

# AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Tuesday, May 29, 2007, 7:00 p.m.

## ROLL CALL

## PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - April 9, 16 and 23, 2007.

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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

\* 07-0529-01 L&L LRDC, LLC. acceptance of terms, conditions and provisions of concurrent use permit granted by Ordinance 9827 on April 16, 2007. -- Received

\* 07-0529-02 Seth Oliver acceptance of terms, conditions and provisions of concurrent use permit granted by Ordinance 9803 on November 27, 2006. -- Received

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## REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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## REPORTS FROM OTHER OFFICERS

\* 07-0529-03 Assessor:  
(a) For confirmation the assessment rolls levied to defray the assessable portions of:  
(1) Contract No. 4782, reassessment of canceled demolition assessment (assessable amount: \$440);  
(2) Contract No. 5433, demolition assessments (assessable amount: \$52,578.80);  
(b) Letter of insufficiency of petition to reclassify from R-3 to C-1 property described as Lots 1 - 4, Block 10, Motor Line Division. -- Received

\* 07-0529-04 Public works and utilities department acting director 2006/2007 report on greenhouse gases for Steam Plant No. 1, pursuant to Resolution 02-0432. -- Received

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## REPORTS OF BOARDS AND COMMISSIONS

\* 07-0529-05 American Indian commission minutes of April 16, 2007, meeting. -- Received

\* 07-0529-06 Duluth housing commission minutes of March 20, 2007, meeting. -- Received

\* 07-0529-07 Duluth human rights commission minutes of April 11, 2007, meeting. -- Received

- \* 07-0529-08 Duluth/North Shore Sanitary District minutes of: (a) April 11; (b) April 25, 2007, meetings. -- Received
- \* 07-0529-09 Parks and recreation commission minutes of March 14, 2007, meeting. -- Received
- \* 07-0529-10 Special board of review minutes of May 16, 2007, meeting. -- 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 FOR RECONSIDERATION**

**COMMITTEE 3**

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

07-0364R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF MAINTENANCE WORKER HELPER AND SPECIFYING CONTRACT BENEFITS FOR SAME.

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**RESOLUTIONS TABLED**

**COMMITTEE 2**

**BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)**

07-0348R - RESOLUTION SUPPORTING DULUTH SUPERIOR COMMUNITY FOUNDATION ATTRACTING AND RETAINING YOUNG ADULTS TASK FORCE. (TABLED 5/14)

**COMMITTEE 3**

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

07-0342R - RESOLUTION AMENDING CONTRACT FOR HERITAGE SPORTS CENTER PROJECT (AFFECTS RESOLUTION 06-0773). (TABLED 5/14)

07-0353R - RESOLUTION ACCEPTING DEED GRANTS IN THE TOTAL AMOUNT OF \$2,857,438 FOR THE DULUTH HERITAGE SPORTS CENTER, AUTHORIZING GRANT AGREEMENTS AND COMMITTING LOCAL MATCH. (TABLED 5/14)

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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)**

07-0356R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF CANCELED DEMOLITION ASSESSMENT.

07-0373R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAID ASSESSABLE PORTION OF DEMOLITION ASSESSMENTS.

**NEW** 07-0394R - RESOLUTION FORGIVING INTEREST CHARGES INCURRED BY DECC FOR 2005-2006 NATURAL GAS HEATING SEASON.

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

07-0382R - RESOLUTION IN THE MATTER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF RED CARPET BOTTLE HOUSE, INC. (SHANTY BOTTLE SHOP), 1231 EAST FOURTH STREET.

07-0383R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF GEORGE'S LIQUOR, INC. (GEORGE'S LIQUOR), 1340 WEST ARROWHEAD ROAD.

**BY COUNCILOR GILBERT (PERSONNEL)**

07-0365R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF CAROLYN SUNDQUIST TO THE HERITAGE PRESERVATION COMMISSION.

07-0366R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF TIMOTHY L. MEYER AND JOAN J. MORRISON, AND THE APPOINTMENT OF GERALD W. JOHNSON, REPLACING LYNN M. NEPHEW, TO THE TECHNICAL DESIGN ADVISORY COMMITTEE FOR THE DWMX-D.

**COMMITTEE 2**

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

07-0362R - RESOLUTION ISSUING A C-3 PLAN AMENDMENT TO HRTV LIMITED LIABILITY COMPANY FOR THE INSTALLATION OF SIGNAGE FOR CARIBOU COFFEE AT MOUNT ROYAL FINE FOODS DEVELOPMENT AT 1600 WOODLAND AVENUE.

