

# AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, April 23, 2007, 7:00 p.m.

## ROLL CALL

## PLEDGE OF ALLEGIANCE

## APPROVAL OF MINUTES - March 12, 19 and 26, 2007.

---

*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

\* 07-0423-01 Trevor Peterson communication regarding preservation of public access to and use of Lake Superior shoreline from 23rd Avenue East to near 25th Avenue East (07-0244R). -- Received

\* 07-0423-02 St. Mary's Duluth Clinic Medical Center acceptance of terms, conditions and provisions of concurrent use permit granted by Ordinance 9758 on November 28, 2005. -- Received

---

## REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

---

## REPORTS FROM OTHER OFFICERS

\* 07-0423-03 Clerk application to the Minnesota gambling control board for exemption from lawful gambling for Lincoln Park Business Group on June 23, 2007 (raffle). -- Received

---

## REPORTS OF BOARDS AND COMMISSIONS

\* 07-0423-04 Commission on disabilities minutes of March 6, 2007, meeting. -- Received

\* 07-0423-05 Duluth human rights commission minutes of March 14, 2007, meeting. -- Received

\* 07-0423-06 Duluth/North Shore Sanitary District board minutes of March 14, 2007, meeting. -- Received

\* 07-0423-07 Housing and redevelopment authority of Duluth minutes of: (a) October 31; (b) November 28; (c) December 19, 2006, meetings. -- Received

\* 07-0423-08 Seaway Port authority of Duluth minutes of: (a) November 29, 2006; (b) January 24; (c) February 22, 2007, 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**

---

**RESOLUTIONS TABLED**

**COMMITTEE 1**

**BY COUNCILOR STEWART (FINANCE)**

07-0283R - RESOLUTION TRANSFERRING FUNDS FOR USE IN RETIREE HEALTH CARE. (TABLED 4/9)  
(REPLACEMENT)

**COMMITTEE 2**

**BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)**

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

**COMMITTEE 3**

**BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)**

07-0244R - RESOLUTION ASSURING PUBLIC ACCESS TO AND USE OF LAKE SUPERIOR SHORELINE FROM 23RD AVENUE EAST TO NEAR 25TH AVENUE EAST. (REPLACEMENT)  
(TABLED 4/9)

07-0262R - RESOLUTION ORDERING THE IMPROVEMENT KNOWN AS THE 2008 STREET IMPROVEMENT PROGRAM PURSUANT TO SECTION 61(b) OF THE HOME RULE CHARTER OF THE CITY OF DULUTH AT AN ESTIMATED COST OF \$2,775,300. (TABLED 4/9)

---

**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)**

07-0248R - RESOLUTION AMENDING RESOLUTION 06-0798 TO ADD A FEE FOR THE COMPREHENSIVE PLAN BOOKLET AND COMPUTER DISK OF COMPREHENSIVE PLAN.

**COMMITTEE 1**

**COUNCILOR KRAUSE (PURCHASING & LICENSING)**

07-0285R - RESOLUTION APPROVING THE ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO GRANDMA'S MARATHON - DULUTH, INC., CANAL PARK DRIVE AND BUCHANAN STREET.

07-0286R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HISTORIC UNION DEPOT, INC. (ST. LOUIS COUNTY HERITAGE & ARTS CENTER), 506 WEST MICHIGAN STREET.

07-0288R - RESOLUTION APPROVING THE ISSUANCE OF OFF SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY 1, 2007, AND ENDING APRIL 30, 2008.

07-0289R - RESOLUTION APPROVING THE ISSUANCE OF ON SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY 1, 2007, AND ENDING APRIL 30, 2008.

07-0290R - RESOLUTION APPROVING THE ISSUANCE OF 2:00 AM CLOSING LICENSE RENEWALS FOR 3.2 PERCENT MALT LIQUOR LICENSES FOR THE PERIOD BEGINNING MAY 1, 2007, AND ENDING APRIL 30, 2008.

07-0291R - RESOLUTION RECOMMENDING APPROVAL OF BOTTLE CLUB LICENSE RENEWAL OF THE ORDER OF THE OWLS, DULUTH NEST #1200, FOR THE PERIOD BEGINNING APRIL 1, 2007, AND ENDING MARCH 31, 2008.

07-0292R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES IN CANAL PARK ON JUNE 16, 2007, IN CONJUNCTION WITH GRANDMA'S MARATHON AND SUBJECT TO CERTAIN CONDITIONS.

**BY COUNCILOR GILBERT (PERSONNEL)**

07-0296R - RESOLUTION CONFIRMING THE APPOINTMENT OF THERESA M. TEICH TO THE DULUTH HUMAN RIGHTS COMMISSION, REPLACING KRISTINA DEFOE.

