

## AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Tuesday, May 27, 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

\* 08-0527-01 Steven L. Hampton, et al. (four signatures), petition to vacate the easterly portion of the utility easement in the vacated 27th Avenue East above Second Street abutting Lot 16, Block 3, Harrison's Division. -- Assessor

\* 08-0527-02 Mark Lutterman communication regarding proposed ordinance amending sections 43-16, 43-25, 43-31, 43-33, 43-33.1, and 43-36 and adding new sections 43-11.1 and 43-33.4 to the Duluth City Code, 1959, as amended, all pertaining to protection of water quality and the environment through improvements in the wastewater collection system (08-036-O). -- Received

\* 08-0527-03 The following communications regarding proposed ordinance authorizing licensing of unleashed dogs to use designated areas and trails amending Section 6-36 of the Duluth City Code, 1959 as amended and adding new sections 6-36.1, 6-36.2 and 6-36.3 to Article IV of Chapter 6 thereof (08-035-O): (a) Sue Lane; (b) Jay Monson; (c) A. Paine Williams. -- Received

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### REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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### REPORTS FROM OTHER OFFICERS

\* 08-0527-04 Assessor letters of sufficiency of petitions to:  
(a) Reclassify from R-1 to C-5 Lots 4 and 5, Block 31, Duluth Heights, Sixth Division;  
(b) Vacate alleyways at corner of Arrowhead Road and Kenwood Avenue, Blocks 1, 2 and 11 of Meyers and Whipples Addition. -- Received

\* 08-0527-05 Parks and recreation department director rental agreement with Jason Brandt and Don Kuchenbecker for residential dwelling unit located at Chester Bowl Chalet building located at 1800 East Skyline Parkway, pursuant to Section 2-35, Duluth City Code. -- Mayor for execution

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### REPORTS OF BOARDS AND COMMISSIONS

\* 08-0527-06 American Indian commission minutes of: (a) February 25; 28, (b) March 17, 2008, meetings. -- Received

- \* 08-0527-07 Commission on disabilities minutes of April 2, 2008, meeting. -- Received
- \* 08-0527-08 Duluth human rights commission minutes of April 9, 2008, meeting. -- Received
- \* 08-0527-09 Parks and recreation commission minutes of April 16, 2008, meeting. -- Received
- \* 08-0527-10 Planning commission minutes of: (a) April 8; (b) April 23, 2008, meetings. -- Received
- \* 08-0527-11 Seaway Port authority minutes of: (a) December 20, 2007; (b) February 14; (c) March 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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**RESOLUTION TABLED**

**COMMITTEE 2**

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

08-0304R - RESOLUTION APPROVING BUDGET AND COST SHARING FORMULA OF MINNEAPOLIS-DULUTH/SUPERIOR PASSENGER RAIL ALLIANCE, ACCEPTING DONATIONS AND AUTHORIZING PAYMENT OF CITY'S COST SHARE OF \$45,000. (TABLED 5/12)

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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)**

08-0318R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO DULUTH POLICE SOFTBALL TEAM, WHEELER FIELD.

08-0319R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSES OF VARIOUS LICENSEES.

**COMMITTEE 1**

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

08-0320R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM ZOOCH OF DULUTH, LLC (TEATRO ZUCCONE), 222 EAST SUPERIOR STREET TO ZEITGEIST ARTS, LLC (ZEITGEIST ARTS), SAME ADDRESS.

08-0321R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO LESTER PARK HOCKEY, WELCH CENTER AND CLIMB THEATRE.

08-0322R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR NORTHERN LIGHTS FOUNDATION.

08-0331R - RESOLUTION AUTHORIZING LEASE AGREEMENT WITH FRESH AIR FITNESS, LLP, FOR LEASING OF ENDION STATION.

**BY COUNCILOR GARDNER (PERSONNEL)**

08-0313R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF MANAGER, HUMAN RESOURCES, HEALTHCARE AND SAFETY, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

08-0340R - RESOLUTION AMENDING RESOLUTION 08-0307, CONFIRMING THE APPOINTMENT OF PATRICIA S. TYLER TO THE COMMUNITY DEVELOPMENT COMMITTEE, TO REAPPOINT JOSEPH MATTHES AND APPOINT PATRICIA S. TYLER, REPLACING JEFFERY D. ANDERSON.

**COMMITTEE 2**

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

08-0332R - RESOLUTION REQUESTING THE WESTERN LAKE SUPERIOR SANITARY DISTRICT AMEND ITS URBAN SERVICES BOUNDARY TO INCLUDE APPROXIMATELY 1,000 ACRES OF LAND ON THE NORTH SHORE UPSLOPE FROM THE HIGHWAY 61 EXPRESSWAY TO ALLOW SANITARY SEWERS TO BE EXTENDED INTO THE AREA IN THE FUTURE.

