

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, August 27, 2007, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - June 11 and 25, 2007.

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]

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

- * 07-0827-01 Joseph B. and Linda L. Johnson:
 - (a) Petition to construct watermain in West 12th Street from 90 feet southwesterly of Harbor Highlands Drive to 160 feet southwesterly of Harbor Highlands Drive and sanitary sewer in West 12th Street from Harbor Highlands Drive to 160 feet southwesterly of Harbor Highlands Drive. -- Assessor
 - (b) Waiver agreement for construction of watermain in West 12th Street from 90 feet southwesterly of Harbor Highlands Drive to 160 feet southwesterly of Harbor Highlands Drive and sanitary sewer in West 12th Street from Harbor Highlands Drive to 160 feet southwesterly of Harbor Highlands Drive. -- Engineering

- * 07-0827-02 Minnesota Power petition to vacate a portion of the existing public skywalk space located on the second floor of the Lake Superior Place Building, formerly know as the MacDonald Building. -- Assessor

REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

REPORTS FROM OTHER OFFICERS

- * 07-0827-03 Assessor letter of sufficiency of petition to construct watermain in West 12th Street from 90 feet southwesterly of Harbor Highlands Drive to 160 feet southwesterly of Harbor Highlands Drive and sanitary sewer in West 12th Street from Harbor Highlands Drive to 160 feet southwesterly of Harbor Highlands Drive. -- Received

REPORTS OF BOARDS AND COMMISSIONS

- * 07-0827-04 Alcohol, gambling and tobacco commission minutes of: (a) June 6; (b) June 26; (c) July 12; (d) July 17, 2007, meetings. -- Received
- * 07-0827-05 Civil service board minutes of May 10, 2007, meeting. -- Received
- * 07-0827-06 Duluth human rights commission minutes of July 11, 2007, meeting. -- Received

* 07-0827-07 Entertainment and convention center authority minutes of: (a) April 30; (b) May 21 building committee; (c) May 21 Special; (d) June 4; (e) June 26; (f) July 30, 2007, meetings. -- Received

* 07-0827-08 Planning commission minutes of July 10, 2007, meeting. -- Received

* Listed only, not copied.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

- Planned unit development
- Zoning Code changes
- Pet licensing and registration

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

07-0552R - RESOLUTION ADOPTING FORM OF PROJECT LABOR AGREEMENT AS SET OUT IN SECTION 2-29 OF THE DULUTH CITY CODE, 1959, AS AMENDED. (TABLED 8/13)

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

07-0514R - RESOLUTION ACCEPTING THE BUSINESS SUBSIDY REPORT AND APPROVING THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND DULUTH TECHNOLOGY PARK I, LLC. (TABLED 8/13)

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

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. (RECONSIDERED & TABLED 8/13)

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. (RECONSIDERED & TABLED 8/13)

BY PRESIDENT STOVER (COMMITTEE OF THE WHOLE)

07-0548R - RESOLUTION AUTHORIZING AN APPLICATION FOR TEMPORARY PRIVATE USE OF GARFIELD AVENUE. (TABLED 8/13)

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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)

07-0523R - RESOLUTION APPROVING RENEWAL AND ISSUANCE OF ON SALE INTOXICATING LIQUOR, ON SALE SUNDAY INTOXICATING LIQUOR, ADDITIONAL BAR, ON SALE DANCING, 2:00 A.M. BEVERAGE LICENSE AND LATE HOUR ENTERTAINMENT LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2007, AND ENDING AUGUST 31, 2008.

07-0524R - RESOLUTION APPROVING THE ISSUANCE OF ON SALE WINE RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2007, AND ENDING AUGUST 31, 2008.

07-0525R - RESOLUTION APPROVING THE ISSUANCE OF ON SALE CLUB LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2007, AND ENDING AUGUST 31, 2008.

07-0526R - RESOLUTION APPROVING THE ISSUANCE OF OFF SALE INTOXICATING LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2007, AND ENDING AUGUST 31, 2008.

07-0527R - RESOLUTION APPROVING THE ISSUANCE OF BREWERY MALT LIQUOR OFF SALE INTOXICATING LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2007, AND ENDING AUGUST 31, 2008.

NEW 07-0585R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF FOND DU LAC MANAGEMENT, INC. (FOND DU LUTH CASINO).

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

07-0569R - RESOLUTION TERMINATING A SPECIAL USE PERMIT FOR A BED AND BREAKFAST LOCATED AT 2215 EAST SECOND STREET.

