

# AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, August 25, 7:00 p.m.

## ROLL CALL

## PLEDGE OF ALLEGIANCE

## APPROVAL OF MINUTES - June 9, 2008.

**PUBLIC HEARINGS - 7:00 p.m.** - Proposed amendment to City Charter Section 27 re: boards and commissions adopting bylaws regulating conduct of business and public participation (08-061-O).

7:00 p.m. - Proposed amendment to City Charter Section 30 to allow a citizen to petition for appointment of a special prosecutor to prosecute conflicts of interest (08-062-O).

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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

\* 08-0825-01 A&L Properties petition to vacate portion of alley, Tioga and Oneida streets and 63rd Avenue East, Blocks 57 and 64, Lester Park Fourth Division. - Assessor

\* 08-0825-02 Jeff Hall communication regarding proposed ordinance creating a street lighting system utility (08-064-O). -- Received

\* 08-0825-03 The following communications regarding resolution of intent to sell the Minnehaha stained glass window (08-0535R): (a) Ann Jenkins; (b) Barbara Walcome. -- Received

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## REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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## REPORTS FROM OTHER OFFICERS

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## REPORTS OF BOARDS AND COMMISSIONS

\* 08-0825-04 Duluth/North Shore Sanitary District minutes of June 11, 2008, meeting. -- Received

\* 08-0825-05 Planning commission minutes of July 8, 2008, meeting. -- 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 COUNCILORS GILBERT AND GARDNER**

08-0498R - RESOLUTION AMENDING RESOLUTION 07-0723 ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2008; SETTING THE FEE FOR THE NEW KEEPING OF CHICKENS LICENSE.  
 (TABLED 8/11) (REPLACEMENT)

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

08-0508R - RESOLUTION SUBMITTING A PROPOSED AMENDMENT TO SECTION 27 OF THE CITY CHARTER TO THE VOTERS AT A SPECIAL ELECTION ON NOVEMBER 4, 2008.  
 (TABLED 8/11 FOR CONSIDERATION WITH 08-061-O)

08-0509R - RESOLUTION SUBMITTING A PROPOSED AMENDMENT TO SECTION 30 OF THE CITY CHARTER TO THE VOTERS AT A SPECIAL ELECTION ON NOVEMBER 4, 2008.  
 (TABLED 8/11 FOR CONSIDERATION WITH 08-062-O)

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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)**

08-0511R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSES OF VARIOUS LICENSEES.

**COMMITTEE 1**

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

08-0512R - RESOLUTION ISSUING AN ON 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO GR, LLC (GRAPEVINE CAFÉ), 220 WEST SUPERIOR STREET.

08-0513R - RESOLUTION APPROVING RENEWAL AND ISSUANCE OF ON SALE INTOXICATING LIQUOR, ON SALE SUNDAY INTOXICATING LIQUOR, ADDITIONAL BAR, ON SALE DANCING, 2:00 A.M. BEVERAGE LICENSE AND LATE HOUR ENTERTAINMENT LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2008, AND ENDING AUGUST 31, 2009.

08-0514R - RESOLUTION APPROVING THE ISSUANCE OF ON SALE WINE RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2008, AND ENDING AUGUST 31, 2009.

08-0515R - RESOLUTION APPROVING THE ISSUANCE OF ON SALE CLUB LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2008, AND ENDING AUGUST 31, 2009.

08-0516R - RESOLUTION APPROVING THE ISSUANCE OF OFF SALE INTOXICATING LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2008, AND ENDING AUGUST 31, 2009.

08-0517R - RESOLUTION APPROVING THE ISSUANCE OF BREWERY MALT LIQUOR OFF SALE INTOXICATING LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2008, AND ENDING AUGUST 31, 2009.

**BY COUNCILOR GARDNER (PERSONNEL)**

08-0539R - RESOLUTION REQUESTING STAFF REVIEW OF BOARDS AND COMMISSIONS.  
**(REPLACEMENT)**

**COMMITTEE 2**

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

08-0522R - RESOLUTION VACATING THE NORTHERN PART OF 14TH AVENUE WEST BETWEEN FIFTH STREET AND FOURTH STREET (DONALD FARRELL).

08-0525R - RESOLUTION VACATING PART OF THE ALLEY EAST OF GARFIELD AVENUE AND SOUTH OF ELM STREET (DULUTH BUILDERS EXCHANGE/DON O'CONNOR, EXECUTIVE DIRECTOR).

**COMMITTEE 3**

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

08-0519R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF DONALD AND GERDA MOOK IN THE AMOUNT OF \$21,514.71.

