

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Tuesday, February 26, 2008, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - December 3, 13 and 17, 2007.

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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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REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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REPORTS FROM OTHER OFFICERS

- * 08-0226-01 Parks and recreation department director rental agreement with Amanda N. Podgorsek for residential dwelling unit located at Duluth Heights Community Recreation Center, 33 West Mulberry Street, pursuant to Section 2-35, Duluth City Code. -- Mayor for execution

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REPORTS OF BOARDS AND COMMISSIONS

- * 08-0226-02 Alcohol, gambling and tobacco commission minutes of December 5, 2007, meeting. -- Received
- * 08-0226-03 Commission on disabilities minutes of January 2, 2008, meeting. -- Received
- * 08-0226-04 Duluth airport authority balance sheet of November 30, 2007. -- Received
- * 08-0226-05 Duluth human rights commission minutes of January 9, 2008, meeting. -- Received
- * 08-0226-06 Entertainment and convention center authority minutes of February 11, 2008, building committee meeting. -- Received
- * 08-0226-07 Housing and redevelopment authority minutes of September 25, 2007, meeting. -- Received
- * 08-0226-08 Parking commission minutes of February 12, 2008, meeting. -- Received
- 08-0226-09 Planning commission:
 - * (a) Minutes of January 8, 2008, meeting;
 - (b) Recommendations regarding proposed ordinances amending the Duluth City Code, 1959, as amended:
 - (1) 07-083-O, Section 44-14, pertaining to regulation of illumination of signs;
 - (2) 07-084-O, Section 29A-32, relating to rental licensing;
 - (3) 07-086-O, sections 45-103 and 8-54, pertaining to concurrent use permits for expansion of alcoholic beverage serving areas. -- Received
- * 08-0226-10 Technical design advisory committee for DWMX-D annual report for 2007. -- Received

* Listed only, not copied.

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REPORTS OF COUNCIL COMMITTEES

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REPORTS OF COUNCIL OPEN ISSUES

- Zoning Code changes
- Pet licensing and registration
- ISD 709 Meeting

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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RESOLUTION TABLED

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).

(RETABLED 1/28 FOR CONSIDERATION OF 07-086-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 GILBERT (FINANCE)

08-0153R - RESOLUTION APPROVING FIRST AMENDMENT TO CONTRACT WITH VAN IWAARDEN ASSOCIATES FOR ACTUARIAL SERVICES PERTAINING TO RETIREE BENEFITS OBLIGATIONS INCREASING THE AMOUNT TO \$22,376.

08-0162R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAID THE ASSESSABLE PORTION OF SIP 2007 FOR DULUTH HEIGHTS.

08-0163R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAID THE ASSESSABLE PORTION OF SIP 2007 FOR LAKESIDE.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

08-0146R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH INSIGHT PUBLIC SECTOR, INC., FOR COMPUTER HARDWARE AND RELATED PRODUCTS AS NEEDED IN YEAR 2008, NOT TO EXCEED THE BUDGET ALLOCATION OF \$80,000.

08-0147R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH HEWLETT-PACKARD COMPANY FOR COMPUTER HARDWARE AND RELATED PRODUCTS AS NEEDED IN YEAR 2008, NOT TO EXCEED THE BUDGET ALLOCATION OF \$80,000.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

08-0152R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE FROM JM & JK, INC. (JOHN'S RED LION BAR), 220 EAST SUPERIOR STREET AND ISSUING AN ON SALE SUNDAY LICENSE TO ZOOCH OF DULUTH, LLC (TEATRO ZUCCONE, CAFÉ ZED, ZINEMA), 222 EAST SUPERIOR STREET.

08-0164R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH SOFTWARE HOUSE INTERNATIONAL FOR COMPUTER SOFTWARE PRODUCTS AS NEEDED IN YEAR 2008, NOT TO EXCEED THE BUDGET ALLOCATION OF \$100,000.

