

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Tuesday, November 13, 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

- * 07-1113-01 Aces on First, by Hospitality Associates of Duluth, LL, application for concurrent use permit for use of sidewalk at 113 West First Street. -- Planning commission
- * 07-1113-02 Dean Andress, by CMRA, LLC, et al. (12 signatures), petition to reclassify from R-1 to C-5 the property at 515-503 West Central Entrance and West Myrtle Street. -- Assessor
- * 07-1113-03 Haines Properties, LLP, further petition (two signatures), to reclassify from S to C-5 property described as W1/2 of SE1/4 of SW1/4 of Section 7, Township 50 North, Range 14 West. -- Assessor
- * 07-1113-04 Patricia Lehr and Will Munger, et al. (five signatures), by Michael Talarico, attorney, petitions to:
 - (a) Reclassify from W-1 to R-1-c, Lots 1 through 3, Block 39, Hunter and Markells Division and Outlots E and F;
 - (b) Vacate Milford Street from 71st to 70th avenues West and the alleyway between 70th and 71st avenues West from Milford Street to the waterfront, Hunter and Markells Division (near Indian Point). -- Assessor
- * 07-1113-05 Hatha "Ann" Waltjer petition to vacate the triangle of property at corner of Manitou and Sunnyside streets. -- Assessor
- * 07-1113-06 Kozy Bar, by Thomas Cox, communication withdrawing application for concurrent use permit for use of sidewalk in front of 129 East First Street. -- Planning commission

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REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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REPORTS FROM OTHER OFFICERS

- * 07-1113-07 Assessor:
 - (a) Affidavit of mailing of notice of public hearings to be held by the special assessment board on Tuesday, November 13, 2007, at 3:30 p.m. in Room 106A, City Hall, regarding reassessment of canceled assessment for Plat 1000 Parcel 00670, demolition of building (assessable amount: \$675);
 - (b) Letter of insufficiency of petition to reclassify from S to C-5 property described as W1/2 of SE1/4 of SW1/4 of Section 7, Township 50 North, Range 14 West;

- (c) Letters of sufficiency of petitions to:
 - (1) Recassify:
 - (A) From R-1 to C-5 the property at 515-503 West Central Entrance and West Myrtle Street;
 - (B) From S to C-5 property described as W1/2 of SE1/4 of SW1/4 of Section 7, Township 50 North, Range 14 West;
 - (C) From W-1 to R-1-c, Lots 1 through 3, Block 39, Hunter and Markells Division and Outlot E and F;
 - (2) Vacate:
 - (A) Milford Street from 71st to 70th avenues West and the alleyway between 70th and 71st avenues West from Milford Street to the waterfront, Hunter and Markells Division (near Indian Point);
 - (B) The triangle of property at corner of Manitou and Sunnyside streets. --

Received

- * 07-1113-08 Clerk applications to the Minnesota gambling control board for exemption from lawful gambling licenses (raffles) from:
 - (a) AGC of Minnesota Foundation on March 13, 2008;
 - (b) Regents of the University of Minnesota on:
 - (1) February 10;
 - (2) April 5, 2008. -- Received
- * 07-1113-09 Parks and recreation department director minutes of Lake Superior zoological society meetings of September 26, 2007, meeting. -- Received

REPORTS OF BOARDS AND COMMISSIONS

- * 07-1113-10 Animal humane board minutes of September 25, 2007, meeting. -- Received
- * 07-1113-11 Duluth airport authority:
 - (a) Balance sheet of August 31, 2007;
 - (b) Minutes of:
 - (1) September 18;
 - (2) September 24, 2007, meetings. -- Received
- * 07-1113-12 Duluth transit authority:
 - (a) Income statement of July, 2007;
 - (b) Minutes of:
 - (1) August 15;
 - (2) August 29, 2007, meetings. -- Received
- * 07-1113-13 Tree commission minutes of September 18, 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

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OPPORTUNITY FOR CITIZENS TO BE HEARD
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RESOLUTIONS TABLED

COMMITTEE 1

BY COUNCILOR STEWART (FINANCE)

07-0653R - RESOLUTION REPEALING RESOLUTIONS 05-0269 AND 05-0320 RELATED TO FUNDING THE HOUSING INVESTMENT FUND. (REPLACEMENT) (TABLED 10/9)

07-0685R - RESOLUTION AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND DULUTH POLICE UNION, LOCAL 807. (TABLED 10/22)

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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)

07-0688R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE SALVATION ARMY RELATING TO DISTRIBUTION OF EMERGENCY ENERGY ASSISTANCE FUNDS IN THE AMOUNT OF \$16,086.

