

# AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, June 25, 2007, 7:00 p.m.

## ROLL CALL

## PLEDGE OF ALLEGIANCE

## APPROVAL OF MINUTES - May 14 and 29, 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

\* 07-0625-01 Allied Taxi Company communication regarding proposed amendment of taxicab regulations (07-036-O). -- Received

\* 07-0625-02 Anthony D. Mullozzi withdrawing 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. -- Received

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## REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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## REPORTS FROM OTHER OFFICERS

\* 07-0625-03 Assessor letter of sufficiency of petition to vacate 20 foot wide alley which is contained within Block 45, London Addition of Duluth. -- Received

\* 07-0625-04 Clerk applications to the Minnesota gambling control board for exemption from lawful gambling licenses (raffles) from: (a) Retrieve a Golden of Minnesota on August 18, 2007; (b) St. Margaret Mary Church on September 16, 2007. -- Received

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## REPORTS OF BOARDS AND COMMISSIONS

\* 07-0625-05 Commission on disabilities minutes of May 2, 2007, meeting. -- Received

\* 07-0625-06 Duluth/North Shore Sanitary District minutes of May 9, 2007, meeting. -- Received

\* 07-0625-07 Duluth human rights commission minutes of May 9, 2007, meeting. -- Received

\* 07-0625-08 Parks and recreation commission minutes of May 9, 2007, meeting. -- Received

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\* 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 TABLED**

**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) (AMENDMENT)

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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)**

07-0420R - RESOLUTION AUTHORIZING AGREEMENT WITH PUBLIC EMPLOYEE RETIREMENT ASSOCIATION FOR TRUST FUND INVESTMENT.

07-0445R - RESOLUTION APPROVING CONTRACT WITH VAN IWAARDEN ASSOCIATES FOR ACTUARIAL SERVICES PERTAINING TO RETIREE BENEFITS OBLIGATIONS IN THE AMOUNT OF NOT TO EXCEED \$20,500.

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

07-0423R - RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

07-0424R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO DULUTH POLICE SOFTBALL TEAM, WHEELER FIELD.

07-0425R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSES OF VARIOUS LICENSEES.

06-0426R - RESOLUTION APPROVING THE EXEMPTION OF A BINGO LICENSE TO THE SOLWAY VOLUNTEER FIRE DEPARTMENT.

**COMMITTEE 1**

**BY COUNCILOR GILBERT (PERSONNEL)**

07-0427R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF JOHN M. EAGLETON AND THE APPOINTMENT OF ROY A. NIEMI, REPLACING JAMES LAUMEYER, TO THE DULUTH AIRPORT AUTHORITY.

07-0428R - RESOLUTION CONFIRMING THE APPOINTMENT OF JIM STEBE TO THE PLANNING COMMISSION, REPLACING ALLAN C. BEAULIER.

07-0434R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF WILLIAM MAJEWSKI TO THE SANITARY SEWER BOARD OF THE WLSSD.

**COMMITTEE 2**

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

**NEW** 07-0449R - RESOLUTION AUTHORIZING EXECUTION OF PROFESSIONAL SERVICE AGREEMENT WITH SHORT ELLIOTT HENDRICKSON, INC. FOR LAKEWALK SCHEMATIC DESIGN SERVICES IN AN AMOUNT NOT TO EXCEED \$9,600.

**BY COUNCILORS STAUBER, GILBERT AND JOHNSON**

07-0446R - RESOLUTION RECOMMENDING CONSTRUCTION OF ADMINISTRATION'S ALTERNATIVE #4 FOR LAKEWALK FROM 20TH AVENUE EAST TO 25TH AVENUE EAST.

**BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)**

07-0418R - RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE ST. LOUIS AND LAKE COUNTIES REGIONAL RAILROAD AUTHORITY FOR EXCLUSIVE USE OF MUNICIPAL LOT D FOR THE PERIOD JUNE 1, 2007, THROUGH SEPTEMBER 30, 2007, AT NO COST TO AUTHORITY.

**COMMITTEE 3**

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

07-0399R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH NORTHLAND CONSTRUCTORS OF DULUTH, LLC, AS PRIMARY AND LAKEHEAD BLACKTOP AND MATERIALS AS SECONDARY FOR THE PURCHASE OF BITUMINOUS MATERIALS HOT MIX REGULAR AND WITH LAKEHEAD BLACKTOP AND MATERIALS FOR THE PURCHASE OF BITUMINOUS MATERIALS COLD MIX FINE AS NEEDED FROM JUNE 1, 2007, TO MAY 31, 2008, FOR AN ESTIMATED TOTAL AMOUNT OF \$216,408.

07-0419R - RESOLUTION AUTHORIZING A CONSULTANT AGREEMENT WITH ARCHITECTURAL RESOURCES, INC., FOR PROVIDING CERTAIN PROFESSIONAL ARCHITECTURAL AND LANDSCAPE DESIGN SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH PHASE I AND II OF THE FENCING AND SECURITY SYSTEM FOR THE LAKEWOOD WATER TREATMENT PLANT AND PUMP STATION IN AN AMOUNT NOT TO EXCEED \$21,020.