**COMMITTEE 2**

**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

07-0282R - RESOLUTION AUTHORIZING EXECUTION OF PROFESSIONAL SERVICE AGREEMENT WITH DULUTH ARCHAEOLOGY CENTER, LLC, FOR PHASE I ARCHEOLOGICAL SURVEY SERVICES RELATING TO SPIRIT MOUNTAIN LAWCON CONVERSION IN AN AMOUNT NOT TO EXCEED \$3,000.

**COMMITTEE 3**

**BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)**

07-0284R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH NORTHWEST SEALING FOR 2007 CRACK SEAL IN THE AMOUNT OF \$33,202.50. **(REPLACEMENT)**

07-0293R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH HYDRO METERING TECHNOLOGY FOR BADGER WATER METER REPAIR PARTS AS NEEDED DURING YEAR 2007 FOR AN ESTIMATED AMOUNT OF \$37,300.

**COMMITTEE 3**

**BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)**

07-0294R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH LARSON CHEVROLET FOR THE PURCHASE OF A 2007 CHEVROLET EXPRESS CARGO VAN FOR A TOTAL AMOUNT OF \$30,081.30.

07-0295R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH NORTHSTAR FORD FOR THE PURCHASE OF VARIOUS LIGHT DUTY TRUCKS AND VANS FOR A TOTAL AMOUNT OF \$489,060.60.

07-0297R - RESOLUTION AMENDING RESOLUTION 05-0118 AWARDED A CONTRACT FOR A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH KOLLMER CONSULTANTS, INC., FOR PLANS, SPECIFICATIONS AND INSPECTION FOR THE REHABILITATION OF THE ORPHANAGE WATER TOWER IN THE ESTIMATED AMOUNT OF \$3,630 FOR A NEW TOTAL OF \$39,230.

07-0298R - RESOLUTION AWARDED CONTRACT TO NELS NELSON & SONS, INC., FOR CONSTRUCTION OF YEAR 2007 STREET IMPROVEMENTS OF LAKESIDE WEST CENTRAL IN THE AMOUNT OF \$1,710,800.86.

07-0309R - RESOLUTION AWARDED A CONTRACT TO INSITUFORM TECHNOLOGIES USA, INC., FOR 2007 CURED-IN-PLACE (CIPP) REHABILITATION OF SANITARY SEWERS AT VARIOUS LOCATIONS IN THE AMOUNT OF \$283,670.50.

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

07-0299R - RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, EXTENDING THE TERM THEREOF TO DECEMBER 31, 2007.

07-0307R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ACCEPT GRANT MONEY ON A PERIODIC BASIS AND IN VARIOUS UNSPECIFIED AMOUNTS NOT TO EXCEED \$10,000 IN 2007 FROM THE MIDWEST ECONOMIC CRIME FOUNDATION AND TO EXECUTE ANY DOCUMENTS REQUIRED TO BE EXECUTED TO ACCEPT SUCH GRANT MONEY.

**END OF CONSENT AGENDA**

---

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

**COMMITTEE 2**

**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

07-0302R - RESOLUTION OBJECTING TO THE PROPOSED RECLASSIFICATION TO NONCONSERVATION AND SALE OF CERTAIN TAX FORFEITED PARCELS LOCATED NEAR JOSHUA AVENUE AND PAGE STREET BY THE BOARD OF COMMISSIONERS OF SAINT LOUIS COUNTY (MARCH 29, 2007, RECLASSIFICATION).

07-0303R - RESOLUTION OBJECTING TO THE PROPOSED RECLASSIFICATION TO NONCONSERVATION AND SALE OF CERTAIN TAX FORFEITED PARCELS BY THE BOARD OF COMMISSIONERS OF SAINT LOUIS COUNTY (FEBRUARY 20, 2007, RECLASSIFICATION).

**COMMITTEE 2**

**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

07-0304R - RESOLUTION APPROVING THE VACATION OF THE SOUTHERLY 33 FEET OF THE WASECA STREET RIGHT-OF-WAY FROM 65TH AVENUE WEST TO THE WESTERN BOUNDARY OF THE ALLEY BETWEEN 65TH AVENUE WEST AND 64TH AVENUE WEST (STROM).

07-0305R - RESOLUTION APPROVING THE VACATION OF THE SOUTHERLY FIVE FEET OF THE WASECA STREET RIGHT-OF-WAY FROM 65TH AVENUE WEST TO THE WESTERN BOUNDARY OF THE ALLEY BETWEEN 65TH AVENUE WEST AND 64TH AVENUE WEST (STROM).

07-0306R - RESOLUTION DENYING THE VACATION OF THE SOUTHERLY 33 FEET OF THE WASECA STREET RIGHT-OF-WAY FROM 65TH AVENUE WEST TO THE WESTERN BORDER OF THE ALLEY BETWEEN 65TH AVENUE WEST AND 64TH AVENUE WEST (STROM).

**BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)**

07-0300R - RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY SERVICE AGREEMENT WITH THE UNIVERSITY OF MINNESOTA-DULUTH RELATING TO A WORK STUDY PROGRAM WITH THE CITY.

