

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, November 10, 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

- * 08-1110-01 Duluth Teachers Credit Union, et al. (three signatures), petition to vacate the alleyways and relocating the utilities in Blocks 1, 2 and 11, Meyers and Whipples Addition. -- Assessor
- * 08-1110-02 Hurlbut-Zeppa Charitable Trust AR, by Roy J. Christensen, attorney, petition to vacate Lot 44 and the west half of Lot 46, Block 1, Central Division of Duluth. -- Assessor
- * 08-1110-03 Independent School District No. 709 petition to vacate West Fourth Street from North 44th Avenue West to North 45th Avenue West. -- Assessor
- * 08-1110-04 Lakewalk Townhomes, LLC, by William Burns, attorney, petition to vacate all that part lying within the southerly 1,000 feet of the utility easement which is bounded on the west by the northerly extension of the west line of Lot 5, Block E, Endion Division of Duluth and bounded on the east by the southerly extension of the east line of Lot 12, Block 2, said Endion Division of Duluth. -- Assessor

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REPORTS FROM THE ADMINISTRATION

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REPORTS FROM OTHER OFFICERS

- * 08-1110-05 Assessor amended assessment roll for confirmation of the delinquent solid waste collection expenses during the period of March 1, 2007, to June 1, 2008, for which the licensed collector has not been reimbursed (08-0684R). -- Received
- * 08-1110-06 Clerk application to the Minnesota gambling control board for exemption from lawful gambling license (raffle) from Lake Superior Marine Museum Association on November 7, 2009. -- Received
- * 08-1110-07 Parks and recreation department director Lake Superior zoological society (a) Minutes of September 24, 2008, meeting; (b) October 28, 2008, executive report. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 08-1110-08 Community development committee minutes of: (a) June 24; (b) September 23; (c) October 7; (d) October 21, 2008, meetings. -- Received

- * 08-1110-09 Duluth legacy endowment fund advisory board minutes of: (a) July 16; (b) September 23; (c) October 10, 2008, meetings. -- Received
- * 08-1110-10 Duluth transit authority: (a) Income statement for July 2008; (b) Minutes of: (1) August 13; (2) August 27, 2008, meetings. -- Received
- * 08-1110-11 Entertainment and convention center authority minutes of: (a) October 27; (b) October 28, 2008, meetings. -- Received
- * 08-1110-12 Library board minutes of September 23, 2008, meeting. -- Received
- * 08-1110-13 Parking commission minutes of October 14, 2008, meeting. -- Received
- * 08-1110-14 Spirit Mountain recreation area authority minutes of September 18, 2008. -- Received

* Listed only, not copied.

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REPORTS OF COUNCIL COMMITTEES
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REPORTS OF COUNCIL OPEN ISSUES
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OPPORTUNITY FOR CITIZENS TO BE HEARD
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RESOLUTIONS TABLED

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). (TABLED 10/27 FOR CONSIDERATION WITH 08-087-O)

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

08-0656R - RESOLUTION AMENDING RESOLUTION 07-0723 ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2008; CREATING A POINT OF SALE INSPECTION FEE OF \$200. (TABLED 10/27)

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)

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)

08-0684R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL LEVIED TO DEFRAY IN FULL THE EXPENSE OF SOLID WASTE COLLECTION DURING THE PERIOD OF MARCH 1, 2007, TO JUNE 1, 2008, FOR WHICH THE LICENSED COLLECTOR HAS NOT BEEN REIMBURSED AS PROVIDED FOR IN CHAPTER 24 OF THE DULUTH CITY CODE.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

NEW 08-0657R - RESOLUTION DECLARING THE RESULTS OF THE SPECIAL MUNICIPAL ELECTION HELD ON NOVEMBER 4, 2008.

08-0673R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH JOHNSON-WILSON CONSTRUCTORS, INC. FOR MASONRY REPAIRS AND MODERNIZATION AT FIRE STATION #1 IN THE AMOUNT OF \$152,253.

08-0676R - RESOLUTION AUTHORIZING AN AMENDMENT TO THE AMENDED AND RESTATED LEASE AGREEMENT WITH THE CANAL COMPANY.

08-0680R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR LINCOLN PARK BUSINESS GROUP.

08-0682R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE TO THAI MIA, INC. (THAI KRATHONG), 308 SOUTH LAKE AVENUE.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0679R - RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CLARION ASSOCIATES OF COLORADO, LLC, FOR PROFESSIONAL SERVICES RELATING TO THE DEVELOPMENT OF A UNIFIED DEVELOPMENT CODE IN AN AMOUNT NOT TO EXCEED \$260,000.

08-0690R - RESOLUTION ACCEPTING A MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT GRANT IN THE TOTAL AMOUNT OF \$250,000 FOR THE DULUTH AIRPORT NORTH BUSINESS DEVELOPMENT AREA PROJECT AND COMMITTING LOCAL MATCH.

COMMITTEE 2

BY COUNCILOR FEDORA (INTERGOVERNMENTAL RELATIONS)

08-0660R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO AMEND A CONTRACT WITH ST. LOUIS COUNTY TO PROVIDE FOOD SUPPORT AND TRAINING PROGRAM SERVICES FROM OCTOBER 1, 2008, THROUGH SEPTEMBER 30, 2009, AT A TOTAL COST EXPECTED TO BE \$35,305 AND NOT TO EXCEED \$70,610.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

08-0661R - RESOLUTION AUTHORIZING APPLICATION TO THE EPA FOR A \$200,000 BROWNFIELDS CLEANUP GRANT IN CONJUNCTION WITH THE CONSTRUCTION OF THE LAKESIDE INTERCEPTOR SANITARY SEWER OVERFLOW (SSO) BASIN - BASIN NO. 2 (20TH AVENUE EAST AND WATER STREET).

