

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, April 28, 2008, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - February 26, March 10 and 24, 2008.

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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 OF BOARDS AND COMMISSIONS

- *08-0428-01 Duluth human rights commission minutes of March 12, 2008, meeting. -- Received
- *08-0428-02 Parks and recreation commission minutes of March 12, 2008, meeting. -- Received
- *08-0428-03 Planning commission minutes of: (a) February 27; (b) March 11, 2008, meetings. -- Received
- *08-0428-04 Spirit Mountain recreation area authority minutes of: (a) March 20; (b) March 31, 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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RESOLUTION TABLED

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. (TABLED 4/14)

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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 KRAUSE (PURCHASING & LICENSING)

NEW 08-0291R - RESOLUTION APPROVING THE ISSUANCE OF OFF SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY 1, 2008, AND ENDING APRIL 30, 2009.

NEW 08-0292R - RESOLUTION APPROVING THE ISSUANCE OF ON SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS AND 2:00 AM CLOSING LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY 1, 2008, AND ENDING APRIL 30, 2009.

NEW 08-0293R - RESOLUTION RECOMMENDING APPROVAL OF THE CONSUMPTION AND DISPLAY LICENSE RENEWAL OF THE ORDER OF THE OWLS, DULUTH NEST #1200, FOR THE PERIOD BEGINNING APRIL 1, 2008, AND ENDING MARCH 31, 2009.

BY COUNCILOR GARDNER (PERSONNEL)

08-0254R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF HEAVY EQUIPMENT OPERATOR.

08-0262R - RESOLUTION DESIGNATING THE RESPONSIBLE AUTHORITY FOR DATA PRACTICES UNDER MINNESOTA STATUTES.

08-0272R - RESOLUTION CONFIRMING THE APPOINTMENTS OF JAMIE A. KUMBERA-TUPPER AND STEVE HORN TO THE PARKING COMMISSION, REPLACING THOMAS BENNETT AND JAMIE A. KUMBERA-TUPPER.

08-0273R - RESOLUTION CONFIRMING THE APPOINTMENT OF JOEL BRAUN TO THE PARKS AND RECREATION COMMISSION, REPLACING WENDY GRETHEN.

08-0274R - RESOLUTION CONFIRMING THE APPOINTMENTS OF SARA JUNGE, FRANCES B. MCGEE AND PATTI NADEAU TO THE COMMISSION ON DISABILITIES, REPLACING HILARY BUCKWALTER, JENNIFER MURPHY AND BRIDGET RIVERSMITH.

08-0286R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF DONALD DASS AND THE APPOINTMENT OF KATHERYN KRIKORIAN TO THE DULUTH PUBLIC ARTS COMMISSION, REPLACING SUSAN K. ANDERSON.

08-0289R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF MARIA DANZ AND THE APPOINTMENT OF BENJAMIN J. BRIGGS TO THE DULUTH HUMAN RIGHTS COMMISSION, REPLACING LISA KANE.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0282R - RESOLUTION AUTHORIZING APPLICATION FOR A DEED CONTAMINATION CLEAN-UP GRANT IN THE AMOUNT OF \$614,216 RELATED TO THE IKONICS EXPANSION PROJECT AND COMMITTING LOCAL MATCH SUBJECT TO SUBSEQUENT COUNCIL ACCEPTANCE OF THE GRANT. **(REPLACEMENT)**

08-0283R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO VACATE A PEDESTRIAN EASEMENT FOR SKYWALK AT 309-311 WEST FIRST STREET (THE UNIVERSAL ELECTRIC BUILDING) AND TO DISSOLVE THE ACCOMPANYING CITY AGREEMENT NO. 457412.

BY COUNCILOR FEDORA (INTERGOVERNMENTAL RELATIONS)

08-0258R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO AMEND A CONTRACT WITH ST. LOUIS COUNTY TO PROVIDE FOOD SUPPORT AND TRAINING PROGRAM SERVICES FROM OCTOBER 1, 2007, THROUGH SEPTEMBER 30, 2008, AT A TOTAL COST NOT TO EXCEED \$55,030.50.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

08-0170R - RESOLUTION AUTHORIZING AN AGREEMENT WITH GOLDER ASSOCIATES TO PROVIDE PROFESSIONAL FIELD AND LABORATORY TESTING SERVICES FOR 2008 CONSTRUCTION PROJECTS FOR AN ESTIMATED TOTAL OF \$15,000.

08-0263R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH STEPP MANUFACTURING COMPANY, INC., FOR THE PURCHASE AND DELIVERY OF TWO POTHOLE PATCH TRAILER UNITS WITH OPTIONS FOR A TOTAL AMOUNT OF \$58,168.17.

08-0264R - RESOLUTION AMENDING RESOLUTION 06-0637 AND CONTRACT #20273 WITH ADVANCED ENGINEERING AND ENVIRONMENTAL SERVICES, INC., FOR PROFESSIONAL ENGINEERING SERVICES IN UPDATING THE WATER UTILITY COST OF SERVICE AND RATE DESIGN STUDY FOR AN INCREASE OF \$7,500 AND A NEW TOTAL OF \$40,954.

08-0265R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH CARLSON BROS., INC., FOR CONSTRUCTION OF DULUTH STEAM DISTRICT ONE HOT WATER SUPPLY AND RETURN LINES TO THE HAMPTON INN, 310 CANAL PARK DRIVE, FOR A TOTAL AMOUNT OF \$35,380.

