

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Tuesday, January 16, 2007, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - December 4, 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

- * 07-0116-01 CMA Management, LLC, petition to vacate the public easement lying over, under and across that part of vacated Helm Street, Marine Division of Duluth, lying between the easterly line of 32nd Avenue West and a line drawn from the northeast corner of Lot 27, Block 3, Marine Division of Duluth, to the southeast corner of Lot 12, Block 4, Marine Division of Duluth. -- Assessor
- * 07-0116-02 Walter Peterson, et al. (two signatures), by Charles H. Andresen, attorney, petition to vacate a portion of Austin Street, Woodland Park Second Division. -- Assessor
- * 07-0116-03 Seaway Hotel application for a concurrent use permit to construct a stairway exit from the first escape to the alley to the west of 20th Avenue West between Superior Street and First Street. -- Planning commission
- * 07-0116-04 Robert Stubenvoll, et al. (three signatures), petition to vacate Lakeview Avenue adjoining Lot 4, Block 5, and Lot 22, Block 6, Congdon Park Division, subject to the retention of a 20 foot wide easement for existing storm sewer. -- Assessor
- * 07-0116-05 Suites at Waterfront Plaza application for a concurrent use permit to construct 14 condominium decks on west facade and seven decks on east facade (Lake Avenue), above sidewalk at 325 Lake Avenue South. -- Planning commission

REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

REPORTS FROM OTHER OFFICERS

- * 07-0116-06 Assessor assessment rolls levied to defray the assessable portions of the following contracts: (a) No. 5418, Superior Street between 38th and 40th avenues West (assessable amount: \$62,104.31); (b) No. 5427, Skyline Parkway Alley sanitary sewer extension (assessable amount: \$38,166.57); (c) No. 7022, 1997 street improvement reassessment (assessable amount: \$1,500). -- Received
- * 07-0116-07 Clerk applications to the Minnesota gambling control board for exemption from lawful gambling licenses from: (a) Duluth East Athletic Association in April, 2007 (raffle); (b) Rotary Club of Duluth, Harbortown, MN USA, Inc., on April 18, 2007 (raffle). -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 07-0116-08 Commission on disabilities: (a) Minutes of December 6, 2006, meeting; (b) 2006 year end report. -- Received
- * 07-0116-09 Duluth airport authority minutes of: (a) November 21; (b) December 11, 2006, meetings. -- Received
- * 07-0116-12 Duluth human rights commission minutes of November 8, 2006, meeting. -- Received
- * 07-0116-10 Duluth state convention center administrative board minutes of: (a) July 24; (b) August 29; (c) September 25; (d) October 31; (e) November 27, 2006, meetings; (f) Building committee meetings held: (1) January 31; (2) November 14, 2006; (g) Finance committee meeting held October 31, 2006 ; (h) Long range planning session held November 27, 2006. -- Received
- * 07-0116-11 Duluth/North Shore Sanitary District minutes of November 8, 2006, meeting. -- Received
- * 07-0116-13 Planning commission minutes of November 14, 2006, meeting. -- Received
- * 07-0116-14 Seaway Port authority of Duluth minutes of: (a) June 21; (b) August 9; (c) September 27, 2006, meetings. -- 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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RESOLUTION TABLED

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.

(TABLED 12/18)

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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)

07-0001R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF SUPERIOR STREET BETWEEN 38TH AND 40TH AVENUES WEST.

07-0007R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO REINSTATE THE ASSESSABLE PORTION OF CANCELED STREET IMPROVEMENTS 1997.

07-0008R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF SKYLINE PARKWAY ALLEY SANITARY SEWER EXTENSION.

07-0011R - RESOLUTION AUTHORIZING AN AGREEMENT FOR APPRAISAL SERVICES WITH THE VALUATION GROUP, INC., RELATED TO THE VARIOUS TAX COURT PROCEEDINGS TOTALING NOT TO EXCEED \$20,000.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

07-0029R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND SUNDAY LICENSE AND APPLICATION FOR A 2:00 A.M. BEVERAGE LICENSE FROM MIDWAY BAR, INC. (MIDWAY BAR), 1909 WEST SUPERIOR STREET, TO SHAND, LLC (BLUE CRAB BAR), SAME ADDRESS.

07-0030R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND SUNDAY LICENSE AND APPLICATION FOR A 2:00 A.M. BEVERAGE LICENSE FROM RAY SKELTON (BEDROCK BAR), 2023 WEST SUPERIOR STREET, TO CHASERS OF DULUTH, INC. (BEDROCK BAR), SAME ADDRESS.

07-0031R - RESOLUTION APPROVING THE ISSUANCE OF AN ADDITIONAL BAR LICENSE TO NORSHOR EXPERIENCE, INC. (NORSHOR EXPERIENCE), 211 EAST SUPERIOR STREET.

NEW 07-0045R - RESOLUTION APPROVING THE RENEWAL OF A MINNESOTA CURRENCY EXCHANGE LICENSE TO THE TITLE LOAN COMPANY, INC., DBA MONEY XCHANGE.

