

# AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, November 24, 2008, 7:00 p.m.

## ROLL CALL

## PLEDGE OF ALLEGIANCE

**PUBLIC HEARING** - 7:00 p.m. - Proposed DEDA enabling resolution amendment (08-0686R).

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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

\* 08-1124-01 The following communications regarding proposed sale of certain properties on Park Point (08-092-O): (a) Kristin Blakeslee Jarocki; (b) Ben Sosniecki. -- Received

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## REPORTS FROM OTHER OFFICERS

\* 08-1124-02 Assessor letters of sufficiency of petitions to vacate:  
(a) 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, Endion Division of Duluth;  
(b) Alleyways and relocating the utilities in Blocks 1, 2 and 11, Meyers and Whipples Addition to Duluth;  
(c) Lot 44 and the west half of Lot 46, Block 1, Central Division of Duluth (222 East Superior Street);  
(d) West Fourth Street from North 44th Avenue West to North 45th Avenue West. -- Received

\* 08-1124-03 Clerk application to the Minnesota gambling control board for exemption from lawful gambling license (raffle) from Animal Allies Humane Society on March 27, 2009. -- Received

\* 08-1124-04 Purchasing agent emergency purchase order awarded to Ulland Brothers for gas main replacement in East Third Street between Fifth and Sixth avenues East in the approximate amount of \$29,500. -- Received

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## REPORTS OF BOARDS AND COMMISSIONS

\* 08-1124-05 Board of zoning appeals minutes of August 26, 2008, meeting. -- Received

\* 08-1124-06 Parks and recreation commission minutes of October 8, 2008, meeting. -- Received

\* 08-1124-07 Planning commission minutes of October 14, 2008, meeting. -- Received

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\* 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 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 FOR INSPECTIONS WHERE A SUMP PUMP IS REQUIRED AND \$100 WHERE A SUMP PUMP IS ALREADY IN PLACE OR IS NOT OTHERWISE REQUIRED. (REPLACEMENT) (TABLED 10/27)

**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 KRAUSE (PURCHASING & LICENSING)**

08-0710R - RESOLUTION APPROVING THE ISSUANCE OF A MINNESOTA CURRENCY EXCHANGE LICENSE TO THE TITLE LOAN COMPANY, INC.

08-0713R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY, DANCING LICENSE AND 2:00 A.M. BEVERAGE LICENSE TO CLUB FRICTION, LLC (SCORE SPORTS BAR & GRILL), 21 NORTH FOURTH AVENUE WEST.

08-0714R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO THE COLLEGE OF ST. SCHOLASTICA, 1200 KENWOOD AVENUE.

**BY COUNCILOR GARDNER (PERSONNEL)**

08-0687R - RESOLUTION ELECTING MEMBERS TO THE BOARD OF MANAGERS OF THE DULUTH/NORTH SHORE SANITARY DISTRICT PURSUANT TO MINNESOTA STATUTES, SECTION 115.23, SUBDIVISION 7.

08-0711R - RESOLUTION CONFIRMING THE APPOINTMENT OF CLARA BORRELL TO THE COMMISSION ON DISABILITIES, REPLACING VIOLET WOODS.

**COMMITTEE 2**

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

08-0701R - RESOLUTION AUTHORIZING THIRD AMENDMENT TO SKYWALK AGREEMENT WITH MP&L, A DIVISION OF ALLETE CORPORATION, PERTAINING TO THE MACDONALD BUILDING.

08-0702R - RESOLUTION AUTHORIZING SKYWALK AGREEMENT WITH MP&L, A DIVISION OF ALLETE CORPORATION, PERTAINING TO THE FUR STORAGE BUILDING PROPERTY.

08-0703R - RESOLUTION AUTHORIZING SKYWALK AGREEMENT WITH VON ROCK, LLC, PERTAINING TO THE 9 WEST SUPERIOR STREET BUILDING PROPERTY.

08-0705R - RESOLUTION AUTHORIZING SKYWALK AGREEMENT WITH POOBAH OF MINNESOTA, LLC, PERTAINING TO THE 5-7 WEST SUPERIOR STREET BUILDING PROPERTY.

08-0706R - RESOLUTION AUTHORIZING SKYWALK AGREEMENT WITH POOBAH OF MINNESOTA, LLC, PERTAINING TO THE 3 WEST SUPERIOR STREET BUILDING PROPERTY.

08-0707R - RESOLUTION AUTHORIZING SKYWALK AGREEMENT WITH VON ROCK, LLC, PERTAINING TO THE 1 WEST SUPERIOR STREET BUILDING PROPERTY.

