

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, September 8, 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

*08-0908-01 Clyde Industrial Park, Inc., by Paul Loraas, attorney, petition to vacate easements lying westerly of the westerly line of 29th Avenue West and easterly of the easterly line of 31st Avenue West, in Block 5, Marine Division of Duluth. -- Assessor

*08-0908-02 Gordon and Judith Grant, et al. (eight signatures), petition to reclassify from R-2 to C-5 property described as the northerly 127.95 feet of Lot 1 and the northerly 127.95 feet of easterly ten feet of lot 2, Block 005, Central Acres Second Division of Duluth (320 East Myrtle Street). -- Assessor

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REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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REPORTS FROM OTHER OFFICERS

*08-0908-03 Assessor letter of insufficiency of petition to vacate a portion of alley, Tioga and Oneida streets and 63rd Avenue East, Blocks 57 and 64, Lester Park Fourth Division. -- Received

*08-0908-04 Parks and recreation department director minutes of Lake Superior Zoological Society July 16, 2008, meeting. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

*08-0908-05 Civil service board minutes of June 3, 2008, meeting. -- Received

*08-0908-06 Duluth airport authority: (a) Balance sheet for month ending June 30, 2008; (b) Minutes of July 15, 2008, meeting. -- Received

*08-0908-07 Duluth transit authority: (a) Income statement for April, 2008; (b) Minutes of May 28, 2008, meeting. -- Received

*08-0908-08 Entertainment and convention center authority minutes of August 20, 2008, meeting. -- Received

*08-0908-09 Library board minutes of June 24, 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 FOR RECONSIDERATION

COMMITTEE 3

BY COUNCILORS CUNEO AND ANDERSON

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

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RESOLUTIONS TABLED

COMMITTEE 1

BY COUNCILOR GARDNER (PERSONNEL)

08-0506R - RESOLUTION APPROVING PROPOSED AMENDMENT TO THE PAY RANGE FOR THE APPOINTED POSITION OF DEPUTY FIRE CHIEF. (TABLED 8/25 FOR MORE INFORMATION)

08-0536R - RESOLUTION APPROVING PROPOSED AMENDMENT TO THE PAY RANGE FOR THE CIVIL SERVICE CLASSIFICATION OF FLEET MANAGER. (TABLED 8/25 FOR MORE INFORMATION)

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

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). (TABLED 8/25 FOR CONSIDERATION WITH 08-063-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 GILBERT (FINANCE)

08-0556R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2009.

COMMITTEE 1

BY COUNCILOR GILBERT

(FINANCE)

08-0557R - RESOLUTION ESTABLISHING THE DATE FOR A PUBLIC HEARING AT WHICH THE DULUTH CITY COUNCIL WILL ADOPT ITS FINAL BUDGET AND TAX LEVY FOR 2009.

BY COUNCILOR KRAUSE

(PURCHASING & LICENSING)

08-0561R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM TIMBER LODGE STEAKHOUSE, INC. (TIMBER LODGE STEAKHOUSE), 325 LAKE AVENUE SOUTH TO TIMBER LODGE STEAKHOUSE ACQUISITIONS, LLC, (TIMBER LODGE STEAKHOUSE), SAME ADDRESS.

08-0563R - RESOLUTION APPROVING ISSUANCE OF AN ON SALE BED AND BREAKFAST WINE LICENSE TO TIMOTHY A. EDWARDS, (A. CHARLES WEISS INN), 1615 EAST SUPERIOR STREET.

08-0564R - RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO LOY KRATHONG, INC. (SALA THAI RESTAURANT), 4023 WOODLAND AVENUE AND SIAM TASTY, LLC, (BANGKOK ROYAL), 2224 MOUNTAIN SHADOW DRIVE.

08-0565R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO LAKE SUPERIOR BREWING COMPANY, LLC (LAKE SUPERIOR BREWING COMPANY), 2711 WEST SUPERIOR STREET.

08-0566R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSES OF HIPPO DOWN THE STREET, (CARMODY IRISH PUB), 308 EAST SUPERIOR STREET AND HOSPITALITY ASSOCIATES OF DULUTH, (ACES ON FIRST), 113 WEST FIRST STREET.

08-0568R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM LAKE AVENUE CAFÉ, INC. (LAKE AVENUE CAFÉ), 394 LAKE AVENUE SOUTH TO LAKE EFFECT, INC. (LAKE EFFECT), SAME ADDRESS.