07-0570R - RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A GRANT OF FROM JOHN S. AND JAMES L. KNIGHT FOUNDATION TO ASSIST WITH DEVELOPMENT OF A UNIFIED DEVELOPMENT CODE FOR DULUTH.

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

07-0561R - RESOLUTION AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, CRIME VICTIM SERVICES, RELATING TO AN EMERGENCY FUND FOR CRIME VICTIMS IN AN AMOUNT OF \$3,000.

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

07-0551R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH H&R CONSTRUCTION COMPANY FOR INSTALLATION OF TYPE C DIRECTIONAL BIKEWAY SIGNING IN THE AMOUNT OF \$35,611.25.

07-0554R - RESOLUTION AWARDED A CONTRACT TO MIDWEST REGION GAS TASK FORCE ASSOCIATION FOR MEMBERSHIP FOR THE YEAR 2007 IN THE AMOUNT OF \$17,891.74.

07-0555R - RESOLUTION REVISING THE LIST OF HIGH PRIORITY BRIDGES IN THE CITY OF DULUTH.

07-0556R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH LAKE SUPERIOR CONSULTING, LLC, FOR PROFESSIONAL SERVICES IN THE REVIEW AND UPDATE OF THE CITY'S TRANSMISSION GAS LINE INTEGRITY MANAGEMENT PLAN (IMP) FOR AN ESTIMATED TOTAL AMOUNT NOT TO EXCEED \$12,000.

07-0558R - RESOLUTION AMENDING RESOLUTION NO. 06-0727 AUTHORIZING A CONTRACT WITH APEX MECHANICAL PLUMBING, HEATING AND UTILITIES FOR INSTALLATION OF A HIGH-PRESSURE STEAMLINE EXTENSION TO FIRST LUTHERAN CHURCH, TO INCREASE CONTRACT #20272 AMOUNT BY \$20,838.08, FOR A NEW TOTAL OF \$92,938.08.

07-0563R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF KIRK AND CONNIE LINSE IN THE AMOUNT OF \$12,418.08.

07-0564R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF CRAIG MISKA IN THE AMOUNT OF \$11,810.41.

07-0565R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF STATE FARM INSURANCE, AS SUBROGEE OF CHAD HEWITT, IN THE AMOUNT OF \$10,453.92.

07-0567R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH KTM PAVING, INC., FOR CENTRAL ENTRANCE SANITARY SEWER MANHOLE REPLACEMENTS IN THE AMOUNT OF \$64,814.45.

07-0571R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH DULUTH SUPERIOR ERECTION, INC., FOR CONSTRUCTION OF CURB RAMPS IN THE AMOUNT OF \$77,757.00.

07-0572R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH KTM PAVING, INC., FOR REPLACEMENT OF FIRE HYDRANTS AT VARIOUS CITY LOCATIONS IN THE AMOUNT OF \$32,017.97.

07-0573R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH PROGRESSIVE CONTRACTORS, INC., FOR THE MUNICIPAL TURNBACK RECONDITIONING OF MICHIGAN STREET FROM 21ST AVENUE WEST TO CARLTON STREET, 27TH AVENUE WEST FROM MICHIGAN STREET TO THIRD STREET, AND 14TH AVENUE EAST FROM LONDON ROAD TO THIRD STREET, IN THE AMOUNT OF \$983,571.07.

07-0575R - RESOLUTION OF INTENT TO CONSTRUCT A WATERMAIN AND SANITARY SEWER LINE IN WEST 12TH STREET FROM 90 FEET SOUTHWESTERLY OF HARBOR HIGHLANDS DRIVE TO 160 FEET SOUTHWESTERLY OF HARBOR HIGHLANDS DRIVE.

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

07-0576R - RESOLUTION ORDERING THE CONSTRUCTION OF A WATERMAIN AND SANITARY SEWER LINE IN WEST 12TH STREET FROM 90 FEET SOUTHWESTERLY OF HARBOR HIGHLANDS DRIVE TO 160 FEET SOUTHWESTERLY OF HARBOR HIGHLANDS DRIVE.

NEW 07-0582R - RESOLUTION AUTHORIZING AMENDMENT TO AGREEMENT WITH MILTON M. SIEGEL COMPANY AND CLYDE INDUSTRIAL PARK, INC., FOR VACATION OF EASEMENTS.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

07-0557R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH DOCVIEW, LLC, DBA TRACVIEW.COM, FOR PROFESSIONAL SERVICES IN WEB-BASED TRAFFIC ACCIDENT REPORT IMAGING AND DATA MANAGEMENT TO BE PROVIDED AT NO COST TO THE CITY OF DULUTH.

