

Monday, December 18, 2006, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - September 11, 21, 25; October 10, 23; November 6, 13, 27 and 30, 2006.

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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

* 06-1218-01 Marguerite P. Acheson acceptance of terms, conditions and provisions of concurrent use permit granted by Ordinance 9797 on October 23, 2006. -- Received

* 06-1218-02 The following communications regarding assessments for the West Third Street improvement (06-0825R): (a) Jeffrey Schenk; (b) Tony Wroblewski. -- Received

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REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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REPORTS FROM OTHER OFFICERS

* 06-1218-03 Assessor:
(a) Affidavit of mailing of notice of public hearing on December 19, 2006, regarding reassessment of canceled assessment for Plat 3080 Parcel 02680;
(b) For confirmation, the assessment rolls levied to defray the assessable portion of:
(1) Contract No. 5397, sanitary sewer extension 1,050 feet south of Mall Drive (assessable amount - \$22,295.50);
(2) Contract No. 5402, Trinity Road sanitary sewer and water main extension (assessable amount - \$96,063.76. -- Received

* 06-1218-04 Clerk application to the Minnesota gambling control board for exemption from lawful gambling for Minnesota Citizens Federation - Northeast on April 28, 2007 (raffle). -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 06-1218-05 Charter commission minutes of October 12, 2005, meeting. -- Received
- * 06-1218-06 Commission on disabilities minutes of November 1, 2006, meeting. -- Received
- * 06-1218-07 Duluth airport authority balance sheet of September 30, 2006. -- Received
- * 06-1218-08 Library board minutes of October 24, 2006, meeting. -- Received
- * 06-1218-09 Seaway Port authority financial statement of November 28, 2006. -- 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 1

BY COUNCILOR STEWART (FINANCE)

06-0798R - RESOLUTION ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2007. (TABLED 11/27)
(REPLACEMENT)
(AMENDMENT)

06-0813R - RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN AND CALLING FOR PUBLIC HEARING ON INTENTION TO ISSUE IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION 475.521. (TABLED 12/4)

COMMITTEE 2

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

06-0825R - RESOLUTION SETTING SPECIAL ASSESSMENT FOR WEST THIRD STREET IMPROVEMENT, CITY JOB NO. 0123TR. (REPLACEMENT)
(TABLED 11/27)

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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)

06-0863R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF SANITARY SEWER EXTENSION 1,050 FEET SOUTH OF MALL DRIVE. (REPLACEMENT)

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0827R - RESOLUTION AWARDDING CONTRACT TO NORTHERN BUSINESS PRODUCTS, INC., FOR THE PURCHASE OF HERMAN MILLER FURNISHINGS FOR THE CITY CENTER WEST POLICE STATION AND EMERGENCY OPERATIONS CENTER (EOC) IN THE AMOUNT OF \$83,223.05.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0849R - RESOLUTION AUTHORIZING AMENDMENT #1 TO CONTRACT #19781 WITH SEH, INC., FOR PROVIDING CERTAIN ADDITIONAL ENGINEERING SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH THE LAKEWALK EXTENSION (26TH TO 36TH AVENUE EAST) IN AN AMOUNT NOT TO EXCEED \$30,520.

06-0873R - RESOLUTION APPROVING THE TRANSFER OF THE OFF SALE 3.2 PERCENT MALT LIQUOR LICENSE FROM HARBOR CITY OIL COMPANY, INC. (KOLQUIST BROTHERS EXPRESSTOP), 4701 EAST SUPERIOR STREET, TO DOCKS OF DULUTH, INC. (EXPRESSTOP), SAME ADDRESS.

BY COUNCILOR JOHNSON (PERSONNEL)

06-0841R - RESOLUTION CONFIRMING THE APPOINTMENT OF SARAH L. CHAMBERS TO THE DULUTH TRANSIT AUTHORITY, REPLACING ISOBEL RAPAICH.

06-0842R - RESOLUTION CONFIRMING THE APPOINTMENT OF TODD TORVINEN TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY, REPLACING CAROL J. BIRD.

06-0843R - RESOLUTION ELECTING MEMBERS TO THE BOARD OF MANAGERS OF THE DULUTH/NORTH SHORE SANITARY DISTRICT PURSUANT TO MINNESOTA STATUTES, SECTION 115.23, SUBDIVISION 7.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0848R - RESOLUTION AUTHORIZING AN AMENDMENT TO THE SACRED HEART MUSIC CENTER (SHMC) INTERIOR FLOOR RENOVATION PROJECT AGREEMENT WITH SHMC TO INCREASE THE AMOUNT PAYABLE THEREUNDER FROM \$91,016 TO \$102,606.

