

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, October 27, 2008, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - July 28, 2008.

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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

- * 08-1027-01 Ryan Mears communication regarding proposed ordinance to repeal the rental licensing 300 foot rule (08-085-O). -- Received

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REPORTS FROM OTHER OFFICERS

- * 08-1027-02 Clerk application to the Minnesota gambling control board for exemption from lawful gambling license (raffle) from Rotary Club of Duluth on March 5, 2009 . --Received
- * 08-1027-03 Purchasing agent emergency order awarded to Braun Pump and Controls for Chicago pump for Lift Station No. 6 for \$43,901.43. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 08-1027-04 Charter commission minutes of July 9, 2008, meeting. -- Received
- * 08-1027-05 Duluth/North Shore Sanitary District minutes of September 10, 2008, meeting. -- Received
- * 08-1027-06 Parks and recreation commission minutes of September 10, 2008, meeting. -- Received
- * 08-1027-07 Planning commission minutes of September 9, 2008, meeting. -- Received

* Listed only, not copied.

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REPORTS OF COUNCIL COMMITTEES

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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RESOLUTIONS TABLED

COMMITTEE 3

BY COUNCILOR CUNEO

(PUBLIC SAFETY)

08-0612R - RESOLUTION AMENDING RESOLUTION 05-0805 BY DELETING 30TH AVENUE WEST AND INSERTING 21ST AVENUE WEST. (TABLED 10/13)

COMMITTEE 3

BY COUNCILORS ANDERSON, GARDNER AND STAUBER

08-0574R - RESOLUTION ESTABLISHING RULES FOR OFF-LEASH DOG AREAS.
(TABLED 10/13 FOR PARKS AND RECREATION COMMISSION RECOMMENDATION)

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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)

08-0641R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION STREET IMPROVEMENT REFUNDING BONDS.

08-0642R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION TAX INCREMENT REFUNDING BONDS.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

08-0632R - RESOLUTION APPROVING THE ISSUANCE OF A MINNESOTA CURRENCY EXCHANGE LICENSE TO PAWN AMERICA MINNESOTA, LLC.

BY COUNCILOR GARDNER (PERSONNEL)

08-0633R - RESOLUTION CONFIRMING THE APPOINTMENT OF MICHAEL COWLES TO THE DULUTH LEGACY ENDOWMENT FUND ADVISORY BOARD, REPLACING BRIAN GRAFF.

08-0634R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF RYAN E. MEARS TO THE TECHNICAL DESIGN ADVISORY COMMITTEE FOR THE DWMX-D.

08-0638R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF SARA JUNGE, TERRY MATTSON, FRANCES B. McGEE, KIMBERLY A. McKAY AND BEVERLY STRONGITHARM AND THE APPOINTMENTS OF CHRISSY M. EHLENBACH AND TONY RUBIN, REPLACING BRYAN JENSEN AND DAVID MOBERG, TO THE COMMISSION ON DISABILITIES.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0637R - RESOLUTION VACATING PART OF A UTILITY EASEMENT LOCATED ON 27TH AVENUE EAST (STEVE HAMPTON).

08-0644R - RESOLUTION AUTHORIZING A JOB INCENTIVE PROGRAM AGREEMENT WITH LOY KRATHONG, INC., D/B/A SALA THAI RESTAURANT, IN AN AMOUNT NOT TO EXCEED \$40,000.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0646R - RESOLUTION VACATING VARIOUS STREETS, AVENUES, AND ALLEYWAYS WITHIN THE HARBOR HIGHLANDS TRADITIONAL NEIGHBORHOOD DISTRICT (DULUTH HOUSING AND REDEVELOPMENT AUTHORITY).

08-0647R - RESOLUTION ACCEPTING DONATION OF STREET AND UTILITY EASEMENTS FROM DULUTH HOUSING AND REDEVELOPMENT AUTHORITY RELATED TO THE HARBOR HIGHLANDS TRADITIONAL NEIGHBORHOOD DISTRICT.

08-0651R - RESOLUTION VACATING THE EASEMENT ON HURON STREET BETWEEN 29TH AVENUE WEST AND 31ST AVENUE WEST (CLYDE INDUSTRIAL PARK).

08-0652R - RESOLUTION ISSUING A C-5 PLAN APPROVAL TO CENTRO PROPERTIES GROUP FOR RELOCATION OF DRIVEWAYS AND PEDESTRIAN ACCESS, REDUCTION IN THE NUMBER OF PARKING SPACES AND RECONFIGURATION OF THE PARKING LOT, NEW LANDSCAPING/SCREENING AND RELOCATION OF SIGNS AT BURNING TREE PLAZA.

