

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, July 9, 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

- * 07-0709-01 Terry Hauer, et al. (two signatures), petition to reclassify from R-1-b to R-2 Lots 17, 19, 21 and 23, Block 154, Duluth Proper Third Division. -- Assessor
- * 07-0709-02 Minnesota state auditor submitting audit reports for:
 - (a) Duluth airport authority for the year ended December 31, 2006;
 - (b) Duluth transit authority for the year ended December 31, 2006. -- Received
- * 07-0709-03 Joseph Kleiman communication regarding proposed amendment to rental licensing (07-039-O). -- Received
- * 07-0709-04 Patricia Kuszler acceptance of terms, conditions and provisions of concurrent use permit granted by Ordinance 9831 on May 14, 2007. -- Received
- * 07-0709-05 Karl Tarnowski appeal of the planning commission decision to deny a proposal to fill 2,640 SF of a Type 6 (shrub swamp) wetland at 2015 Norton Road. -- Committee 2 (Planning and economic development)
- * 07-0709-06 The following communications regarding resolution supporting a two acre site for a proposed living water garden (07-0476R): (a) Sara Anderson; (b) Diane Desotelle; (c) Stacy Solon Foster; (d) Elizabeth Mayne; (e) Bob Owens; (f) Eileen Patterson; (g) Betsy Presley; (h) Bridget Riversmith; (i) Amy Wicklund. -- Received

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REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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REPORTS FROM OTHER OFFICERS

- * 07-0709-07 Assessor assessment rolls, for confirmation, to defray the expense of the following:
 - (a) The assessable portions of:
 - (1) Contract No. 5409 - construction of 120 feet of sanitary sewer within 22nd Avenue West, beginning at Sixth Street Alley and extending northerly (assessable amount: \$12,756.12);
 - (2) Contract No. 70751 - construction of Superior Street Alley from 41st Avenue East to 42nd Avenue East (assessable amount: \$3,763.30);
 - (b) The full expense of solid waste collection during the period March 1, 2006, to June 1, 2007, for which the collector has not been reimbursed. -- Received

- * 07-0709-08 Clerk application to the Minnesota gambling control board for exemption from lawful gambling licenses from Animal Allies Humane Society on October 13, 2007 (raffles). -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 07-0709-09 American Indian commission minutes of May 21, 2007, meeting. -- Received
- * 07-0709-10 Community development committee minutes of April 24, 2007, meeting. -- Received
- * 07-0709-11 Duluth airport authority: (a) Balance sheet for month ending April 30, 2007; (b) Minutes of May 22, 2007, meeting. -- Received
- * 07-0709-12 Duluth legacy endowment fund project group minutes of May 22, 2007, meeting. -- Received
- * 07-0709-13 Duluth transit authority: (a) Income statement for March, 2007; (b) Minutes of April 25, 2007, meeting. -- Received
- * 07-0709-14 Housing and redevelopment authority of Duluth annual audit report for year ended September 30, 2006. -- Received
- * 07-0709-15 Library board minutes of May, 22, 2007, meeting. -- Received
- * 07-0709-16 Spirit Mountain recreation area authority board minutes of: (a) April 19; (b) May 2; (c) May 17, 2007, meetings. -- 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
- Pet licensing and registration

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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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)

07-0453R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF SUPERIOR STREET ALLEY FROM 41ST AVENUE EAST TO 42ND AVENUE EAST.

COMMITTEE 1

BY COUNCILOR STEWART (FINANCE)

07-0454R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF CONSTRUCTION OF SANITARY SEWER ON 22ND AVENUE WEST.

07-0477R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY IN FULL THE EXPENSE OF SOLID WASTE COLLECTION DURING THE PERIOD OF MARCH 1, 2006, TO JUNE 1, 2007, FOR WHICH THE LICENSED COLLECTOR HAS NOT BEEN REIMBURSED AS PROVIDED IN CHAPTER 24 OF THE CODE.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

07-0379R - RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CLEARSCRIPT, A DIVISION OF FAIRVIEW PHARMACY SERVICES, LLC, TO PROVIDE PHARMACY BENEFIT MANAGER SERVICES TO THE CITY GROUP HEALTH PLAN EFFECTIVE SEPTEMBER 1, 2007, AT AN ESTIMATED COST TO THE CITY OF \$60,000.

07-0465R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO COPASETIC SOFTBALL TEAM, WHEELER FIELD.

BY COUNCILOR GILBERT (PERSONNEL)

07-0458R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF AARON R. BRANSKY AND RICHARD W. TOWEY TO THE DULUTH TRANSIT AUTHORITY.

07-0462R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF PETER HANDBERG AND JAMIE A. KUMBERA-TUPPER TO THE PARKING COMMISSION.

