

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, January 14, 2008, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - October 9 and 22, 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

* 08-0114-01 Seaway Hotel acceptance of terms, conditions and provisions of concurrent use permit granted by Ordinance 9822 on March 12, 2007. -- Received

* 08-0114-02 The following communications regarding proposed ordinance amending Sections 45-103 and 8-54 of the Duluth City Code, 1959, as amended, pertaining to concurrent use permits for expansion of alcoholic beverage serving areas (07-086-O): (a) MaryJo Twight; (b) Steve Townsend. -- Received

REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

REPORTS FROM OTHER OFFICERS

* 08-0114-03 Clerk application to the Minnesota gambling control board for exemption from lawful gambling license (raffle) from Rotary Club of Duluth Harbortown, MN, USA on April 16, 2008. -- Received

* 08-0114-04 Purchasing agent emergency order awarded to Stout Mechanical, Inc., for pipe modification at the West Duluth pumping station in the amount of \$35,300. -- Received

* 08-0114-05 Workforce development manager report of findings and recommendations of the Duluth workforce strategy task force of December 2007, pursuant to Resolution 07-0049. -- Received

REPORTS OF BOARDS AND COMMISSIONS

* 08-0114-06 Commission on disabilities 2007 year end report and vision statement. -- Received

* 08-0114-07 Duluth airport authority minutes of: (a) October 16; (b) November 8; (c) November 20, 2007, meetings. -- Received

* 08-0114-08 Duluth human rights commission minutes of November 14, 2007, meeting. -- Received

* 08-0114-09 Duluth/North Shore Sanitary District minutes of November 14, 2007, meeting. -- Received

* 08-0114-10 Duluth transit authority: (a) Income statement for September, 2007; (b) Minutes of October 24, 2007, meeting. -- Received

* 08-0114-11 Entertainment and convention center authority minutes of December 18, 2007, meeting. -- Received

* 08-0114-12 Planning commission minutes of November 14, 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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MOTIONS AND RESOLUTIONS

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

BY PRESIDENT REINERT (RECREATION, LIBRARIES & AUTHORITIES)

NEW 08-0049R - RESOLUTION AMENDING RULE 1 OF THE STANDING RULES OF THE CITY COUNCIL PERTAINING TO TIME AND RULE 9 OF THE STANDING RULES OF THE CITY COUNCIL PERTAINING TO INTRODUCTION OF MEASURES.

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.

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0008R - RESOLUTION APPROVING BUSINESS SUBSIDY AGREEMENT BETWEEN DEDA AND THE-JET COMPANY.

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COMMITTEE 1

BY COUNCILOR GARDNER (FINANCE)

08-0005R - RESOLUTION AUTHORIZING AN AGREEMENT FOR APPRAISAL SERVICES WITH THE VALUATION GROUP, INC., RELATED TO THE VARIOUS TAX COURT PROCEEDINGS TOTALING NOT TO EXCEED \$20,000.

COMMITTEE 1

BY COUNCILOR GARDNER (FINANCE)

08-0023R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF CITY OF DULUTH GENERAL OBLIGATION TAX AND AID ANTICIPATION CERTIFICATES OF INDEBTEDNESS OF 2008.

08-0035R - RESOLUTION AUTHORIZING AGREEMENT WITH PRO-WEST AND ASSOCIATES, INC., FOR PROFESSIONAL SERVICES IN CONNECTION WITH SURVEYING AND LOCATING SPECIFIED GOVERNMENT AND PLAT CORNERS AT A COST OF NOT TO EXCEED \$89,500.

08-0038R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH SUPERIORUSA BENEFITS CORPORATION TO PROVIDE ADMINISTRATIVE SERVICES FOR A FLEXIBLE BENEFITS PLAN FOR THE CITY FOR YEAR 2008 AT AN ESTIMATED COST OF \$11,250.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

08-0041R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO THE COLLEGE OF ST. SCHOLASTICA, 1200 KENWOOD AVENUE.

08-0042R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM APPLE AMERICAN LIMITED PARTNERHIP (APPLEBEE'S NEIGHBORHOOD BAR & GRILL), 1600 MILLER TRUNK HIGHWAY, TO APPLEBEE'S RESTAURANTS NORTH, LLC (APPLEBEE'S NEIGHBORHOOD BAR & GRILL), SAME ADDRESS.

08-0043R - RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO IT'S YOUR PARTY CATERING AND KARMA LOUNGE, LLC, (IT'S YOUR PARTY CATERING AND KARMA LOUNGE), 2024 WEST SUPERIOR STREET, SUITE 210.

