

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, March 12, 2007, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS - 7:00 p.m. - Charter amendment pertaining to restrictions on alcohol sales (07-007-O).
7:00 p.m. - Charter amendment pertaining to penalties and interest on tax forfeit property (07-008-O).

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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

- * 07-0312-01 Grandma's Restaurant Company application for a concurrent use permit to add additional seating on the deck at Little Angie's Cantina and Grill located on Lots 2 and 4, St. Croix Avenue, Cowells Addition to Duluth (11 East Buchanan Street). -- Planning commission
- * 07-0312-02 Shelley Kuszler concurrent use permit application for remodeling of existing home at 3801 Lake Avenue South. -- Planning commission
- * 07-0312-03 Sherman and Associates, Inc., application for a concurrent use permit to construct canopies and awnings and install flagpoles at the Sheraton Duluth Hotel and the 311 Superior Condominiums at 311 East Superior Street. -- Planning commission
- * 07-0312-04 The following communications regarding contract with Secret Services Entertainment, LLC, for management of Bayfront Festival Park (07-0177R): (a) Andrew Berryhill; (b) Jim Rigstad; (c) Charles Stephan; (d) Chip Stewart. -- Received

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REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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REPORTS FROM OTHER OFFICERS

- * 07-0312-05 Assessor letter of sufficiency of petition to vacate the southerly 33 feet of Waseca Street between 65th Avenue West and the plotted alley between 64th and 65th avenues West. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 07-0312-06 Duluth airport authority minutes of January 30, 2007, meeting. -- Received
- * 07-0312-07 Duluth/North Shore Sanitary District minutes of January 10, 2007. -- Received

- * 07-0312-08 Duluth transit authority: (a) Income statement for November 2006; (b) Minutes of January 3, 2007, meeting. -- Received
- * 07-0312-09 Entertainment and convention center authority minutes of: (a) December 18, 2006, regular; (b) January 18, 2007, building committee, meetings. -- Received
- * 07-0312-10 Library board minutes of January 23, 2007, meeting. -- Received
- * 07-0312-11 Seaway Port authority of Duluth financial report of February 22, 2007. -- 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 1

BY COUNCILOR STEWART (FINANCE)

07-0177R - RESOLUTION TO CHANGE POLICY AND TO TERMINATE CONTRACT WITH SECRET SERVICE ENTERTAINMENT, LLC. (TABLED 2/26)

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

07-0097R - RESOLUTION AUTHORIZING THE EXECUTION OF AN ADMINISTRATIVE SERVICES AGREEMENT WITH NATIONWIDE RETIREMENT SOLUTIONS, INC., RELATING TO THE CITY'S DEFERRED COMPENSATION PLAN. (TABLED 2/26)

07-0098R - RESOLUTION AUTHORIZING THE EXECUTION OF AN ADMINISTRATIVE SERVICES AGREEMENT WITH ACCLAIM BENEFITS, INC., RELATING TO THE CITY'S DEFERRED COMPENSATION PLAN. (TABLED 2/26)

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

07-0136R - RESOLUTION TRANSFERRING \$2,000,000 FROM COMMUNITY INVESTMENT TRUST FUND TO OTHER POST EMPLOYMENT BENEFITS FUND. (RETABLED 2/26)

07-0157R - RESOLUTION DENYING A REZONING PETITION FOR PROPERTY LOCATED ON NORTH SIDE OF ARROWHEAD ROAD WEST OF RICE LAKE ROAD. (TABLED 2/26)

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)

07-0179R - RESOLUTION AUTHORIZING THE CITY ADMINISTRATION TO SETTLE CERTAIN CLAIMS AND CONTRACT DISPUTES.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

07-0138R - RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO ROSE GARDEN ENTERPRISES, LLC (VALENTINI'S VICINO LAGO), 1400 LONDON ROAD.

07-0204R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO LESTER PARK HOCKEY ASSOCIATION AND IRVING COMMUNITY ASSOCIATION.

07-0205R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR NATIONAL WILD TURKEY FEDERATION.

BY COUNCILOR GILBERT (PERSONNEL)

07-0182R - RESOLUTION CONFIRMING THE APPOINTMENTS OF JOHN W. HAMMACK AND MATTHEW L. MUNGER TO THE ALCOHOL, GAMBLING AND TOBACCO COMMISSION, REPLACING ROBERT HENDRICKSON AND ARNOLD C. JOHNSON.

07-0183R - RESOLUTION CONFIRMING THE APPOINTMENT OF PHILIP MONSON TO THE COMMUNITY DEVELOPMENT COMMITTEE, REPLACING WALLACE PFISTER.