BY COUNCILOR JOHNSON (PERSONNEL)

07-0023R - RESOLUTION DESIGNATING THE RESPONSIBLE AUTHORITY FOR DATA PRACTICES UNDER MINNESOTA STATUTES.

COMMITTEE 3

BY PRESIDENT STOVER (PUBLIC WORKS & UTILITIES)

07-0003R - RESOLUTION ORDERING THE CONSTRUCTION OF APPROXIMATELY 130 FEET OF SANITARY SEWER IN 41ST AVENUE EAST FROM REGENT STREET TO REGENT STREET ALLEY PURSUANT TO SECTION 61(A) OF THE HOME RULE CHARTER OF THE CITY OF DULUTH AT AN ESTIMATED COST OF \$18,315.

COMMITTEE 3

BY PRESIDENT STOVER (PUBLIC WORKS & UTILITIES)

07-0004R - RESOLUTION ADDING 27TH AVENUE WEST FROM HELM STREET TO COURTLAND STREET TO DESIGNATED MSA ROUTES IN THE CITY OF DULUTH.

07-0005R - RESOLUTION ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR THE CONSTRUCTION OF BRIDGE NO. 69671 OVER AMITY CREEK ON SEVEN BRIDGES ROAD IN THE AMOUNT OF \$601,290.

07-0006R - RESOLUTION ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR THE CONSTRUCTION OF BRIDGE NO. 69672 OVER AMITY CREEK ON SKYLINE PARKWAY IN THE AMOUNT OF \$582,907.

07-0009R - RESOLUTION REVISING THE LIST OF HIGH PRIORITY BRIDGES IN THE CITY OF DULUTH.

07-0012R - RESOLUTION AMENDING RESOLUTION 06-0094 AWARDED A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES WITH LHB ENGINEERS AND ARCHITECTS, INC., FOR THE DEVELOPMENT OF FINAL DESIGN AND CONSTRUCTION PLANS FOR THE REHABILITATION OF BRIDGE NO. 92277 AT 26TH AVENUE WEST OVER MILLER CREEK IN THE ESTIMATED AMOUNT OF \$2,871, FOR A NEW TOTAL OF \$71,831.

07-0017R - RESOLUTION AWARDED CONTRACT TO THUNDER BAY CHEMICALS, LTD., FOR 150,000 GALLONS OF LIQUID ALUMINUM SULFATE FOR A TOTAL AMOUNT OF \$106,206.59.

07-0018R - RESOLUTION AWARDED CONTRACT TO HAWKINS, INC., DBA HAWKINS WATER TREATMENT GROUP - SUPERIOR, FOR 100,000 GALLONS OF CAUSTIC SODA FOR A TOTAL AMOUNT OF \$146,437.50.

07-0019R - RESOLUTION AWARDED A CONTRACT TO HAWKINS, INC., DBA HAWKINS WATER TREATMENT GROUP - SUPERIOR, FOR 145 TONS OF LIQUID HYDROFLUOROSILICIC ACID FOR A TOTAL AMOUNT OF \$60,997.88.

07-0020R - RESOLUTION AWARDED A CONTRACT TO HAWKINS INC, DBA HAWKINS WATER TREATMENT GROUP - SUPERIOR, FOR 55 TONS OF LIQUID CHLORINE FOR A TOTAL AMOUNT OF \$28,959.48.

07-0021R - RESOLUTION AWARDED A CONTRACT TO AIRGAS SPECIALTY PRODUCTS FOR 40,000 POUNDS OF LIQUID ANHYDROUS AMMONIA FOR A TOTAL AMOUNT OF \$24,708.

07-0022R - RESOLUTION AWARDED A CONTRACT TO COMO LUBE AND SUPPLIES, INC., FOR OILS AND LUBRICANTS AS NEEDED IN YEARS 2007-2008, 2008-2009 AND 2009-2010 FOR AN ESTIMATED AMOUNT OF \$100,000 PER YEAR.

07-0024R - RESOLUTION REQUESTING THE FREE CONVEYANCE OF TAX FORFEITED LANDS FOR UTILITY PURPOSES LOCATED ALONG ZIMMERLY AVENUE.

07-0025R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH SEH, INC., TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE LAKEWALK EAST EXTENSION, PHASE II, ESTIMATED AT \$93,930.

07-0027R - RESOLUTION AUTHORIZING THE ACQUISITION OF CERTAIN DEDA-OWNED PROPERTY LOCATED IN DULUTH HEIGHTS FOR STORMWATER MANAGEMENT PURPOSES.

COMMITTEE 3

BY PRESIDENT STOVER (PUBLIC WORKS & UTILITIES)

07-0032R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A FINAL SIX-MONTH EXTENSION OF CONTRACT #19592 WITH LHB, INC., FOR PROFESSIONAL SERVICES RELATED TO THE GIS STORMWATER PLAN, FOR AN INCREASE NOT TO EXCEED \$10,000, AND A NEW CONTRACT TOTAL OF \$95,000.

