

## AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, July 23, 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

- \* 07-0723-01 Ridgeview Country Club, et al. (two signatures), petition to reclassify from S to R-1 property located east of Howard Gnesen Road. -- Assessor
- \* 07-0723-02 Minnesota state auditor management and compliance report for the city of Duluth for the year ended December 31, 2006. -- Received
- \* 07-0723-03 The following communications regarding proposed ordinance regulating rubbish and tall grass (07-041-O): (a) Jocelyn K. Heid; (b) Beth Wiemken. -- Received

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### REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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### REPORTS FROM OTHER OFFICERS

- \* 07-0723-04 Assessor:
  - (a) Assessment roll levied to defray the assessable portion of Contract No. 5393, street improvement on Third Street from Carlton Street to 21st Avenue West (assessable amount: \$170,518);
  - (b) Letter of sufficiency of petition to reclassify from R-1-B to R-2 property described as Lots 17, 19, 21 and 23, Block 154, Duluth Proper Third Division. -- Received
- \* 07-0723-05 Clerk applications to the Minnesota gambling control board for exemption from lawful gambling licenses (raffles) from: (a) Ducks Unlimited Arrowhead Chapter on September 6, 2007(raffle); (b) Miller-Dwan Foundation on September 28, 2007. -- Received

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### REPORTS OF BOARDS AND COMMISSIONS

- \* 07-0723-06 Charter commission minutes of February 21, 2007, meeting. -- Received
- \* 07-0723-07 Civil service board minutes of April 17, 2007, meeting. -- Received
- \* 07-0723-08 Duluth human rights commission minutes of June 13, 2007, meeting. -- Received

- \* 07-0723-09 Duluth/North Shore Sanitary District minutes of June 13, 2007, meeting. -- Received
- \* 07-0723-10 Parks and recreation commission minutes of June 13, 2007, meeting. -- Received
- \* 07-0723-11 Planning commission minutes of June 12, 2007, meeting. -- Received
- \* 07-0723-12 Seaway Port authority of Duluth:
  - (a) Request for mandatory levy of .01813 percent of 2008 taxable market value for the benefit of the port authority;
  - (b) 2008 budget. -- 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)**

07-0493R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF STREET IMPROVEMENT ON THIRD STREET FROM CARLTON STREET TO 21ST AVENUE WEST.

**NEW** 07-0511R - RESOLUTION AUTHORIZING EXECUTION OF A SUPPLEMENTAL LABOR AGREEMENT WITH THE CONFIDENTIAL UNIT OF THE CITY OF DULUTH, REPRESENTED BY UNITE HERE LOCAL 150.

**NEW** 07-0512R - RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF DULUTH AND THE CONFIDENTIAL UNIT OF THE CITY OF DULUTH, REPRESENTED BY UNITE HERE LOCAL 150, FOR THE YEARS 2007-2009.

**BY COUNCILOR KRAUSE**

**(PURCHASING & LICENSING)**

07-0480R - RESOLUTION AUTHORIZING A CONTRACT WITH PROPERTYROOM.COM, INC., FOR DISPOSAL OF SURPLUS PROPERTY, COMMISSION SALES.

07-0481R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO DULUTH SOFTBALL PLAYERS ASSOCIATION AND BEERHUNTERS SOFTBALL TOURNAMENT.

**COMMITTEE 1**

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

07-0482R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSES OF D&D ENTERPRISES OF CLOQUET, INC. (MR. D'S SPIRIT VALLEY BAR AND GRILL), 5622 GRAND AVENUE, DWAYNE & KIMBERLY, INC. (KOM-ON-INN), 332 NORTH 57TH AVENUE WEST, AND THE RUSTIC BAR, INC. (RUSTIC SPORTS BAR), 401 NORTH CENTRAL AVENUE.

07-0483R - RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO NORTHLAND COUNTRY CLUB, 3901 EAST SUPERIOR STREET.

07-0484R - RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF LAKE AVENUE CAFÉ, INC. (LAKE AVENUE CAFÉ), 394 LAKE AVENUE SOUTH, AND JUST TAKE ACTION, INC. (BURRITO UNION), 1332 EAST FOURTH STREET.

07-0485R - RESOLUTION ISSUING AN ON SALE SUNDAY INTOXICATING LIQUOR LICENSE TO ZENITH DULUTH, INC. (INN ON LAKE SUPERIOR), 350 CANAL PARK DRIVE.

07-0486R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO DULUTH CURLING CLUB AND OWLS CLUB #1200.

07-0487R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR DUCKS UNLIMITED, ARROWHEAD CHAPTER.

07-0494R - RESOLUTION FOR EXECUTION OF AMENDED EXHIBIT A AND EXHIBIT F TO SERVICE AGREEMENT WITH BLUE CROSS AND BLUE SHIELD OF MINNESOTA TO PROVIDE ADMINISTRATIVE SERVICES, STOP LOSS INSURANCE AND CARE SUPPORT PROGRAM EFFECTIVE JANUARY 1, 2007.