BY COUNCILOR GARDNER (PERSONNEL)

08-0169R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF LAND USE SUPERVISOR AND SPECIFYING CONTRACT BENEFITS FOR SAME.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0161R - RESOLUTION ACCEPTING A DEED GRANT IN THE TOTAL AMOUNT OF \$45,500 FOR THE IKONICS EXPANSION PROJECT AND COMMITTING LOCAL MATCH.

08-0166R - RESOLUTION OBJECTING TO THE PROPOSED RECLASSIFICATION TO NONCONSERVATION AND SALE OF CERTAIN TAX FORFEITED PARCELS BY THE BOARD OF COMMISSIONERS OF SAINT LOUIS COUNTY (JANUARY 8, 2008, RECLASSIFICATION).

08-0167R - RESOLUTION TO AMEND A LOW DENSITY PLANNED DEVELOPMENT SPECIAL USE PERMIT FOR 27 TWO-UNIT TOWNHOMES ON 19 ACRES, LOCATED ALONG COFFEE CREEK BOULEVARD AND MOCHA WAY (TED STOCKE OF TRINITY DEVELOPMENT GROUP, LLC).

08-0168R - RESOLUTION VACATING MILFORD STREET BETWEEN 70TH AND 71ST AVENUE WEST AND THE ALLEY IN BLOCK 39 OF HUNTER & MARKELLS GRASSY POINT ADDITION (LEHR/MUNGER).

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

08-0142R - RESOLUTION AMENDING RESOLUTION 07-0224 AWARDED A CONTRACT TO DULUTH SUPERIOR ERECTION, INC., FOR 2007 DOWNTOWN BRICK RESTORATION, TO INCREASE THE AMOUNT BY \$26,000 FOR A NEW TOTAL OF \$87,000.

08-0143R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH APEX MECHANICAL PLUMBING, HEATING & UTILITIES, FOR CONSTRUCTION OF A NEW STEAMLINE EXTENSION TO THE BELL BUILDING, 500 BLOCK OF EAST FOURTH STREET, FOR A TOTAL AMOUNT OF \$28,900.

08-0144R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH STOUT MECHANICAL, INC., FOR CONSTRUCTION OF A NEW STEAMLINE EXTENSION TO THE SMDC HEALTH SYSTEM/DULUTH CLINIC BUILDING, EAST FIRST STREET, FOR A TOTAL AMOUNT OF \$79,995.

COMMITTEE 3

BY COUNCILOR FOSLE

(PUBLIC WORKS & UTILITIES)

08-0145R - RESOLUTION AUTHORIZING CITY OFFICIALS TO AMEND AND EXECUTE AGREEMENT #20510 WITH THE DULUTH ENTERTAINMENT CONVENTION CENTER FOR THE OPERATION OF THE MINNESOTA SLIP PEDESTRIAN DRAW BRIDGE FOR YEAR 2008, FOR A TOTAL AMOUNT NOT TO EXCEED \$33,800.

08-0148R - RESOLUTION AMENDING CONTRACT 19868 FOR PROFESSIONAL ENGINEERING SERVICES WITH CAMP, DRESSER AND McKEE, INC., FOR THE DEVELOPMENT OF A LONG TERM PLAN FOR EVALUATION AND ELIMINATION OF OVERFLOWS IN THE CITY'S SANITARY SEWER COLLECTION SYSTEM IN THE ESTIMATED AMOUNT OF \$218,640, FOR A NEW TOTAL OF \$586,013.

08-0157R - RESOLUTION AWARDED A CONTRACT TO LAKEHEAD CONSTRUCTORS, INC. FOR MISCELLANEOUS MECHANICAL, STRUCTURAL AND REHABILITATION REPAIRS TO THE MINNESOTA SLIP PEDESTRIAN BRIDGE IN THE AMOUNT NOT TO EXCEED \$115,198 FOR 2008 REPAIRS.

08-0158R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH GROEBNER & ASSOCIATES, INC., FOR GAS METER BARS AND RELATED ITEMS IN THE AMOUNT OF \$27,496.17.

