

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT 2

Monday, October 13, 2008, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - June 19, July 21 and 24, 2008.

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]

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

* 08-1013-01 The following communications regarding the proposed ordinance pertaining to the rental licensing 300 foot rule (08-085-O): (a) Gerald Cleveland; (b) Dave and Ann Flemming; (c) Mary Gallegos; (d) Jim Kearns; (e) Ferdinand Peters; (f) Larry and Jean Turbes; (g) Suzanne Wagness; (h) Lowell and Naomi Weberg; (i) Trent Wickman. -- Received

* 08-1013-02 Mary Vanderwerp communication regarding the proposed ordinances authorizing issuance, sale and delivery of general obligation revenue bonds to fund various city projects (08-075-O, 08-077-O, 08-078-O). -- Received

REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

REPORTS FROM OTHER OFFICERS

* 08-1013-03 Assessor:
(a) Assessment roll for confirmation of delinquent stormwater utility fees during the period of January 1, 2007, and December 31, 2007;

(b) Letter of sufficiency 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

* 08-1013-04 Clerk applications to the Minnesota gambling control board for exemption from lawful gambling license (raffles) from: (a) Amyotrophic Lateral Sclerosis Association, Minnesota Chapter on February 7, 2009; (b) Lake Superior Chapter 33 Muskies, Inc., on February 21, 2009. --Received

* 08-1013-05 Parks and recreation department director minutes of Lake Superior Zoological Society August 20, 2008, meeting. -- Received

* 08-1013-06 Purchasing agent emergency order awarded to Stout Mechanical for repair of the steam vault located at Lake Avenue and First Street for \$31,500. -- Received

REPORTS OF BOARDS AND COMMISSIONS

- * 08-1013-07 Alcohol, gambling and tobacco commission minutes of: (a) August 6; (b) September 3, 2008, meetings. -- Received
- * 08-1013-08 Duluth airport authority balance sheet of July 31, 2008. -- Received
- * 08-1013-09 Duluth/North Shore Sanitary District minutes of August 13, 2008, meeting. -- Received
- * 08-1013-10 Duluth transit authority: (a) Income statement for May, 2008; (b) Minutes of June 25, 2008, meeting. -- Received
- * 08-1013-11 Entertainment and convention center authority minutes of September 25, 2008, meeting. -- Received
- * 08-1013-12 Housing and redevelopment authority minutes of: (a) May 27; (b) June 24, 2008, meetings. -- Received
- * 08-1013-13 Library board minutes of August 26, 2008, meeting. -- Received
- * 08-1013-14 Spirit Mountain recreation area authority minutes of August 21, 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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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)

08-0600R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT STORMWATER UTILITY FEES DURING THE PERIOD OF JANUARY 1, 2007, TO DECEMBER 31, 2007, AS PROVIDED FOR IN ARTICLE XI OF CHAPTER 43 OF THE DULUTH CITY CODE.

08-0602R - RESOLUTION AMENDING RESOLUTION 07-0723 ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2008 ESTABLISHING THE PAWNBROKER TRANSACTION SURCHARGE AND AUTHORIZING A REFUND.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

08-0567R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM MKR, LIMITED (BENNETT'S ON THE LAKE), 600 EAST SUPERIOR STREET, TO ROSE GARDEN ENTERPRISES, LLC (VALENTINI'S VICINO LAGO), 1400 LONDON ROAD.

08-0601R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF DAJER, INC. (LAKE SUPERIOR BOTTLE SHOP), 31 EAST FIRST STREET.

08-0606R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO IRVING COMMUNITY ASSOCIATION, LAKE SUPERIOR STEELHEAD ASSOCIATION AND GLEN AVON HOCKEY ASSOCIATION.

08-0619R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH LIPE BROTHERS CONSTRUCTION FOR WINDOW REPLACEMENT AT FIRE STATIONS NO. 4 AND 7 IN THE AMOUNT OF \$28,139.

08-0620R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH ERLING R. HANSEN, INC. FOR MASONRY AND TILE REPAIRS FOR SHOWER ROOM AT FIRE STATION NO. 1 IN THE AMOUNT OF \$20,800.

08-0621R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH LIPE BROTHERS CONSTRUCTION FOR ROOF REPLACEMENT, WINDOW REPLACEMENT, AND TUCKPOINTING AT FIRE STATION NO. 11 IN THE AMOUNT OF \$42,100.