07-0505R - RESOLUTION AWARDED CONTRACT TO RAY RIIHILUOMA, INC., FOR CONSTRUCTING THE EAST DULUTH VEHICLE STORAGE FACILITY IN THE AMOUNT OF \$272,500.

07-0506R - RESOLUTION AWARDED CONTRACT TO A.W. KUETTEL & SONS, INC., FOR REPLACING ROOF SYSTEMS AT 42ND AVENUE WEST - PARKS TOOLHOUSE AND LONGVIEW TENNIS CLUB IN THE AMOUNT OF \$118,145.

**BY COUNCILOR GILBERT (PERSONNEL)**

07-0504R - RESOLUTION AUTHORIZING A SERVICE AGREEMENT, A LICENSE AGREEMENT AND A PROJECT AGREEMENT WITH DULUTH SISTER CITIES INTERNATIONAL, INC., AND TERMINATING THE PREVIOUS SERVICE AGREEMENT, LICENSE AGREEMENT AND PROJECT AGREEMENT WITH DULUTH SISTER CITIES COMMISSION, INC.

**COMMITTEE 2**

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

07-0500R - RESOLUTION VACATING AN ALLEY BETWEEN 46TH AVENUE EAST AND SUPERIOR STREET (LAKESIDE CLINIC).

**COMMITTEE 2**

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

07-0495R - RESOLUTION CALLING A PUBLIC HEARING ON PROPOSED AMENDMENTS TO SECTION 19 OF THE DULUTH CITY CHARTER PERTAINING TO SELECTION AND TENURE OF THE CHIEF ADMINISTRATIVE OFFICER.

07-0496R - RESOLUTION CALLING A PUBLIC HEARING ON PROPOSED AMENDMENTS TO SECTION 26 OF THE DULUTH CITY CHARTER PERTAINING TO SELECTION AND TENURE OF THE CITY ATTORNEY.

**COMMITTEE 3**

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

07-0447R - RESOLUTION ACCEPTING A GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR THE CONSTRUCTION OF THE LAKEWALK EAST TRAIL EXTENSION PHASE II IN THE AMOUNT OF \$130,000.

07-0468R - RESOLUTION AMENDING RESOLUTION 07-0284 AWARDED CONTRACT WITH NORTHWEST SEALING, INC., FOR YEAR 2007 CRACK SEALING, TO INCREASE THE AMOUNT BY \$15,500 FOR A NEW TOTAL OF \$48,702.50.

07-0490R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH MORTON INTERNATIONAL, INC., MORTON SALT DIVISION, FOR ROAD SALT AS NEEDED FOR THE 2007 - 2008 YEAR FOR AN ESTIMATED AMOUNT OF \$516,780.60.

07-0491R - RESOLUTION AUTHORIZING CITY OFFICIALS TO AWARD CONTRACTS ON A PER LINE ITEM BASIS TO SIX VENDORS - CAPP INC., DEY DISTRIBUTING, FERGUSON ENTERPRISE, GRAINGER INDUSTRIAL SUPPLY, JOHNSTONE SUPPLY AND UNITED REFRIGERATION, INC. - FOR THE PURCHASE OF VARIOUS APPLIANCE/FURNITURE PARTS DURING YEAR 2007 AT A TOTAL ESTIMATED AMOUNT OF \$47,168.05.

07-0492R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH GERARD CHIMNEY COMPANY FOR PROFESSIONAL SERVICES IN THE INSPECTION, CONDITION ASSESSMENT AND RECOMMENDATIONS FOR REPAIR OF THE CHIMNEY AT THE DULUTH STEAM PLANT FACILITY LOCATED AT ONE LAKE DRIVE IN DULUTH, MINNESOTA, FOR A TOTAL ESTIMATED AMOUNT OF \$11,400.

07-0497R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF JOHN AND PEGGY CLOUTIER IN THE AMOUNT OF \$10,401.52.

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

07-0314R - RESOLUTION TO ESTABLISH A ONE-STALL ACCESSIBLE PARKING ZONE AT 5216 JUNIATA STREET.

07-0315R - RESOLUTION TO ESTABLISH A ONE-STALL ACCESSIBLE PARKING ZONE AT 310 EAST SEVENTH STREET.

07-0488R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES IN WEST DULUTH ON AUGUST 3, 2007, IN CONJUNCTION WITH SPIRIT VALLEY DAYS AND SUBJECT TO CERTAIN CONDITIONS.

**COMMITTEE 3**

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

07-0498R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH LOUISE M. BEYEA, D.V.M., TO PROVIDE VETERINARY HEALTH CARE FOR ANIMALS AT THE LAKE SUPERIOR ZOO FOR A TOTAL ESTIMATED AMOUNT NOT TO EXCEED \$10,000.