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

08-0333R - RESOLUTION IN SUPPORT OF A GRANT APPLICATION IN THE AMOUNT OF \$10,000 TO MINNESOTA POLLUTION CONTROL AGENCY FOR MATCHING FUNDS TO DEVELOP A MODEL OF ENERGY USE IN THE CITY AND DEVELOP A STRATEGY TO CONSERVE ENERGY.

08-0334R - RESOLUTION IN SUPPORT OF A GRANT APPLICATION IN THE AMOUNT OF \$10,000 TO DULUTH SUPERIOR AREA COMMUNITY FOUNDATION FOR MATCHING FUNDS TO MODEL DULUTH'S CARBON EMISSIONS AND DEVELOP AND IMPLEMENT A PLAN TO REDUCE SAME.

**NEW** 08-0345R - RESOLUTION ACCEPTING A GIFT OF \$25,000 FROM THE DULUTH-SUPERIOR AREA COMMUNITY FOUNDATION.

**COMMITTEE 3**

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

08-0316R - RESOLUTION AMENDING RESOLUTION 07-0720 AMENDING A CONTRACT TO AYRES ASSOCIATES, INC., FOR PROFESSIONAL ENGINEERING SERVICES, TO INCREASE THE AMOUNT BY \$34,425 FOR A NEW TOTAL OF \$174,257.

08-0327R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH MONROE TRUCK EQUIPMENT, INC., FOR THE PURCHASE AND INSTALLATION OF TWO DUMP BODIES WITH HOISTS AND ACCESSORIES ON TWO 2009 STERLING SINGLE CAB AND CHASSIS UNITS IN THE AMOUNT OF \$115,286.25.

08-0330R - RESOLUTION AWARDED A CONTRACT TO A-1 EXCAVATING, INC., FOR CONSTRUCTION OF YEAR 2008 STREET IMPROVEMENT OF MORLEY HEIGHTS IN THE AMOUNT OF \$955,088.65.

08-0335R - RESOLUTION AWARDED A CONTRACT TO DULUTH SUPERIOR ERECTION, INC., FOR CONSTRUCTION OF YEAR 2008 DOWNTOWN BRICK RESTORATION, PHASE IV, IN THE AMOUNT OF \$99,110.

08-0336R - RESOLUTION AWARDED A CONTRACT TO LEVINE & SON, INC., FOR CONSTRUCTION OF HIGH PRESSURE GAS MAINS AND SERVICES IN VARIOUS LOCATIONS IN THE AMOUNT OF \$339,375.

08-0337R - RESOLUTION AWARDED A CONTRACT TO DULUTH SUPERIOR ERECTION, INC., FOR 22ND AVENUE WEST STORM SEWER (COFFEE CREEK) REPAIR IN THE AMOUNT OF \$59,570.

08-0338R - RESOLUTION AUTHORIZING AGREEMENT WITH JOHN E. BOVEE REVOCABLE TRUST TO PURCHASE CERTAIN PROPERTY AT 21ST AVENUE EAST AND WATER STREET FOR \$589,000.

08-0339R - RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC., FOR THE YEAR 2009 MUNICIPAL STATE AID TURNBACK PROJECT LOCATED ON SECOND STREET BETWEEN MESABA AVENUE AND 24TH AVENUE EAST AND SIXTH AVENUE EAST BETWEEN SECOND STREET AND THIRD STREET IN THE ESTIMATED AMOUNT OF \$159,972.

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

08-0317R - RESOLUTION GOVERNING THE SEASONAL DEER HUNT IN DULUTH; SETTING RULES AND STANDARDS; PROVIDING FOR A MANAGING AGENT; SUPERSEDING RESOLUTION 05-0306, AS AMENDED BY RESOLUTION 05-0434.

**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)**

08-0324R - RESOLUTION AUTHORIZING TRANSFER OF \$45,000 IN CDBG FUNDS AND \$122,391 IN HOME FUNDS AND AMENDMENTS TO THE 2006 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM NORTHERN COMMUNITIES LAND TRUST (NCLT) DECONSTRUCTION – RECONSTRUCTION PROJECT AGREEMENT AND THE 2006 HOME HOUSING DEVELOPMENT PROJECTS NCLT CITY HOMES PHASE V AGREEMENT; INCREASING THE FUNDING AND EXTENDING THE TERMS OF THESE AGREEMENTS.

**COMMITTEE 2**

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

08-0325R - RESOLUTION AUTHORIZING TRANSFER OF \$18,000 IN 2008 HOME FUNDS AND AMENDMENTS TO THE 2008 HOME PROGRAM NORTHERN COMMUNITIES LAND TRUST (NCLT) CHDO DEVELOPMENT AND OPERATING GRANT AGREEMENT; INCREASING THE FUNDING OF THE AGREEMENT.

08-0326R - RESOLUTION AUTHORIZING A COMMUNITY BLOCK GRANT (CDBG) PROGRAM REVOLVING LOAN FUND PROJECT AGREEMENT WITH NEIGHBORHOOD HOUSING SERVICES OF DULUTH.