08-0664R - RESOLUTION OF INTENT TO ENTER INTO AN AGREEMENT TO REIMBURSE THE DULUTH TRANSIT AUTHORITY FOR PERFORMING CERTAIN PROFESSIONAL SERVICES FOR THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$50,000. **(REPLACEMENT)**

08-0666R - RESOLUTION AMENDING RESOLUTION 06-0448 INCREASING THE COST FOR DESIGN AND CONSTRUCTION ENGINEERING EXPENSES, ENVIRONMENTAL DOCUMENTATION PREPARATION AND THE PARTICIPATING CONSTRUCTION COST SHARE FOR THE RECONSTRUCTION OF AIRPORT ROAD TO THE CITY OF DULUTH TO \$263,778.04.

08-0667R - RESOLUTION AMENDING RESOLUTION 06-0134 AND CITY CONTRACT C-20060 WITH MSA PROFESSIONAL SERVICES, INC., FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE WATER, WASTEWATER, AND GAS UTILITY SCADA SYSTEM, TO INCREASE THE AMOUNT BY \$44,392.59, FOR A NEW TOTAL OF \$103,222.59.

08-0670R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH BOBCAT OF DULUTH FOR THE PURCHASE AND DELIVERY OF A BOBCAT 5600 TURBO TOOLCAT WITH OPTIONS IN THE AMOUNT OF \$50,416.64.

08-0675R - RESOLUTION AWARDED A CONTRACT TO LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR 2009 MACFARLANE ROAD BRIDGE DESIGN IN AN AMOUNT NOT TO EXCEED \$17,915.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

08-0658R - RESOLUTION APPROVING AGREEMENT WITH STATE FIRE MARSHAL TO INSPECT PUBLIC SCHOOLS.

08-0662R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE A JOINT POWERS AGREEMENT CREATING THE NORTHEAST MINNESOTA REGIONAL RADIO BOARD.

08-0669R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH CAR TRUCK CITY FOR THE PURCHASE OF TWO 2009 CHEVROLET IMPALAS FOR USE AS POLICE PATROL VEHICLES IN THE AMOUNT OF \$41,368.00.

COMMITTEE 3

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

08-0659R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE PARK POINT COMMUNITY CLUB FOR THE IMPROVEMENT OF THE 12TH STREET BEACH IN AN AMOUNT NOT TO EXCEED \$10,000.

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 08-0697R - RESOLUTION APPROVING AN AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF DULUTH AND THE CITY OF DULUTH SUPERVISORY ASSOCIATION FOR YEARS 2007-2009.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

08-0672R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH DONALD HOLM CONSTRUCTION, INC. FOR INTERIOR REMODELING AND REPAIR OF LIVING QUARTERS AT FIRE STATION #10 IN THE AMOUNT OF \$151,946.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0663R - RESOLUTION ACCEPTING TRANSFER OF FUNDS FROM DEDA AND AUTHORIZING AMENDED AND RESTATED AGREEMENT WITH GREYSOLON APARTMENTS LIMITED PARTNERSHIP FOR THE SKYWALK FROM THE FIRST STREET MEDICAL DISTRICT PARKING RAMP TO THE GREYSOLON APARTMENTS.

08-0689R - RESOLUTION INCLUDING CHANGES TO CHARITABLE GAMBLING LAWS IN MINNESOTA TO THE LEGISLATIVE AGENDA FOR 2009.

BY COUNCILOR FEDORA (INTERGOVERNMENTAL RELATIONS)

08-0688R - RESOLUTION INCLUDING CHANGES TO THE MINNESOTA LIQUOR LAWS TO THE CITY'S LEGISLATIVE AGENDA FOR 2009.

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

08-0685R - RESOLUTION SETTING LEGISLATIVE PRIORITIES FOR THE 2009 LEGISLATIVE SESSION.
(REPLACEMENT)

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

08-0671R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH ASPHALT ZIPPER, INC. FOR THE PURCHASE AND DELIVERY OF A ASPHALT RECLAIMING/TRENCHING MACHINE IN THE AMOUNT OF \$116,372.55.

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

08-0665R - RESOLUTION ACCEPTING \$10,000 FROM THE HARRISON COMMUNITY CLUB TO APPLY TO DEDUCTIBLE FOR THE RECONSTRUCTION OF HARRISON COMMUNITY CENTER.

BY COUNCILORS ANDERSON AND GARDNER

08-0677R - RESOLUTION OF INTENT TO CAUSE A GIFT TO BE MADE TO THE ST. LOUIS COUNTY HISTORICAL SOCIETY OF THE MINNEHAHA AND DANIEL GREYSOLON SIEUR DULHUT WINDOWS ON CERTAIN CONDITIONS. **(REPLACEMENT)**

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-086-O - AN ORDINANCE PERTAINING TO ALLOCATION OF INCREASED PILOT FUNDS, AMENDING SECTION 48-28 OF THE DULUTH CITY CODE, 1959, AS AMENDED. (AMENDED AND TABLED 10/27)

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

COMMITTEE 1

BY COUNCILOR GILBERT (FINANCE)

08-090-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 \$1,500,000 UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

08-091-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 \$220,000 UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

NEW 08-092-O - AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTIES ON PARK POINT TO DANIEL AND AMANDA THRALOW FOR \$762,000 AND TO ELWA, LLC, FOR \$471,000.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

08-089-O - AN ORDINANCE PERTAINING TO PAWNBROKERS AND METAL DEALERS; AMENDING SECTION 36-2 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

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

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

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.

COUNCILOR QUESTIONS AND COMMENTS
