

# AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

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

## ROLL CALL

## PLEDGE OF ALLEGIANCE

**APPROVAL OF MINUTES** - May 22, 27 and 30, 2008.

**PUBLIC HEARINGS** - 7:00 p.m. - 2008 street preservation program.

7:00 p.m. - Charter amendments re: local improvements and special assessments.

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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

\* 08-0728-01 HRA, by Dan Maddy, attorney, petition to vacate streets, alleys and utility easements throughout the Harbor Highlands neighborhood in Duluth Proper, Third Division. -- Assessor

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## REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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## REPORTS FROM OTHER OFFICERS

\* 08-0728-02 Assessor letter of sufficiency of 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. -- Received

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## REPORTS OF BOARDS AND COMMISSIONS

\* 08-0728-03 American Indian commission minutes of May 19, 2008, meeting. -- Received

\* 08-0728-04 Community development committee minutes of May 27, 2008, meeting. -- Received

\* 08-0728-05 Duluth airport authority minutes of June 17, 2008, meeting. -- Received

\* 08-0728-06 Duluth legacy endowment fund project group minutes of: (a) May 22; (b) June 24, 2008, meetings. -- Received

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\* 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 GILBERT (FINANCE)**

08-0455R - RESOLUTION AMENDING RESOLUTION 07-0723 ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2008; MODIFYING CERTAIN FEES AND CHARGES PERTAINING TO FIRE CODE ENFORCEMENT. (TABLED 7/21)

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

08-0384R - RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF LUCKY BREAK, INC. (HORSESHOE BILLIARDS), 2415 WEST SUPERIOR STREET. (RETABLED 7/21 FOR 30 DAYS)

08-0385R - RESOLUTION DENYING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF LUCKY BREAK, INC. (HORSESHOE BILLIARDS), 2415 WEST SUPERIOR STREET. (RETABLED 7/21 FOR 30 DAYS)

**COMMITTEE 2**

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

08-0429R - RESOLUTION DENYING A REQUEST TO AMEND CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 40 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM S, SUBURBAN, TO R-1-B, ONE FAMILY RESIDENTIAL, FOR PROPERTY LOCATED AT 2516 WOODLAND AVENUE (FOREST HILL CEMETERY). (TABLED FOR CONSIDERATION WITH 08-053-O)

**COMMITTEE 3**

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

08-0458R - RESOLUTION ACCEPTING \$20,000 FROM THE HARRISON COMMUNITY CLUB TO APPLY TO THE DEDUCTIBLE FOR RECONSTRUCTION OF HARRISON COMMUNITY CENTER. (TABLED 7/21)

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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 GARDNER (PERSONNEL)**

08-0468R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF YVONNE PRETTNER SOLON TO THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY.

08-0469R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF DENNIS E. BIRCHLAND TO THE DULUTH TRANSIT AUTHORITY.

08-0485R - RESOLUTION APPROVING APPOINTMENT OF JAMES BENNING TO THE POSITION OF DIRECTOR OF PUBLIC WORKS AND UTILITIES.

**COMMITTEE 2**

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

**NEW** 08-0347R - RESOLUTION AMENDING RESOLUTION 07-0723 ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2008; SETTING FEES FOR THE NEW OFF-LEASH LICENSE CATEGORIES.

08-0473R - RESOLUTION APPROVING THE PROPOSED RECLASSIFICATION TO NONCONSERVATION AND SALE OF CERTAIN TAX FORFEITED PARCELS BY THE BOARD OF COMMISSIONERS OF SAINT LOUIS COUNTY (MAY 28,2008, RECLASSIFICATION).

08-0479R - RESOLUTION EMPOWERING THE ST. LOUIS COUNTY HOUSING AND REDEVELOPMENT AUTHORITY TO PROVIDE FUNDING TO A PROJECT WITHIN THE BOUNDARIES OF THE CITY OF DULUTH.

08-0480R - AUTHORIZING AGREEMENT WITH DEBRA KELLNER FOR PROFESSIONAL SERVICES FOR AN HISTORIC PROPERTY SURVEY IN THE AMOUNT OF \$7,605.