08-0044R - RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE LICENSED PREMISES OF THE ON SALE INTOXICATING LIQUOR LICENSE OF JUST TAKE ACTION, INC. (FITGER'S BREWHOUSE), 600 EAST SUPERIOR STREET. **(REPLACEMENT)**

08-0045R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO AMERICAN LEGION #71.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0022R - RESOLUTION ACCEPTING \$7,000 IN SETTLEMENT OF THE DEBT OWED BY ROGER BRAUN, DOING BUSINESS AS THE TRAIL BLAZER, TO THE REVOLVING LOAN FUND FORMERLY OPERATED BY NORTH STAR COMMUNITY DEVELOPMENT CORPORATION AND AUTHORIZING EXECUTION OF A RELEASE.

08-0040R - RESOLUTION APPROVING A MODIFICATION TO THE CLYDE-ONEOTA JOBZ SUBZONE #101 REALLOCATING CERTAIN ACRES IN SAID SUBZONE TO FORM A NEW JOBZ SUBZONE CALLED THE AIRPORT NORTH BUSINESS DEVELOPMENT SUBZONE #96.1

BY COUNCILOR CUNEO (INTERGOVERNMENTAL RELATIONS)

08-0002R - RESOLUTION AUTHORIZING PAYMENT OF MEMBERSHIP DUES TO LMC IN THE AMOUNT OF \$27,240.

COMMITTEE 3

BY COUNCILOR FEDORA (PUBLIC WORKS & UTILITIES)

08-0010R - RESOLUTION ADDING 21ST AVENUE EAST FROM END OF BRIDGE TO WATER STREET TO DESIGNATED TRUNK HIGHWAY TURNBACK ROUTES IN THE CITY OF DULUTH.

08-0011R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH WASTE MANAGEMENT OF NORTHERN MINNESOTA FOR GARBAGE/REFUSE REMOVAL AND RECYCLING PICK-UP AS NEEDED DURING YEAR 2008 FOR AN ESTIMATED TOTAL AMOUNT OF \$70,000.

08-0016R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH AIRGAS SPECIALTY PRODUCTS FOR THE PURCHASE OF 40,000 POUNDS OF LIQUID ANHYDROUS AMMONIA FOR A TOTAL AMOUNT OF \$25,986.

08-0017R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH DPC INDUSTRIES, INC., FOR 55 TONS OF LIQUID CHLORINE FOR A TOTAL AMOUNT OF \$28,549.46.

08-0018R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH HAWKINS, INC., D.B.A. HAWKINS WATER TREATMENT GROUP - SUPERIOR FOR 145 TONS OF LIQUID HYDROFLUOROSILICIC ACID FOR A TOTAL AMOUNT OF \$83,821.89.

08-0019R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH HAWKINS, INC., D.B.A. HAWKINS WATER TREATMENT GROUP - SUPERIOR FOR THE PURCHASE OF 100,000 GALLONS OF CAUSTIC SODA FOR A TOTAL AMOUNT OF \$211,828.50.

08-0020R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH C&S CHEMICALS, INC., FOR THE PURCHASE OF 150,000 GALLONS OF LIQUID ALUMINUM SULFATE FOR A TOTAL AMOUNT OF \$135,787.50.

08-0037R - RESOLUTION AUTHORIZING AN AGREEMENT WITH SHORT ELLIOT HENDRICKSON (SEH, INC.) FOR PROFESSIONAL SERVICES FOR SECURE WEB-BASED NPDES MS4 PERMIT TRACKING SERVICES FOR 2008.

BY COUNCILOR ANDERSON (PUBLIC SAFETY)

08-0003R - RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO STATE GRANT CONTRACT 2006-CC-00396/9300-2178 COMMUNITY CRIME PREVENTION GRANT FROM THE STATE OF MINNESOTA, OFFICE OF JUSTICE PROGRAMS, EXTENDING THE EXPIRATION DATE OF THE AGREEMENT.

08-0012R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH NIELSON COMMUNICATIONS, INC., FOR THE PURCHASE AND DELIVERY OF KENWOOD MOBILE RADIOS AND RELATED RADIO SYSTEM EQUIPMENT FOR A TOTAL AMOUNT OF \$47,871.61.

08-0033R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH STREICHER'S, INC., FOR THE PURCHASE AND DELIVERY OF AMMUNITION IN YEAR 2008 FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$33,681.03.

