

# AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

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

## ROLL CALL

## PLEDGE OF ALLEGIANCE

## APPROVAL OF MINUTES - February 7 and 11, 2008.

**PUBLIC HEARINGS** - 7:00 p.m. - 2009 street improvement program (08-0248R).  
7:00 p.m. - VISI JOBZ application.

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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

- \* 08-0414-01 James P. Koehler, by CMRA, LLC, et al. (five signatures) petition to reclassify from R-1 to C-5 Lots 2 and 15, Block 4, Maple Grove Acre Tracts of Duluth. -- Assessor
- \* 08-0414-02 AH Zeppa Family Foundation, by Foundations Architecture, concurrent use permit application for marquis at 220 and 222 East Superior Street. -- Planning Commission
- \* 08-0414-03 The following communications regarding rental licensing (08-026-O and 08-028-O):  
(a) Campus Neighbors Advisory Group; (b) Casey Knutson Carbert; (c) Yolande Jenny. -- Received

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## REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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## REPORTS FROM OTHER OFFICERS

- \* 08-0414-04 Assessor:
  - (a) Affidavit of mailing of notice of Duluth City Council public hearing at 7:00 p.m. on April 14, 2008, to be held in the Council Chamber, Third Floor, City Hall, regarding the proposed 2009 street improvement program – Morley Heights and Lakeside areas. -- Clerk
  - (b) Confirmation of assessment roll levied to defray the assessable portion of Contract No. 5434, 2007 sidewalk patch program (assessable amount: \$19,002.15);
  - (c) Letter of sufficiency of petition to reclassify from R-1 to C-5 Lots 2 and 15, Block 4, Maple Grove Acre Tracts of Duluth. -- Received
- \* 08-0414-05 Clerk applications to the Minnesota gambling control board for exemptions from lawful gambling licenses from:
  - (a) Lincoln Park Business Group on June 14, 2008 (raffle);
  - (b) Order of AHEPA, Sam G. Solon Chapter No. 267 on May 4 and November 23, 2008 (bingo);
  - (c) St. Luke's Foundation on July 14, 2008 (raffle). -- Received

- \* 08-0414-06 Parks and recreation department director Lake Superior Zoological Society minutes of February 20, 2008, meeting. -- Received

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**REPORTS OF BOARDS AND COMMISSIONS**

- \* 08-0414-07 Alcohol, gambling and tobacco commission minutes of March 5, 2008, meeting. -- Received
- \* 08-0414-08 Commission on disabilities minutes of March 5, 2008, meeting. -- Received
- \* 08-0414-09 Civil service board minutes of: (a) January 15; (b) February 5; (c) March 5, 2008, meetings. -- Received
- \* 08-0414-10 Community development committee minutes of December 11, 2007, meeting. -- Received
- \* 08-0414-11 Duluth public arts commission minutes of March 24, 2008, meeting. -- Received
- \* 08-0414-12 Entertainment and convention center authority minutes of March 25, 2008, meeting. -- Received
- \* 08-0414-13 Housing and redevelopment authority minutes of: (a) January 29 (annual); (b) January 29 (regular); (c) February 26, 2008, meetings. -- Received
- \* 08-0414-14 Library board minutes of February 26, 2008, meeting. -- Received
- \* 08-0414-15 Parks and recreation commission minutes of February 13, 2008, meeting. -- Received
- \* 08-0414-16 Spirit Mountain recreation area authority minutes of: (a) December, 13, 2007; (b) January 17; (c) February 21, 2008, meetings. -- Received
- \* 08-0414-17 Tree commission minutes of: (a) January 15; (b) February 19, 2008, meetings. -- 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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**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)**

08-0233R - RESOLUTION AMENDING RESOLUTION 07-0723 ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2008; SETTING FEES FOR NEW ALCOHOLIC BEVERAGE PERMITS.

08-0235R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF SIDEWALK PATCH 2007.

08-0250R - RESOLUTION APPROVING THE BUDGET FOR THE FISCAL YEAR MAY 1, 2008, TO APRIL 30, 2009, IN THE AMOUNT OF \$4,067,478 AND THE CAPITAL REPAIR AND REPLACEMENT BUDGET FOR THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

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

08-0238R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH NEW WORLD SYSTEMS CORPORATION FOR YEAR 2008 SYSTEM SOFTWARE AND IMPLEMENTATION COSTS IN THE AMOUNT OF \$55,646.25.

