

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, September 10, 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

- * 07-0910-01 Dennis Johnson petition to vacate existing 20 foot unoccupied utility easement located in Lot 5, Block 2, Oatka Beach Addition. -- Assessor

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REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits
- * 07-0910-05 Mayor Bergson: (a) 2008 proposed budget; (b) 2008 budget address. -- Received

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REPORTS FROM OTHER OFFICERS

- * 07-0910-02 Assessor letters of sufficiency of petitions:
 - (a) For the the bituminous surfacing of Plum Street from Eighth Avenue East to Skywood Lane;
 - (b) 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. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 07-0910-03 Duluth airport authority: (a) Balance sheet of June 30, 2007; (b) Minutes of July 17, 2007, meeting. -- Received
- * 07-0910-04 Duluth transit authority: (a) Income statement for April, 2007; (b) Minutes of May 30, 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
- Pet licensing and registration

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OPPORTUNITY FOR CITIZENS TO BE HEARD
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RESOLUTIONS TABLED

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)

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). (TABLED 8/27 FOR CONSIDERATION WITH 07-055-O)

BY COUNCILORS NESS AND REINERT

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. (TABLED 8/27)

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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)

NEW 07-0603R - RESOLUTION ESTABLISHING THE DATE FOR A PUBLIC HEARING AT WHICH THE DULUTH CITY COUNCIL WILL ADOPT ITS FINAL BUDGET AND TAX LEVY FOR 2008.

NEW 07-0606R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2008.

NEW 07-0610R - RESOLUTION AUTHORIZING TRANSFER IN FISCAL YEAR 2008 OF \$1,200,000 FROM COMMUNITY INVESTMENT FUND 256 TO OTHER POST EMPLOYMENT BENEFITS FUND 280 FOR DEPOSIT INTO THE IRREVOCABLE TRUST FUND ADMINISTERED BY PERA AND INVESTED BY THE STATE BOARD OF INVESTMENT.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

07-0596R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO LAKESIDE/LESTER PARK BUSINESS ASSOCIATION (LESTER RIVER FESTIVAL), LESTER PARK.

07-0597R - RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE LICENSED PREMISES OF THE ON SALE INTOXICATING LIQUOR LICENSE OF MITCH'S, INC. (MITCH'S BAR & GRILL), 2113 WEST SUPERIOR STREET.

07-0598R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE TO MIDI ENTERPRISES, INC. (MIDI RESTAURANT), 600 EAST SUPERIOR STREET.

07-0599R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO LAKE SUPERIOR BREWING COMPANY, LLC (LAKE SUPERIOR BREWING COMPANY), 2711 WEST SUPERIOR STREET.

07-0600R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE, 2:00 A.M. BEVERAGE LICENSE AND APPLICATION FOR A LATE NIGHT ENTERTAINMENT LICENSE FROM G.W. PETERSON, INC. (CONGRESS BAR), 1334 COMMONWEALTH AVENUE, TO 1336 GARY INVESTMENTS, LLC (CONGRESS BAR), SAME ADDRESS.

07-0601R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR MEMORIAL BLOOD CENTER.

07-0602R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMITS TO ELK'S CLUB, MULTIPLE SCLEROSIS SOCIETY, NORTHLAND VIETNAM VETERANS ASSOCIATION AND LESTER PARK HOCKEY ASSOCIATION. **(REPLACEMENT)**

BY COUNCILOR GILBERT (PERSONNEL)

07-0592R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF FIRE MARSHAL.

07-0593R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF WATER PLANT SUPERVISOR AND SPECIFYING CONTRACT BENEFITS FOR SAME.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

07-0553R - RESOLUTION APPROVING THE PRIORITIZATION OF PROJECTS TO RECEIVE 2008 LOW INCOME HOUSING TAX CREDITS.

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

07-0550R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH LHB ARCHITECTS AND ENGINEERS FOR ENGINEERING SERVICES FOR THE RECONSTRUCTION OF BRIDGE L8516 ON FAIRMONT STREET AT TISCHER CREEK, THE REHABILITATION OF BRIDGE L5931 ON NIAGARA STREET AT CHESTER CREEK AND THE REHABILITATION OF BRIDGE L8491 ON 38TH AVENUE WEST AT LEMAGIE CREEK, IN AN ESTIMATED AMOUNT OF \$51,901.

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

07-0578R - RESOLUTION ACCEPTING DONATION OF UTILITY EASEMENTS FROM BILLMAN CONSTRUCTION, INC., RELATED TO PROPERTY SOUTHWEST OF ARROWHEAD ROAD AND KENWOOD AVENUE.