06-0866R - RESOLUTION AUTHORIZING APPLICATION FOR AND, IF APPROVED, THE ACCEPTANCE OF A COASTAL MANAGEMENT PROGRAM GRANT FROM MINNESOTA DNR, DIVISION OF WATERS, FOR COASTAL MANAGEMENT EDUCATION PURPOSES IN THE AMOUNT OF \$69,500 AND COMMITTING LOCAL SHARE. (REPLACEMENT)

06-0876R - RESOLUTION APPLICATION FOR AND ACCEPTANCE OF A GRANT OF \$40,000 FROM MNDNR TO DEVELOP A UNIFIED DEVELOPMENT CODE FOR DULUTH.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0828R - RESOLUTION AWARDED CONTRACT TO NORTRAX EQUIPMENT COMPANY, INC., FOR PURCHASE OF A JOHN DEERE 80C EXCAVATOR WITH RELATED ATTACHMENTS AND MAINTENANCE AGREEMENT FOR A TOTAL AMOUNT OF \$117,171.30.

06-0832R - RESOLUTION AUTHORIZING AGREEMENT WITH MICHAEL AND MELISSA JASPER TO ALLOW CONNECTION TO WLSSD'S DIVISION D INTERCEPTOR.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0844R - RESOLUTION AMENDING RESOLUTION 06-0635 AWARDED A CONTRACT TO CONSTRUCTION SERVICES, INC., FOR THE REPLACEMENT OF AN 18 INCH STORM SEWER LINE AT CHESTER PARKWAY BELOW SKYLINE PARKWAY TO INCREASE THE AMOUNT BY \$29,743.73 FOR A NEW TOTAL OF \$107,443.73.

06-0845R - RESOLUTION AMENDING RESOLUTION 06-0098 AWARDED A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES TO SHORT ELLIOTT HENDRICKSON, INC., TO PERFORM DRAINAGE EVALUATION, DESIGN AND CONSTRUCTION MANAGEMENT FOR CONSTRUCTION OF DENIM DRIVE IN THE AMOUNT OF \$33,808.93 FOR A NEW TOTAL OF \$75,808.93.

06-0850R - RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR REMOVAL OF BRIDGE NOS. L8501 AND 89451 AND CONSTRUCTION OF BRIDGE NOS. 69671 AND 69672 LOCATED ON SEVEN BRIDGES ROAD AND SKYLINE PARKWAY OVER AMITY CREEK IN THE AMOUNT OF \$1,614,049.50.

06-0852R - RESOLUTION AMENDING RESOLUTION 03-0778 AWARDED CONTRACT TO LHB ENGINEERS AND ARCHITECTS FOR PROFESSIONAL ENGINEERING SERVICES FOR REPLACEMENT OF BRIDGE NO. 89451 OVER AMITY CREEK ON SKYLINE PARKWAY TO INCREASE THE AMOUNT BY \$52,584 FOR A NEW TOTAL OF \$94,058.

06-0853R - RESOLUTION AMENDING RESOLUTION 03-0779 AWARDED CONTRACT TO LHB ENGINEERS AND ARCHITECTS FOR PROFESSIONAL ENGINEERING SERVICES FOR REPLACEMENT OF BRIDGE NO. L8501 OVER AMITY CREEK ON SEVEN BRIDGES ROAD TO INCREASE THE AMOUNT BY \$50,251 FOR A NEW TOTAL OF \$90,930.

06-0855R - RESOLUTION AWARDED CONTRACT TO MACQUEEN EQUIPMENT, INC., FOR ONE 2007 ELGIN PELICAN MODEL SE STREET SWEEPER WITH RELATED ACCESSORIES AND OPTIONS IN THE AMOUNT OF \$151,181.01.

06-0856R - RESOLUTION AWARDED CONTRACT TO BOYER TRUCKS, INC., FOR TWO 2007 STERLING SANDING TRUCKS WITH CATERPILLAR C13 ENGINES IN THE AMOUNT OF \$182,553.78.

06-0861R - RESOLUTION AMENDING RESOLUTION 06-0430 AWARDED A CONTRACT TO LETOURNEAU AND SONS, INC., FOR THE CONSTRUCTION OF THE CARLTON STREET RECONDITIONING PROJECT IN THE AMOUNT OF \$83,912.90 FOR A NEW TOTAL OF \$337,000.