07-0574R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH ST. LOUIS COUNTY PROVIDING FOR THE TEMPORARY RELOCATION OF EMERGENCY COMMUNICATION EQUIPMENT AND PAYMENT IN AN AMOUNT NOT TO EXCEED \$5,200.

NEW 07-0586R - RESOLUTION AUTHORIZING PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES ON SUPERIOR STREET IN CONJUNCTION WITH GREATER DOWNTOWN COUNCIL COMMUNITY EVENT.

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

07-0568R - RESOLUTION AUTHORIZING EXECUTION OF A \$5,000 GRANT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR MAINTENANCE OF CROSS COUNTRY SKI TRAILS.

07-0577R - RESOLUTION APPROVING THE ACQUISITION BY THE DULUTH AIRPORT AUTHORITY OF WETLAND REPLACEMENT CREDITS IN THE TOTAL AMOUNT OF \$461,652.71.

07-0580R - RESOLUTION CHANGING BUS STOP LOCATIONS.

07-0581R - RESOLUTION AUTHORIZING THE CITY OF DULUTH TO ACCEPT VARIOUS CAPITAL GRANTS AND OPERATING GRANTS FROM THE STATE OF MINNESOTA AND FEDERAL GOVERNMENT ON BEHALF OF THE DULUTH TRANSIT AUTHORITY.

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)

07-0562R - RESOLUTION DENYING AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 29 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-B, ONE FAMILY RESIDENTIAL, TO R-2, TWO FAMILY RESIDENTIAL, PROPERTY LOCATED AT EAST TENTH STREET AND NORTH FIRST AVENUE EAST (TERRY HAUER).

COMMITTEE 2

BY COUNCILORS NESS AND REINERT

NEW 07-0584R - RESOLUTION SETTING THE FORM OF A BALLOT FOR VOTES TO AMEND THE SECTIONS 19 AND 26 OF THE CITY CHARTER, PERTAINING TO THE CHIEF ADMINISTRATIVE OFFICER AND THE CITY ATTORNEY.

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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)

07-055-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 29 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-B, ONE FAMILY RESIDENTIAL, TO R-2, TWO FAMILY RESIDENTIAL, PROPERTY LOCATED AT EAST TENTH STREET AND NORTH FIRST AVENUE EAST (TERRY HAUER).

07-056-O - AN ORDINANCE AMENDING SECTIONS 50-52 AND 50-55.1 OF THE DULUTH CITY CODE, 1959, AS AMENDED; REGULATING THE USES IN S AND S-2 SUBURBAN RESIDENTIAL DISTRICTS.

07-057-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING SECTION 50-36.2 TO ELIMINATE THE 20 ACRE MAXIMUM LIMIT APPLICABLE TO LOW DENSITY PLANNED DEVELOPMENT SPECIAL USE PERMITS.

07-058-O - AN ORDINANCE AMENDING SECTION 50-1.28 OF THE DULUTH CITY CODE, 1959, AS AMENDED, DEFINING THE WORD FAMILY.

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

07-059-O - AN ORDINANCE AMENDING SECTION 47-33 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO CHANGING TAXI CAB RATES.

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

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

07-054-O - AN ORDINANCE CREATING A NEW SECTION 2-29 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REQUIRING PROJECT LABOR AGREEMENT FOR CITY PROJECTS.

COMMITTEE 2

BY COUNCILORS STAUBER AND KRAUSE

07-053-O - AN ORDINANCE AMENDING SECTIONS 50-35 AND 50-56 OF THE DULUTH CITY CODE, 1959, AS AMENDED; REGULATING THE LOCATION OF RESIDENTIAL CARE FACILITIES AND ELDERLY CONGREGATE HOUSING AND REQUIRING THAT ALL SUCH HOUSING TYPES BE AUTHORIZED BY SPECIAL USE PERMIT. (REFERRED TO PLANNING COMMISSION 8/13)

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

07-052-O - AN ORDINANCE AUTHORIZING RECONVEYANCE OF PROPERTY IN THE RIVERSIDE AREA KNOWN AS TALLUS ISLAND TO THE STATE OF MINNESOTA.

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COUNCILOR QUESTIONS AND COMMENTS

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