07-0034R - RESOLUTION AMENDING RESOLUTION 06-0620 AUTHORIZING THE PROPER CITY OFFICIALS TO EXTEND THE 2005 CONTRACT WITH HOLIDAY STATIONSTORES, INC., FOR FUEL AS NEEDED FOR A PERIOD OF TWO MONTHS BEGINNING JANUARY 1, 2007, AND ENDING FEBRUARY 28, 2007, AT AN ESTIMATED AMOUNT OF \$100,000.

07-0036R - RESOLUTION REQUESTING THE FREE CONVEYANCE OF TAX FORFEITED LANDS FOR STREET AND UTILITY PURPOSES LOCATED ALONG WEST FOURTH STREET BETWEEN 134TH AVENUE WEST AND 132ND AVENUE WEST IN FOND DU LAC.

07-0038R - RESOLUTION AWARDED CONTRACT TO WASTE MANAGEMENT OF NORTHERN MINNESOTA FOR GARBAGE/REUSE REMOVAL AS NEEDED DURING YEAR 2007, AT AN ESTIMATED AMOUNT OF \$62,000.

07-0039R - RESOLUTION AMENDING RESOLUTION 06-0176 (CHANGE 3) TO EXTEND THE CONTRACT WITH INTER-CITY OIL, INC., FOR FURNISHING AND DELIVERING FUEL AS NEEDED FOR TWO MONTHS BEGINNING JANUARY 1, 2007, AND ENDING FEBRUARY 28, 2007, AT AN ESTIMATED INCREASE OF \$26,625, FOR A NEW TOTAL OF \$147,625.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

07-0026R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT AN ADDITIONAL GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE AMOUNT OF \$274,286 FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND GANG TASK FORCE IN 2007.

07-0028R - RESOLUTION AWARDED CONTRACT TO LDV, INC., FOR THE PURCHASE OF A MOBILE COMMAND POST VEHICLE, IN THE AMOUNT OF \$151,553.

07-0033R - RESOLUTION AUTHORIZING AN AGREEMENT TO REIMBURSE THE ST. LOUIS COUNTY SHERIFF FOR PROVIDING IDENTIFICATION SERVICES FOR THE DULUTH POLICE DEPARTMENT DURING YEAR 2007 AT AN ESTIMATED AMOUNT OF \$13,495.

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

07-0037R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE ARROWHEAD REGIONAL DEVELOPMENT COMMISSION FOR A PERFORMANCE BASED CONTRACT FOR THE CITY'S SENIOR DINING PROGRAM FOR AN AMOUNT NOT TO EXCEED \$262,851.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILORS KRAUSE AND STEWART

NEW 07-0050R - RESOLUTION REQUESTING THAT THE ADMINISTRATION DEVELOP AND PRESENT AN ORDINANCE AUTHORIZING RESIDENTIAL PARKING PERMITS IN METERED ZONES.

BY COUNCILOR JOHNSON (PERSONNEL)

07-0041R - RESOLUTION ESTABLISHING SALARIES AND FRINGE BENEFITS FOR THE CITY ATTORNEY AND ASSISTANT CITY ATTORNEYS FOR YEARS 2007, 2008 AND 2009.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

07-0044R - RESOLUTION AUTHORIZING AGREEMENT WITH COALITION FOR ECO-INDUSTRIAL DEVELOPMENT FOR \$25,000.

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

07-0043R - RESOLUTION REQUESTING THE CHARTER COMMISSION TO RECOMMEND ADOPTION OF AN ORDINANCE AMENDING SECTION 102 OF THE CITY CHARTER PERTAINING TO LIQUOR SALES NEAR PARKS.

NEW 07-0049R - RESOLUTION EXPRESSING THE COUNCIL'S INTENT TO COMMIT ITSELF AS A PARTNER IN THE ESTABLISHMENT OF A WORKFORCE STRATEGY TASK FORCE.

COMMITTEE 3

BY COUNCILOR LITTLE (PUBLIC SAFETY)

07-0015R - RESOLUTION AMENDING RESOLUTION 06-0492, INCREASING THE CONTRACT WITH DUNCAN PARKING TECHNOLOGIES, INC., FOR PARKING METERS AND PARTS BY \$50,650.98 FOR A NEW TOTAL OF \$100,530.48.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE 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 12/4/2006; REFERRED TO PLANNING COMMISSION)

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

COMMITTEE 3

BY PRESIDENT STOVER (PUBLIC WORKS & UTILITIES)

07-002-O - AN ORDINANCE AUTHORIZING THE SALE OF CITY OWNED PROPERTY NEAR THE INTERSECTION OF MESABA AVENUE AND CENTRAL ENTRANCE TO MARIA A. IALLONARDO FOR \$20,757.

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

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

07-001-O - AN ORDINANCE AMENDING SECTION 50-35 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO SPECIAL USE PERMIT STANDARDS FOR WIND ENERGY CONVERSION SYSTEMS.

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COUNCILOR QUESTIONS AND COMMENTS

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