

**Duluth City Council meeting agendas, resolutions and ordinances may change at any time.
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**Any amendments or revisions to resolutions and ordinances may NOT be available online.
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SEE DISCLAIMER

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, September 22, 2008, 7:00 p.m.
Council Chamber, Third Floor, City Hall
411 West First Street, Duluth, Minnesota

ROLL CALL PLEDGE OF ALLEGIANCE

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]

REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

REPORTS FROM OTHER OFFICERS

- * 08-0922-01 Assessor letters of sufficiency of petitions 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);
 - 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. -- Received
- * 08-0922-02 Clerk application to the Minnesota gambling control board for exemption from lawful gambling license (raffle) from March of Dimes Foundation on October 23, 2008. -- Received

REPORTS OF BOARDS AND COMMISSIONS

- * 08-0922-03 American Indian commission minutes of July 21, 2008, meeting. -- Received
- * 08-0922-04 Entertainment and convention center authority minutes of September 10, 2008, building committee meeting. -- Received

- * 08-0922-05 Planning commission minutes of August 12, 2008, meeting. -- Received
- * 08-0922-06 Spirit Mountain recreation area authority minutes of: (a) June 11; (b) June 30, 2008, meetings. -- Received
- * 08-0922-07 Tree commission minutes of: (a) May 20; (b) June 16; (c) July 15; (d) August 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
- ISD 709 Meeting
- Pet licensing and registration

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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RESOLUTIONS TABLED

COMMITTEE 2

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. (TABLED 9/8)

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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)

08-0578R - RESOLUTION AUTHORIZING PAYMENT OF MEMBERSHIP DUES TO LEAGUE OF MINNESOTA CITIES IN THE AMOUNT OF \$28,289.

08-0587R - RESOLUTION APPROVING A SPIRIT MOUNTAIN RECREATION AREA AUTHORITY LEASE PURCHASE AGREEMENT FOR GROOMERS IN THE APPROXIMATE AMOUNT OF \$435,968.

08-0594R - RESOLUTION ACCEPTING TRANSFER OF MEDICAL DISTRICT PARKING RAMP PROPERTY INTERESTS FROM DEDA.

BY COUNCILOR GARDNER (PERSONNEL)

08-0553R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF REGULATOR MECHANIC.

08-0581R - RESOLUTION CONFIRMING THE APPOINTMENT OF JAMES WRIGHT TO THE ALCOHOL, GAMBLING AND TOBACCO COMMISSION, REPLACING MATTHEW L. MUNGER.

08-0582R - RESOLUTION CONFIRMING THE APPOINTMENT OF RENEE K. VAN NETT TO THE AMERICAN INDIAN COMMISSION, REPLACING JOHN DAY.

08-0583R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF ELIZABETH BENSON JOHNSON AND THE APPOINTMENTS OF JANE BRISSETT AND PETER SPOONER, REPLACING MARY E. LYNCH AND MARY ANNE KORSCH, TO THE LIBRARY BOARD.

08-0584R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF NANCY NORR TO THE DULUTH AIRPORT AUTHORITY.

08-0585R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF JOHN HINZMANN, JR., AND THE APPOINTMENT OF RYAN E. MEARS, REPLACING JOHN MORRISON, TO THE BOARD OF ZONING APPEALS.

08-0586R - RESOLUTION CONFIRMING THE APPOINTMENT OF YVONNE HARVEY TO THE DULUTH TRANSIT AUTHORITY, REPLACING TARI RAYALA.

08-0590R - RESOLUTION CONFIRMING THE APPOINTMENT OF ERIC S. VIKEN TO THE PARKS AND RECREATION COMMISSION, REPLACING DAVID L. HELF.

COMMITTEE 2**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

08-0592R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO VACATE THE NORTHERLY 125 FEET OF ALLEY RIGHT-OF-WAY EAST OF BASSWOOD AVENUE ON THE SOUTH SIDE OF MULBERRY STREET (GREG AND SARA KRAMER).

08-0593R - RESOLUTION REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF ST. LOUIS COUNTY TO WITHHOLD FROM SALE CERTAIN TAX FORFEITED PARCELS (ANNUAL LIST).

08-0597R - RESOLUTION AMENDING RESOLUTION 07-0723, AS AMENDED, ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2008; MODIFYING FEES FOR USE OF BAYFRONT FESTIVAL PARK.

(REPLACEMENT)**BY COUNCILOR FEDORA (INTERGOVERNMENTAL RELATIONS)**

08-0573R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN CONTRACT WITH JOB SERVICE TO PROVIDE DISLOCATED WORKER SERVICES IN AN AMOUNT NOT TO EXCEED \$100,659 FOR THE FEDERAL PROGRAM (FOR THE PERIOD JULY 1, 2008 - JUNE 30, 2009) AND \$166,403 FOR THE STATE PROGRAM (FOR THE PERIOD

JULY 1, 2008 - JUNE 30, 2009).

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

08-0559R - RESOLUTION AUTHORIZING ACCEPTING A GRANT FROM MN/DOT IN THE AMOUNT OF \$634,466 AND APPROVING AN AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY IN THE AMOUNT OF \$174,478 RELATED TO THE PAVING OF THE AIRPORT PERIMETER ROAD.

