

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, June 11, 2007, 7:00 p.m.

ROLL CALL PLEDGE OF ALLEGIANCE

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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

- * 07-0611-01 A&L Properties:
 - (a) Concurrent use permit application to construct a building at 46-47 McCulloch Street. -- Planning commission
 - (b) Vacation petition (three signatures) for the 20 foot wide alley which is contained within Block 45, London Addition of Duluth. -- Assessor
- * 07-0611-02 Carol Anderson, et al. (one signature), further petition to reclassify from R-3 to C-1 property described as Lots 1 - 4, Block 10, Motor Line Division. -- Assessor
- * 07-0611-03 WKK, Inc., et al. (nine signatures), petition to reclassify from R-3 to C-1 property located at 69th Avenue West and Grand Avenue and described as Lots 1-15, including part of the vacated alley adjacent to Blocks 7 and 8, Hunters Grassy Point Duluth Third Division. -- Assessor
- * 07-0611-04 Minnesota state auditor audit report for Duluth entertainment and convention center authority for the year ended December 31, 2006. -- Received
- * 07-0611-05 Jon Aamodt communication regarding construction of Heritage Sports Center project and acceptance of DEED grants (Resolutions 07-0342R, 07-0353R, 07-0417R). -- Received
- * 07-0611-06 Golf Properties II, LLC, by Neal Hessen, attorney, appeal of planning commission rejection of C-5 plan review for property located on Maple Grove Road between 2520 to 2502 Maple Grove Road (07-0402R and 07-0404R). -- Committee 2 (Planning and economic development)
- * 07-0611-07 The following communications regarding water rates (07-0391R): (a) Glen Kush; (b) A. Johnson; (c) Dan McKillop; (d) John and Kathleen Nading; (e) Richard Paulson. -- Received

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REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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REPORTS FROM OTHER OFFICERS

- * 07-0611-08 Assessor:
 - (a) Letter of insufficiency of petition to vacate Fifth Street from 34th Avenue East and extending west 140 feet, adjacent to Lot 11, Block 7, Congdon Park Second Division, Duluth;

- (b) Letters of sufficiency of petitions to reclassify from R-3 to C-1:
 - (1) Lots 1-4, Block 10, Motor Line Division;
 - (2) The property located at 69th Avenue West and Grand Avenue and described as Lots 1-15, including part of the vacated alley adjacent to Blocks 7 and 8, Hunters Grassy Point Duluth Third Division. -- Received

- * 07-0611-09 Parks and recreation department director:
 - (a) Lake Superior Zoological Society minutes of March 28, 2007, meeting;
 - (b) Zoo director executive and education reports for May 2007. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 07-0611-10 Board of zoning appeals minutes of: (a) March 27; (b) April 24; 2007, meetings. -- Received
- * 07-0611-11 Duluth airport authority board: (a) Balance sheet of March 31, 2007; (b) Minutes of April 24, 2007, meeting. -- Received
- * 07-0611-12 Duluth transit authority board: (a) Income statement for February, 2007; (b) Minutes of March 28, 2007, meeting. -- Received
- * 07-0611-13 Entertainment and convention center authority minutes of: (a) Building committee meetings of: (1) March 10, 2007; (2) May 21, 2007; (b) Regular meetings of: (1) March 30; (2) April 30; (3) May 21, 2007. -- Received
- * 07-0611-14 Library board minutes of April 24, 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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RESOLUTIONS TABLED

COMMITTEE 1

BY COUNCILOR STEWART

(FINANCE)

07-0384R - RESOLUTION ADOPTING FEE FOR BACKFLOW PREVENTION TESTING AND REGISTRATION FOR 2007. (TABLED 5/29 FOR CONSIDERATION WITH 07-033-O)

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

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. (TABLED 5/29 FOR PUBLIC INPUT)

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

07-0342R - RESOLUTION AMENDING CONTRACT FOR HERITAGE SPORTS CENTER PROJECT (AFFECTS RESOLUTION 06-0773). (TABLED 5/14) **(REPLACEMENT 2)**

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 KRAUSE (PURCHASING & LICENSING)

07-0405R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE AND 2:00 A.M. BEVERAGE LICENSE TO JUST TAKE ACTION, INC. (BURRITO UNION), 1332 EAST FOURTH STREET.

NEW 07-0406R - RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF DULUTH ELK'S LODGE #133, 4250 HAINES ROAD, MKR LIMITED (BENNETT'S ON THE LAKE), 600 EAST SUPERIOR STREET, AND JUST TAKE ACTION, INC. (BURRITO UNION), 1332 EAST FOURTH STREET.

07-0407R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSES OF VARIOUS LICENSEES. **(REPLACEMENT)**

07-0408R - RESOLUTION AUTHORIZING PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES ON SUPERIOR STREET AND FIRST STREET IN CONJUNCTION WITH GREATER DOWNTOWN COUNCIL COMMUNITY EVENTS.

BY COUNCILOR GILBERT (PERSONNEL)

07-0389R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF JOAN J. MORRISON TO THE PLANNING COMMISSION.

COMMITTEE 1

BY COUNCILOR GILBERT (PERSONNEL)

07-0390R - RESOLUTION CONFIRMING THE APPOINTMENT OF JOHN VIGEN TO THE BOARD OF ZONING APPEALS., REPLACING VIRGIL SWING.