08-0245R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO DULUTH SOFTBALL PLAYERS ASSOCIATION.

08-0249R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH ERS AUDITS FOR PROFESSIONAL SERVICES IN AUDITING TELECOMMUNICATION SERVICES, BILLING AND RELATED DOCUMENTS AT NO COST TO THE CITY UNLESS AND UNTIL THE CITY REALIZES SAVINGS.

**BY COUNCILOR GARDNER (PERSONNEL)**

08-0229R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF NETWORK ADMINISTRATOR.

08-0230R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF UTILITY OPERATIONS LEADWORKER.

08-0239R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF LIBRARIAN I.

08-0240R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF LIBRARIAN II.

08-0255R - RESOLUTION AUTHORIZING EMPLOYMENT CONTRACT WITH THE CHIEF ADMINISTRATIVE OFFICER.

**COMMITTEE 2**

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

08-0096R - RESOLUTION TO SELL ONE HALF ACRE OF CITY PARK LAND TO WHITE PINE DEVELOPMENT WITHOUT BIDS BECAUSE THE SALE FURTHERS A DULUTH ECONOMIC DEVELOPMENT AUTHORITY PLAN FOR DEVELOPMENT OF THE AREA.

**COMMITTEE 2**

**BY COUNCILOR FEDORA (INTERGOVERNMENTAL RELATIONS)**

08-0242R - RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH MINNESOTA DEPARTMENT OF TRANSPORTATION (MN/DOT) FOR PROVIDING OFF STREET PARKING SPACE BENEATH MN/DOT BRIDGE NO. 69879 NEAR THE INTERSECTION OF 59TH AVENUE WEST AND ROOSEVELT STREET.

08-0256R - RESOLUTION SUPPORTING DULUTH CHILDREN'S MUSEUM FEDERAL EARMARK REQUEST FOR \$400,000 TO EXPAND EDUCATIONAL PROGRAM SERVICES AND EXHIBITS.

**COMMITTEE 3**

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

08-0221R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH ACE PROPERTY MAINTENANCE, INC., FOR GRASS CUTTING IN VARIOUS CITY LOCATIONS DURING YEAR 2008 FOR AN ESTIMATED AMOUNT OF \$47,380. (REPLACEMENT)

08-0231R - RESOLUTION AUTHORIZING AN AMENDMENT TO RESOLUTION 06-0443 AWARDED A CONTRACT WITH PERFORMANCE PIPELINING, INC., FOR 2006 CURED-IN-PLACE PIPE (CIPP) REHABILITATION OF SANITARY SEWER LATERALS IN BASIN #1, INCREASING THE AMOUNT BY \$232,479 FOR A NEW TOTAL OF \$1,156,929.

08-0237R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH DUNCAN TECHNOLOGIES, INC. - A DUNCAN SOLUTIONS COMPANY, FOR PARKING METERS AND METER REPLACEMENT PARTS IN THE AMOUNT OF \$88,812.05.

08-0241R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH GROEBNER & ASSOCIATES, INC., FOR THE PURCHASE AND DELIVERY OF HIGH PRESSURE GAS PARTS IN THE AMOUNT OF \$41,336.67.

08-0247R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH MSA PROFESSIONAL SERVICES, INC., TO PROVIDE ENGINEERING SERVICES FOR DESIGN AND CONSTRUCTION OF ARLINGTON PUMP STATION IMPROVEMENTS ESTIMATED AT \$251,831.

08-0252R - RESOLUTION AUTHORIZING AN AGREEMENT WITH MN/DOT FOR LANDSCAPING WORK RELATED TO THE FORMER DW&P YARD AT AN ESTIMATED COST OF \$25,605.15.

08-0253R - RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY AND THE CITY OF HERMANTOWN FOR SIGNAL INSTALLATION AT THE INTERSECTION OF HAINES ROAD AND ANDERSON ROAD IN AN AMOUNT NOT TO EXCEED \$10,000.

**BY COUNCILOR CUNEO (PUBLIC SAFETY)**

08-0236R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH ICOP DIGITAL, INC., FOR THE PURCHASE AND DELIVERY OF IN-CAR DIGITAL VIDEO SURVEILLANCE EQUIPMENT FOR A TOTAL AMOUNT OF \$52,230.15.