07-0184R - RESOLUTION CONFIRMING THE APPOINTMENT OF LISA KANE TO THE DULUTH HUMAN RIGHTS COMMISSION, REPLACING KERRY GAUTHIER.

NEW 07-0208R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF HUMAN RESOURCE BENEFITS TECHNICIAN AND SPECIFYING CONTRACT BENEFITS FOR SAME.

COMMITTEE 2

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

07-0186R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH ST. LOUIS COUNTY PUBLIC HEALTH AND HUMAN SERVICES FOR APPROXIMATELY 48,500 HOT CATERED MEALS FOR THE DULUTH SENIOR DINING PROJECT FOR AN ESTIMATED AMOUNT OF \$172,851.

COMMITTEE 2

BY PRESIDENT STOVER (COMMITTEE OF THE WHOLE)

07-0203R - RESOLUTION AUTHORIZING EMPLOYMENT CONTRACT WITH THE EQUAL OPPORTUNITY REPRESENTATIVE.

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

07-0190R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH NEENAH FOUNDRY COMPANY FOR REPLACEMENT CASTINGS AS NEEDED DURING YEAR 2007, FOR \$30,452.

07-0193R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH DEMOLITION LANDFILL SERVICES, LLC, FOR THE DISPOSAL OF EXCAVATION AND LANDFILL DEBRIS AS NEEDED DURING YEAR 2007 FOR AN ESTIMATED TOTAL OF \$19,800.

NEW 07-0194R - RESOLUTION SUPERCEDING RESOLUTION 07-0101 AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH INTER-CITY OIL COMPANY, INC., FOR BOTH BULK AND STATION FUELS AND DELIVERY SERVICE AS NEEDED FOR YEAR 2007, NOT TO EXCEED \$1,120,000.

07-0196R - RESOLUTION AUTHORIZING CITY OFFICIALS TO INCREASE THE PURCHASE ORDER TO SERVICE ELECTRIC, INC., FOR LABOR AND MATERIALS PROVIDED AS PART OF THE LAKEWOOD SWITCHGEAR PROJECT BY \$51,685 FOR A NEW TOTAL OF \$65,637.

07-0197R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH LHB, INC., TO PROVIDE PROFESSIONAL SERVICES FOR SURVEY AND FIELD DATA COLLECTION FOR 2007 CONSTRUCTION PROJECTS FOR AN ESTIMATED TOTAL OF \$15,000.

07-0198R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH KRECH OJARD & ASSOCIATES TO PROVIDE PROFESSIONAL SERVICES FOR SURVEY AND FIELD DATA COLLECTION FOR 2007 CONSTRUCTION PROJECTS FOR AN ESTIMATED TOTAL OF \$15,000.

07-0199R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH SEH, INC. TO PROVIDE PROFESSIONAL SERVICES FOR SURVEY AND FIELD DATA COLLECTION FOR 2007 CONSTRUCTION PROJECTS FOR AN ESTIMATED TOTAL OF \$15,000.

07-0200R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH SALO ENGINEERING TO PROVIDE PROFESSIONAL SERVICES FOR SURVEY AND FIELD DATA COLLECTION FOR 2007 CONSTRUCTION PROJECTS FOR AN ESTIMATED TOTAL OF \$15,000.

07-0201R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AYRES ASSOCIATES TO PROVIDE PROFESSIONAL SERVICES FOR SURVEY AND FIELD DATA COLLECTION FOR 2007 CONSTRUCTION PROJECTS FOR AN ESTIMATED TOTAL OF \$15,000.

07-0202R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH RLK KUUSISTO LTD. TO PROVIDE PROFESSIONAL SERVICES FOR SURVEY AND FIELD DATA COLLECTION FOR 2007 CONSTRUCTION PROJECTS FOR AN ESTIMATED TOTAL OF \$15,000.

NEW 07-0210R - RESOLUTION ACCEPTING DONATION OF UTILITY EASEMENT FROM D. JOSEPH PROPERTIES, INC., RELATED TO PROPERTY SOUTHEAST OF HAINES AND MORRIS THOMAS ROADS.

COMMITTEE 3

BY COUNCILOR LITTLE (PUBLIC SAFETY)

07-0189R - RESOLUTION AUTHORIZING APPLICATION FOR AND, IF APPROVED, THE ACCEPTANCE OF HAZMAT REGIONAL RESPONSE TEAM CONTRACTS WITH MINNESOTA HOMELAND SECURITY AND EMERGENCY RESPONSE MANAGEMENT DIVISION FOR CHEMICAL ASSESSMENT TEAM AND EMERGENCY RESPONSE TEAM PURPOSES IN THE AMOUNT OF \$165,000.