BY COUNCILOR GARDNER

(PERSONNEL)

08-0547R - RESOLUTION CONFIRMING THE APPOINTMENT OF ROGER WEDIN TO THE DULUTH AIRPORT AUTHORITY, REPLACING DAVE BOE.

COMMITTEE 3

BY COUNCILOR FOSLE

(PUBLIC WORKS & UTILITIES)

08-0550R - RESOLUTION REQUESTING ADMINISTRATION DIRECT CITY STAFF TO RESEARCH ALL CITY-OWNED AND TAX-FORFEITED PARCELS IN DULUTH FOR POTENTIAL SALE AND SUBSEQUENT DEVELOPMENT.

08-0552R - RESOLUTION AWARDING A CONTRACT TO RJS CONSTRUCTION GROUP, LLC, FOR RECONSTRUCTION OF LIFT STATIONS NO. 2, NO. 29 AND NO. 38 IN THE AMOUNT OF \$424,000.

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

08-0560R - RESOLUTION APPROVING AGREEMENT WITH DAHA FOR LEASE AND USE OF FRYBERGER ARENA.

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)

08-0554R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2009. **(AMENDMENT)**

08-0555R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, SEAWAY PORT AUTHORITY, FOR THE YEAR 2009. **(AMENDMENT)**

NEW 08-0569R - RESOLUTION SETTING A PROPOSED BUDGET FOR THE FISCAL YEAR 2009. **(AMENDMENTS)**

NEW 08-0570R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2009. **(AMENDMENTS)**

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

08-0562R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO LAKESIDE/LESTER PARK BUSINESS ASSOCIATION (LESTER RIVER FESTIVAL), LESTER PARK.

COMMITTEE 2

BY COUNCILOR FEDORA (INTERGOVERNMENTAL RELATIONS)

08-0548R - RESOLUTION ENTERING INTO AN AGREEMENT ACCEPTING \$311,414 FROM SENIOR SERVICE AMERICA, INC., TO OPERATE THE SENIOR AIDES PROGRAM FROM JULY 1, 2008, THROUGH JUNE 30, 2009; PROGRAM FUNDS WILL BE ACCEPTED UPON RECEIPT OF NOTICES OF FUNDS AVAILABLE.

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

08-0521R - RESOLUTION AMENDING RESOLUTION 07-0723 ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2008; SETTING ADDITIONAL FEES FOR USE OF BAYFRONT FESTIVAL PARK.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

08-0540R - RESOLUTION AUTHORIZING AN AGENCY AGREEMENT BETWEEN THE CITY AND MN/DOT FOR FEDERAL PARTICIPATION IN ADVANCE CONSTRUCTION OF THE LAKEWALK EAST EXTENSION PHASE 2, FROM 36TH AVENUE EAST TO 47TH AVENUE EAST.

08-0551R - RESOLUTION AWARDED A CONTRACT TO KALKBRENNER PLUMBING AND HEATING, INC., FOR THE 2008 REHABILITATION OF PRIVATE SEWER SERVICES IN BASINS 25 AND 26 - PHASE V, IN THE AMOUNT OF \$148,800.

NEW 08-0571R - RESOLUTION OF INTENT TO POSTPONE SALE OF THE "MINNEHAHA" STAINED GLASS WINDOW. **(REPLACEMENT)**

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

NEW 08-0575R - RESOLUTION CALLING FOR A BINDING REFERENDUM PERTAINING TO THE SPECIAL PROPERTY TAX LEVY FOR THE HRA FOR 2009.

NEW 08-0576R - RESOLUTION CALLING FOR AN ADVISORY REFERENDUM PERTAINING TO THE SPECIAL PROPERTY TAX LEVY FOR THE HRA FOR 2009.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

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. (TABLED 8/25) **(AMENDMENT)**

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 ordinance is to be read for the first time:

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

08-066-O - AN ORDINANCE CLARIFYING SANITARY SEWER INFLOW AND INFILTRATION REGULATION AND PROVIDING FOR POINT OF SALE INSPECTIONS, AMENDING CHAPTER 43 OF THE CODE.

COMMITTEE 3

BY COUNCILOR CUNEO (PUBLIC SAFETY)

08-067-O - AN ORDINANCE REPEALING ARTICLE V, CHAPTER 6, AND AMENDING SECTIONS 6-3, 6-4, 6-12, 6-27, 6-39, 6-82, 6-84, 6-85, 6-86, 6-87 AND 6-96 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO THE ANIMAL HUMANE BOARD.

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

COUNCILOR QUESTIONS AND COMMENTS