08-0159R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH NELSON DODGE GMC FOR THE PURCHASE AND DELIVERY OF THREE 2008 GMC SAVANNA MODEL 3500 ONE-TON CARGO VANS IN THE AMOUNT OF \$57,807.35

08-0165R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH NORTHSTAR FORD FOR THE PURCHASE AND DELIVERY OF A 2008 FORD 350 ONE-TON 4 X 4 EXTENDED CAB AND CHASSIS WITH SERVICE BODY IN THE AMOUNT OF \$32,864.40.

BY COUNCILOR CUNEO

(PUBLIC SAFETY)

08-0139R - RESOLUTION TO ESTABLISH A ONE STALL ACCESSIBLE PARKING ZONE AT 901 NORTH 23RD AVENUE WEST.

08-0140R - RESOLUTION TO ESTABLISH A ONE STALL ACCESSIBLE PARKING ZONE AT 5319 ALBION STREET.

08-0154R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH MONTICELLO FORD MERCURY, INC., FOR THE PURCHASE OF SIX FORD CROWN VICTORIA VEHICLES (TO BE USED AS FULLY MARKED POLICE PATROL CARS) IN THE AMOUNT OF \$135,186.

08-0155R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH ELK RIVER FORD FOR THE PURCHASE OF THREE 2008 DODGE DURANGO SXT SPORT UTILITY VEHICLES IN THE AMOUNT OF \$68,216.28.

08-0160R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ACCEPT GRANT FUNDING FROM THE DULUTH -SUPERIOR AREA COMMUNITY FOUNDATION IN THE AMOUNT OF \$10,000 FOR THE "CRIMEVIEW" COMMUNITY PROJECT AND EXECUTE THE GRANT AGREEMENT.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR GILBERT (FINANCE)

NEW 08-0171R - RESOLUTION ENDORSING A PLAN FOR EXTENSION OF THE LAKEWALK.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0137R - RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE AGREEMENT WITH THE DULUTH SUPERIOR AREA COMMUNITY FOUNDATION REGARDING THE DULUTH LEGACY ENDOWMENT FUND.

08-0149R - RESOLUTION APPROVING A SPECIAL USE PERMIT TO WILLIAM STAUDUHAR FOR A RV PARK AND MARINA AT 121 SPRING STREET.

08-0150R - RESOLUTION DENYING A SPECIAL USE PERMIT TO WILLIAM STAUDUHAR FOR A RV PARK AND MARINA AT 121 SPRING STREET.

08-0151R - RESOLUTION ADOPTING ADMINISTRATION'S RECOMMENDATIONS FOR LAKEWALK CONSTRUCTION FROM 20TH TO 25TH AVENUES EAST.

08-0156R - RESOLUTION AUTHORIZING NEIGHBORHOOD HOUSING SERVICES OF DULUTH, MINNESOTA, (NHS) TO FORGIVE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) REHABILITATION LOANS MADE UNDER THE PROPERTY REHABILITATION PROGRAM.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES 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. (REPLACEMENT) (TABLED 1/7 FOR REVIEW BY PLANNING & ALCOHOL, GAMBLING & TOBACCO COMMISSIONS)

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. (TABLED 1/28 FOR CONSIDERATION OF 07-086-O)

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

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

08-017-O - AN ORDINANCE AMENDING SECTIONS 8-13, 8-35, 8-41, 8-42, 8-43, 8-44, 8-56 AND 8-63 AND REPEALING 8-29.5 OF THE DULUTH CITY CODE, 1959, AS AMENDED; REGULATING THE SALES OF INTOXICATING LIQUOR.

COMMITTEE 2

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

08-018-O - AN ORDINANCE AMENDING SNOW EMERGENCY PARKING REGULATIONS CLARIFYING THE PARKING AFFECTED, AMENDING SECTIONS 33-97.1 AND 33-97.2 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

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

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

08-016-O - AN ORDINANCE AUTHORIZING SALE OF CERTAIN PROPERTY IN THE ONEOTA AREA NEAR THE INTERSECTION OF 39TH AVENUE WEST AND SECOND STREET TO RMN LLLP FOR \$13,500.

COUNCILOR QUESTIONS AND COMMENTS