06-0867R - RESOLUTION APPROVING SETTLEMENT OF CLAIM BY STACK BROS. MECHANICAL CONTRACTORS, INC., AND AGAINST CITY OF DULUTH IN THE AMOUNT OF \$28,109.50.

06-0868R - RESOLUTION AWARDED CONTRACT TO VOGEL PAINT AND WAX COMPANY, INC., FOR 5,650 GALLONS OF YELLOW AND WHITE TRAFFIC MARKING PAINT IN THE AMOUNT OF \$34,420.27.

COMMITTEE 3

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0834R - RESOLUTION AUTHORIZING PROPER CITY OFFICERS TO EXECUTE AN AGREEMENT WITH THE WOODLAND GARDENS ASSOCIATION FOR THE OPERATION OF THE DULUTH SENIOR DINING PROGRAM.

COMMITTEE 3

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0835R - RESOLUTION AWARDING CONTRACT TO ST. LOUIS COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT FOR SERVING MEALS TO ELIGIBLE SENIOR CITIZENS AT THE RAINBOW AND LINCOLN PARK CENTERS FOR APPROXIMATELY \$168,212.

06-0846R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICERS TO EXECUTE AN AMENDMENT TO AGREEMENT NO. 20024 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES LAKE SUPERIOR COASTAL PROGRAM FOR LAND ACQUISITION OF BURLINGTON NORTHERN RAILROAD PROPERTY ON GRASSY POINT.

06-0847R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICERS TO EXECUTE A SECOND AMENDMENT TO AGREEMENT NO. 20025 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES REMEDIATION FUND GRANT PROGRAM FOR LAND ACQUISITION OF BURLINGTON NORTHERN RAILROAD PROPERTY ON GRASSY POINT.

06-0857R - RESOLUTION ACCEPTING A GRANT FROM SMDC CORPORATE CONTRIBUTIONS IN THE AMOUNT OF \$3,495.65 FOR THE PURCHASE OF AN AUTOMATIC EXTERNAL DEFIBRILLATOR.

06-0862R - RESOLUTION AUTHORIZING AGREEMENT WITH MINNESOTA OFFICE OF HIGHER EDUCATION FOR PARTICIPATION IN MNLINK SYSTEM.

06-0865R - RESOLUTION ALLOWING THE FEDERAL GOVERNMENT TO RETURN A BUILDING AND PROPERTY TO THE CITY AND DULUTH AIRPORT AUTHORITY.

06-0872R - RESOLUTION SUPPORTING AN INCREASED APPROPRIATION FOR THE REGIONAL LIBRARY SYSTEM.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR STEWART (FINANCE)

06-0875R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF 3400 DRIVE TRINITY ROAD SANITARY SEWER AND WATERMAIN EXTENSION.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0854R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE AND 2:00 A.M. BEVERAGE LICENSE AND APPLICATION FOR AN ON SALE DANCING LICENSE FROM BLACK RIVER MILLS, INC. (NORSHOR THEATRE), 211 EAST SUPERIOR STREET, TO NORSHOR EXPERIENCE, INC. (NORSHOR EXPERIENCE), SAME ADDRESS.

06-0859R - RESOLUTION FOR EXECUTION OF AMENDED EXHIBIT A AND EXHIBIT F TO SERVICE AGREEMENT WITH BLUE CROSS AND BLUE SHIELD OF MINNESOTA TO PROVIDE ADMINISTRATIVE SERVICES, STOP LOSS INSURANCE AND CARE SUPPORT PROGRAM EFFECTIVE JANUARY 1, 2006.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0860R - RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS WITH BLUE CROSS AND BLUE SHIELD OF MINNESOTA TO PROVIDE ADMINISTRATIVE SERVICES, STOP LOSS INSURANCE AND THE BLUE PRINT FOR HEALTH-CARE SUPPORT PROGRAM TO THE CITY GROUP HEALTH PLAN DURING YEAR 2007 AT AN ESTIMATED TOTAL COST TO THE CITY OF \$1,282,333.

06-0874R - RESOLUTION REQUESTING THE CHARTER COMMISSION TO REVIEW DULUTH'S FORM OF GOVERNMENT AND PREPARE AND PRESENT A REPORT TO THE CITY COUNCIL, INCLUDING ANY RECOMMENDATIONS FOR CHANGE THAT THE COMMISSION MAY WISH TO MAKE. **(REPLACEMENT)**

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0837R - RESOLUTION APPROVING THE 2007 ACTION PLAN PORTION OF THE 2005-2009 CONSOLIDATED PLAN AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME PROGRAM AND EMERGENCY SHELTER GRANT (ESG) PROGRAM FUNDS.