07-0192R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH CUSHMAN MOTOR COMPANY, INC., FOR ONE 2007 WESTWARD INDUSTRIES INTERCEPTOR III PATROL VEHICLE IN THE AMOUNT OF \$23,215.

07-0206R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH RAE SYSTEMS, INC., FOR A RAE RAPID DEPLOYMENT KIT (RDK) SYSTEM PACKAGE FOR AN ESTIMATED AMOUNT OF \$35,100.

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

07-0195R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY RELATING TO THE DISTRIBUTION OF FINE MONEY GENERATED BY PARKING VIOLATIONS AT THE DULUTH INTERNATIONAL AIRPORT.

END OF CONSENT AGENDA

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

COMMITTEE 2

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

NEW 07-0213R - RESOLUTION DECLARING POLICY AND PLAN FOR RETIREE HEALTH CARE PROGRAM REFORM.

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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 STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

07-004-O - AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR THE YEAR 2007 BY APPROPRIATING MONIES FOR THE PAYMENT OF OPEB COSTS - NO INCREASE IN TOTAL EXPENDITURES. (TABLED 2/26)

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

COMMITTEE 2

BY PRESIDENT STOVER (COMMITTEE OF THE WHOLE)

07-018-O - AN ORDINANCE AMENDING DULUTH CITY CHARTER, SECTION 21, PERTAINING TO CITY EMPLOYEES RUNNING FOR OFFICE.

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

COMMITTEE 1

BY COUNCILOR STEWART (FINANCE)

07-015-O - AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR THE YEAR 2006 INCREASING THE BUDGET AND APPROPRIATING MONIES FOR THE PAYMENT OF SUCH INCREASE.

07-017-O - AN ORDINANCE AMENDING ARTICLE XXXII OF CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED (HOUSING INVESTMENT FUND), AMENDING RESOLUTION NO. 05-0269, AND FUNDING RETIREE HEALTH CARE BENEFITS.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

07-009-O - AN ORDINANCE AMENDING CHAPTER 5, SECTIONS 5-17, 5-19 AND 5-21, OF THE DULUTH CITY CODE, 1959, AS AMENDED; REGULATING THE LOCATION AND OPERATION OF ADULT BOOKSTORES AND ADULT ENTERTAINMENT ESTABLISHMENTS.

07-014-O - AN ORDINANCE PURSUANT TO MINNESOTA STATUTES §462.355, SUBD. 4, TO PRESERVE THE STATUS QUO PENDING THE COMPLETION AND REPORT OF A STUDY AND POSSIBLE ACTION ON THE STUDY INCLUDING AMENDING THE CITY'S ZONING ORDINANCE AND SIGN ORDINANCE REGULATING ADVERTISING SIGNS AND BUSINESS SIGNS AS THEY MAY PERTAIN TO SIGNS WITH DIGITAL OR ELECTRONIC PANELS.

BY COUNCILOR GILBERT (PERSONNEL)

07-016-O - AN ORDINANCE AMENDING SECTION 10A-20 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO EXPENDITURE OF PROFITS FROM CHARITABLE GAMBLING.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

07-010-O - AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR THE SEAWAY HOTEL TO CONSTRUCT A FIRE ESCAPE IN THE ALLEY AT 2001 WEST SUPERIOR STREET.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

07-011-O - AN ORDINANCE GRANTING A CONCURRENT USE PERMIT TO WATERFRONT PLAZA BUILDING AT 325 LAKE AVENUE SOUTH TO CONSTRUCT SEVEN BALCONIES OVER THE SIDEWALK.

07-012-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 33, AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-A TO C-5 PROPERTY LOCATED ON ARROWHEAD ROAD WEST OF RICE LAKE ROAD.

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

07-007-O - AN ORDINANCE REPEALING SECTION 102 OF THE DULUTH CITY CHARTER PERTAINING TO RESTRICTIONS ON ALCOHOL SALES.

BY PRESIDENT STOVER (COMMITTEE OF THE WHOLE)

07-008-O - AN ORDINANCE AMENDING SECTION 69 OF THE DULUTH CITY CHARTER RELATING TO PENALTIES AND INTEREST ON TAX FORFEIT PROPERTY.

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COUNCILOR QUESTIONS AND COMMENTS

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