08-0622R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR FIRST WITNESS CHILD ABUSE RESOURCE CENTER.

BY COUNCILOR GARDNER (PERSONNEL)

08-0616R - RESOLUTION CONFIRMING THE APPOINTMENT OF DAVID SYRING TO THE ENVIRONMENTAL ADVISORY COUNCIL, REPLACING CHARLES E. GESSERT.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0599R - RESOLUTION ACCEPTING REIMBURSEMENT FROM THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR CERTAIN BAYWALK SIGNAGE EXPENSES IN THE AMOUNT OF \$21,296.

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

08-0626R - RESOLUTION AMENDING RESOLUTION 08-0487 APPOINTING ELECTION JUDGES FOR THE NOVEMBER 4, 2008, STATE GENERAL ELECTION.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

08-0580R - RESOLUTION AWARDED A CONTRACT TO KALKBRENNER PLUMBING AND HEATING, INC., FOR THE 2008 REHABILITATION OF PRIVATE SEWER SERVICES IN BASINS 25 AND 26, PHASE VI, IN THE AMOUNT OF \$146,550.

COMMITTEE 3

BY COUNCILOR FOSLE

(PUBLIC WORKS & UTILITIES)

08-0611R - RESOLUTION AUTHORIZING A SECOND AMENDMENT TO CONTRACT C-19554 WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR REPLACEMENT OF BRIDGE NO. L8501 OVER AMITY CREEK ON SEVEN BRIDGES ROAD, TO INCREASE THE AMOUNT BY \$4,119 FOR A NEW TOTAL OF \$95,049.

08-0613R - RESOLUTION AWARDED A CONTRACT TO NELS NELSON AND SONS, INC., FOR 2008 CITYWIDE STORM SEWER REPAIRS IN THE AMOUNT OF \$99,874.99.

08-0625R - RESOLUTION AMENDING RESOLUTION 08-0316 AMENDING A CONTRACT TO AYRES ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES, TO INCREASE THE AMOUNT BY \$35,665 FOR A NEW TOTAL OF \$209,922.

BY COUNCILOR CUNEO

(PUBLIC SAFETY)

08-0604R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH CONSTRUCTION SERVICES, INC., FOR THE DEMOLITION OF THREE STRUCTURES AT VARIOUS CITY LOCATIONS IN THE AMOUNT OF \$37,500.

08-0607R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE FOND DU LAC TRIBAL AND COMMUNITY COLLEGE TO LEASE EQUIPMENT FOR A ONE MONTH PERIOD FOR \$1.00.

08-0608R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ISD 709 TO LEASE VARIOUS PROPERTIES FOR A ONE MONTH PERIOD AT NO COST TO THE CITY.

08-0609R - RESOLUTION AUTHORIZING CITY TO ACT AS A PARTNER TO ST. LOUIS COUNTY AS GRANTEE OF A SAFE AND SOBER PROGRAM GRANT AND TO PERFORM POLICE SERVICES THEREUNDER UP TO \$11,500.

08-0610R - RESOLUTION TO ESTABLISH NO PARKING ON BOTH SIDES OF NICOLLET STREET FROM 63RD AVENUE WEST TO 66TH AVENUE WEST.

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

08-0595R - RESOLUTION AMENDING RESOLUTION 07-0723 ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2008; SETTING FEES FOR USE OF HERITAGE HOCKEY CENTER ICE TIME.

08-0603R - RESOLUTION ACCEPTING \$10,000 FROM THE HARRISON COMMUNITY CLUB TO APPLY TO THE DEDUCTIBLE FOR RECONSTRUCTION OF HARRISON COMMUNITY CENTER.

08-0615R - RESOLUTION AUTHORIZING THE EXECUTION OF A SNOWMOBILE TRAILS ASSISTANCE PROGRAM GRANT AGREEMENT FOR FY2009 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$20,276.

COMMITTEE 3

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

08-0618R - RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR THE FURNISHING OF HOME-DELIVERED MEALS FOR THE PERIOD FROM JANUARY 1, 2008, TO DECEMBER 31, 2008, AT THE REIMBURSEMENT RATE SET FORTH THEREIN.

08-0623R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE A RENTAL AGREEMENT WITH ALCOHOLICS ANONYMOUS.