06-0838R - RESOLUTION AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2007 PROGRAM YEAR AS WELL AS APPROVING THE REALLOCATION OF CERTAIN PRIOR CDBG FUNDS AND AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

06-0839R - RESOLUTION AUTHORIZING A REQUEST FOR HUD HOME FUNDS FOR THE 2007 PROGRAM YEAR, AS WELL AS APPROVING THE REALLOCATION OF CERTAIN PRIOR HOME FUNDS, AND AUTHORIZING CONTRACTS.

06-0840R - RESOLUTION AUTHORIZING A REQUEST FOR HUD EMERGENCY SHELTER GRANT PROGRAM (ESGP) FUNDS FOR THE 2007 PROGRAM YEAR AND AUTHORIZING CONTRACTS.

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

06-0877R - RESOLUTION AMENDING RESOLUTIONS 06-0613, 06-0614, 06-0616, 06-0617 AND DIRECTING RECALCULATION OF UTILITY RATES, SETTING A DATE FOR IMPLEMENTATION.

06-0878R - RESOLUTION SETTING LEGISLATIVE PRIORITIES FOR THE YEARS 2007 AND 2008. **(REPLACEMENT)**

BY PRESIDENT REINERT AND COUNCILOR NESS

06-0864R - RESOLUTION REQUESTING CONTINUATION OF THE FUNCTION OF ENERGY MANAGER. **(REPLACEMENT)**

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0851R - RESOLUTION AMENDING RESOLUTION 04-0542 AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A JOINT CONTRACT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION, ST. LOUIS COUNTY, THE CITY OF DULUTH AND SHORT ELLIOTT HENDRICKSON, INC., FOR DETAIL DESIGN ENGINEERING SERVICES RELATING TO THE RECONSTRUCTION OF TRUNK HIGHWAY 53 (MILLER TRUNK HIGHWAY) AND ADJACENT FRONTAGE ROADS, COUNTY ROADS AND CITY STREETS, AT AN ESTIMATED COST TO THE CITY OF \$336,982.15 TO INCREASE THE AMOUNT BY \$73,361.71 FOR A NEW TOTAL OF \$410,343.96.

06-0858R - RESOLUTION SUPPORTING SAFE CLIMATE ACT.

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0822R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT FOR FIVE YEARS WITH DULUTH ECONOMIC DEVELOPMENT AUTHORITY, LAKE SUPERIOR CENTER AUTHORITY AND SECRET SERVICE ENTERTAINMENT LLC PROVIDING FOR THE PRODUCTION, PROMOTION AND MANAGEMENT OF SPECIAL EVENTS AT BAYFRONT FESTIVAL PARK AT A COST OF \$48,500 PER YEAR. (REPLACEMENT)

06-0833R - RESOLUTION AUTHORIZING PROPER CITY OFFICERS TO EXECUTE AN AGREEMENT WITH THE HOLY CROSS LUTHERAN CHURCH OF DULUTH HEIGHTS, FOR THE OPERATION OF THE DULUTH SENIOR DINING PROGRAM AT A COST OF \$7,632.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-058-O - AN ORDINANCE AMENDING SECTIONS 44-1, 44-2, 44-5, 44-11, 44-14, 44-33 AND 44-34 OF THE DULUTH CITY CODE, 1959, AS AMENDED; REGULATING LIGHTED SIGNS. (TABLED 12/4 AND REFERRED TO PLANNING COMMISSION)

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.). (TABLED 12/4)

The following entitled ordinance is to be read for the first time:

COMMITTEE 1

BY COUNCILOR STEWART (FINANCE)

06-059-O - AN ORDINANCE AMENDING SECTIONS 2-16 AND 31-6 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO FEES AND CHARGES.

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

COMMITTEE 1

BY COUNCILOR STEWART

(FINANCE)

06-054-O - AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2007 APPROPRIATION MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES. (AMENDMENTS)

06-055-O - AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2007. (AMENDMENT)

06-056-O - AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2007.

06-057-O - AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH SEAWAY PORT AUTHORITY, FOR THE YEAR 2007.

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COUNCILOR QUESTIONS AND COMMENTS

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