07-0388R - RESOLUTION ACCEPTING ASSIGNMENT OF MORTGAGE AND ALLONGE TO PROMISSORY NOTE, ACCEPTING FUNDS IN THE AMOUNT OF \$212,000 FROM THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA, (HRA) AND AUTHORIZING A LOAN AGREEMENT, NOTE AND MORTGAGE MODIFICATION AGREEMENT ALL RELATED TO THE VILLAGE PLACE HOUSING PROJECT.

07-0392R - RESOLUTION REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF ST. LOUIS COUNTY TO WITHHOLD FROM SALE CERTAIN TAX FORFEITED PARCELS (ANNUAL LIST, FN 07053).

**COMMITTEE 2**

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

07-0371R - RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN THE JOINT PROPERTY TAX ADVISORY COMMITTEE DURING 2007 AND PAYING FOR ITS SHARE OF A CONSULTANT AGREEMENT AT A COST TO THE CITY OF \$11,500.

**NEW** 07-0395R - RESOLUTION APPROVING APPOINTMENT OF DAVID OUSE TO POSITION OF LIBRARY DIRECTOR ON INTERIM BASIS.

**NEW** 07-0396R - RESOLUTION APPROVING APPOINTMENT OF JAMES BENNING TO POSITION OF DIRECTOR OF PUBLIC WORKS AND UTILITIES ON INTERIM BASIS.

**COMMITTEE 3**

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

07-0357R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH JMF CONSTRUCTION, INC., FOR THE 2007 SANITARY AND STORM MANHOLE ADJUSTMENT PROGRAM IN THE AMOUNT OF \$66,991.

07-0358R - RESOLUTION AUTHORIZING FOURTH AMENDMENT TO CITY CONTRACT NO. 19227 RELATED TO THE DULUTH STREAMS PROJECT WITH THE UNIVERSITY OF MINNESOTA NRRI, EXTENDING THE TERM AND INCREASING THE AMOUNT PAYABLE BY \$20,000.

07-0367R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH BARR ENGINEERING COMPANY FOR PROFESSIONAL SERVICES IN DEVELOPING AND MARKETING A BUSINESS PARTNERSHIP PROGRAM WITH THE REGIONAL STORMWATER PROTECTION TEAM (RSPT) FOR AN AMOUNT NOT TO EXCEED \$15,000.

07-0374R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF ROBERT AND JUDITH LARSEN IN THE AMOUNT OF \$11,501.03.

07-0375R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF DOYLE COSSIN IN THE AMOUNT OF \$11,222.43.

07-0378R - RESOLUTION AWARDED A CONTRACT TO CHAMPION COATINGS, INC., FOR CLEANING, REPAIRING AND PAINTING OF THE 400,000 GALLON SINGLE PEDESTAL SHEROID PROCTOR TOWER IN THE AMOUNT OF \$328,000.

07-0380R - RESOLUTION AUTHORIZING AGREEMENT WITH MINNESOTA POWER FOR PROFESSIONAL SERVICES REGARDING ACQUISITIONS, TRANSPORTATION AND MANAGEMENT OF NATURAL GAS SUPPLIES IN AN AMOUNT NOT TO EXCEED \$63,600.

07-0385R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH COONS AGGREGATE SUPPLY, DIVISION OF WISSOTA SAND AND GRAVEL COMPANY, FOR APPROXIMATELY 10,000 TONS OF WASHED SAND AS NEEDED DURING YEAR 2007 FOR A TOTAL ESTIMATED COST OF \$101,228.25.

07-0387R - RESOLUTION REQUESTING A VARIANCE FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND INDEMNIFYING THE STATE OF MINNESOTA IN CONNECTION WITH THE GRANTING OF A MINNESOTA STATE AID VARIANCE IN THE CONSTRUCTION OF BRIDGE NO. 69679 ON LINCOLN PARK DRIVE OVER MILLER CREEK IN LINCOLN PARK.

**COMMITTEE 3**

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

**NEW** 07-0391R - RESOLUTION ESTABLISHING DULUTH WATER RATES EFFECTIVE WITH METER READINGS AFTER DECEMBER 31, 2007, AND RATES CHARGED FOR WATER FURNISHED TO POLITICAL SUBDIVISIONS OR STATE OR FEDERAL GOVERNMENT INSTALLMENTS LOCATED OUTSIDE THE CORPORATE LIMITS OF THE CITY EFFECTIVE WITH METER READINGS AFTER JULY 31, 2007; RESCINDING ALL PRIOR INCONSISTENT OR CONFLICTING RESOLUTIONS WITH RESPECT TO SUCH RATES.

