

Monday, November 26, 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**

\* 07-1126-01 Al Terwey concurrent use permit application to construct a smoking canopy at the rear entrance of 5622 Grand Avenue facing Ramsey Street. -- Planning commission

07-1126-02 Minnesota state auditor:  
 (a) Comprehensive annual financial report for the year ended December 31, 2006, for Western Lake Superior Sanitary District;  
 (b) Management and compliance report for the year ended December 31, 2006, for Western Lake Superior Sanitary District. -- Received (PREVIOUSLY DISTRIBUTED) (COUNCILORS ONLY)

\* 07-1126-03 The following communications regarding the proposed collective bargaining agreement with AFSCME Local 66 for 2007-2009 (07-0732R): (a) Anna Bailey; (b) Steven Blomster; (c) Tiffany Bourassa; (d) Dean Casperson; (e) Christie Printing; (f) Paul Collins; (g) Jeff Cook; (h) Joe Fetter; (i) Phil Fournier; (j) Jim Gustafson; (k) Mike Hanson; (l) Rick Heimbach; (m) Dave Holappa; (n) Claudia Johnson; (o) Al ivisto; (p) Mark LaLiberte; (q) Daral Lange; (r) Jeff Lemire; (s) Marge Martin; (t) Scott Miller; (u) Linda Rau; (v) Richard Shaffer; (w) Ralph Talarico; (x) Jo Thompson; (y) Christine Townsend; (z) Scott Turner; (aa) Kelly Weber; (bb) Erin Wenneson; (cc) David Wiesen; (dd) Renee Zurn. -- Received

\* 07-1126-04 The following communications regarding the proposed funding of a passenger rail service feasibility study (07-0736R): (a) Canal Park Business Association; (b) Greater Downtown Council; (c) Thomas Holden; (d) Rodney Lubiani. -- Received

\* 07-1126-05 The following communications regarding the proposed repeal of Article II, Division 4, containing sections 20-18 and 20-19, of the Duluth City Code, 1959, as amended; municipal arts fund (07-074-O): (a) Julia Durst; (b) Karin Kraemer; (c) Tim Sheriff. -- Received

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**REPORTS FROM THE ADMINISTRATION**

- Retiree healthcare benefits

07-1126-14 Mayor Bergson veto of Resolution 07-0653, repealing resolutions 05-0269 and 05-0320 related to funding the housing investment fund. -- Received

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**REPORTS FROM OTHER OFFICERS**

- \* 07-1126-06 Assessor for confirmation assessment roll levied for reassessment of canceled razing assessments for contract Nos. 4904 (assessable amount: \$675) and 3830 (assessable amount: \$4,157.75). -- Received
- \* 07-1126-07 Clerk applications to the Minnesota gambling control board for exemption from lawful gambling licenses (raffles) from:
  - (a) Greater Downtown Council on January 16, 2008;
  - (b) Rotary Club of Duluth on March 6, 2008. -- Received

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**REPORTS OF BOARDS AND COMMISSIONS**

- \* 07-1126-07 Animal humane board minutes of October 23, 2007, meeting. -- Received
- \* 07-1126-08 Commission on disabilities minutes of October 3, 2007, meeting. -- Received
- \* 07-1126-09 Duluth human rights commission minutes of October 10, 2007, meeting. -- Received
- \* 07-1126-10 Duluth/North Shore Sanitary District minutes of October 10, 2007, meeting. -- Received
- \* 07-1126-11 Planning commission minutes of October 16, 2007, meeting. -- Received
- \* 07-1126-12 Seaway Port authority of Duluth minutes of: (a) July 26; (b) September 26, 2007, meetings. -- Received
- \* 07-1126-13 Spirit Mountain recreation area authority minutes of: (a) September 20; (b) October 16, 2007, meetings. -- 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 KRAUSE**

**(PURCHASING & LICENSING)**

**NEW** 07-0653R - RESOLUTION REPEALING RESOLUTIONS 05-0269 AND 05-0320 RELATED TO FUNDING THE HOUSING INVESTMENT FUND. (REPLACEMENT)

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**RESOLUTIONS TABLED**

**COMMITTEE 1**

**BY COUNCILOR STEWART (FINANCE)**

07-0723R - RESOLUTION ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2008.  
(TABLED 11/13 FOR 12/17 PUBLIC HEARING)

**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).  
(TABLED 11/13 FOR CONSIDERATION WITH 07-072-O)

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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)**

07-0732R - RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF DULUTH AND LOCAL 66 OF AFSCME FOR YEARS 2007-2009.

07-0751R - RESOLUTION AUTHORIZING REASSESSMENT OF PREVIOUSLY CANCELED RAZING ASSESSMENTS.

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

07-0730R - RESOLUTION APPROVING THE RENEWAL OF A MINNESOTA CURRENCY EXCHANGE LICENSE TO MONEY XCHANGE.