08-0715R - RESOLUTION AUTHORIZING SKYWALK AGREEMENT WITH BRUCE AND RUTH DARLING PERTAINING TO THE WIRTH BUILDING PROPERTY.

08-0720R - RESOLUTION VACATING OF PART OF ONEIDA STREET, TIOGA STREET, 63RD AVENUE EAST AND PART OF ONEIDA STREET ALLEY (A&L PROPERTIES).

**BY COUNCILOR FEDORA (INTERGOVERNMENTAL RELATIONS)**

08-0718R - RESOLUTION APPROVING DSPA'S APPLICATION TO DEED FOR A CONTAMINATION CLEANUP DEVELOPMENT GRANT FOR THE USX DULUTH WORKS SITE.

08-0721R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE SALVATION ARMY RELATING TO DISTRIBUTION OF EMERGENCY ENERGY ASSISTANCE FUNDS IN THE AMOUNT OF \$16,086.

**BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)**

08-0712R - RESOLUTION APPROVING AGREEMENT WITH FRYBERGER, BUCHANAN, SMITH AND FREDERICK, P.A., FOR LEGISLATIVE SERVICES NOT TO EXCEED \$44,940.

**COMMITTEE 3**

**BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)**

08-0683R - RESOLUTION REVISING THE LIST OF HIGH PRIORITY BRIDGES IN THE CITY OF DULUTH.

08-0691R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF PAUL AND PEG PODEMSKI IN THE AMOUNT \$12,461.63.

**COMMITTEE 3**

**BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)**

08-0696R - RESOLUTION AUTHORIZING AN AGREEMENT WITH MSA PROFESSIONAL SERVICES, INC., TO PROVIDE ENGINEERING SERVICES FOR DESIGN AND CONSTRUCTION OF LAKESIDE INTERCEPTOR SANITARY SEWER OVERFLOW STORAGE FACILITY - BASIN #2.

08-0699R - RESOLUTION AMENDING RESOLUTION 08-0188 AND CITY CONTRACT C-20612 WITH SEH, INC., FOR PROFESSIONAL ENGINEERING SERVICES FOR 2008 WATERMAIN REPLACEMENTS TO INCREASE THE AMOUNT BY \$5,043.50 FOR A NEW TOTAL OF \$35,643.50.

**NEW** 08-0724R - RESOLUTION AUTHORIZING RELEASE AND SETTLEMENT AGREEMENT WITH TRINITY DEVELOPMENT GROUP, LLC, AND GREAT AMERICAN INSURANCE COMPANY PERTAINING TO THE COFFEE CREEK DEVELOPMENT.

**BY COUNCILOR CUNEO (PUBLIC SAFETY)**

08-0692R - RESOLUTION TO ESTABLISH NO PARKING ON BOTH SIDES OF 7-1/2 AVENUE WEST FROM THIRD STREET TO THE ALLEY SOUTH OF THIRD STREET.

08-0704R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH DENNY HECKER'S AUTOMALL FOR THE PURCHASE AND DELIVERY OF TWO 2009 DODGE CHARGERS FOR THE USE AS POLICE PATROL VEHICLES IN THE AMOUNT OF \$42,420.10.

08-0709R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH BURNSVILLE AUTOMOTIVE, INC., DBA BURNSVILLE TOYOTA, FOR THE PURCHASE OF FOUR 2009 TOYOTA COROLLA SEDANS IN THE AMOUNT OF \$74,027.60.

**BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)**

08-0716R - RESOLUTION OF INTENT BETWEEN THE CITY OF DULUTH AND INDEPENDENT SCHOOL DISTRICT #709 RELATING TO THE ESTABLISHMENT AND OPERATION OF JOINTLY USED FACILITIES AND SERVICES FOR THE CITIZENS OF DULUTH.

**END OF CONSENT AGENDA**

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

**COMMITTEE 2**

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

08-0686R - RESOLUTION AMENDING RESOLUTION 89-0323 ESTABLISHING THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY, SAID AMENDMENT RELATED TO THE EXECUTIVE DIRECTOR AND OTHER DEDA PERSONNEL.

**BY COUNCILORS CUNEO AND GARDNER**

**NEW** 08-0729R - RESOLUTION AMENDING RESOLUTION 08-0457 BY DELETING PARCEL B THEREFROM.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

The following entitled ordinance is to be read for the first time:

**COMMITTEE 3**

**BY COUNCILOR CUNEO (PUBLIC SAFETY)**

08-093-O - AN ORDINANCE AMENDING SECTIONS 40-4 AND 40-6 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO LOST, STOLEN OR ABANDONED PROPERTY.

The following entitled ordinances are to be read for the second 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)**

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.

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**COUNCILOR QUESTIONS AND COMMENTS**

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