08-0577R - RESOLUTION AWARDDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR CONSTRUCTION OF PERIMETER ROAD PAVING, PHASE 2, IN THE AMOUNT OF \$793,081.42.

08-0579R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH MORTON INTERNATIONAL, INC., MORTON SALT DIVISION, FOR ROAD SALT AS NEEDED FOR THE 2008 - 2009 YEAR FOR A TOTAL AMOUNT OF \$836,930.25.

08-0591R - RESOLUTION AWARDDING A CONTRACT TO ULLAND BROTHERS, INC., FOR CONSTRUCTION OF WEST FIRST STREET ALLEY GAS MAIN REPLACEMENT FROM SECOND AVENUE WEST TO THIRD AVENUE WEST IN THE AMOUNT OF \$75,825.50.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

08-0588R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH POLYPHASE ELECTRIC COMPANY, DBA MESABA ELECTRICAL GROUP, FOR THE PURCHASE AND INSTALLATION OF A CITYWIDE EARLY WARNING SYSTEM IN THE AMOUNT OF \$494,586.

END OF CONSENT AGENDA

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The following entitled resolution is also for consideration at this meeting:

COMMITTEE 1

BY COUNCILORS GILBERT AND FEDORA

08-0596R - RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH BRIOL & ASSOCIATES, PLLC, AS SPECIAL COUNSEL TO ASSIST THE CITY ATTORNEY IN POTENTIAL LITIGATION RELATED TO THE MAINSAIL II INVESTMENT RECOVERY NOT TO EXCEED \$75,000.

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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. (AMENDED AND RETABLED 9/8)

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. (TABLED 9/8)

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

COMMITTEE 1**BY COUNCILOR GILBERT (FINANCE)**

08-075-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION REVENUE BONDS OF THE CITY OF DULUTH FOR THE IMPROVEMENT OF THE MUNICIPAL GAS UTILITY IN AN AMOUNT NOT TO EXCEED \$750,000 UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF. **[Not available online]**

08-077-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION REVENUE BONDS OF THE CITY OF DULUTH FOR THE IMPROVEMENT OF THE MUNICIPAL WATER UTILITY IN AN AMOUNT NOT TO EXCEED \$3,350,000 UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

08-078-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION REVENUE BONDS OF THE CITY OF DULUTH FOR THE IMPROVEMENT OF THE MUNICIPAL SEWER UTILITY IN AN AMOUNT NOT TO EXCEED \$2,900,000 UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

08-079-O - AN ORDINANCE AMENDING CHAPTER 29A OF THE DULUTH CITY CODE, 1959, AS AMENDED BY ADDING A NEW ARTICLE IV.

(REPLACEMENT)

BY COUNCILOR GARDNER (PERSONNEL)

08-072-O - AN ORDINANCE REPEALING ARTICLE XXI OF CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO THE EQUAL OPPORTUNITY ADVISORY COMMISSION.

08-082-O - AN ORDINANCE AMENDING CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED; ADDING A NEW SECTION 2-68 PROVIDING FOR THE EXPIRATION DATE FOR THE TERMS OF THE MEMBERS OF THE VARIOUS BOARDS AND COMMISSIONS.

(AMENDMENT)

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-068-O - AN ORDINANCE AMENDING SECTIONS 2-154 AND 2-157 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PROVIDING FOR THE NATURAL AREA PROGRAM GUIDELINE DEVELOPMENT PROCESS AND IDENTIFYING THE PROGRAM ADMINISTRATOR.

08-069-O - AN ORDINANCE REPEALING ARTICLE XXX OF CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO THE COMMISSION ON HIGHER EDUCATION.

08-070-O - AN ORDINANCE REPEALING ARTICLE XXVII OF CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO THE DULUTH HOUSING COMMISSION.

08-071-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.

08-074-O - AN ORDINANCE AMENDING SECTION 2-41 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PROVIDING FOR ADDITIONAL POWERS AND DUTIES OF THE PLANNING COMMISSION.

(REPLACEMENT)

08-080-O - AN ORDINANCE AUTHORIZING RECONVEYANCE OF PROPERTY AT BASE OF SPIRIT MOUNTAIN ABOVE GRAND AVENUE BETWEEN 86TH AND 87TH AVENUES WEST TO STATE OF MINNESOTA (S.V. BAYHILL).

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

08-076-O - AN ORDINANCE PROVIDING FOR HEARING OF WATER OR GAS SERVICE DISPUTES BY THE CHIEF ADMINISTRATIVE OFFICER AND ELIMINATING THE WATER AND GAS SERVICE HEARING BOARD, AMENDING SECTION 48-15.3 AND ARTICLE XV OF CHAPTER 48 OF THE CODE.

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

08-081-O - AN ORDINANCE REGULATING GRAFFITI; AMENDING CHAPTER 34 OF THE DULUTH CITY CODE, 1959, AS AMENDED, BY ADDING A NEW SECTION 34-41.

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

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COUNCILOR QUESTIONS AND COMMENTS

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