

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, March 26, 2007, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - January 8, 16, 25 and 29, 2007.

PUBLIC HEARINGS - 7:00 p.m. - Qualified Allocation Plan (QAP) for the Low Income Housing Tax Credit program (07-0222R).

7:00 p.m. - Charter amendment pertaining to city employees running for office (07-018-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

* 07-0326-01 Grandma's, Inc., communication regarding repeal of Section 102 of the Duluth City Charter pertaining to restrictions on alcohol sales (07-007-O). -- Received

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REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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REPORTS FROM OTHER OFFICERS

* 07-0326-02 Assessor affidavit of mailing of notice of informational meeting at 5:00 p.m. on March 29, 2007, and a Duluth City Council public hearing at 7:00 p.m. on April 9, 2007, both to be held in the Council Chamber, Third Floor, City Hall, regarding the proposed 2008 street improvement program – Morley Heights, Lakeside-Rockview and Fairmount North. -- Clerk

* 07-0326-03 Clerk application to the Minnesota gambling control board for exemption from lawful gambling licenses from St. James Home of Duluth, dba Woodland Hills, on August 20, 2007 (raffle). -- Received

* 07-0326-04 Parks and recreation department director minutes of Lake Superior zoological society meetings of January 24, 2007, meeting. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

* 07-0326-05 Alcohol, gambling and tobacco commission minutes of: (a) January 3; (b) February 7; (c) February 20, 2007, meetings. -- Received

* 07-0326-06 Commission on disabilities minutes of February 7, 2007, meeting. -- Received

* 07-0326-07 Duluth human rights commission minutes of: (a) February 14; (b) February 27, 2007, meetings. -- Received

- * 07-0326-08 Environmental advisory council minutes of: (a) July 5; (b) August 2; (c) September 6; (d) October 4; (e) November 1, 2006; (f) January 3, 2007, meetings. -- Received
- * 07-0326-09 Parks and recreation commission minutes of January 10, 2007, meeting. -- Received
- * 07-0326-10 Planning commission minutes of: (a) February 13, regular; (b) February 28, 2007, annual, meetings. -- Received
- * 07-0326-11 Spirit Mountain recreation area authority minutes of February 15, 2007, meeting. -- 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 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)

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

07-0213R - RESOLUTION DECLARING POLICY AND PLAN FOR RETIREE HEALTH CARE PROGRAM REFORM. (TABLED 3/12)

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 GILBERT (PERSONNEL)

07-0215R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF INDUSTRIAL PAINTER AND SPECIFYING CONTRACT BENEFITS FOR SAME.

COMMITTEE 1

BY COUNCILOR GILBERT (PERSONNEL)

07-0216R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF ASSISTANT STOREKEEPER.

07-0217R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF LIBRARY ASSISTANT II, INCLUDING A TITLE CHANGE TO LIBRARY ASSISTANT.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

07-0223R - RESOLUTION AUTHORIZING AN AMENDMENT TO THE JOINT POWERS AGREEMENT WITH THE MINNESOTA HOUSING FINANCE AGENCY RELATED TO THE LOW INCOME HOUSING TAX CREDIT PROGRAM EXTENDING THE TERM THEREOF.

07-0226R - RESOLUTION APPROVING AN AMENDMENT TO DULUTH SEAWAY PORT AUTHORITY DULUTH HARBOR SUBZONE NUMBER 104.

07-0229R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO ST. JAMES HOME OF DULUTH, INC., (WOODLAND HILLS) FOR A RESIDENTIAL CARE FACILITY FOR UP TO EIGHT RESIDENTS FOR PROPERTY LOCATED AT 4210 ST. JAMES AVENUE.

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

07-0185R - RESOLUTION DESIGNATING SEWER BASINS 7 AND 8 FOR I&I ENFORCEMENT UNDER CHAPTER 43 AND GIVING NOTICE TO AFFECTED PROPERTIES.

07-0209R - RESOLUTION AWARDED A CONTRACT TO HOFFMAN AND McNAMARA COMPANY FOR TREE PLANTING FOR THE 2006 STREET IMPROVEMENT PROGRAM AT VARIOUS LOCATIONS IN THE AMOUNT OF \$64,677.50.

