

## AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Thursday, June 19, 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

\*08-0619-01 Minnesota state auditor audit report for the entertainment and convention center authority for the years ended December 31, 2007 and 2006. -- Received

\*08-0619-02 The following communications regarding proposed ordinance pertaining to improvements in the wastewater collection system (08-049-O): (a) Nicholas Brown; (b) Glen Kush. -- Received

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### REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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### REPORTS FROM OTHER OFFICERS

\*08-0619-03 Assessor letter of sufficiency of petition to vacate streets, alley and easement in 72nd, 73rd, 74th and 75th avenues East; Oakley and Avondale streets, Lakeview Manor Plat and Chase Avenue (north of Highway 61), Hoover and Hollister streets (east of 72nd Avenue East), within the new plat of Eastridge. -- Received

\*08-0619-04 Clerk application to the Minnesota gambling control board for exemption from lawful gambling license (bingo and raffles) from St. Margaret Mary Church on September 14, 2008. -- Received

\*08-0619-05 Purchasing agent emergency order awarded to WW Goetsch Associates for two Fairbanks Morse pumps for backup purposes in the amount of \$55,110.01. -- Received

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### REPORTS OF BOARDS AND COMMISSIONS

\*08-0619-06 American Indian commission minutes of: (a) April 21; (b) April 28, 2008, meetings. -- Received

\*08-0619-07 Commission on disabilities minutes of May 7, 2008, meeting. -- Received

\*08-0619-08 Duluth human rights commission minutes of May 14, 2008, meeting. -- Received

\*08-0619-09 Duluth public arts commission minutes of May 19, 2008, meeting. -- Received

\*08-0619-10 Duluth/North Shore Sanitary District minutes of April 9, 2008, meeting. -- Received

- \*08-0619-11 Entertainment and convention center authority minutes of May 16, 2008, meeting. -- Received
- \*08-0619-12 Housing and redevelopment authority minutes of: (a) March 25; (b) April 29, 2008, meetings. -- Received
- \*08-0619-13 Parking commission minutes of June 10, 2008, meeting. -- Received
- \*08-0619-14 Parks and recreation commission minutes of May 14, 2008, meeting. -- Received
- \*08-0619-15 Planning commission minutes of May 13, 2008, meeting. -- 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 COUNCILORS ANDERSON, STAUBER AND GARDNER**

08-0341R - RESOLUTION DESIGNATING CERTAIN TRAILS AND AREAS FOR USE AS OFF-LEASH DOG TRAILS AND AREAS. (TABLED 5/27 FOR PLANNING COMMISSION REVIEW)

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**MOTIONS AND RESOLUTIONS**

The following entitled resolution is to be read for the first time:

**COMMITTEE 2**

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

08-0405R - RESOLUTION AMENDING THE STANDING RULES - AGENDA MEETINGS. (REPLACEMENT)

**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)**

08-0371R - RESOLUTION APPROVING A SPIRIT MOUNTAIN RECREATION AREA AUTHORITY LEASE PURCHASE AGREEMENT FOR RENTAL EQUIPMENT IN THE APPROXIMATE AMOUNT OF \$317,500.

08-0377R - RESOLUTION AUTHORIZING CLOSING SOFT CENTER BANK ACCOUNTS AND DEPOSITING FUNDS IN CAPITAL EQUIPMENT FUND 250 FOR ACQUISITION OF GIS MAPPING INTEGRATION CAPACITY.

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

08-0365R - RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

08-0366R - RESOLUTION ISSUING AN ON SALE INTOXICATING LICENSE AND ADDITIONAL BAR LICENSE TO BLACK WATER AT GREYSOLON, LLC (BLACK WATER AT GREYSOLON), 231 EAST SUPERIOR STREET.

08-0368R - RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO KHOE TRAN AND NHANH DINH (SAIGON CAFÉ), 2224 MT. SHADOW DRIVE.

**BY COUNCILOR GARDNER (PERSONNEL)**

08-0364R - RESOLUTION CONFIRMING THE APPOINTMENT OF DAN KITZBERGER TO THE DULUTH HUMAN RIGHTS COMMISSION, REPLACING MARIA KRYNICKI.

08-0389R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF GRANT COORDINATOR.

08-0390R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF PROPERTY MANAGER.