08-0328R - RESOLUTION DENYING AMENDMENTS TO CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING PUBLIC DOCUMENT NO. 03-0324-15 ENTITLED "RAMSEY VILLAGE NEIGHBORHOOD DOCUMENTS OF IMPLEMENTATION" (SVCNDA).

08-0329R - RESOLUTION AUTHORIZING TRANSFER OF \$55,889 IN 2007 HOME FUNDS AND TRANSFER OF \$6,487 IN 2006 HOME FUNDS AND AMENDMENTS TO THE 2007 HOME PROGRAM CENTER CITY HOUSING CORPORATION (CCHC) MEMORIAL PARK APARTMENTS GRANT AGREEMENT; INCREASING THE FUNDING OF THE AGREEMENT. **(REPLACEMENT)**

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

08-0323R - RESOLUTION DESIGNATING POLLING PLACES FOR THE SEPTEMBER 9, 2008, STATE PRIMARY ELECTION AND THE NOVEMBER 4, 2008, STATE GENERAL ELECTION.

**COMMITTEE 3**

**BY COUNCILORS ANDERSON, GARDNER AND STAUBER**

08-0341R - RESOLUTION DESIGNATING CERTAIN TRAILS AND AREAS FOR USE AS OFF-LEASH DOG TRAILS AND AREAS.

**COMMITTEE 2**

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

**NEW** 08-0342R - RESOLUTION RETAINING JOHNSON, KILLEN & SEILER AS SPECIAL COUNSEL TO ASSIST THE CITY ATTORNEY IN RETIREE HEALTH CARE LITIGATION, NOT TO EXCEED \$50,000.

**NEW** 08-0343R - RESOLUTION RETAINING ORMAN, NORD, SPOTT & HURD AS SPECIAL COUNSEL TO ASSIST THE CITY ATTORNEY IN RETIREE HEALTH CARE LITIGATION, NOT TO EXCEED \$50,000.

**NEW** 08-0344R - RESOLUTION RETAINING KENNEDY & GRAVEN, CHARTERED AS SPECIAL COUNSEL TO ASSIST THE CITY ATTORNEY IN RETIREE HEALTH CARE LITIGATION, NOT TO EXCEED \$50,000.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**ORDINANCE TABLED**

**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.

(TABLED 4/28 FOR PLANNING COMMISSION REVIEW)

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

**COMMITTEE 2**

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

08-037-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING PUBLIC DOCUMENT NO. 03-0324-15 ENTITLED "RAMSEY VILLAGE NEIGHBORHOOD DOCUMENTS OF IMPLEMENTATION" (SVCNDA).

08-038-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 28, AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-B, ONE AND TWO FAMILY RESIDENTIAL DISTRICT, TO C-5, PLANNED COMMERCIAL DISTRICT, PROPERTY AT 404 WEST MYRTLE STREET (KOEHLER/CMRA).

08-039-O - AN ORDINANCE AN ORDINANCE GRANTING A CONCURRENT USE PERMIT TO HRLBUT-ZEPPE CHARITABLE TRUST FOR TWO MARQUEE'S TO PROJECT INTO AND OVER THE RIGHT-OF WAY OF EAST SUPERIOR STREET, FOR PROPERTY LOCATED AT 222 EAST SUPERIOR STREET (AH ZEPPE FAMILY FOUNDATION).

**BY PRESIDENT REINERT AND COUNCILOR ANDERSON**

**NEW** 08-041-O - AN ORDINANCE AMENDING SECTION 29A-27 AND ADDING A NEW SECTION 29A-32.1 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO RENTAL LICENSING.

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

**COMMITTEE 2**

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

08-035-O - AN ORDINANCE AUTHORIZING LICENSING OF UNLEASHED DOGS TO USE DESIGNATED AREAS AND TRAILS AMENDING SECTION 6-36 OF THE DULUTH CITY CODE, 1959, AS AMENDED AND ADDING NEW SECTIONS 6-36.1, 6-36.2 AND 6-36.3 TO ARTICLE IV OF CHAPTER 6 THEREOF.

**COMMITTEE 3**

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

08-036-O - AN ORDINANCE AMENDING SECTIONS 43-16, 43-25, 43-31, 43-33, 43-33.1, AND 43-36 AND ADDING NEW SECTIONS 43-11.1 AND 43-33.4 TO THE DULUTH CITY CODE, 1959, AS AMENDED, ALL PERTAINING TO PROTECTION OF WATER QUALITY AND THE ENVIRONMENT THROUGH IMPROVEMENTS IN THE WASTEWATER COLLECTION SYSTEM.

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

08-034-O - AN ORDINANCE AMENDING SECTION 6-77 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO HUNTING DEER.

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**COUNCILOR QUESTIONS AND COMMENTS**  
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