07-0579R - RESOLUTION ACCEPTING DONATION OF UTILITY EASEMENTS FROM CORAL O. AND MARCIA A. STEPHENS RELATED TO PROPERTY SOUTHWEST OF ARROWHEAD ROAD AND KENWOOD AVENUE.

07-0587R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH DULUTH SUPERIOR ERECTION, INC., FOR THE REPAIR OF THE CITY HALL RETAINING WALL AND STAIRS IN THE AMOUNT OF \$45,400.

07-0590R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR THE RECONDITIONING OF AIRPORT ROAD FROM HAINES ROAD TO RICE LAKE ROAD IN THE AMOUNT OF \$399,889.57.

NEW 07-0611R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH CONSTRUCTION SERVICES, INC., FOR CONSTRUCTION OF FOUNDATION AND INSTALLATION OF ROTARY BOWL MILL AT THE DULUTH STEAM PLANT FACILITY IN THE AMOUNT OF \$156,890.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

07-0588R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH MOBILE RADIO ENGINEERING, INC., FOR THE PURCHASE OF POLICE AND FIRE RADIO SYSTEM EQUIPMENT IN THE AMOUNT OF \$36,395.34.

07-0589R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXERCISE THE BUYOUT CLAUSE OPTION IN VEHICLE LEASES WITH KARI TOYOTA, INC., FOR FIVE 2005 TOYOTA MATRIXES IN THE AMOUNT OF \$52,483.30.

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)

NEW 07-0604R - RESOLUTION SETTING A PROPOSED BUDGET FOR THE FISCAL YEAR 2008.

NEW 07-0605R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2008.

NEW 07-0607R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, SEAWAY PORT AUTHORITY, FOR THE YEAR 2008.

NEW 07-0608R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2008.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

07-0559R - RESOLUTION AFFIRMING THE DECISION OF THE BOARD OF ZONING APPEALS THAT JAMES BECHTHOLD'S CURRENT USE OF PROPERTY LOCATED AT 2901 MORRIS THOMAS ROAD DOES NOT CONFORM TO THE LIMITATIONS APPLICABLE TO A PUBLIC GARAGE AS DEFINED BY SECTION 50-1.32 OF THE ZONING CODE.

07-0560R - RESOLUTION REVERSING THE DECISION OF THE BOARD OF ZONING APPEALS THAT JAMES BECHTHOLD'S CURRENT USE OF PROPERTY LOCATED AT 2901 MORRIS THOMAS ROAD DOES NOT CONFORM TO THE LIMITATIONS APPLICABLE TO A PUBLIC GARAGE AS DEFINED BY SECTION 50-1.32 OF THE ZONING CODE.

07-0591R - RESOLUTION AUTHORIZING A THIRD AMENDMENT TO THE FISCAL YEAR 2005 HOME PROGRAM HOUSING DEVELOPMENT PROJECT PURCHASE/REHABILITATION/RESALE FOURTH STREET REVITALIZATION AGREEMENT #19864 WITH NEIGHBORHOOD HOUSING SERVICES, EXTENDING THE TERM 12 MONTHS.

07-0594R - RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROJECT AGREEMENT WITH NORTHERN COMMUNITIES LAND TRUST (NCLT) TO INCREASE THE AMOUNT PAYABLE THEREUNDER FROM \$150,000 TO \$180,000.

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

07-0595R - RESOLUTION AMENDING RESOLUTION NO. 07-0492 AUTHORIZING A CONTRACT WITH GERARD CHIMNEY COMPANY FOR INSPECTION AND REPAIR OF THE DULUTH STEAM PLANT CHIMNEY TO INCREASE THE AMOUNT BY \$6,000 FOR A NEW TOTAL OF \$17,400.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

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. (TABLED AND REFERRED TO PLANNING COMMISSION 8/27)

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

07-062-O - AN ORDINANCE AMENDING SECTIONS 47-20 AND 47-33 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO TAXICAB VEHICLE STANDARDS AND INSPECTION AND NOTICE OF RATES.

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

07-061-O - AN ORDINANCE AMENDING SECTION 24-20 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO GARBAGE COLLECTION.

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

07-060-O - AN ORDINANCE AUTHORIZING SALE OF CERTAIN PROPERTY ON GARFIELD AVENUE TO THE SEAWAY PORT AUTHORITY OF DULUTH FOR \$16,025.

The following entitled ordinances are to be read for the second 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 CHAPTER 50 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 TAXICAB RATES.

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COUNCILOR QUESTIONS AND COMMENTS