

# AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, March 24, 2008, 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

08-0324-01 Minnesota state auditor submitting audit report for Lake Superior Center authority for the year ended December 31, 2006. -- Received (PREVIOUSLY DISTRIBUTED TO COUNCILORS)

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## REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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## REPORTS FROM OTHER OFFICERS

\* 08-0324-02 Clerk application to the Minnesota gambling control board for exemption from lawful gambling license from St. James Home of Duluth, dba Woodland Hills, on August 18, 2008 (raffle). -- Received

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## REPORTS OF BOARDS AND COMMISSIONS

\* 08-0324-03 American Indian commission minutes of January 28, 2008, meeting. -- Received

\* 08-0324-04 Building appeal board minutes of January 9, 2008, meeting. -- Received

\* 08-0324-05 Charter commission minutes of: (a) October 10; (b) November 1, 2007, meetings. -- Received

\* 08-0324-06 Commission on disabilities minutes of February 6, 2008, meeting. -- Received

\* 08-0324-07 Duluth human rights commission minutes of February 13, 2008, meeting. -- Received

\* 08-0324-08 Duluth legacy endowment fund project group minutes of January 29, 2008, meeting. -- Received

\* 08-0324-09 Duluth/North Shore Sanitary District minutes of: (a) January 9; (b) February 13, 2008, meetings. -- Received

\* 08-0324-10 Duluth public arts commission minutes of March 3, 2008, meeting. -- Received

- \* 08-0324-11 Entertainment and convention center authority building committee minutes of March 12, 2008, meeting. -- Received
- \* 08-0324-12 Parking commission minutes of March 11, 2008, meeting. -- Received
- \* 08-0324-13 Parks and recreation commission minutes of January 9, 2008, meeting. -- Received
- \* 08-0324-14 Planning commission minutes of: (a) January 30; (b) February 12, 2008, meetings. -- Received
- \* 08-0324-15 Seaway Port authority of Duluth financial report for January, 2008. -- 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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**RESOLUTIONS TABLED**

**COMMITTEE 1**

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

08-0200R - RESOLUTION RECORDING COUNCIL'S INTENT - REFERRING TO RESOLUTION 08-0093.  
**(REPLACEMENT) (TABLED 3/10)**

**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).  
**(TABLED 1/14 FOR CONSIDERATION OF 07-086-O)**

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

08-0196R - RESOLUTION DECLARING CITY'S STRATEGY FOR REGULATION OF RENTAL HOUSING.  
**(TABLED 3/10)**

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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)**

08-0182R - RESOLUTION APPROVING AN AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF DULUTH AND THE CITY OF DULUTH SUPERVISORY ASSOCIATION FOR YEARS 2007-2009.

**BY COUNCILOR KRAUSE**

**(PURCHASING & LICENSING)**

08-0189R - RESOLUTION AUTHORIZING A CONSULTANT AGREEMENT WITH KRECH OJARD & ASSOCIATES, P.A., FOR PROVIDING CERTAIN PROFESSIONAL SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH THE ARLINGTON MAINTENANCE BUILDING, THE REPLACEMENT OF THE CITY HALL ROOF AND IMPROVEMENTS TO THE LUND MAINTENANCE BUILDING IN AN AMOUNT NOT TO EXCEED \$32,210.

08-0190R - RESOLUTION AUTHORIZING A CONSULTANT AGREEMENT WITH JOHN IVEY THOMAS ASSOC., INC., FOR PROVIDING CERTAIN PROFESSIONAL SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH THE FIREHALL OVERHEAD DOOR REPLACEMENT, VENTILATION SYSTEMS, FIREHALL #1 MASONRY REPAIRS, FIREHALLS #1 & 7 OVERLAYS, AND FIREHALLS #4 & 7 WINDOW AND BRICK REPAIR FOR AN AMOUNT NOT TO EXCEED \$20,500.

08-0192R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR LAKEHEAD RACING ASSOCIATION.

08-0193R - RESOLUTION AUTHORIZING A CONSULTANT AGREEMENT WITH ARCHITECTURE ADVANTAGE FOR PROVIDING CERTAIN PROFESSIONAL SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH THE REMODELING OF FIRE STATION #10 AND THE ROOF REPLACEMENT/INTERIOR REPAIR OF FIRE STATION #11 IN AN AMOUNT NOT TO EXCEED \$24,750.

