

## AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, September 24, 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

- \* 07-0924-01 Philip and Victoria Filiatrault petition to vacate the five foot easements on Lots 4 and 5, Block 31, Norton's Fairmont Park Division. -- Assessor
- \* 07-0924-02 Maurices, Inc., concurrent use permit application for a portion of the alley behind 105 West Superior Street for the installation of three electrical conduits and wire. -- Planning commission
- \* 07-0924-03 Tatyana Sirota, et al. (four signatures), petition to vacate 13th Avenue East westerly of Lot 16, Block 109, Endion Division. -- Assessor
- \* 07-0924-04 Grandma's, Inc., acceptance of terms, conditions and provisions of concurrent use permit granted by Ordinance 9830 on May 14, 2007. -- Received
- \* 07-0924-05 Hartl's/DBJ Disposal Companies communication regarding proposed amendment to Section 24-20 of the Duluth City Code, 1959, as amended, pertaining to garbage collection (07-061-O). -- Received
- 07-0924-06 Norman McNeil communication regarding proposed amendment to 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 (07-062-O). -- Received
- \* 07-0924-07 Sherman and Associates, acceptance of terms, conditions and provisions of concurrent use permit granted by Ordinance 9833 on May 14, 2007. -- Received
- \* 07-0924-08 The following communications regarding proposed amendment Section 50-1.28 of the Duluth City Code, 1959, as amended, defining the word family (07-058-O): (a) Connie Toscano; (b) Wendy Webb. -- Received

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### REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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### REPORTS FROM OTHER OFFICERS

- \* 07-0924-09 Assessor:  
**NEW** (a) For confirmation the assessment roll of delinquent stormwater utility fees during the period of January 1, 2006, and December 31, 2006;

- (b) Letters of sufficiency of petitions to vacate:
  - (1) The existing 20 foot unoccupied utility easement located in Lot 5, Block 2, Oatka Beach Addition;
  - (2) The five foot easements on Lots 4 and 5, Block 31, Norton's Fairmont Park Division. -- Received

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**REPORTS OF BOARDS AND COMMISSIONS**

- \* 07-0924-10 Commission on disabilities minutes of August 1, 2007, meeting. -- Received
- \* 07-0924-11 Duluth human rights commission minutes of August 8, 2007, meeting. -- Received
- \* 07-0924-12 Planning commission:
  - (a) Minutes of August 14, 2007, meeting;
  - (b) Recommendations for approval of:
    - (1) Ordinance 07-053-O, 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;
    - (2) Ordinance 07-058-O, amending Section 50-1.28 of the Duluth City Code, 1959, as amended, defining the word family. -- 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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**RESOLUTION FOR RECONSIDERATION**

**COMMITTEE 1**

**BY COUNCILOR GILBERT (PERSONNEL)**

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

**RESOLUTION 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)

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**MOTIONS AND RESOLUTIONS**

The following entitled resolution is to be read for the first time:

**COMMITTEE 2**

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

07-0624R - RESOLUTION AMENDING THE MINNESOTA INVESTMENT FUND (MIF) AGREEMENT WITH THE STATE OF MINNESOTA AND AUTHORIZING A LOAN AGREEMENT, NOTE AND SECURITY AGREEMENT MODIFICATION AGREEMENT WITH NORTHSTAR MACHINE & TOOL, INC., D.B.A. NORTHSTAR AEROSPACE, INCREASING THE TIME FOR LOAN PAYBACK.

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**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)**

07-0613R - RESOLUTION AUTHORIZING EXECUTION OF A SUPPLEMENTAL AGREEMENT WITH THE CITY OF DULUTH SUPERVISORY ASSOCIATION.

07-0614R - RESOLUTION AUTHORIZING EXECUTION OF A SUPPLEMENTAL AGREEMENT WITH LOCAL 101, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS.

07-0615R - RESOLUTION AUTHORIZING EXECUTION OF A SUPPLEMENTAL AGREEMENT WITH THE DULUTH POLICE LOCAL.

07-0616R - RESOLUTION AUTHORIZING EXECUTION OF A SUPPLEMENTAL AGREEMENT WITH THE CITY OF DULUTH CONFIDENTIAL BARGAINING UNIT.

07-0622R - RESOLUTION REPEALING RESOLUTION 96-0447 AND TRANSFERRING FUNDS TO FUND 505.

**NEW** 07-0637R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT STORMWATER UTILITY FEES DURING THE PERIOD OF JANUARY 1, 2006, TO DECEMBER 31, 2006, AS PROVIDED FOR IN ARTICLE XI OF CHAPTER 43 OF THE DULUTH CITY CODE.

**BY COUNCILOR GILBERT (PERSONNEL)**

07-0630R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF SUPERINTENDENT, BUILDING MAINTENANCE.

07-0631R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF FACILITY OPERATIONS SUPERVISOR.

**COMMITTEE 2**

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

07-0626R - RESOLUTION GRANTING MARK LAMBERT, SUMMIT MANAGEMENT, LLC, THE SECOND AMENDMENT TO A SECTION 50-38 SPECIAL USE PERMIT, ORIGINALLY APPROVED FEBRUARY 14, 2005 (RESOLUTION 05-0094), FOR PHASE III OF BOULDER RIDGE APARTMENTS, ON THE SOUTHWEST SIDE OF RICE LAKE ROAD BETWEEN PECAN AVENUE AND HICKORY STREET.

**BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)**

07-0583R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO AMEND A CONTRACT WITH ST. LOUIS COUNTY TO PROVIDE SUPPORT SERVICES THROUGH THE FOOD SUPPORT EMPLOYMENT AND TRAINING PROGRAM FROM JULY 1, 2007, THROUGH JUNE 30, 2008, AT A TOTAL COST NOT TO EXCEED \$2,420.50.

07-0612R - RESOLUTION ENTERING INTO AN AGREEMENT ACCEPTING \$291,569 FROM SENIOR SERVICE AMERICA, INC., TO OPERATE THE SENIOR AIDES PROGRAM FROM JULY 1, 2007, THROUGH JUNE 30, 2008; PROGRAM FUNDS WILL BE ACCEPTED UPON RECEIPT OF NOTICES OF FUNDS AVAILABLE.

**NEW** 07-0636R - RESOLUTION AUTHORIZING AN AMENDED AGREEMENT WITH U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR HUMAN RIGHTS ENFORCEMENT.

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

07-0629R - RESOLUTION AUTHORIZING THE CITY TO APPLY FOR AND ACCEPT A GRANT FROM THE MINNESOTA SECRETARY OF STATE FOR POLLING SITE ACCESSABILITY.

**COMMITTEE 3**

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

07-0617R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF TODD G. BROWN IN THE AMOUNT OF \$15,496.42.

07-0620R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH KALKBRENNER PLUMBING & HEATING, INC., FOR THE 2007 REHABILITATION OF SANITARY SEWER LATERALS IN BASIN #25 IN THE AMOUNT OF \$121,800.

07-0623R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH TRAFFIC CONTROL CORPORATION FOR THE PURCHASE OF TRAFFIC SIGNAL CONTROLLERS AND PERIPHERAL EQUIPMENT IN THE AMOUNT OF \$44,349.26.

**NEW** 07-0633R - RESOLUTION AUTHORIZING EXECUTION OF AMENDED EASEMENT AGREEMENT FOR PUBLIC UTILITIES WITH DULUTH UNITED, LLC.

**NEW** 07-0634R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF WENDY LEWIS IN THE AMOUNT OF \$100,000.

**COMMITTEE 3**

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

07-0627R - RESOLUTION ACCEPTING A GIFT OF LAND FROM THE DAUGHTERS OF LIBERTY AND GREYSOLON DU LHUT CHAPTERS OF THE DAUGHTERS OF THE AMERICAN REVOLUTION AT 133RD AVENUE WEST AND SECOND STREET; DEDICATING THE PROPERTY AS A PASSIVE PARK AND NAMING THE SITE HISTORICAL PARK.

**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)**

07-0619R - RESOLUTION AUTHORIZING HOUSING INVESTMENT FUND (HIF) LOAN AGREEMENT OF \$600,000 WITH AMERICAN INDIAN COMMUNITY HOUSING ORGANIZATION (AICHO).

07-0625R - RESOLUTION DENYING A CONCURRENT USE PERMIT TO MITCH'S, INC., DBA MITCH'S BAR AND GRILL, FOR THE SIDEWALK ABUTTING 2113 WEST SUPERIOR STREET (MARK MITCHELL).

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

**NEW** 07-0632R - RESOLUTION DESIGNATING DAY FOLLOWING THANKSGIVING A HOLIDAY; ELIMINATING COLUMBUS DAY.

**COMMITTEE 3**

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

07-0618R - RESOLUTION AMENDING RESOLUTION 06-0726 AUTHORIZING A CONTRACT WITH APEX MECHANICAL PLUMBING, HEATING AND UTILITIES FOR INSTALLATION OF A STEAMLINE EXTENSION TO SAN MARCO APARTMENTS, TO INCREASE CONTRACT #20271 AMOUNT BY \$58,879.22, FOR A NEW CONTRACT TOTAL OF \$139,579.22.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**ORDINANCES TABLED**

**COMMITTEE 2**

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

07-058-O - AN ORDINANCE AMENDING SECTION 50-1.28 OF THE DULUTH CITY CODE, 1959, AS AMENDED, DEFINING THE WORD FAMILY. (TABLED 9/10 FOR PLANNING COMMISSION RECOMMENDATION)  
(REPLACEMENT 2)

**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 8/27 FOR PLANNING COMMISSION RECOMMENDATION)

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

**COMMITTEE 2**

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

07-063-O - AN ORDINANCE GRANTING TO MITCH'S, INC., DBA MITCH'S BAR AND GRILL BAR, A CONCURRENT USE PERMIT TO OCCUPY, SERVE AND MAINTAIN BENCHES FOR SMOKING AND TO SERVE LIQUOR ON THE SIDEWALK ABUTTING 2112 WEST SUPERIOR STREET, AND IMPOSING CERTAIN CONDITIONS, LIMITATIONS AND RESTRICTIONS IN RELATION TO SUCH CONCURRENT USE PERMIT.

07-064-O - AN ORDINANCE GRANTING TO DULUTH TRANSIT AUTHORITY A CONCURRENT USE PERMIT TO CONSTRUCT AND OCCUPY BUS SHELTERS ON THE SIDEWALK AT VARIOUS LOCATIONS ON EAST AND WEST SUPERIOR STREET AND IMPOSING CERTAIN CONDITIONS, LIMITATIONS AND RESTRICTIONS IN RELATION TO SUCH CONCURRENT USE PERMIT.

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

**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. (REPLACEMENT)

**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. (AS AMENDED 9/10)

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**COUNCILOR QUESTIONS AND COMMENTS**  
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