BY PRESIDENT REINERT (RECREATION, LIBRARIES & AUTHORITIES)

08-0015R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE ARROWHEAD REGIONAL DEVELOPMENT COMMISSION FOR A PERFORMANCE BASED CONTRACT FOR THE CITY'S SENIOR DINING PROGRAM FOR AN AMOUNT NOT TO EXCEED \$263,082.

COMMITTEE 3

BY PRESIDENT REINERT (RECREATION, LIBRARIES & AUTHORITIES)

08-0036R - RESOLUTION AUTHORIZING AGREEMENT WITH THE MARSHALL SCHOOL AND THE DULUTH LIBRARY FOUNDATION FOR ONE BOOK, ONE COMMUNITY EVENT AT A COST OF NOT TO EXCEED \$200.

END OF CONSENT AGENDA

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The following entitled resolutions are also for consideration at this meeting:

COMMITTEE 1

BY COUNCILOR GARDNER (FINANCE)

NEW 08-0039R - RESOLUTION AUTHORIZING AN AGREEMENT WITH HISTORIC UNION DEPOT, INC., IN THE AMOUNT OF \$151,807.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0013R - RESOLUTION DENYING A CONCURRENT USE PERMIT TO ACES ON FIRST FOR THE SIDEWALK ABUTTING 113 WEST FIRST STREET (NICK PATRONAS).

08-0014R - RESOLUTION DENYING A CONCURRENT USE PERMIT TO MR. D'S BAR AND GRILL FOR AWNINGS AT 5622 GRAND AVENUE (AL TERWEY).

08-0021R - RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE 2006 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AGREEMENT WITH NEIGHBORHOOD HOUSING SERVICES OF DULUTH (NHS) EXTENDING THE TERM OF THE AGREEMENT FOR SIX MONTHS.

08-0024R - RESOLUTION AUTHORIZING AMENDMENTS TO THE 2006 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM NORTHERN COMMUNITIES LAND TRUST DECONSTRUCTION-RECONSTRUCTION PROJECT AGREEMENT AND TO THE 2006 HOME NORTHERN COMMUNITIES LAND TRUST CITY HOMES PHASE V AGREEMENT EXTENDING THE TERMS OF THESE AGREEMENTS.

08-0034R - RESOLUTION DENYING A REZONING PETITION TO PROVIDE FOR THE RECLASSIFICATION W-1, WATERFRONT DISTRICT, TO R-1-C, ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT, FOUR LOTS IN BLOCK 39, HUNTER AND MARKELLS GRASSY POINT ADDITION (LEHR/MUNGER).

COMMITTEE 3

BY COUNCILOR FEDORA (PUBLIC WORKS & UTILITIES)

08-0009R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AGREEMENT NO. 91950 WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION TO PROVIDE FOR PAYMENT BY THE CITY TO THE STATE OF THE CITY'S SHARE OF THE ASSOCIATED CONSTRUCTION RELATING TO THE RECONSTRUCTION OF MILLER TRUNK HIGHWAY (TRUNK HIGHWAY 53) AND ADJACENT FRONTAGE ROADS AND CITY STREETS AT AN ESTIMATED COST OF \$1,432,971.68.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

07-086-O - AN ORDINANCE AMENDING SECTIONS 45-103 AND 8-54 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO CONCURRENT USE PERMITS FOR EXPANSION OF ALCOHOLIC BEVERAGE SERVING AREAS. (TABLED 1/7) (REPLACEMENT)

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-001-O - AN ORDINANCE GRANTING TO NICK PATRONAS, DBA ACES ON FIRST, A CONCURRENT USE PERMIT TO OCCUPY, SERVE AND MAINTAIN A COUNTER TO SERVE LIQUOR ON THE SIDEWALK ABUTTING 113 WEST FIRST STREET AND IMPOSING CERTAIN CONDITIONS, LIMITATIONS AND RESTRICTIONS IN RELATION TO SUCH CONCURRENT USE PERMIT.

08-002-O - AN ORDINANCE GRANTING TO AL TERWEY, DBA MR. D'S BAR AND GRILL, A CONCURRENT USE PERMIT FOR FIXED AWNINGS TO PROJECT INTO AND OVER THE RIGHT-OF-WAY OF GRAND AVENUE AND RAMSEY STREET FOR PROPERTY LOCATED AT 5622 GRAND AVENUE.

08-003-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 12, AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM W-1, WATERFRONT DISTRICT, TO R-1-C, ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT, FOUR LOTS IN BLOCK 39, HUNTER AND MARKELLS GRASSY POINT ADDITION (LEHR/MUNGER).

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COUNCILOR QUESTIONS AND COMMENTS

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