07-0706R - 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 FOR IN CHAPTER 24 OF THE DULUTH CITY CODE.

07-0710R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION BONDS AND EQUIPMENT CERTIFICATES OF INDEBTEDNESS.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

07-0693R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF GW PETERSON ENTERPRISES, INC. (CONGRESS BAR & GRILL), 1334 COMMONWEALTH AVENUE.

07-0694R - RESOLUTION IN THE MATTER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF GOLDEN EAGLE LIQUORS, LLC, (SPORTSMEN'S LIQUOR), 3904 GRAND AVENUE.

07-0695R - RESOLUTION IN THE MATTER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF J & J JAUSS, INC. (GARY LIQUORS), 1431 COMMONWEALTH AVENUE.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

07-0711R - RESOLUTION FOR EXECUTION OF AMENDED EXHIBIT A TO SERVICE AGREEMENT WITH BLUE CROSS AND BLUE SHIELD OF MINNESOTA TO REMOVE ADMINISTRATION OF PRESCRIPTION DRUG COVERAGE EFFECTIVE OCTOBER 1, 2007.

07-0713R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO DULUTH CURLING CLUB.

07-0715R - RESOLUTION AMENDING RESOLUTION 07-0531 AND THE PROFESSIONAL SERVICES CONTRACT WITH E&W PROPERTIES, LLC, BY MODIFYING THE INSURANCE ARTICLE.

BY COUNCILOR GILBERT (PERSONNEL)

07-0665R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF ROBERTA CICH, CLAIRE JASPER AND CYNTHIA STRATIOTI AND THE APPOINTMENT OF VIOLET WOODS, REPLACING JUDY LEDOUX, TO THE COMMISSION ON DISABILITIES.

COMMITTEE 2

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

07-0681R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO AMEND A CONTRACT WITH ST. LOUIS COUNTY TO PROVIDE FOOD SUPPORT EMPLOYMENT AND TRAINING PROGRAM SERVICES FROM OCTOBER 1, 2007, THROUGH SEPTEMBER 30, 2008, AT A TOTAL COST NOT TO EXCEED \$28,831.

07-0687R - RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ST. LOUIS COUNTY BOARD FOR THE FURNISHING OF HOME DELIVERED MEALS TO INCREASE THE PAYMENT FOR ELDERLY WAIVER MEALS FROM \$6.08 TO \$6.20 PER MEAL.

07-0704R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICERS TO EXECUTE AMENDMENT NO. 6 TO LEASE NO. 10185 WITH THE STATE OF MINNESOTA, DEPARTMENT OF ADMINISTRATION, FOR OFFICE SPACE WITHIN CITY HALL.

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

07-0705R - RESOLUTION AUTHORIZING A REQUEST TO MNDOT TO PROVIDE ADVANCE FUNDING AND AUTHORIZING PAYMENTS FROM SUBSEQUENT ACCRUALS TO THE CITY'S MUNICIPAL STATE AID CONSTRUCTION ACCOUNT FOR VARIOUS CITY PROJECTS IN AMOUNT OF \$1,017,057.12.

07-0709R - RESOLUTION AMENDING RESOLUTION 07-0492 AND AUTHORIZING THE EXTENSION OF CONTRACT #20211 WITH GERARD CHIMNEY COMPANY FOR THE INSPECTION OF THE DULUTH STEAM PLANT CHIMNEY FROM DECEMBER 31, 2007, THROUGH JULY 31, 2008.

07-0712R - RESOLUTION REQUESTING THE BOARD OF COMMISSIONERS OF ST. LOUIS COUNTY TO RECLASSIFY CERTAIN TAX FORFEITED PROPERTIES FROM CONSERVATION TO NONCONSERVATION AND TO CONVEY THE SAME TO THE CITY OF DULUTH BY FREE CONVEYANCE.

COMMITTEE 3

BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)

07-0719R - RESOLUTION AWARDDING A CONTRACT TO VIELE CONTRACTING, INC. FOR CONSTRUCTION OF A WATER MAIN AND SANITARY SEWER IN WEST 12TH STREET FROM 90 FEET SOUTHWESTERLY OF HARBOR HIGHLANDS DRIVE TO 160 FEET SOUTHWESTERLY OF HARBOR HIGHLANDS DRIVE IN THE AMOUNT OF \$57,174.80.