08-0201R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH RED HORSE TRUCK BODY & HOIST, LLC, FOR THE PURCHASE AND INSTALLATION OF TWO DUMP BODIES WITH HOISTS ON TWO 2008 CHEVROLET SILVERADO CAB AND CHASSIS UNITS IN THE AMOUNT OF \$51,631.20.

08-0202R - RESOLUTION APPROVING THE ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO MARSHALL SCHOOL, 1215 RICE LAKE ROAD.

08-0203R - RESOLUTION APPROVING THE ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO GRANDMA'S MARATHON - DULUTH, INC., CANAL PARK DRIVE AND BUCHANAN STREET.

08-0212R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH ZIEGLER, INC., FOR THE PURCHASE AND DELIVERY OF A CATERPILLAR 257B SERIES II MULTI-TERRAIN LOADER IN THE AMOUNT OF \$44,389.20.

08-0213R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH ELK RIVER CHRYSLER FOR THE PURCHASE OF THREE DODGE DURANGO SXT SPORT UTILITY VEHICLES TO BE USED AS UNMARKED POLICE SQUADS IN THE AMOUNT OF \$68,216.28.

**BY COUNCILOR GARDNER**

**(PERSONNEL)**

08-0195R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF GRANT COORDINATOR AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**COMMITTEE 1**

**BY COUNCILOR GARDNER (PERSONNEL)**

08-0198R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF WAREHOUSE SPECIALIST.

08-0199R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SEASONAL GROUNDSKEEPER.

08-0208R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF JOHN W. HAMMOCK AND JOHN A. SERRE AND THE APPOINTMENT OF CHRIS PEKKALA, REPLACING STEVE KHALAR, TO THE ALCOHOL, GAMBLING AND TOBACCO COMMISSION.

08-0209R - RESOLUTION CONFIRMING THE APPOINTMENT OF JOHN IVEY THOMAS TO THE HOUSING AND REDEVELOPMENT AUTHORITY, REPLACING RICHARD WHITEMAN.

08-0210R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF CINDY HALL TO THE JOINT AIRPORT ZONING BOARD.

08-0211R - RESOLUTION CONFIRMING THE APPOINTMENT OF PRINTHA MARKERT TO THE LIBRARY BOARD, REPLACING JAMES BERG.

08-0225R - RESOLUTION CONFIRMING THE APPOINTMENT OF SUSAN B. LATTO TO THE PARKS AND RECREATION COMMISSION, REPLACING NEALE ROTH.

08-0226R - RESOLUTION CONFIRMING THE APPOINTMENT OF HENRY BANKS TO THE COMMUNITY DEVELOPMENT COMMITTEE, REPLACING ALLAN BEAULIER.

08-0227R - RESOLUTION CONFIRMING THE APPOINTMENT OF MONICA ROTH DAY TO THE DULUTH HUMAN RIGHTS COMMISSION, REPLACING SAMUEL RESENDEZ.

**COMMITTEE 2**

**BY COUNCILOR FEDORA (INTERGOVERNMENTAL RELATIONS)**

08-0197R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT IN THE AMOUNT OF \$8,500 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO COVER TRAINING COSTS FOR THE HUD NATIONAL POLICY CONFERENCE.

**COMMITTEE 3**

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

08-0205R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH ARROWHEAD CONCRETE WORKS, INC., FOR THE PURCHASE AND DELIVERY OF APPROXIMATELY 500 CUBIC YARDS OF READY-MIX CONCRETE DURING YEAR 2008 AS NEEDED FOR AN ESTIMATED AMOUNT OF \$49,943.18.

08-0206R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH HD SUPPLY WATERWORKS FOR THE PURCHASE OF FIRE HYDRANTS AS NEEDED DURING YEAR 2008 FOR A TOTAL AMOUNT OF \$73,188.93.

**COMMITTEE 3**

**BY COUNCILOR FOSLE**

**(PUBLIC WORKS & UTILITIES)**

08-0214R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH CAR TRUCK CITY FOR THE PURCHASE AND DELIVERY OF A 2008 4x4 CHEVROLET SILVERADO 3500 HD DIESEL PICKUP TRUCK IN THE AMOUNT OF \$30,686.22.

08-0215R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH BOYER FORD TRUCKS FOR THE PURCHASE AND DELIVERY OF TWO 2009 STERLING SINGLE AXLE MODEL L9511 TRUCKS IN THE AMOUNT OF \$203,191.24.

08-0216R - RESOLUTION DESIGNATING PORTION OF SEWER BASIN 22 FOR I&I ENFORCEMENT UNDER CHAPTER 43 AND GIVING NOTICE TO AFFECTED PROPERTIES.