**COMMITTEE 2**

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

08-0374R - RESOLUTION APPROVING LAWS OF MINNESOTA 2008, CHAPTER 366, ARTICLE 5, SECTION 31 EXTENDING THE TIME FOR ACTIVITY IN TAX INCREMENT FINANCING DISTRICT NOS. 20 AND 21.

08-0398R - RESOLUTION VACATING BIRCH STREET BETWEEN GARFIELD AVENUE ALLEY AND COX AVENUE.

**BY COUNCILOR FEDORA (INTERGOVERNMENTAL RELATIONS)**

08-0369R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH ELIZABETH MATHIAS, INDEPENDENT LICENSED TEACHER, TO PROVIDE BASIC EDUCATION SERVICES AT THE DULUTH WORKFORCE CENTER AT A COST OF \$20,800.

**COMMITTEE 3**

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

08-0370R - RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT NO. 91950 WITH MN/DOT TO PROVIDE FOR PAYMENT BY THE CITY OF THE CITY'S SHARE OF CONSTRUCTION COSTS RELATING TO THE RECONSTRUCTION OF MILLER TRUNK HIGHWAY AND ADJACENT FRONTAGE ROADS AND CITY STREETS.

08-0372R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH ABM EQUIPMENT & SUPPLY, LLC, FOR THE PURCHASE OF A SEWER EASEMENT MACHINE AND ACCESSORIES FOR A TOTAL AMOUNT OF \$28,635.72.

08-0376R - RESOLUTION AMENDING RESOLUTION 06-0351 AMENDING METHOD OF CALCULATING CAPACITY CHARGES APPLICABLE TO STEAM DISTRICT NO. 1, EFFECTIVE IN 2009.

08-0379R - RESOLUTION AWARDED A CONTRACT TO NELS NELSON & SONS, INC., FOR 2008 WATERMAIN REPLACEMENT IN CONGDON BOULEVARD AND AVONDALE STREET IN THE AMOUNT OF \$445,959.77.

08-0395R - RESOLUTION REQUESTING THE CHARTER COMMISSION TO RECOMMEND ADOPTION OF AN AMENDMENT TO CHAPTER IX OF THE CITY CHARTER MODIFYING PROCESS FOR ASSESSING IMPROVEMENTS.

**BY COUNCILOR CUNEO (PUBLIC SAFETY)**

08-0367R - RESOLUTION AUTHORIZING PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES ON SUPERIOR STREET AND FIRST STREET IN CONJUNCTION WITH GREATER DOWNTOWN COUNCIL COMMUNITY EVENTS.

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

08-0375R - RESOLUTION AUTHORIZING THE CITY OF DULUTH TO ENTER INTO A SERVICE AGREEMENT WITH THE DULUTH POLICE EXPLORER POST 244 AND THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR PARKING ON DEDA-OWNED AND CITY-OWNED LOTS DURING THE BAYFRONT BLUES FESTIVAL.

08-0388R - RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH SECRET SERVICE ENTERTAINMENT, LLC, THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND LAKE SUPERIOR CENTER AUTHORITY ADDRESSING PARKING ISSUES RELATED TO SPECIAL EVENTS HELD AT BAYFRONT FESTIVAL PARK.

**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** 08-0407R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF APPROXIMATELY \$40,665,000 GENERAL OBLIGATION DECC IMPROVEMENT BONDS.

**COMMITTEE 1**

**BY COUNCILOR GILBERT**

**(FINANCE)**

**NEW** 08-0408R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF APPROXIMATELY \$1,475,000 GENERAL OBLIGATION AERIAL LIFT BRIDGE IMPROVEMENT BONDS.

**NEW** 08-0409R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF APPROXIMATELY \$2,320,000 GENERAL OBLIGATION STREET IMPROVEMENT BONDS.

**BY COUNCILORS GILBERT, ANDERSON, GARDNER AND KRAUSE**

**NEW** 08-0412R - RESOLUTION REQUESTING ACTION ON THE BUDGET.

**BY COUNCILOR KRAUSE**

**(PURCHASING & LICENSING)**

08-0204R - RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF J&J MILLER, INC. (COPASETIC LOUNGE), 323 EAST CENTRAL ENTRANCE.