08-0481R - RESOLUTION AUTHORIZING REIMBURSEMENT TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) FOR CONTAMINATION INVESTIGATION AND CLEAN UP COSTS RELATED TO THE IKONICS EXPANSION PROJECT IN AN AMOUNT NOT TO EXCEED \$624,653.

**COMMITTEE 3**

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

08-0451R - RESOLUTION AUTHORIZING A WORK ORDER AGREEMENT WITH MN/DOT TO COOPERATIVELY PROVIDE GEOTECHNICAL SERVICES.

08-0476R - RESOLUTION AWARDDING A CONTRACT TO KALKBRENNER PLUMBING & HEATING, INC., FOR THE 2008 REHABILITATION OF PRIVATE SEWER SERVICES IN BASINS 25 AND 26 - PHASE III, IN THE AMOUNT OF \$149,700.

**COMMITTEE 3**

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

08-0477R - RESOLUTION ORDERING THE IMPROVEMENT KNOWN AS THE 2008 STREET PRESERVATION PROGRAM PURSUANT TO SECTION 61(b) OF THE HOME RULE CHARTER OF THE CITY OF DULUTH AT AN ESTIMATED COST OF \$600,000.

**END OF CONSENT AGENDA**

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

**COMMITTEE 1**

**BY COUNCILOR GARDNER (PERSONNEL)**

08-0470R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF LISA E. AUGUSTINE, ALAN P. JOHNSON AND TODD TORVINEN TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

08-0471R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF ALBERT M. KATZ AND ROBERT A. PRUSAK TO THE SANITARY SEWER BOARD OF THE WLSSD.

**COMMITTEE 2**

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

08-0466R - RESOLUTION GRANTING A WATER RESOURCE MANAGEMENT ORDINANCE SPECIAL USE PERMIT AND VARIANCE TO TARGET CORPORATION FOR ITS STORE AT 1902 MILLER TRUNK HIGHWAY.

08-0467R - RESOLUTION DENYING A WATER RESOURCE MANAGEMENT ORDINANCE SPECIAL USE PERMIT AND VARIANCE TO TARGET CORPORATION FOR ITS STORE AT 1902 MILLER TRUNK HIGHWAY.

**COMMITTEE 3**

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

**NEW** 08-0457R - RESOLUTION ALIENATING CERTAIN CITY PROPERTY ON PARK POINT AND AUTHORIZING THE SALE OF SAME.

08-0483R - RESOLUTION ACCEPTING DONATION FROM JAN KARON OF 21 PHOTOS OF THE AERIAL LIFT BRIDGE.

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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 1**

**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. (TABLED 6/19)

**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. (TABLED 7/21)

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

**COMMITTEE 3**

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

**NEW** 08-058-O - AN ORDINANCE REPEALING SPRINKLING ALLOWANCE ON SANITARY SEWER BILLS, REPEALING SECTION 43-9 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

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

**COMMITTEE 2**

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

08-053-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 40 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM S, SUBURBAN, TO R-1-B, ONE FAMILY RESIDENTIAL, FOR PROPERTY LOCATED AT 2516 WOODLAND AVENUE (FOREST HILL CEMETERY).

**COMMITTEE 3**

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

08-054-O - AN ORDINANCE AMENDING AND REPLACING CHAPTER IX OF THE DULUTH CITY CHARTER, PERTAINING TO LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS.

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

08-052-O - AN ORDINANCE AMENDING SECTION 34-13 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO GRAFFITI AND ITS REMOVAL.

**COMMITTEE 3**

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

08-056-O - AN ORDINANCE AMENDING SECTION 35-9 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PROVIDING FOR SPECIAL EVENT PERMITTING IN PUBLIC PARKS AND PUBLIC RECREATION AREAS AND AMENDING SECTION 35-9.3 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PROVIDING FOR THE HOURS OF OPERATION OF PUBLIC PARKS AND PUBLIC RECREATION AREAS.

08-057-O - AN ORDINANCE AMENDING SECTION 35-9.3 OF THE DULUTH CITY CODE, 1959, AS AMENDED, LIMITING THE AUTHORITY OF THE DIRECTOR OF PARKS AND RECREATION TO DETERMINE THE HOURS FOR SPECIAL EVENTS AT BAYFRONT FESTIVAL PARK RECREATION AREA.

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**COUNCILOR QUESTIONS AND COMMENTS**  
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