BY COUNCILOR FEDORA (INTERGOVERNMENTAL RELATIONS)

08-0624R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH ST. LOUIS COUNTY TO PROVIDE SUPPORTED WORK SERVICES TO MFIP PARTICIPANTS FOR THE PERIOD JULY 1, 2008, THROUGH JUNE 30, 2009, IN AN AMOUNT EXPECTED TO BE \$97,228 AND NOT TO EXCEED \$311,684.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

08-0631R - RESOLUTION AMENDING RESOLUTION 91-0013 APPROPRIATING AN ADDITIONAL \$76,780.94 TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION AS THE LOCAL SHARE OF STATE PROJECT 6933-73 T.H. 194=106 (SIXTH AVENUE EAST FROM 300 FEET WEST OF MESABA AVENUE TO SECOND STREET).

08-0643R - RESOLUTION AUTHORIZING EASEMENT AGREEMENT WITH THE NORTHERN SHORES TOWNHOMES, LLC, AND THE DULUTH NORTH SHORE SANITARY DISTRICT ACCEPTING EASEMENTS AND PROVIDING FOR UTILITY OPERATIONS TO PROPERTY AT 8411 CONGDON BOULEVARD.

08-0648R - RESOLUTION AUTHORIZING AGREEMENT WITH THE TARGET CORPORATION FOR RIGHT-OF-WAY USE AND ACCESS TO MALL DRIVE ADJACENT TO THE TARGET STORE.

08-0649R - RESOLUTION AUTHORIZING FIRST AMENDMENTS TO REDEVELOPMENT AGREEMENT WITH ALLETE, INC., FOR DULUTH STEAM DISTRICT NO. 2.

08-0650R - RESOLUTION AUTHORIZING SECOND AMENDMENT TO MANAGEMENT, OPERATION AND MAINTENANCE AGREEMENT WITH ALLETE, INC., FOR DULUTH STEAM DISTRICT NO. 2.

08-0653R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH KTM PAVING, INC., FOR THE CONSTRUCTION OF AIRPORT ROAD PARKING LOT (PHASE II) IN THE AMOUNT OF \$91,797.34.

08-0654R - RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH TENASKA MARKETING VENTURES FOR ASSET MANAGEMENT SERVICES.

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)

08-0639R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS.

08-0640R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION EQUIPMENT CERTIFICATES OF INDEBTEDNESS.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0636R - RESOLUTION DENYING A REQUEST TO AMEND CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 28 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-2, TWO FAMILY RESIDENTIAL, TO C-5, PLANNED COMMERCIAL DEVELOPMENT, PROPERTY LOCATED AT 320 EAST MYRTLE STREET (GORDON AND JUDITH GRANT).

08-0645R - RESOLUTION AUTHORIZING A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM DULUTH LATERAL SEWER LINES AGREEMENT WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH (HRA) IN THE AMOUNT OF \$306,000.

NEW 08-0655R - RESOLUTION AUTHORIZING APPLICATION FOR A SUPPLEMENTAL DEED CONTAMINATION CLEAN-UP GRANT IN THE AMOUNT OF \$348,461 RELATED TO THE CLYDE PARK PROJECT AND COMMITTING LOCAL MATCH SUBJECT TO SUBSEQUENT COUNCIL ACCEPTANCE OF THE GRANT.

(REPLACEMENT)

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

08-0617R - RESOLUTION AWARDED A CONTRACT TO NELS NELSON & SONS, INC., FOR CONSTRUCTION OF THE LAKEWALK EAST EXTENSION, PHASE II, IN THE AMOUNT OF \$608,912.68.

08-0656R - RESOLUTION AMENDING RESOLUTION 07-0723 ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2008; CREATING A POINT OF SALE INSPECTION FEE OF \$200.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 2

BY COUNCILOR STAUBER

08-087-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 28 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-2, TWO FAMILY RESIDENTIAL, TO C-5, PLANNED COMMERCIAL DEVELOPMENT, PROPERTY LOCATED AT 320 EAST MYRTLE STREET (GORDON AND JUDITH GRANT).

08-088-O - AN ORDINANCE AUTHORIZING RECONVEYANCE OF PROPERTY IN LESTER PARK TO THE STATE OF MINNESOTA.

The following entitled ordinances are to be read for the second 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 (PLANNING & ECONOMIC DEVELOPMENT)

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 (INTERGOVERNMENTAL RELATIONS)

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.

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COUNCILOR QUESTIONS AND COMMENTS

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