07-0432R - RESOLUTION AMENDING RESOLUTION 07-0387 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)**

07-0440R - RESOLUTION AUTHORIZING AGREEMENT FOR MANAGEMENT SERVICES WITH THE DULUTH STEAM COOPERATIVE ASSOCIATION PERTAINING TO DULUTH STEAM DISTRICT NO. 1.

07-0442R - RESOLUTION AMENDING RESOLUTION 06-0637 FOR PROFESSIONAL ENGINEERING SERVICES WITH ADVANCED ENGINEERING AND ENVIRONMENTAL SERVICES, INC., (AE2S) FOR ADDITIONAL SERVICES TO FINISH A WATER UTILITY COST OF SERVICE STUDY AND RATE DESIGN IN THE AMOUNT OF \$8,566 FOR A NEW TOTAL OF \$33,454.

07-0443R - RESOLUTION AUTHORIZING A REVISED UTILITY LICENSE AGREEMENT WITH THE ST. LOUIS AND LAKE COUNTIES REGIONAL RAILROAD AUTHORITY FOR RELOCATION, OPERATION AND MAINTENANCE OF UTILITIES IN CONJUNCTION WITH THE LAKEWALK TRAIL FROM 26TH AVENUE EAST TO 36TH AVENUE EAST.

07-0444R - RESOLUTION AUTHORIZING AN AMENDMENT TO A CONTRACT FOR A TRANSPORTATION STUDY ALONG LONDON ROAD (T.H. 61) IN DULUTH, PERTAINING TO RESOLUTION 05-0750, AT NO ADDITIONAL COST.

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

07-0429R - RESOLUTION AUTHORIZING CITY OFFICIALS TO GIVE TO OFFICER BRAD WICK THE POLICE CANINES HANS AND ROCKY.

07-0430R - RESOLUTION AUTHORIZING CITY OFFICIALS TO GIVE TO OFFICER KELLY GREENWALT THE POLICE CANINE APOLLO.

07-0438R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AN AGREEMENT PURSUANT TO MINNESOTA STATUTES SECTION 471.59 PROVIDING FOR A MUTUAL AID AGREEMENT AMONG VARIOUS LAW ENFORCEMENT AGENCIES OF NORTHEASTERN MINNESOTA.

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

07-0421R - RESOLUTION AUTHORIZING CONTRACT FOR PARK IMPROVEMENT (PEACE GARDEN) IN AMOUNT NOT TO EXCEED \$15,000.

07-0431R - RESOLUTION AUTHORIZING THE FORM OF AGREEMENT PROVIDING FOR GAME OFFICIALS FOR YOUTH AND ADULT ATHLETIC LEAGUE PROGRAM ACTIVITIES.

07-0435R - RESOLUTION AUTHORIZING AGREEMENT WITH MINNESOTA OFFICE OF HIGHER EDUCATION FOR PARTICIPATION IN MNLINK SYSTEM.

**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)**

07-0433R - RESOLUTION APPROVING SETTLEMENT OF CITY CLAIM AGAINST MINNESOTA COUNCIL ON COMPULSIVE GAMBLING, INC., IN THE AMOUNT OF \$15,000.

**NEW** 07-0450R - RESOLUTION AMENDING RESOLUTION NO. 06-0495 DESIGNATING AREAS FOR THE 2007 CITY DEER HUNT.

**COMMITTEE 2**

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

07-0437R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO MINNESOTA TEEN CHALLENGE - DULUTH FOR A TRANSITIONAL LIVING PROGRAM FOR PROPERTY LOCATED AT 2 EAST SECOND STREET.

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

07-0439R - RESOLUTION IN SUPPORT OF A 2007 SPECIAL LEGISLATIVE SESSION TO CONSIDER THE OMNIBUS TAX BILL.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**ORDINANCE TABLED**

**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.

(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)**

07-038-O - AN ORDINANCE GRANTING TO DAVID PATRICK A CONCURRENT USE PERMIT TO CONSTRUCT AND MAINTAIN STEPS IN THE RIGHTS-OF-WAY OF 1605 SOUTH STREET.

**BY COUNCILORS STAUBER, REINERT AND KRAUSE**

07-039-O - AN ORDINANCE AMENDING SECTION 29A-32 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO RENTAL LICENSING.

**COMMITTEE 3**

**BY COUNCILORS LITTLE AND STEWART**

07-040-O - AN ORDINANCE REPEALING SECTION 49-15 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO FIREARMS ON CITY PROPERTY.

The following entitled ordinances are to be read for the second 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. **(REPLACEMENT)**

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 2)**

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**COUNCILOR QUESTIONS AND COMMENTS**  
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