**COUNCILOR LITTLE (PUBLIC SAFETY)**

07-0368R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH BEARCOM WIRELESS WORLDWIDE FOR 16 VEHICULAR MOTOROLA MODEMS AND CABLE FOR POLICE EMERGENCY VEHICLES AT AN ESTIMATED AMOUNT OF \$32,820.

07-0369R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH PARADIGM SYSTEM SOLUTIONS, INC., FOR 16 PANASONIC LAPTOP COMPUTERS FOR POLICE EMERGENCY VEHICLES AT AN ESTIMATED AMOUNT OF \$46,160.

07-0377R - RESOLUTION APPROVING AN AGREEMENT WITH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY FOR INSPECTION OF HOTELS.

07-0381R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE UNIVERSITY OF MINNESOTA-DULUTH TO PROVIDE EVALUATIVE DESIGN AND DATA ANALYSIS SERVICES IN AN AMOUNT NOT TO EXCEED \$7,500.

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

07-0376R - RESOLUTION AUTHORIZING THE CITY TO ACCEPT A GRANT FROM THE TONY HAWK FOUNDATION IN THE AMOUNT OF \$10,000 AND TO EXECUTE THE GRANT AGREEMENT.

**END OF CONSENT AGENDA**

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

**COMMITTEE 1**

**BY COUNCILOR STEWART (FINANCE)**

07-0370R - RESOLUTION DIRECTING STEAM COOP TO ELIMINATE PAST AND FUTURE INTEREST CHARGES INCURRED BY GREAT LAKES AQUARIUM.

07-0372R - RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF A \$2,042,350 GENERAL OBLIGATION SEWER UTILITY REVENUE NOTE, SERIES 2007, AND PROVIDING FOR ITS PAYMENT.

07-0384R - RESOLUTION ADOPTING FEE FOR BACKFLOW PREVENTION TESTING AND REGISTRATION FOR 2007.

**COMMITTEE 1**

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

**NEW** 07-0393R - RESOLUTION AUTHORIZING A CONSULTANT AGREEMENT WITH EPA AUDIO VISUAL, INC., FOR PROVIDING CERTAIN PROFESSIONAL SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH THE DESIGN OF AN AUDIO VISUAL SYSTEM TO BE SPECIFIED FOR THE CITY COUNCIL CHAMBER PROJECT IN AN AMOUNT NOT TO EXCEED \$12,000.

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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. (REPLACEMENT)  
(TABLED 12/4 AND REFERRED TO PLANNING COMMISSION)

07-020-O - AN ORDINANCE AMENDING SECTION 8-68 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO AREA RESTRICTIONS ON LIQUOR SALES.  
(TABLED 4/23 FOR ALCOHOL, GAMBLING AND TOBACCO COMMISSION REVIEW)

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

**COMMITTEE 2**

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

07-030-O - AN ORDINANCE AMENDING SECTION 50-123 OF THE DULUTH CITY CODE, 1959, AS AMENDED; REGULATING THE USES IN AN INDUSTRIAL PARK DISTRICT.

07-031-O - AN ORDINANCE AMENDING ORDINANCE 9828, ADDING A LEGAL DESCRIPTION OF THE SUBJECT PROPERTY.

**COMMITTEE 3**

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

07-032-O - AN ORDINANCE AUTHORIZING SALE OF CERTAIN PROPERTY ON GARFIELD AVENUE TO NORTHERN TRENDS BUILDING AND DESIGN, INC., FOR \$11,556.60.

07-034-O - AN ORDINANCE AMENDING CHAPTER 48, ARTICLE VI, BY ADDING A NEW SECTION 48-174 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

07-033-O - AN ORDINANCE AMENDING CHAPTER 10, ARTICLE VII, BY ADDING A NEW SECTION 10-35 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

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

**COMMITTEE 1**

**BY COUNCILOR STEWART**

**(FINANCE)**

07-028-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF \$2,042,350 GENERAL OBLIGATION REVENUE BONDS OR NOTE OF THE CITY OF DULUTH FOR THE IMPROVEMENT OF THE MUNICIPAL SEWER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

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**COUNCILOR QUESTIONS AND COMMENTS**

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