07-0748R - RESOLUTION AUTHORIZING THE RENEWAL OF AN AGREEMENT WITH MINNESOTA MUTUAL LIFE TO PROVIDE LIFE INSURANCE FOR CITY EMPLOYEES DURING THE YEARS 2008 AND 2009 AT AN ESTIMATED COST OF \$160,739 IN EACH YEAR.

07-0749R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH DELTA DENTAL TO PROVIDE ADMINISTRATIVE SERVICES IN CONNECTION WITH EMPLOYEE DENTAL CARE BENEFITS DURING YEAR 2007, AT AN ESTIMATED COST OF \$43,307.21.

**COMMITTEE 1**

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

07-0750R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH DELTA DENTAL TO PROVIDE ADMINISTRATIVE SERVICES IN CONNECTION WITH EMPLOYEE DENTAL CARE BENEFITS EFFECTIVE JANUARY 1, 2008, AT AN ESTIMATED COST OF \$43,930.44.

**BY COUNCILOR GILBERT (PERSONNEL)**

07-0727R - RESOLUTION CONFIRMING THE APPOINTMENT OF WILLIAM FLANNAGAN TO THE PARKS AND RECREATION COMMISSION, REPLACING JENNIFER MURPHY.

07-0729R - RESOLUTION CONFIRMING THE APPOINTMENT OF NEALE ROTH TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY, REPLACING PAULINE OLSEN.

**COMMITTEE 2**

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

07-0754R - RESOLUTION REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF SAINT LOUIS COUNTY TO RECLASSIFY FROM CONSERVATION TO NONCONSERVATION CERTAIN TAX FORFEITED LAND FOR INCLUSION IN THE EASTRIDGE PLAT (WHITE PINE DEVELOPMENT).

**BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)**

07-0737R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DULUTH-SUPERIOR PUBLIC ACCESS COMMUNITY TELEVISION, INC., FOR COMMUNITY ACCESS CABLECASTING, TRAINING, PRODUCTION AND ADMINISTRATION SERVICES IN 2008 IN THE AMOUNT OF \$169,000.

**COMMITTEE 3**

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

07-0734R - RESOLUTION ESTABLISHING THE CUSTOMER CHARGE AND USER CHARGES FOR THE CITY'S WASTEWATER FACILITIES EFFECTIVE WITH METER READINGS AFTER JANUARY 1, 2008; RESCINDING ALL PRIOR INCONSISTENT OR CONFLICTING RESOLUTIONS WITH RESPECT TO SUCH RATES.

07-0735R - RESOLUTION ESTABLISHING A STORMWATER UTILITY USER CHARGE EFFECTIVE JANUARY 1, 2008; RESCINDING ALL PRIOR INCONSISTENT OR CONFLICTING RESOLUTIONS WITH RESPECT TO SUCH USER CHARGE.

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

07-0736R - 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.

**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)**

07-0745R - RESOLUTION DENYING AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 27 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM S, SUBURBAN, TO C-5, PLANNED COMMERCIAL DISTRICT, PROPERTY LOCATED ON THE NORTH SIDE OF ARROWHEAD ROAD APPROXIMATELY 1,360 FEET EAST OF THE INTERSECTION OF HAINES ROAD AND ARROWHEAD ROAD (FRANK HOLAPPA).

07-0746R - RESOLUTION GRANTING A SPECIAL USE PERMIT FOR A HELICOPTER LANDING PAD TO THE DULUTH SEAWAY PORT AUTHORITY FOR PROPERTY LOCATED WITHIN SECOND REARRANGEMENT OF PART OF AIRPARK DIVISION.

07-0747R - RESOLUTION DENYING A SPECIAL USE PERMIT FOR A HELICOPTER LANDING PAD TO THE DULUTH SEAWAY PORT AUTHORITY FOR PROPERTY LOCATED WITHIN SECOND REARRANGEMENT OF PART OF AIRPARK DIVISION.

07-0752R - RESOLUTION VACATING TWO UTILITY EASEMENTS ON LOT 1 AND THE WESTERLY 20 FEET OF LOT 2, AUDITORS PLAT #26, IN MORGAN PARK (MILOSEVICH).

07-0753R - RESOLUTION DENYING THE VACATION OF TWO UTILITY EASEMENTS ON LOT 1 AND THE WESTERLY 20 FEET OF LOT 2, AUDITORS PLAT #26, IN MORGAN PARK (MILOSEVICH).

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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 KRAUSE (PURCHASING & LICENSING)**

**NEW** 07-083-O - AN ORDINANCE AMENDING SECTION 44-14 OF THE DULUTH CITY CODE, 1959, AS AMENDED; REGULATING ILLUMINATION OF SIGNS.

**COMMITTEE 2**

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

07-078-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 27 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM S, SUBURBAN, TO C-5, PLANNED COMMERCIAL DISTRICT, PROPERTY LOCATED ON THE NORTH SIDE OF ARROWHEAD ROAD APPROXIMATELY 1,360 FEET EAST OF THE INTERSECTION OF HAINES ROAD AND ARROWHEAD ROAD (FRANK HOLAPPA).

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

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**COUNCILOR QUESTIONS AND COMMENTS**  
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