**NEW** 07-0311R - RESOLUTION SUPPORTING DULUTH CHILDREN'S MUSEUM FEDERAL EARMARK REQUEST FOR \$475,000 TO EXPAND EDUCATIONAL PROGRAM SERVICES AND SUPPORT TRAVELING EXHIBITIONS.

**BY PRESIDENT STOVER (COMMITTEE OF THE WHOLE)**

**NEW** 07-0312R - RESOLUTION AUTHORIZING CONTRACT WITH SVCNDA FOR WEST DULUTH JAZZ FESTIVAL IN AMOUNT OF \$2,000.

**COMMITTEE 3**

**BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)**

07-0301R - RESOLUTION AWARDDING A CONTRACT TO STAAB CONSTRUCTION CORPORATION FOR THE LAKESIDE INTERCEPTOR SANITARY SEWER OVERFLOW (SSO) FACILITY AT ENDION PUMP STATION IN THE AMOUNT OF \$3,294,000.

**BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)**

07-0308R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT 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 \$98,500 IN 2007 AND \$48,500 IN ALL SUBSEQUENT YEARS.

- - -

**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 AND REFERRED TO PLANNING COMMISSION)

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

**COMMITTEE 1**

**BY COUNCILOR KRAUSE (PURCHASING & LICENSING)**

07-024-O - AN ORDINANCE AMENDING CHAPTER 10A, SECTION 10, SECTION 11, SECTION 12 AND REPEALING CHAPTER 10A, SECTION 13, SECTION 14, SECTION 15 AND SECTION 16, OF THE DULUTH CITY CODE, 1959, AS AMENDED; REGULATING THE LICENSING OF GAMBLING OPERATORS, MANAGERS AND JAR OPERATORS.

**COMMITTEE 2**

**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

07-022-O - AN ORDINANCE GRANTING TO GRANDMA'S RESTAURANT COMPANY A CONCURRENT USE PERMIT TO OCCUPY, SERVE AND MAINTAIN TABLES AND CHAIRS AND SERVE LIQUOR ON THE ELEVATED PUBLIC SIDEWALK/DECK IN BUCHANAN STREET AND CANAL PARK DRIVE, AND IMPOSING CERTAIN CONDITIONS, LIMITATIONS AND RESTRICTIONS IN RELATION TO SUCH CONCURRENT USE PERMIT (LITTLE ANGIE'S CANTINA AND GRILL, 11 BUCHANAN STREET).

07-023-O -AN ORDINANCE GRANTING TO PATRICIA KUSZLER A CONCURRENT USE PERMIT INTO THE RIGHT-OF-WAY OF LAKE AVENUE SOUTH MEASURING NINE FEET BY 50 FEET FOR AN EXISTING HOME LOCATED AT 3801 LAKE AVENUE SOUTH. **(REPLACEMENT)**

07-025-O - AN ORDINANCE AMENDING CHAPTER 50 SECTION 50-146, OF THE DULUTH CITY CODE, 1959, AS AMENDED; ALLOWING FOR RECREATIONAL VEHICLE PARKING IN DOWNTOWN WATERFRONT MIXED USE-DESIGN REVIEW DISTRICT. **(REPLACEMENT)**

07-027-O - AN ORDINANCE GRANTING A CONCURRENT USE PERMIT TO DULUTH GRAND, LLC, AND 311 SUPERIOR CONDOMINIUMS, LLC, CONCURRENT USE OF RIGHTS-OF-WAY OF THIRD AVENUE EAST AND SUPERIOR STREET LOCATED ON THE WEST SIDE AND ACROSS THE FRONT OF THE SHERATON DULUTH GRAND HOTEL AND 311 SUPERIOR CONDOMINIUMS AT THIRD AVENUE EAST AND SUPERIOR STREET.

**BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)**

07-026-O - AN ORDINANCE ALIENATING CERTAIN PROPERTY INTERESTS AT THE DULUTH INTERNATIONAL AIRPORT AND AUTHORIZING THE GRANT OF A SEWER EASEMENT TO RICE LAKE TOWNSHIP.

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

**COMMITTEE 1**

**BY COUNCILOR KRAUSE (PURCHASING & LICENSING)**

07-020-O - AN ORDINANCE AMENDING SECTION 8-68 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO AREA RESTRICTIONS ON LIQUOR SALES.

**COMMITTEE 2**

**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

07-013-O - AN ORDINANCE DESIGNATING THE ALFRED AND JANE MCCORDIC RESIDENCE (IMMIGRANT HOUSE BED AND BREAKFAST), AT 2104 EAST SUPERIOR STREET, AS A DULUTH HERITAGE PRESERVATION LANDMARK.

**BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)**

07-021-O - AN ORDINANCE AMENDING SECTIONS 6-11, 6-12 AND 6-13 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO USE OF FEES FOR ANIMAL REGISTRATION AND LICENSING.

- - -

**COUNCILOR QUESTIONS AND COMMENTS**

- - -