08-0246R - RESOLUTION AUTHORIZING A LEASE BETWEEN THE CITY AND DULUTH TRANSIT AUTHORITY.

**COMMITTEE 3**

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

08-0244R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH POLARIS LIBRARY SYSTEMS FOR COMPUTER SOFTWARE AND HARDWARE MAINTENANCE ON THE LIBRARY'S POLARIS INTEGRATED LIBRARY SYSTEM DURING YEAR 2008 IN THE AMOUNT OF \$29,127.73.

08-0251R - RESOLUTION AUTHORIZING THE CITY TO ACCEPT A GRANT FROM THE NORTHLAND FOUNDATION IN THE AMOUNT OF \$20,000 AND TO EXECUTE THE GRANT AGREEMENT.

**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)**

08-0257R - RESOLUTION AUTHORIZING APPEAL OF COMMISSIONERS' AWARD IN VOYAGEUR PARKING LOT CONDEMNATION.

**NEW** 08-0259R - RESOLUTION APPROVING A MODIFICATION TO THE CANADIAN NATIONAL (FORMERLY KNOWS AS DMIR) RAILROAD JOBZ SUBZONE #100 REALLOCATING CERTAIN ACRES IN SAID SUBZONE TO FORM A NEW JOBZ SUBZONE CALLED THE DULUTH TECHNOLOGY PARK SUBZONE #100.1.

**NEW** 08-0260R - RESOLUTION AUTHORIZING A JOB OPPORTUNITY BUILDING ZONE (JOBZ) BUSINESS SUBSIDY AGREEMENT WITH VISI INCORPORATED AND DIGITAL NORTH PROPERTIES II, LLC.

**BY COUNCILOR FEDORA (INTERGOVERNMENTAL RELATIONS)**

08-0234R - RESOLUTION REQUESTING REMOVAL OF HENRY L. BANKS FROM DULUTH PLANNING COMMISSION.

**COMMITTEE 3**

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

08-0248R - RESOLUTION ORDERING THE IMPROVEMENT KNOWN AS THE 2009 STREET IMPROVEMENT PROGRAM PURSUANT TO SECTION 61(b) OF THE HOME RULE CHARTER OF THE CITY OF DULUTH AT AN ESTIMATED COST OF \$2,497,200.

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

08-0232R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH ERLING R. HANSEN, GENERAL CONTRACTORS, INC., FOR THE FIRE RESTORATION AND REMODELING OF THE HARRISON RECREATION CENTER IN THE AMOUNT OF \$286,000.

**NEW** 08-0261R - RESOLUTION HONORING CITY OF DULUTH LIBRARY EMPLOYEES.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**ORDINANCE TABLED**

**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)  
(TABLED 3/24 UNTIL 5/27)

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

**COMMITTEE 1**

**BY COUNCILORS GILBERT AND GARDNER**

08-020-O - AN ORDINANCE AMENDING SECTION 50-55.1 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO KEEPING CHICKENS IN CITY.

**COMMITTEE 2**

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

08-008-O - AN ORDINANCE AUTHORIZING THE SALE OF A HALF ACRE UNDEVELOPED PARK IN LAKE VIEW MANOR DIVISION TO WHITE PINE DEVELOPMENT FOR \$7,900. (REPLACEMENT)

**BY COUNCILORS FEDORA, ANDERSON, FOSLE AND PRESIDENT REINERT**

08-028-O - AN ORDINANCE AMENDING SECTION 29A-32 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO RENTAL LICENSING.

**COMMITTEE 3**

**BY COUNCILOR CUNEO (PUBLIC SAFETY)**

08-029-O - AN ORDINANCE AMENDING SECTION 2-18.2 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO PRE-CHARGE DEFERRAL.

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

**COMMITTEE 2**

**BY COUNCILOR FEDORA (INTERGOVERNMENTAL RELATIONS)**

08-026-O - AN ORDINANCE ADDING A NEW SECTION 8-29.5 TO THE DULUTH CITY CODE, 1959, AS AMENDED; CREATING LIABILITY OF SOCIAL HOSTS FOR UNDERAGE CONSUMPTION OF ALCOHOL. (REPLACEMENT)

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

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.

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**COUNCILOR QUESTIONS AND COMMENTS**

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