ST. SCHOLASTICA, 1200 KENWOOD AVENUE.

06-0782R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH SUPERIORUSA BENEFITS CORPORATION TO PROVIDE ADMINISTRATIVE SERVICES FOR A FLEXIBLE BENEFITS PLAN FOR THE CITY FOR YEAR 2007 AT AN ESTIMATED COST OF \$11,250.

06-0783R - RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH JOHNSON INSURANCE CONSULTANTS TO PROVIDE EMPLOYEE BENEFIT CONSULTING SERVICES DURING THE YEAR 2007 AT A COST NOT TO EXCEED \$13,200.

06-0795R - RESOLUTION AWARDED CONTRACT TO MERCER HEALTH AND BENEFITS, LLC, FOR A DEPENDENT ELIGIBILITY AUDIT OF THE CITY OF DULUTH'S HEALTH INSURANCE MEDICAL PLAN IN THE AMOUNT OF \$25,000.

BY COUNCILOR JOHNSON (PERSONNEL)

06-0774R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF HUMAN RIGHTS ENFORCEMENT OFFICER AND SPECIFYING CONTRACT BENEFITS FOR SAME.

06-0778R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF CHIEF GAS CONTROLLER.

06-0779R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF ASSISTANT CITY TREASURER AND SPECIFYING CONTRACT BENEFITS FOR SAME.

06-0781R - RESOLUTION CONFIRMING THE APPOINTMENT OF JENNIFER MURPHY TO THE PARKS AND RECREATION COMMISSION, REPLACING NETTIE R. BOTHWELL.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0799R - RESOLUTION VACATING THE ALLEY BETWEEN LOTS 1-11 AND 20-30, BLOCK 32, GARY FIRST DIVISION, WHILE RETAINING THE FULL WIDTH AS A UTILITY EASEMENT (BJONSKAAS).

06-0800R - RESOLUTION RESCINDING RESOLUTION 02-0216 AND VACATING MULTIPLE STREET, ALLEY, PEDESTRIAN AND UTILITY EASEMENTS AND ACCEPTING ROADWAY EASEMENTS ON THE UMD CAMPUS (UNIVERSITY OF MINNESOTA REAL ESTATE OFFICE).

06-0801R - RESOLUTION VACATING AND GRANTING PORTIONS OF EASEMENT WITHIN THE SKYWALK SYSTEM ON THE SECOND FLOOR OF THE "MINNESOTA NATIONAL BANK (LIVINGSTON) BUILDING" AT 222 WEST SUPERIOR STREET (A & L DEVELOPMENT).

06-0802R - RESOLUTION AUTHORIZING AMENDMENTS TO THE 2005 COMMUNITY DEVELOPMENT PROGRAM NORTHERN COMMUNITIES LAND TRUST: DECONSTRUCTION - RECONSTRUCTION PROJECT AGREEMENT AND TO THE 2005 NORTHERN CITY HOMES PHASE IV AGREEMENT EXTENDING THE TERMS OF THESE AGREEMENTS.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0803R - RESOLUTION AUTHORIZING SECOND AMENDMENT TO THE 2004 COMMUNITY DEVELOPMENT PROGRAM NORTHERN COMMUNITIES LAND TRUST: CITY HOMES PHASE III - INFRASTRUCTURE AGREEMENT EXTENDING THE TERM OF THE AGREEMENT.

06-0807R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO MARK AND PATTI STENHAMMER TO CONSTRUCT AND OPERATE A 10-RESIDENT ASSISTED LIVING HOME ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF MCCUEN STREET AND 98TH AVENUE WEST.

06-0808R - RESOLUTION OBJECTING TO THE PROPOSED RECLASSIFICATION TO NON-CONSERVATION AND SALE OF CERTAIN TAX FORFEITED PARCELS BY THE BOARD OF COMMISSIONERS OF SAINT LOUIS COUNTY (OCTOBER 20, 2006 RECLASSIFICATION).

06-0815R - RESOLUTION APPROVING SECOND AMENDMENT TO CITY CONTRACT NO. 15462 REGARDING THE LIVINGSTON'S BUILDING SKYWALK.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0787R - RESOLUTION APPLICATION FOR AND ACCEPTANCE OF A GRANT OF \$15,000 FROM MINNESOTA DEPARTMENT OF NATURAL RESOURCES TO DEVELOP BEST MANAGEMENT PRACTICES WORKSHOPS.

06-0794R - RESOLUTION AWARDED CONTRACT TO ZIEGLER/CATERPILLAR, INC., FOR RENTAL/LEASE OF 16 CATERPILLAR MODEL 143H MOTOR GRADERS FOR FOUR ADDITIONAL SIX MONTH PERIODS (FOUR SNOW SEASONS) AT AN ANNUAL AMOUNT OF \$365,270.80.