08-0381R - RESOLUTION DENYING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF J&J MILLER, INC. (COPASETIC LOUNGE), 323 EAST CENTRAL ENTRANCE.

08-0382R - RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF PLAYER'S GRANDSTAND, INC. (PLAYER'S SPORTS BAR), 4024 GRAND AVENUE.

08-0383R - RESOLUTION DENYING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF PLAYER'S GRANDSTAND, INC. (PLAYER'S SPORTS BAR), 4024 GRAND AVENUE.

08-0384R - RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF LUCKY BREAK INC. (HORSESHOE BILLIARDS), 2415 WEST SUPERIOR STREET.

08-0385R - RESOLUTION DENYING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF LUCKY BREAK INC. (HORSESHOE BILLIARDS), 2415 WEST SUPERIOR STREET.

08-0386R - RESOLUTION APPROVING THE ADDITIONAL BAR LICENSE OF THE ON SALE INTOXICATING LIQUOR LICENSE OF NORSHOR EXPERIENCE, INC. (NORSHOR EXPERIENCE), 211 EAST SUPERIOR STREET.

08-0387R - RESOLUTION DENYING THE ADDITIONAL BAR LICENSE OF THE ON SALE INTOXICATING LIQUOR LICENSE OF NORSHOR EXPERIENCE, INC. (NORSHOR EXPERIENCE), 211 EAST SUPERIOR STREET.

08-0400R - RESOLUTION DECLARING POLICY TO REFER CITY MATTERS RELATED TO THE ISD NO. 709 RED PLAN TO THE VOTERS BY ADVISORY REFERENDUM. **(REPLACEMENT)**

**BY COUNCILOR GARDNER**

**(PERSONNEL)**

**NEW** 08-0411R - RESOLUTION CONFIRMING THE APPOINTMENT OF GUNNAR JOHNSON AS THE CITY ATTORNEY FOR THE CITY OF DULUTH.

**NEW** 08-0413R - RESOLUTION AMENDING RESOLUTION 08-0401 PERTAINING TO HUMAN RIGHTS OFFICE.

**COMMITTEE 2**

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

08-0391R - RESOLUTION GRANTING A LOW DENSITY PLANNED DEVELOPMENT SPECIAL USE PERMIT TO WHITE PINE DEVELOPMENT FOR EASTRIDGE ESTATES, A CLUSTER HOUSING DEVELOPMENT OF 23 HOMES TO BE LOCATED ON THE UPPER SIDE OF THE HIGHWAY 61 EXPRESSWAY NORTHEAST OF LESTER PARK GOLF COURSE.

08-0392R - RESOLUTION DENYING THE PETITION FOR A LOW DENSITY PLANNED DEVELOPMENT SPECIAL USE PERMIT TO WHITE PINE DEVELOPMENT FOR EASTRIDGE ESTATES.

08-0393R - RESOLUTION ISSUING A C-5 PLAN APPROVAL TO TARGET CORPORATION FOR RELOCATION OF DRIVEWAYS AND POLE SIGN, RECONFIGURATION OF THE PARKING LOT, SITE LIGHTING, AND PARKING LOT LANDSCAPING/SCREENING AT THE TARGET STORE LOCATED AT 1902 MILLER TRUNK HIGHWAY.

08-0394R - RESOLUTION DENYING A C-5 PLAN APPROVAL TO TARGET CORPORATION FOR RELOCATION OF DRIVEWAYS AND POLE SIGN, RECONFIGURATION OF THE PARKING LOT, SITE LIGHTING, AND PARKING LOT LANDSCAPING/SCREENING AT THE TARGET STORE LOCATED AT 1902 MILLER TRUNK HIGHWAY.

08-0399R - RESOLUTION VACATING ALLEYWAYS WITHIN A CITY BLOCK BOUNDED BY ARROWHEAD ROAD, HUMES AVENUE, CLEVELAND STREET, AND KENWOOD AVENUE.

08-0402R - RESOLUTION TO APPROVE AN AMENDMENT TO A SPECIAL USE PERMIT TO MAKE IMPROVEMENTS TO AT HOME LIVING, A RESIDENTIAL CARE FACILITY LOCATED AT 1010 BRAINERD AVENUE (CHRIS PRILEY).