08-0267R - RESOLUTION AWARDED A CONTRACT TO KALKBRENNER PLUMBING & HEATING, INC., FOR THE 2008 REHABILITATION OF PRIVATE SEWER SERVICES IN BASINS 25 AND 26 IN THE AMOUNT OF \$137,600.

08-0275R - RESOLUTION AWARDED A CONTRACT TO HOFFMAN & McNAMARA, INC., FOR LANDSCAPING NEAR THE FORMER DW&P RAILROAD YARD AT 69TH AVENUE WEST AND RALEIGH STREET IN THE AMOUNT OF \$16,935.

08-0276R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO CONTRACT WITH FLEXIBLE PIPE TOOL COMPANY FOR THE PURCHASE AND DELIVERY OF A CREW CAB AND CHASSIS UNIT COMPLETE WITH MOUNTED SEWER RODDING MACHINE FOR A TOTAL AMOUNT OF \$84,984.82.

08-0279R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH LUTHER FAMILY CHEVROLET FOR THE PURCHASE AND DELIVERY OF A 2009 GMC 4500 CAB AND CHASSIS UNIT WITH SERVICE BODY AND OPTIONS FOR A TOTAL AMOUNT OF \$84,663.19.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

08-0280R - RESOLUTION AMENDING RESOLUTION 07-0549 AWARDDING A CONTRACT TO KRECH OJARD & ASSOCIATES FOR PROFESSIONAL ENGINEERING SERVICES TO INCREASE THE AMOUNT BY \$56,978 FOR A NEW TOTAL OF \$201,200.

08-0284R - RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR SIGNAL INSTALLATION AT THE INTERSECTION OF HAINES ROAD AND ANDERSON ROAD.

(REPLACEMENT)

08-0287R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DRIFT TOPPERS SNOWMOBILE CLUB FOR GROOMING THE CROSS COUNTRY SNOWMOBILE TRAIL-EAST FOR AN AMOUNT NOT TO EXCEED \$7,672.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

08-0288R - RESOLUTION AMENDING RESOLUTION 05-0622 FOR AGREEMENT WITH REYELTS, LEIGHTON, BATEMEN, HYLDEN AND STURDEVANT, LTD., TO INCREASE AMOUNT BY \$5,000 TO \$15,000 FOR LEGAL SERVICES.

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

08-0266R - RESOLUTION AUTHORIZING ACCEPTING A GRANT FROM THE NORTHLAND FOUNDATION IN THE AMOUNT OF \$8,300 FOR A YOUTH SUMMER READING PROGRAM.

08-0285R - RESOLUTION AUTHORIZING AGREEMENT WITH COLLEGE OF ST. SCHOLASTICA FOR USE OF WADE STADIUM.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR GILBERT (FINANCE)

08-0271R - RESOLUTION APPROVING LAWS OF MINNESOTA 2008, CHAPTER 154, ARTICLE 5, AS REQUIRED BY MSA SECTION 645.021, SUBD. 3 (REGARDING CITY'S FOOD AND BEVERAGE TAX).

BY COUNCILOR GARDNER (PERSONNEL)

08-0268R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF JAMES P. BERRY, JON HELSTROM AND HOWARD JACOBS TO THE BUILDING APPEAL BOARD.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0269R - RESOLUTION VACATING WILBUR STREET BETWEEN BLACKMAN AVENUE AND ORANGE STREET (TIILI/JOHNSON).

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0270R - RESOLUTION DENYING THE VACATION OF WILBUR STREET BETWEEN BLACKMAN AVENUE AND ORANGE STREET (TIILI/JOHNSON).

08-0277R - RESOLUTION APPROVING A SPECIAL USE PERMIT TO SAND POINT YACHT CLUB FOR A MARINA.

08-0278R - RESOLUTION DENYING A SPECIAL USE PERMIT TO SAND POINT YACHT CLUB FOR A MARINA.

08-0281R - RESOLUTION DENYING AMENDMENTS TO ORDINANCE 9586 AMENDING TRADITIONAL NEIGHBORHOOD DISTRICT NO. 2, PROPERTY BOUNDED ON THE NORTH BY 13TH STREET, ON THE EAST BY CENTRAL ENTRANCE, ON THE SOUTH BY 11TH STREET AND ON THE WEST BY SECOND AVENUE WEST.

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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 GILBERT (FINANCE)

08-030-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF UP TO \$41,500,000 GENERAL OBLIGATION DECC IMPROVEMENT BONDS OF THE CITY OF DULUTH UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTIONS OF THE CITY COUNCIL, PLEDGING CERTAIN FOOD AND BEVERAGE SALES TAX RECEIPTS AND OTHER REVENUES.

08-031-O - AN ORDINANCE IMPOSING AN ADDITIONAL THREE QUARTERS OF ONE PERCENT FOOD AND BEVERAGE TAX, AMENDING SECTIONS 42A-2, 42A-44 AND 42A-50 OF THE DULUTH CITY CODE.

BY COUNCILORS GARDNER AND CUNEO

NEW 08-033-O - AN ORDINANCE AMENDING SECTION 29A-32 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO RENTAL LICENSING.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-032-O - AN ORDINANCE AMENDING ORDINANCE 9586 AMENDING TRADITIONAL NEIGHBORHOOD DISTRICT NO. 2, PROPERTY BOUNDED ON THE NORTH BY 13TH STREET, ON THE EAST BY CENTRAL ENTRANCE, ON THE SOUTH BY 11TH STREET AND ON THE WEST BY SECOND AVENUE WEST.

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

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COUNCILOR QUESTIONS AND COMMENTS

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