06-0804R - RESOLUTION REQUESTING THAT COMMISSIONER OF MN/DOT GRANT A CLEARANCE VARIANCE FOR THE LAKE AVENUE SKYWALK BRIDGE.

06-0817R - RESOLUTION SETTING SALARY AND FRINGE BENEFITS OF THE MAYOR.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-0776R - RESOLUTION TO ESTABLISH A ONE STALL ACCESSIBLE PARKING ZONE AT 2302 WEST SECOND STREET.

06-0797R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH ARROWHEAD REGIONAL CORRECTIONS PROVIDING FOR THE CITY OF DULUTH AND ARROWHEAD REGIONAL CORRECTIONS TO PARTICIPATE IN A PROBATION PARTNERSHIP.

06-0805R - RESOLUTION RESCINDING THE DESIGNATION OF THAT PART OF THE SOUTH SIDE OF FOURTH STREET BETWEEN SECOND AVENUE WEST AND THIRD AVENUE WEST AS A NO PARKING ZONE.

06-0806R - RESOLUTION ESTABLISHING A ONE STALL ACCESSIBLE PARKING ZONE AT 816 EAST TENTH STREET.

COMMITTEE 3

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0784R - RESOLUTION DECLARING CERTAIN LAND TO BE AVAILABLE FOR SALE AND DETERMINING TO SELL IT WITHOUT BIDS.

06-0785R - RESOLUTION APPROVING CONTRACT WITH SALVATION ARMY FOR DEVELOPMENT AND USE OF A RECREATIONAL FACILITY AT WHEELER FIELD IN THE AMOUNT OF \$7,200,000 FROM THE COMMUNITY INVESTMENT TRUST FUND AND NOT TO EXCEED \$300,000 FROM THE DULUTH PUBLIC FACILITY AND PROGRAM FUND.

06-0786R - RESOLUTION APPROVING AMENDMENT TO LEASE BETWEEN SMRAA AND MOUNTAIN VILLAS OWNERS' ASSOCIATION EXTENDING THE TERM THEREOF.

06-0796R - RESOLUTION APPROVING SETTLEMENT OF CITY CLAIM AGAINST DAMBERG, SCOTT, GERZINA, WAGNER ARCHITECTS, INC., IN THE AMOUNT OF \$19,032.50.

06-0816R - RESOLUTION APPROVING SETTLEMENT OF CITY CLAIM AGAINST BILLMAN CONSTRUCTION, INC. IN THE AMOUNT OF \$12,413.99.

END OF CONSENT AGENDA

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The following entitled resolution is also for consideration at this meeting:

COMMITTEE 1

BY COUNCILOR JOHNSON (PERSONNEL)

NEW 06-0826R - RESOLUTION CONFIRMING THE APPOINTMENTS OF PETER HANDBERG, WILL KELLOGG, ANNE KRAFTHFER, HEATHER RAND AND JOHN VIGEN TO THE COMMISSION ON HIGHER EDUCATION.

COMMITTEE 2

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

NEW 06-0825R - RESOLUTION REQUESTING THAT THE SPECIAL ASSESSMENT BOARD ESTABLISH A POLICY FOR IMPROVEMENTS ON MINNESOTA STATE AID ROADS OF ASSESSING REAL PROPERTY OWNED BY NOT FOR PROFIT ORGANIZATIONS AT A REDUCED RATE.

COMMITTEE 3

BY COUNCILOR LITTLE (PUBLIC SAFETY)

NEW 06-0756R - 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 SEVENTH AVENUE EAST, ON THE SOUTH SIDE OF FIRST STREET BETWEEN EIGHTH AVENUE EAST AND NINTH AVENUE EAST, ON BOTH SIDES OF SECOND STREET BETWEEN SIXTH AVENUE EAST AND SEVENTH AVENUE EAST, ON THE NORTH SIDE OF THIRD STREET BETWEEN THIRD AVENUE EAST AND FOURTH 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.

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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 KRAUSE (PURCHASING & LICENSING)

06-053-O - AN ORDINANCE AMENDING SECTION 41-23 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO AUTHORIZE ADVERTISING FOR BIDS ON THE CITY'S WEBSITE.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-052-O - AN ORDINANCE TO RENAME MIDDLE ROAD WEST OF HOWARD GNESEN ROAD AND MIDDLE LANE IN THE PLAT OF CEDAR RIDGE ESTATES AS GREENBRIAR LANE (LORAAS, ET AL.).

COMMITTEE 3

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-051-O - AN ORDINANCE SELLING PARK PROPERTY TO THE SALVATION ARMY.

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

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.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

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. (AS AMENDED)

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COUNCILOR QUESTIONS AND COMMENTS

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