07-0720R - RESOLUTION AMENDING RESOLUTION 07-0546 AWARDDING A CONTRACT TO AYRES ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES, TO INCREASE THE AMOUNT BY \$4,900 FOR A NEW TOTAL OF \$139,832.

07-0721R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF DAN AND TRISH MERTESDORF IN THE AMOUNT OF \$20,608.79.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

07-0684R - RESOLUTION TO ESTABLISH NO PARKING ON BOTH SIDES OF 22ND AVENUE EAST FROM THIRD STREET TO THE ALLEY NORTH OF FIFTH STREET.

07-0689R - RESOLUTION ENTERING INTO A COOPERATIVE AGREEMENT WITH THE OFFICE OF JUSTICE PROGRAMS, MINNESOTA DEPARTMENT OF PUBLIC SAFETY, AND AUTHORIZING THE EXECUTION OF THE GRANT AGREEMENT IN THE AMOUNT OF A \$50,000 GRANT FOR THE PURCHASE OF IN-SQUAD CAMERA SYSTEMS; A MATCH OF \$12,500 IS REQUIRED BY THE CITY.

07-0697R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA, OFFICE OF TRAFFIC SAFETY, IN THE AMOUNT OF \$45,000, ACT AS THE FISCAL AGENT, AND EXECUTE THE GRANT AGREEMENT (SAFE AND SOBER PROGRAM).

07-0708R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ISD 709 TO PROVIDE LAW ENFORCEMENT OFFICERS IN THE PUBLIC SCHOOLS AS PART OF THE SAFE SCHOOLS HEALTHY STUDENTS INITIATIVE FOR ANNUAL PAYMENT OF \$247,200.

07-0714R - RESOLUTION TO ESTABLISH A PARKING METER ZONE ON THE NORTH SIDE OF THIRD STREET BETWEEN LAKE AVENUE AND FIRST AVENUE EAST.

NEW 07-0726R - RESOLUTION ACCEPTING GRANT OF \$750,000 FOR PORT SECURITY PROGRAM.

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

07-0690R - RESOLUTION AUTHORIZING AN AMENDED GRANT AGREEMENT WITH THE STATE OF MINNESOTA, COMMISSIONER OF NATURAL RESOURCES, EXTENDING THE EXPIRATION DATE OF THE LAKE SUPERIOR ZOO COASTAL GRANT CONTRACT A93374.

07-0691R - RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONCESSION AGREEMENT FOR OPERATION OF ENGER AND LESTER PARK GOLF COURSES WITH PROFESSIONAL GOLF MANAGEMENT, INC.

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)

07-0723R - RESOLUTION ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2008.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

07-0692R - RESOLUTION TO DENY AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAPS NOS. 26, 27, 32 AND 33 AS CONTAINED IN THE APPENDIX TO CHAPTER 50 TO PROVIDE FOR THE RECLASSIFICATION FROM S, SUBURBAN, AND IP, INDUSTRIAL PARK, TO M-1, MANUFACTURING, PROPERTY LOCATED IN THE SECOND REARRANGEMENT OF AIRPARK DIVISION AND PLAT OF AIRPARK DIVISION (CITY OF DULUTH).

07-0699R - RESOLUTION APPROVING THE VACATION OF A TEN FOOT PUBLIC UTILITY EASEMENT LOCATED AT 7607 GRAND AVENUE (FILIATRAULT).

07-0700R - RESOLUTION DENYING THE VACATION OF A TEN FOOT WIDE PUBLIC UTILITY EASEMENT AT 7607 GRAND AVENUE (FILIATRAULT).

07-0701R - RESOLUTION APPROVING THE VACATION OF THE SOUTHERLY 30 FEET OF A 20 FOOT WIDE PUBLIC UTILITY EASEMENT AT 4019 LAKE AVENUE SOUTH (JOHNSON).

07-0702R - RESOLUTION APPROVING THE VACATION OF A 20 FOOT WIDE UTILITY EASEMENT AT 4019 LAKE AVENUE SOUTH (JOHNSON).

07-0703R - RESOLUTION DENYING THE VACATION OF A 20 FOOT WIDE UTILITY EASEMENT AT 4019 LAKE AVENUE SOUTH (JOHNSON).