07-0218R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE DULUTH ENTERTAINMENT CONVENTION CENTER (DECC) FOR OPERATION OF THE MINNESOTA SLIP PEDESTRIAN DRAW BRIDGE FOR AN ESTIMATED AMOUNT OF \$32,400.

07-0219R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH STOUT MECHANICAL, INC., FOR THE INSTALLATION OF A STEAM LINE TO BERKSHIRE APARTMENTS IN THE AMOUNT OF \$112,000.

07-0220R - RESOLUTION AUTHORIZING THE ACCEPTANCE OF FREE CONVEYED PROPERTY LOCATED IN ENDION DIVISION OF DULUTH FOR PUBLIC PURPOSES.

07-0221R - RESOLUTION AMENDING RESOLUTION 05-0537 AWARDED A CONTRACT TO RLK KUUSISTO LTD FOR YEAR 2006 MINNESOTA TURNBACK PROJECT FOR MICHIGAN STREET FROM 13TH AVENUE WEST TO 11TH AVENUE WEST TO INCREASE THE AMOUNT BY \$2,475 FOR A NEW TOTAL OF \$46,489.

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

07-0224R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH DULUTH-SUPERIOR ERECTION, INC., FOR 2007 DOWNTOWN BRICK RESTORATION IN THE AMOUNT OF \$61,000.

07-0225R - RESOLUTION AMENDING RESOLUTION 05-0721 AND AUTHORIZING CITY OFFICIALS TO EXTEND THE CONTRACT WITH COMO OIL AND PROPANE COMPANY FOR ONE YEAR BY \$67,466.69 FOR A NEW CONTRACT TOTAL OF \$180,866.59.

07-0230R - RESOLUTION AMENDING CONTRACT C-20237 AWARDED A CONTRACT FOR A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH LHB ENGINEERS AND ARCHITECTS, INC., FOR THE DEVELOPMENT OF FINAL DESIGN AND CONSTRUCTION PLANS FOR THE RECONSTRUCTION AND WIDENING OF BRIDGE NO. 69812 AT 27TH AVENUE WEST OVER BNSF RAILROAD AT THE ESTIMATED AMOUNT OF \$91,233 FOR A NEW TOTAL OF \$94,765.

07-0231R - RESOLUTION AMENDING RESOLUTION 05-0046R AWARDED A CONTRACT FOR A PROFESSIONAL ENGINEERING AGREEMENT WITH CAMP, DRESSER & MCKEE, INC., FOR THE DEVELOPMENT OF A LONG TERM PLAN FOR EVALUATION AND ELIMINATION OF OVERFLOWS IN THE CITY'S SANITARY SEWER SYSTEM IN THE ESTIMATED AMOUNT OF \$21,800, FOR A NEW TOTAL OF \$367,373.

07-0232R - RESOLUTION AMENDING RESOLUTION 06-0424 AND AUTHORIZING CITY OFFICIALS TO INCREASE THE CONTRACT WITH DULUTH READY MIX, INC., FOR ADDITIONAL CLASS 5 GRAVEL BY AN ESTIMATED AMOUNT OF \$98,752 AND A NEW CONTRACT TOTAL OF \$216,115.

07-0234R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF CHRIS AND KIM BURKE IN THE AMOUNT OF \$14,991.75.

07-0235R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH KOLLER CONSULTANTS, INC., FOR PROFESSIONAL SERVICES RELATING TO WATER TOWER ENGINEERING AND INSPECTION SERVICES IN AN AMOUNT NOT TO EXCEED \$41,800.

07-0236R - RESOLUTION INCREASING A CONTRACT TO SHORT ELLIOT HENDRICKSON, INC., FOR PROFESSIONAL ENGINEERING SERVICES FOR DESIGN, CONSTRUCTION OBSERVATION AND CONTAMINATED SOIL INVESTIGATION FOR REPLACEMENT OF THE BIRCH STREET STORM SEWER, TO INCREASE THE AMOUNT BY \$9,300.75 FOR A NEW TOTAL OF \$14,100.75.

07-0239R - RESOLUTION AMENDING RESOLUTION 05-0752 AWARDED A CONTRACT TO SHORT ELLIOT HENDRICKSON, INC., FOR PROFESSIONAL ENGINEERING SERVICES FOR BRISTOLWOOD FIRST ADDITION (CHINOOK DRIVE) TO INCREASE THE AMOUNT BY \$16,660.46 FOR A NEW TOTAL OF \$64,660.46.