08-0217R - RESOLUTION AUTHORIZING AN AMENDMENT TO RESOLUTION 07-0357 WITH JMF CONSTRUCTION, INC., FOR 2007 SANITARY AND STORM SEWER MANHOLE ADJUSTMENTS, INCREASING THE AMOUNT BY \$25,173.57 FOR A NEW TOTAL OF \$92,164.57.

08-0218R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH VIELE CONTRACTING, INC., FOR 13,500 TONS OF CLASS 5 GRAVEL, 400 TONS OF 3/4 INCH CRUSHED WASHED ROCK, 300 TONS OF VARIOUS-SIZED RIP RAP AND 300 TONS OF BEDDING SAND FOR YEAR 2008 AT A TOTAL ESTIMATED AMOUNT OF \$100,311.29.

08-0221R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH DEUCE COMPLETE PROPERTY CARE FOR GRASS CUTTING IN VARIOUS CITY LOCATIONS DURING YEAR 2008 FOR AN ESTIMATED AMOUNT OF \$47,380.

**BY COUNCILOR CUNEO**

**(PUBLIC SAFETY)**

08-0223R - RESOLUTION APPROVING AGREEMENT WITH PLOVER GROUP, INC., FOR MANAGEMENT REVIEW SERVICES RELATED TO THE BUILDING SAFETY DIVISION IN THE AMOUNT OF NOT TO EXCEED \$25,000.

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

08-0222R - RESOLUTION APPROVING AGREEMENT WITH ARROWHEAD BOWHUNTER'S ALLIANCE FOR MANAGEMENT OF THE ANNUAL DEER CONTROL HUNT.

**END OF CONSENT AGENDA**

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The following entitled resolution is also for consideration at this meeting:

**COMMITTEE 1**

**BY COUNCILOR GILBERT**

**(FINANCE)**

08-0224R - RESOLUTION PROVIDING FOR THE APPROVAL OF A MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT REGARDING THE AUTOMATED METER READING SYSTEM IN THE AMOUNT OF \$9,564,617.

**COMMITTEE 2**

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

08-0228R - RESOLUTION REQUESTING THE INSTALLATION OF HISTORIC PHOTOGRAPHS IN THE CITY COUNCIL CHAMBER (PHASE TWO).

**COMMITTEE 3**

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

**NEW** 08-0207R - RESOLUTION AUTHORIZING THE DEVELOPMENT OF A DULUTH SKATE PARK TO BE BUILT AT THE SITE OF THE EXISTING PETERSON ARENA AT THE WHEELER COMPLEX.

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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 4)** (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 2**

**BY COUNCILOR FEDORA (INTERGOVERNMENTAL RELATIONS)**

08-026-O - AN ORDINANCE AMENDING SECTION 8-29.5 OF THE DULUTH CITY CODE, 1959, AS AMENDED; CREATING LIABILITY OF SOCIAL HOSTS FOR UNDERAGE CONSUMPTION OF ALCOHOL.

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

**NEW** 08-027-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING SECTION 50-118 RELATING TO INTERIM ORDINANCES.

**COMMITTEE 3**

**BY COUNCILOR CUNEO (PUBLIC SAFETY)**

08-024-O - AN ORDINANCE AMENDING TAXI LICENSING PROVISIONS, ALLOWING LICENSE REVOCATION FOR ANY VIOLATION OF LAWS, AMENDING SECTION 47-17.7 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

08-025-O - AN ORDINANCE AMENDING WRECKER SERVICE LICENSING PROVISIONS, ALLOWING LICENSE REVOCATION FOR ANY VIOLATION OF LAWS, AMENDING SECTION 33-251 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

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

**COMMITTEE 1**

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

08-019-O - AN ORDINANCE AMENDING SECTIONS 5-32, 5-34, 5-36, 5-37, 5-38, 5-40, 5-41 AND 5-42 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO MASSAGE ESTABLISHMENT LICENSING.

**COMMITTEE 2**

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

08-021-O - AN ORDINANCE AMENDING SECTION 50-143 OF THE DULUTH CITY CODE, 1959, AS AMENDED.  
(REPLACEMENT)

**COMMITTEE 3**

**BY COUNCILOR ANDERSON AND PRESIDENT REINERT**

08-023-O - AN ORDINANCE AMENDING SECTION 29A-32 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO RENTAL LICENSING.  
(REPLACEMENT 2)

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**COUNCILOR QUESTIONS AND COMMENTS**  
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