END OF CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILORS GILBERT, GARDNER AND ANDERSON

NEW 08-0630R - RESOLUTION EXPRESSING THE DULUTH CITY COUNCIL'S INTENT TO SUPPORT THE SALE OF CERTAIN PROPERTY TO COVER THE 2008 OPERATING DEFICIT, NOT TO SUPPORT THE SALE OF CERTAIN OTHER PROPERTY TO REPLENISH THE OPERATING RESERVE FUND, AND TO SUPPORT THE TEMPORARY USE OF COMMUNITY INVESTMENT TRUST FUND MONIES AS RESERVE FOR THE 2008 OPERATING FUND.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0598R - RESOLUTION AUTHORIZING A FOURTH AMENDMENT TO THE FISCAL YEAR 2005 HOME PROGRAM HOUSING DEVELOPMENT PROJECT PURCHASE/REHABILITATION/RESALE FOURTH STREET REVITALIZATION AGREEMENT#19864 WITH NEIGHBORHOOD HOUSING SERVICES, EXTENDING THE TERM AN ADDITIONAL 12 MONTHS.

08-0605R - RESOLUTION AUTHORIZING TRANSFER OF \$18,575 IN HOME FUNDS AND AMENDMENT TO THE 2008 HOME TENANT-BASED RENTAL PROJECT HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH (HRA) AGREEMENT INCREASING THE FUNDING OF THE AGREEMENT BY \$18,575.

BY COUNCILOR FEDORA (INTERGOVERNMENTAL RELATIONS)

NEW 08-0629R - RESOLUTION RESCINDING RESOLUTION NOS. 08-0535 AND 08-0571 RELATING TO THE INTENT TO SELL THE MINNEHAHA STAINED GLASS WINDOW.

BY COUNCILORS FEDORA, KRAUSE AND FOSLE

NEW 08-0627R - RESOLUTION REQUESTING THE CHARTER COMMISSION TO RECOMMEND ADOPTION OF AN AMENDMENT TO CHAPTER VIII, SECTION 54(E) OF THE CITY CHARTER RELATING TO THE COMMUNITY INVESTMENT TRUST FUND. **(REPLACEMENT)**

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

NEW 08-0572R - RESOLUTION AMENDING RESOLUTION 07-0723 ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2008; CREATING A STREET LIGHTING SYSTEM UTILITY FEE OF \$3.50 PER MONTH.

NEW 08-0628R - RESOLUTION ADOPTING AMENDED GUIDELINES FOR THE I&I PROGRAM.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

08-0612R - RESOLUTION AMENDING RESOLUTION 05-0805 BY DELETING "30TH AVENUE WEST" AND INSERTING "21ST AVENUE WEST."

BY COUNCILORS ANDERSON, GARDNER AND STAUBER

08-0574R - RESOLUTION ESTABLISHING RULES FOR OFF-LEASH DOG AREAS.

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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)
(REPLACEMENT)

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. (TABLED 9/22) (AMENDMENTS)

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 FOR 10/13 COMMITTEE MEETING)

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

COMMITTEE 1

BY COUNCILOR GARDNER (PERSONNEL)

08-083-O - AN ORDINANCE AMENDING SECTION 1-2 OF THE DULUTH CITY CODE, 1959, AS AMENDED; ADDING A DEFINITION FOR THE TERM "BUILDING OFFICIAL" AND AMENDING CHAPTER 10 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ADDING A NEW SECTION 10-1.1 PROVIDING FOR A LIMITED DEFINITION OF THE TERM "BUILDING OFFICIAL."

COMMITTEE 2

BY COUNCILOR STAUBER (INTERGOVERNMENTAL RELATIONS)

NEW 08-086-O -ORDINANCE PERTAINING TO ALLOCATION OF INCREASED PILOT FUNDS, AMENDING SECTION 48-28 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

BY COUNCILOR FEDORA

08-085-O - AN ORDINANCE AMENDING SECTION 29A-27, AND REPEALING SECTION 29A-32.1 OF CHAPTER 29A OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO THE RENTAL LICENSING 300 FOOT RULE.

COMMITTEE 3

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

08-084-O - AN ORDINANCE ALIENATING CERTAIN PROPERTY IN THE RAMSEY NEIGHBORHOOD OF DULUTH AND AUTHORIZING SALE AND CONVEYANCE OF SAME TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR \$188,362.

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

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.

COMMITTEE 1

BY COUNCILOR GILBERT

(FINANCE)

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)

COMMITTEE 1

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 REPLACEMENT)

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)

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.

COUNCILOR QUESTIONS AND COMMENTS