08-0537R - RESOLUTION AWARDED A CONTRACT TO KALKBRENNER PLUMBING AND HEATING, INC., FOR THE 2008 REHABILITATION OF PRIVATE SEWER SERVICES IN BASINS 25 AND 26, PHASE IV, IN THE AMOUNT OF \$149,880.

08-0538R - RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR CONSTRUCTION OF YEAR 2008 STREET PRESERVATION PROGRAM IN THE AMOUNT OF \$404,410.

**COMMITTEE 3**

**BY COUNCILOR CUNEO**

**(PUBLIC SAFETY)**

08-0510R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON VARIOUS STREETS IN CONJUNCTION WITH SPECIAL EVENTS AND SUBJECT TO CERTAIN CONDITIONS.

08-0526R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH COMPLUS DATA INNOVATIONS, INC., FOR PROFESSIONAL SERVICES IN THE ADMINISTRATION AND COLLECTION OF REVENUE FROM PARKING AND OTHER CITATIONS FOR A MAXIMUM FEE NOT TO EXCEED 13 PERCENT OF CITATION FEES COLLECTED.

08-0527R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT GRANT AMENDMENT NO. 1 TO GRANT NO. 2007-0045/9300-1862 FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE AMOUNT OF \$50,000 FOR THE PURPOSE OF SUPPORTING THE DULUTH POLICE DEPARTMENT'S PARTICIPATION IN THE MINNESOTA FINANCIAL CRIMES TASK FORCE.

08-0528R - RESOLUTION AUTHORIZING THE CITY TO ACCEPT AN AWARD FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE AMOUNT OF \$8,300 FOR THE ANTI-GANG INITIATIVE.

08-0529R - RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FROM MINNESOTA DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION IN THE AMOUNT OF \$75,000 FOR THE PURPOSE OF SUPPORTING THE FIRE DEPARTMENT'S CHEMICAL ASSESSMENT TEAM.

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

08-0520R - RESOLUTION AUTHORIZING THE CITY TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA, DEPARTMENT OF NATURAL RESOURCES IN THE AMOUNT OF \$6,800 FOR THE CHESTER CREEK BRIDGE REHABILITATION AND TO EXECUTE ANY REQUIRED GRANT AGREEMENT.

**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** 08-0541R - RESOLUTION ALLOCATING AN ADDITIONAL \$100,000 TO THE GENERAL FUND FROM TOURISM TAX FUND 258 FUND BALANCE.

**NEW** 08-0545R - RESOLUTION REQUESTING THAT THE ADMINISTRATION REVISE BUDGET BALANCING PLAN TO PRESERVE FACILITIES AND JOBS BY RE-EVALUATING OTHER COSTS AND TEMPORARILY SUSPENDING PAYMENTS ON CERTAIN CONTRACTS. **(REPLACEMENT)**

**COMMITTEE 1**

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

08-0518R - RESOLUTION APPROVING RENEWAL AND ISSUANCE OF ON SALE INTOXICATING LIQUOR, ON SALE SUNDAY INTOXICATING LIQUOR, ADDITIONAL BAR, ON SALE DANCING AND 2:00 A.M. BEVERAGE LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2008, AND ENDING AUGUST 31, 2009, WITH SPECIAL CONDITIONS, FOR NORSHOR EXPERIENCE, INC. (NORSHOR EXPERIENCE), GRANDMA'S SPORTS BAR AND GRILL, INC. (GRANDMA'S SPORTS GARDEN), BLACK RIVER MILLS, INC. (KOZY BAR), AND CURLY'S BAR, INC. (CURLY'S BAR).

**BY COUNCILOR GARDNER (PERSONNEL)**

08-0506R - RESOLUTION APPROVING PROPOSED AMENDMENT TO THE PAY RANGE FOR THE APPOINTED POSITION OF DEPUTY FIRE CHIEF.

08-0536R - RESOLUTION APPROVING PROPOSED AMENDMENT TO THE PAY RANGE FOR THE CIVIL SERVICE CLASSIFICATION OF FLEET MANAGER.

**NEW** 08-0544R - RESOLUTION REQUESTING A REPORT ON CURRENT ENFORCEMENT STRATEGIES OF THE HOUSING AND NUISANCE EVENT CODES IN THE CENTRAL HILLSIDE NEIGHBORHOOD.