07-0397R - RESOLUTION CONFIRMING THE APPOINTMENT OF JOAN HACKNER BARRETT TO THE PLANNING COMMISSION, REPLACING VIRGIL L. SWING.

07-0401R - RESOLUTION APPROVING THE REAPPOINTMENTS OF RUSS STEWART, BILL ROBERTS AND ROGER WEDIN AND THE APPOINTMENTS OF PAUL LORAAS, PENNY PERRY AND DAN MARKHAM, REPLACING TIM PICHETTI, RICK DUNBAR AND MIKE POLZIN, TO THE ADVISORY BOARD FOR THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

07-0413R - RESOLUTION REQUESTING THE INSTALLATION OF HISTORIC PHOTOGRAPHS IN THE CITY COUNCIL CHAMBER.

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

07-0411R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH ST. LOUIS COUNTY PROVIDING FOR THE SHARED USE OF INTERNET ACCESS BANDWIDTH AT THE COST OF \$1,000 PER MONTH.

BY PRESIDENT STOVER (COMMITTEE OF THE WHOLE)

07-0414R - RESOLUTION AUTHORIZING SUPPORT AND PARTICIPATION IN GREAT LAKES AND ST. LAWRENCE CITIES INITIATIVE WATER CONSERVATION FRAMEWORK.

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

07-0386R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH VIELE CONTRACTING, INC., FOR APPROXIMATELY 17,700 TONS OF CLASS V GRAVEL FOR YEAR 2007 AT A TOTAL ESTIMATED AMOUNT OF \$121,208.72.

07-0398R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH NORTHSTAR FORD FOR THE PURCHASE OF A 2008 FORD E350 ECONOLINE CARGO VAN FOR A TOTAL ESTIMATED AMOUNT OF \$24,463.75.

07-0403R - RESOLUTION AWARDED A CONTRACT TO NELS NELSON & SONS, INC., FOR CONSTRUCTION OF YEAR 2007 STREET IMPROVEMENT OF DULUTH HEIGHTS WEST IN THE AMOUNT OF \$796,858.61.

07-0412R - RESOLUTION AWARDED A CONTRACT TO LEVINE & SON, INC., FOR CONSTRUCTION OF HIGH PRESSURE GAS MAINS AND SERVICES IN VARIOUS LOCATIONS IN THE AMOUNT OF \$220,987.50.

07-0415R - RESOLUTION AUTHORIZING A CONSULTANT AGREEMENT WITH KRECH, OJARD & ASSOCIATES, P.A., FOR PROVIDING CERTAIN PROFESSIONAL SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH THE PHASE II REPAIR OF THE CITY HALL RETAINING WALL IN AN AMOUNT NOT TO EXCEED \$10,450.

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

07-0416R - RESOLUTION AUTHORIZING AMENDMENT TO CONTRACT FOR RECONSTRUCTION OF AIRPORT ROAD, PERTAINING TO RESOLUTION 06-0448, NO ADDITIONAL COST.

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

07-0400R - RESOLUTION AUTHORIZING AN AMENDED CONTRACT WITH SPIRIT MOUNTAIN; REFERRING TO RESOLUTION 06-0141.

END OF CONSENT AGENDA

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

07-0402R - RESOLUTION APPROVING A C-5 PLAN TO GOLF PROPERTIES II, LLC, FOR PROPERTY LOCATED ON MAPLE GROVE ROAD.

07-0404R - RESOLUTION DENYING A C-5 PLAN TO GOLF PROPERTIES II, LLC, FOR PROPERTY LOCATED ON MAPLE GROVE ROAD.

07-0417R - RESOLUTION AUTHORIZING FUNDING AND RECONSTRUCTION OF PETERSON ICE ARENA.

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

07-0409R - RESOLUTION AMENDING RESOLUTION 06-0449 RELATING TO HIGHWAY 53 RECONSTRUCTION AND INCREASING COST BY \$400,000.

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

NEW 07-0422R - RESOLUTION AUTHORIZING A LICENSE AGREEMENT AND TERMINATING A PREVIOUS AGREEMENT WITH DULUTH PUBLIC ARTS FUND, INC., AND DULUTH SISTER CITIES COMMISSION, INC.

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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 2) (RETABLED 5/29)

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 & TOBACCO COMMISSION REVIEW) **(REPLACEMENT)**

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

07-035-O - AN ORDINANCE AUTHORIZING CONVEYANCE OF PROPERTY AT THE DULUTH INTERNATIONAL AIRPORT TO THE CITY OF DULUTH AT NO COST FOR THE PURPOSE OF CREATING A SEPARATE TAX PARCEL.

NEW 07-037-O - AN ORDINANCE AUTHORIZING CONVEYANCE OF CERTAIN PROPERTY NEAR BECKS ROAD TO STEVEN J. VUJCEVIC FOR \$1.

BY COUNCILORS STAUBER, STEWART AND REINERT

07-036-O - AN ORDINANCE AMENDING CHAPTER 47, ARTICLE III, OF THE DULUTH CITY CODE, REGULATING TAXICABS. **(REPLACEMENT)**

The following entitled ordinances are to be read for the second 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.

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

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.

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COUNCILOR QUESTIONS AND COMMENTS

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