07-0716R - RESOLUTION OBJECTING TO THE PROPOSED RECLASSIFICATION TO NONCONSERVATION AND SALE OF CERTAIN TAX FORFEITED PARCELS BY THE BOARD OF COMMISSIONERS OF SAINT LOUIS COUNTY (SEPTEMBER 5, 2007, RECLASSIFICATION).

07-0718R - RESOLUTION VACATING 13TH AVENUE EAST BETWEEN EAST SEVENTH STREET AND EAST EIGHTH STREET ALLEY RESERVING AN EASEMENT OVER THE WESTERLY 55 FEET FOR PEDESTRIAN, UTILITY, AND DRAINAGE PURPOSES (SIROTA).

07-0725R - RESOLUTION DENYING THE VACATION OF 13TH AVENUE EAST BETWEEN EAST SEVENTH STREET AND EAST EIGHTH STREET ALLEY (SIROTA).

BY COUNCILORS STAUBER AND STEWART

07-0722R - RESOLUTION REQUESTING RECOMMENDATION ON A PROPOSED SITE FOR A STORMWATER TREATMENT FACILITY (WATER GARDEN).

COMMITTEE 2

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

07-0698R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH ST. LOUIS COUNTY TO PROVIDE SUPPORTED WORK SERVICES TO MFIP PARTICIPANTS FOR THE PERIOD AUGUST 24, 2007, THROUGH JUNE 30, 2008, IN AN AMOUNT EXPECTED TO BE \$67,047 AND NOT TO EXCEED \$211,144.

COMMITTEE 3

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

07-0717R - RESOLUTION AUTHORIZING AGREEMENT WITH THE ST. LOUIS AND LAKE COUNTIES REGIONAL RAILROAD AUTHORITY, HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY, ISANTI COUNTY, PINE COUNTY, MILLE LACS BAND OF OJIBWA AND ST. LOUIS COUNTY FOR A FEASIBILITY STUDY IN THE AMOUNT OF \$40,000.

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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 STEWART (FINANCE)

07-074-O - AN ORDINANCE REPEALING ARTICLE II, DIVISION 4, CONTAINING SECTIONS 20-18 AND 20-19, OF THE DULUTH CITY CODE, 1959, AS AMENDED; MUNICIPAL ARTS FUND.

07-075-O - AN ORDINANCE ELIMINATING PEDESTRIAN TRANSIT ZONES IN THE CITY OF DULUTH; REPEALING SECTION 45-4.5 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

07-076-O - AN ORDINANCE REPEALING ARTICLES XII, XIV, XVI AND XXII OF CHAPTER 2 OF THE CITY CODE RELATING TO THE YOUTH COUNCIL, COMMISSION ON AGING, COMMISSION ON PUBLIC SAFETY AND WOMEN'S COMMISSION.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

07-072-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NOS. 26, 27, 32 AND 33 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM S, SUBURBAN, AND I-P, INDUSTRIAL PARK, TO M-1, MANUFACTURING, FOR PROPERTY LOCATED WEST OF RICE LAKE ROAD BETWEEN AIRPORT ROAD AND KRUGER ROAD (CITY OF DULUTH).

07-073-O - AN ORDINANCE AMENDING SECTION 47-33 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO TAXICAB VEHICLE NOTICE OF RATES.

07-077-O - AN ORDINANCE GRANTING TO MAURICES, INC., A CONCURRENT USE PERMIT TO INSTALL ELECTRIC CONDUITS IN THE RIGHT-OF-WAY OF WEST FIRST STREET ALLEY.

COMMITTEE 3

BY COUNCILORS REINERT AND STAUBER

07-071-O - AN ORDINANCE AMENDING SECTION 33-97.2 OF THE DULUTH CITY CODE, 1959, AS AMENDED; GOVERNING DESIGNATION OF SNOW EMERGENCY ROUTES.

The following entitled ordinance is to be read for the second time:

COMMITTEE 3

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

07-070-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED; ADDING A NEW SECTION 50-118 PROVIDING FOR THE IMMEDIATE SUSPENSION OF ZONING APPROVALS AND LICENSE ISSUANCE UPON INTRODUCTION OF AN INTERIM ORDINANCE. (REPLACEMENT 2)

COUNCILOR QUESTIONS AND COMMENTS