**COMMITTEE 2**

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

08-0523R - RESOLUTION GRANTING AN AMENDMENT TO A LOW DENSITY PLANNED DEVELOPMENT SPECIAL USE PERMIT FOR BAYHILL COVE, A CLUSTER HOUSING DEVELOPMENT OF 15 HOMES LOCATED ON THE EAST SIDE OF BAYHILL DRIVE SOUTH OF PULASKI STREET/75TH AVENUE WEST (S.V. BAYHILL, LLC). **(AMENDMENT)**

08-0524R - RESOLUTION DENYING THE PETITION TO AMEND A LOW DENSITY PLANNED DEVELOPMENT SPECIAL USE PERMIT FOR BAYHILL COVE (S.V. BAYHILL, LLC).

08-0530R - RESOLUTION DENYING AN AMENDMENT 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).

08-0531R - RESOLUTION ISSUING A C-5 PLAN APPROVAL TO DULUTH HILL, LLC, FOR DEVELOPMENT OF PROPERTY LOCATED AT MALL DRIVE AND CENTRAL ENTRANCE (TEXAS ROADHOUSE). **(AMENDMENT)**

08-0532R - RESOLUTION DENYING A C-5 PLAN APPROVAL TO DULUTH HILL, LLC, FOR DEVELOPMENT OF PROPERTY LOCATED AT MALL DRIVE AND CENTRAL ENTRANCE (TEXAS ROADHOUSE).

08-0533R - RESOLUTION ADOPTING AN AMENDED MASTER PLAN FOR THE SPIRIT MOUNTAIN RECREATION AREA.

**BY COUNCILORS FEDORA, FOSLE AND KRAUSE**

08-0534R - RESOLUTION AMENDING COMPREHENSIVE PLAN PERTAINING TO CERTAIN PROPERTY ON PARK POINT, RECLASSIFYING THE USE THEREOF FROM RECREATIONAL TO TRADITIONAL NEIGHBORHOOD.

**COMMITTEE 2**

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

**NEW** 08-0542R - RESOLUTION REQUESTING THE ARROWHEAD AGENCY ON AGING TO EXPEDITE SECURING A SERVICE PROVIDER TO OPERATE A CONGREGATE MEAL PROGRAM IN DULUTH IN CALENDAR YEAR 2009 AND PLEDGING TO KEEP THE CURRENT MEAL LOCATIONS OPEN.

**NEW** 08-0543R - RESOLUTION REQUESTING THE EXISTING PARKS AND RECREATION SMALL GRANT PROGRAM BE FUNDED AND ASKING THE ADMINISTRATION TO REVISE CURRENT GUIDELINES TO BE APPROVED BY COUNCIL.

**COMMITTEE 3**

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

08-0535R - RESOLUTION OF INTENT TO SELL THE "MINNEHAHA" STAINED GLASS WINDOW.

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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. (RETABLED 7/28) (REPLACEMENT)

**COMMITTEE 3**

**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. (TABLED 7/28)

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

**COMMITTEE 2**

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

08-063-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).

**COMMITTEE 3**

**BY COUNCILOR CUNEO (PUBLIC SAFETY)**

08-064-O - AN ORDINANCE CREATING A STREET LIGHTING SYSTEM UTILITY AND AUTHORIZING CHARGES THEREFOR, ADDING A NEW ARTICLE XI TO CHAPTER 45 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

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

**COMMITTEE 1**

**BY COUNCILORS GILBERT AND GARDNER**

08-059-O - AN ORDINANCE ADDING SECTIONS 6-79 AND 6-79.1 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO OBTAINING A LICENSE TO KEEP CHICKENS IN CITY. (REPLACEMENT 2)

**COMMITTEE 1**

**BY COUNCILOR GARDNER (PERSONNEL)**

08-060-O - AN ORDINANCE AMENDING SECTIONS 2-2, 2-2.1, 2-2.2, 2-2.4, 2-12 AND 2-17; REPEALING SECTIONS 2-3, 2-4, 2-5, 2-6, 2-7, 2-8, 2-9, 2-10, 2-11, 2-13 AND 2-14; AND RENUMBERING SECTIONS 2-12, 2-15, 2-16, 2-17, 2-18.1 AND 2-18.2 OF CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO CITY ADMINISTRATION.

**COMMITTEE 2**

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

08-061-O - AN ORDINANCE AMENDING SECTION 27 OF THE CITY CHARTER TO REQUIRE BOARD AND COMMISSIONS TO ADOPT BYLAWS REGULATING CONDUCT OF BUSINESS AND PUBLIC PARTICIPATION.

08-062-O - AN ORDINANCE AMENDING SECTION 30 OF THE CITY CHARTER TO ALLOW A CITIZEN TO PETITION FOR APPOINTMENT OF A SPECIAL PROSECUTOR TO PROSECUTE CONFLICTS OF INTEREST.

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**COUNCILOR QUESTIONS AND COMMENTS**

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