07-0469R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF VIRGINIA T. KATZ TO THE LIBRARY BOARD.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

07-0456R - RESOLUTION REQUESTING THE FREE CONVEYANCE OF TAX FORFEITED LAND FOR PARKS AND RECREATION PURPOSES LOCATED ADJACENT TO THE FOND DU LAC COMMUNITY RECREATION CENTER AT 131ST AVENUE WEST AND FIFTH STREET.

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

07-0467R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A JOINT POWERS AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 709 FOR PURPOSE OF PURCHASING GOODS AND SERVICES ON CITY AND SCHOOL DISTRICT CONTRACTS.

07-0472R - RESOLUTION AUTHORIZING THE FORM OF AGREEMENT PROVIDING FOR A BUSINESS ASSOCIATE AGREEMENT UNDER HIPAA.

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

07-0448R - RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR BITUMINOUS PAVING AND FENCING OF THE BIRCH AVENUE STORAGE FACILITY LOT IN THE AMOUNT OF \$105,817.70.

07-0451R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF ONEIDA REALTY COMPANY IN THE AMOUNT OF \$11,656.06.

07-0460R - RESOLUTION AUTHORIZING REIMBURSEMENT OF ONEIDA REALTY COMPANY IN THE AMOUNT OF \$32,818.33 FOR SKYWALK BRIDGE REPAIRS.

07-0463R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH LHB ARCHITECTS AND ENGINEERS FOR ENGINEERING SERVICES FOR THE REPAIRS TO THE MINNESOTA SLIP PEDESTRIAN BRIDGE IN AN ESTIMATED AMOUNT OF \$34,802.

07-0474R - RESOLUTION AWARDED A CONTRACT TO B.J. CLEANERS, INC., FOR PAINTING OF 2,630 GAS METER PIPING SETS THROUGHOUT THE CITY OF DULUTH IN THE AMOUNT OF \$29,128.

07-0478R - RESOLUTION ACCEPTING DONATION OF STREET AND UTILITY EASEMENTS FROM CLYDE INDUSTRIAL PARK, INC., RELATED TO DHSC.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

07-0455R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH ROBERT BRASEL FOR THE REVIEW AND UPDATE OF THE CITY OF DULUTH POLICE DEPARTMENT'S GENERAL ORDERS AT AN ESTIMATED TOTAL AMOUNT OF \$42,500.

07-0464R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT AN ADDITIONAL GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE AMOUNT OF \$67,500 FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND GANG TASK FORCE IN 2007.

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

07-0473R - RESOLUTION IN SUPPORT OF THE NORTH COUNTRY TRAIL'S ARROWHEAD RE-ROUTE.

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)

07-0436R - RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2006 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AGREEMENT WITH NEIGHBORHOOD HOUSING SERVICES OF DULUTH (NHS) EXTENDING THE TERM OF THE AGREEMENT FOR SIX MONTHS.

07-0461R - RESOLUTION SUPPORTING THE FY 2008 FUNDING STRATEGIES FOR THE COMMUNITY DEVELOPMENT PROGRAM.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

07-0470R - RESOLUTION AFFIRMING THE ACTION OF THE PLANNING COMMISSION DENYING THE APPLICATION OF KARL TARNOWSKI TO FILL 2,640 SQUARE FEET OF WETLANDS ON PROPERTY LOCATED AT 2015 NORTON ROAD.

07-0471R - RESOLUTION REVERSING AND APPROVING THE ACTION OF THE PLANNING COMMISSION DENYING THE APPLICATION OF KARL TARNOWSKI TO FILL 2,640 SQUARE FEET OF WETLANDS ON PROPERTY LOCATED AT 2015 NORTON ROAD AND GRANTING SAID VARIANCE.

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

07-0476R - RESOLUTION SUPPORTING A TWO ACRE SITE FOR A PROPOSED LIVING WATER GARDEN. **(AMENDMENT)**

COMMITTEE 3

BY COUNCILOR LITTLE (PUBLIC SAFETY)

07-0466R - RESOLUTION IN SUPPORT OF NATIONAL NIGHT OUT TO BE HELD ON AUGUST 7, 2007.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

07-041-O - AN ORDINANCE REGULATING RUBBISH AND TALL GRASS, AMENDING SECTIONS 24-6 AND 24-37 OF THE DULUTH CITY CODE.

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

07-042-O - AN ORDINANCE ALIENATING CERTAIN PROPERTY IN WEST DULUTH AND AUTHORIZING SALE OF SAME TO LEONARD A. AND AVIS R. GREINGER FOR \$4,584.40. **(AMENDMENTS)**

07-043-O - AN ORDINANCE ALIENATING CERTAIN PROPERTY IN WEST DULUTH AND AUTHORIZING SALE OF SAME TO WESLEY C. BRADFORD FOR \$1,931.10. **(AMENDMENTS)**

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

COMMITTEE 2

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.

COUNCILOR QUESTIONS AND COMMENTS