07-0499R - RESOLUTION AUTHORIZING A PARKING CONCESSION AGREEMENT AT THE PLAYFRONT PARKING LOT DURING THE BAYFRONT BLUES FESTIVAL WITH THE DULUTH POLICE EXPLORER POST 244.

**END OF CONSENT AGENDA**

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

**COMMITTEE 1**

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

07-0509R - RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF GRANDMA'S ANGIE'S INC. (LITTLE ANGIE'S CANTINA), 11 EAST BUCHANAN STREET. COMMITTEE 2

07-0510R - RESOLUTION DENYING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF GRANDMA'S ANGIE'S INC. (LITTLE ANGIE'S CANTINA), 11 EAST BUCHANAN STREET.

**BY COUNCILOR GILBERT (PERSONNEL)**

07-0459R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF MARTI BUSCAGLIA AND MARSHA SIGNORELLI TO THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY.

**COMMITTEE 2**

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

07-0501R - RESOLUTION OBJECTING TO THE PROPOSED RECLASSIFICATION TO NONCONSERVATION AND SALE OF CERTAIN TAX FORFEITED PARCELS BY THE BOARD OF COMMISSIONERS OF SAINT LOUIS COUNTY (JUNE 8, 2007, RECLASSIFICATION).

07-0503R - RESOLUTION DENYING A REZONING PETITION TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-B, ONE- AND TWO-FAMILY RESIDENTIAL, TO C-1, COMMERCIAL, PROPERTY AT THE SOUTHWEST CORNER OF WOODLAND AVENUE AND NORTON STREET (CAROL ANDERSON).

07-0507R - RESOLUTION DENYING A REZONING PETITION TO PROVIDE FOR THE RECLASSIFICATION FROM R-3, APARTMENT RESIDENTIAL, TO C-1, COMMERCIAL, A TRIANGLE-SHAPED BLOCK OF PROPERTY BOUNDED BY GRAND AVENUE, SOUTH 69TH AVENUE WEST AND SHERBURNE STREET (MICHAEL KOSKI, WKK, INC.).

**COMMITTEE 3**

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

07-0502R - RESOLUTION AWARDED A CONTRACT TO STOUT MECHANICAL, INC. FOR CONSTRUCTION OF LAKEWALK EAST EXTENSION FROM 26TH AVENUE EAST TO 36TH AVENUE EAST, IN THE AMOUNT OF \$821,471.

07-0508R - RESOLUTION AUTHORIZING ADDENDUM TO CONTRACT NO. 20429 WITH CLYDE INDUSTRIAL PARK, INC., AUTHORIZING REIMBURSEMENT FOR STORM SEWER CONSTRUCTION NOT TO EXCEED \$104,612. **(REPLACEMENT)**

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

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

**COMMITTEE 2**

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

07-045-O - A SECOND ORDINANCE AMENDING ORDINANCE 9828 ADDING A PLAT NAME TO THE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY.

07-046-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 38, AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-B, ONE- AND TWO-FAMILY RESIDENTIAL TO C-1, COMMERCIAL, PROPERTY AT THE SOUTHWEST CORNER OF WOODLAND AVENUE AND NORTON STREET (CAROL ANDERSON).

07-048-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NOS. 12 AND 14, AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-3, APARTMENT RESIDENTIAL, TO C-1, COMMERCIAL, A TRIANGLE-SHAPED BLOCK OF PROPERTY BOUNDED BY GRAND AVENUE, SOUTH 69TH AVENUE WEST AND SHERBURNE STREET (MICHAEL KOSKI, WKK, INC.).

**NEW** 07-051-O - AN ORDINANCE AMENDING SECTION 29A-32 OF THE DULUTH CITY CODE 1959, AS AMENDED, RELATING TO RENTAL LICENSING.

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

07-049-O - AN ORDINANCE AMENDING SECTION 19 OF THE CITY CHARTER PERTAINING TO SELECTION AND TENURE OF THE CHIEF ADMINISTRATIVE OFFICER.

07-050-O - AN ORDINANCE AMENDING SECTION 26 OF THE CITY CHARTER PERTAINING TO SELECTION AND TENURE OF THE CITY ATTORNEY.

**COMMITTEE 3**

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

07-044-O - AN ORDINANCE GOVERNING PARKING ON NON-SNOW EMERGENCY ROUTES DURING SNOW EMERGENCIES, AMENDING SECTIONS 33-97.1, 33-97.3, 33-97.4 AND 33-97.8 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

**COMMITTEE 3**

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

07-047-O - AN ORDINANCE REPEALING ARTICLE XX OF CHAPTER 2 OF THE CITY CODE RELATING TO THE SISTER CITY COMMISSION.

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

**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. (AS AMENDED ON 7/9)

07-043-O - AN ORDINANCE ALIENATING CERTAIN PROPERTY IN WEST DULUTH AND AUTHORIZING SALE OF SAME TO WESLEY C. BRADFORD FOR \$1,931.10. (AS AMENDED ON 7/9)

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**COUNCILOR QUESTIONS AND COMMENTS**

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