08-0403R - RESOLUTION DENYING A REQUEST TO AMEND A SPECIAL USE PERMIT TO MAKE IMPROVEMENTS TO AT HOME LIVING, A RESIDENTIAL CARE FACILITY LOCATED AT 1010 BRAINERD AVENUE (CHRIS PRILEY).

08-0404R - RESOLUTION A RESOLUTION DENYING A REQUEST TO AMEND 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-C, ONE FAMILY RESIDENTIAL, TO C-5, PLANNED COMMERCIAL DEVELOPMENT, PROPERTY LOCATED AT 114 WEST MYRTLE STREET, BETWEEN BASSWOOD AVENUE AND HUGO AVENUE (STEVE LINDBERG).

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

**NEW** 08-0401R - RESOLUTION SUPPORTING BUDGET PRIORITIES AND POLICIES SETTING THE 2008 BUDGET REPAIR STRATEGY.

**COMMITTEE 3**

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

08-0397R - RESOLUTION DETERMINING SEWER CONNECTION FEE - VINEYARD CHURCH.

**COMMITTEE 3**

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

08-0378R - RESOLUTION AUTHORIZING AGREEMENT WITH THE JUNIOR LEAGUE OF DULUTH, INC., FOR THE RECONSTRUCTION OF PLAYFRONT PARK ON CITY PROPERTY.

08-0380R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH CENTURY FENCE COMPANY FOR THE PURCHASE AND INSTALLATION OF SIX-FOOT HIGH BASELINE FENCING AROUND THE PERIMETER OF THE DULUTH HEIGHTS COMMUNITY CENTER BALLFIELD FOR A TOTAL OF \$26,763.45.

**NEW** 08-0406R - RESOLUTION AUTHORIZING THE CITY TO BE A SPONSOR OF THE 2008 NORTHSHORE INLINE MARATHON AT A COST TO THE CITY OF \$15,000.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**ORDINANCES 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)

**COMMITTEE 2**

**BY COUNCILORS STAUBER, ANDERSON AND GARDNER**

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. (TABLED 5/27 FOR PLANNING COMMISSION REVIEW)

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

**COMMITTEE 2**

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

08-048-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ADDING A NEW SECTION 50-1.50.1 DEFINING THE RESIDENTIAL PARKING AREA, AMENDING SECTION 50-30 TO ESTABLISH THE AUTHORIZED PARKING AREAS ON A RESIDENTIAL LOT AND CREATING A VARIANCE FROM SUCH REGULATION.

08-050-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-C, ONE FAMILY RESIDENTIAL, TO C-5, PLANNED COMMERCIAL DEVELOPMENT, PROPERTY LOCATED AT 114 WEST MYRTLE STREET, BETWEEN BASSWOOD AVENUE AND HUGO AVENUE (STEVE LINDBERG).

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

**COMMITTEE 1**

**BY COUNCILOR GILBERT (FINANCE)**

08-047-O - AN ORDINANCE PERTAINING TO THE COMMUNITY ARTS SET-ASIDE, AMENDING SECTION 20-19 OF THE DULUTH CITY CODE, 1959, AS AMENDED. **(REPLACEMENT)**

08-042-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING SECTION 50-118 RELATING TO INTERIM ORDINANCES.

08-045-O - AN ORDINANCE PERTAINING TO THE COMMUNITY ARTS SET-ASIDE, AMENDING SECTION 20-19 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

**BY COUNCILORS KRAUSE AND FEDORA**

08-044-O - AN ORDINANCE PERTAINING TO THE DULUTH PUBLIC ARTS COMMISSION; AMENDING SECTION 2-109 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

**COMMITTEE 2**

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

08-040-O - AN ORDINANCE AMENDING SECTION 50-36.3 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ALLOWING SUBSURFACE SEWAGE TREATMENT SYSTEMS IN LOW DENSITY PLANNED DEVELOPMENTS.

**COMMITTEE 3**

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

08-043-O - AN ORDINANCE AUTHORIZING REDEVELOPMENT AGREEMENT WITH MINNESOTA POWER PERTAINING TO DULUTH STEAM DISTRICT NO. 2 AND THE SALE OF CERTAIN PROPERTY, RIGHTS AND INTERESTS AS AUTHORIZED THEREIN.

08-049-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. **(AMENDMENT)**

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**COUNCILOR QUESTIONS AND COMMENTS**

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