07-0242R - RESOLUTION ACCEPTING DONATION OF UTILITY EASEMENTS FROM BILLMAN CONSTRUCTION, INC., RELATED TO PROPERTY SOUTHWEST OF ARROWHEAD ROAD AND KENWOOD AVENUE.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

07-0227R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ISD NO. 709 TO PROVIDE LAW ENFORCEMENT OFFICERS IN THE PUBLIC SCHOOLS.

COMMITTEE 3

BY COUNCILOR LITTLE (PUBLIC SAFETY)

07-0228R - RESOLUTION AUTHORIZING AMENDMENT NO. 4 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 REINERT (RECREATION, LIBRARIES & AUTHORITIES)

07-0054R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH WILLARD ENTERPRISES, INC., PROVIDING FOR A LEASE AND OPERATING AGREEMENT OF THE INDIAN POINT CAMPGROUND.

07-0171R - RESOLUTION MEMORIALIZING THE STATE LEGISLATURE TO AMEND LAWS 1984, CHAPTER 390, SECTION 1, TO CORRECT ERRORS IN SPIRIT MOUNTAIN LEGAL DESCRIPTION.

07-0187R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH BERNICK'S PEPSI OF DULUTH, PROVIDING FOR A LEASE AND OPERATING AGREEMENT OF THE PARK POINT BEACH HOUSE BUILDING.

07-0188R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH NORTHWOODS CHILDREN'S SERVICES, PROVIDING FOR A LEASE AND OPERATING AGREEMENT WITHIN THE PARK POINT BEACH HOUSE BUILDING.

07-0211R - RESOLUTION AUTHORIZING EXECUTION OF PARTIAL RELEASE OF TISCHER CREEK RECREATIONAL TRAIL EASEMENT OVER UNAFFECTED PROPERTIES.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

07-0241R - RESOLUTION TRANSFERRING FUNDS FROM COMMUNITY INVESTMENT TRUST FUND TO OTHER POST EMPLOYMENT BENEFITS FUND IN AMOUNT OF \$7,200,000.

BY COUNCILOR GILBERT (PERSONNEL)

NEW 07-0245R - RESOLUTION CREATING A TASK FORCE RELATING TO PUBLIC SAFETY.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

07-0222R - RESOLUTION APPROVING 2008 LOW INCOME HOUSING TAX CREDIT QUALIFIED ALLOCATION PLAN.

07-0240R - RESOLUTION AMENDING THE 2005-2009 CONSOLIDATED PLAN ADDING ADDITIONAL STRATEGIES FOR IMPLEMENTATION AND TO ADOPT "HEADING HOME ST. LOUIS COUNTY: A TEN YEAR PLAN TO END HOMELESSNESS," AS A PART OF THE 2005-2009 CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT.

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

07-0191R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH FOR PROFESSIONAL RIGHT-OF-WAY AND EASEMENT ACQUISITION SERVICES AS NEEDED DURING 2007 FOR AN ESTIMATED AMOUNT OF \$20,000.

07-0214R - RESOLUTION ORDERING THE TEMPORARY CLOSURE OF THE SOUTHBOUND LANE OF EKLUND AVENUE AT SWAN LAKE ROAD FOR A PERIOD OF 60 DAYS. **(AMENDMENT)**

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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)

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.
(AMENDED AND TABLED 3/12) (REPLACEMENT)

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. (TABLED 3/12)

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

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. (TABLED 3/12)

COMMITTEE 2

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

07-007-O - AN ORDINANCE REPEALING SECTION 102 OF THE DULUTH CITY CHARTER PERTAINING TO RESTRICTIONS ON ALCOHOL SALES. (TABLED 3/12)

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. (TABLED 3/12)

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

07-019-O - AN ORDINANCE GRANTING TO A&L PROPERTIES A CONCURRENT USE PERMIT TO CONSTRUCT AND MAINTAIN A RETAINING WALL, PARKING SPACES AND STAIRWAY, FOR PRIVATE USE, IN THE RIGHT-OF-WAY OF 22ND AVENUE EAST.

The following entitled ordinance is to be read for the second 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.

COUNCILOR QUESTIONS AND COMMENTS
