

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, December 15, 2008, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - 7:00 p.m. - 2009 Alcoholic beverage license fees (08-0742R).

7:00 p.m. - DEDA reorganization (08-0757R).

7:00 p.m. - Northstar Aerospace MIF job creation compliance date extension (08-0766R).

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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

* 08-1215-01 Duluth Lakewalk Office Phase II, LLC, by Mark D. Pilon, attorney, petition to reclassify Lots 14-17, Block 1, Grant Park Division of Duluth (2900 Piedmont Avenue), from R-1-b to C-1. -- Assessor

* 08-1215-02 Mission Development, LLC/Arrowhead Commercial Partners, LLC, et al. (seven signatures), by William M. Burns, attorney, petition to reclassify from R-1 to C-5 property north and east of Sundby Road at 2115 Miller Trunk Highway. -- Assessor

* 08-1215-03 Thomas T. Swanson, et al. (26 signatures), petition to reclassify from M-1 to R-3, property described as follows: Beginning at the point of intersection of the centerline of the alley running east-west between West Superior Street and West First Street, with the east line of North 25th Avenue West; then go north along the east line of North 25th Avenue West to the south line of West First Street; then go east along the south line of West First Street to the west line of North 24th Avenue West; then go south along the west line of North 24th Avenue West to the centerline of said alley; then west along the centerline of said alley to North 25th Avenue West and the point of beginning. -- Assessor

* 08-1215-04 Minnesota state auditor audit report for Spirit Mountain recreation area authority for the years ended April 30, 2008 and 2007. -- Received

* 08-1215-05 AFSCME, Minnesota Council 5, Duluth office, communication regarding negotiations related to Lake Superior Zoo operations (08-0764R). -- Received

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REPORTS FROM OTHER OFFICERS

* 08-1215-06 Assessor assessment rolls levied to defray the assessable portions of:
(a) Contract No. 5399, eight inch watermain in Ethel Avenue from Springvale Road to 365 feet northerly (assessable amount: \$101,455);
(b) Contract No. 5419, eight inch watermain in Osage Avenue from Page Street to 410 feet north of centerline (assessable amount: \$58,721.47). -- Received

* 08-1215-07 Clerk applications to the Minnesota gambling control board for exemption from lawful gambling licenses (raffles) from: (a) Rotary Club of Duluth Harbortown, MN, USA on May 6, 2009; (b) St. James School on May 15, 2009. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

- * 08-1215-08 Duluth airport authority: (a) Balance sheet of September 30; (b) Minutes of October 21, 2008, meeting. -- Received
- * 08-1215-09 Duluth transit authority: (a) Income statement for August 2008; (b) Minutes of September 24, 2008, meeting. -- Received
- * 08-1215-10 Entertainment and convention center authority minutes of November 25, 2008, meeting. -- Received
- * 08-1215-11 Housing and redevelopment authority minutes of July 29, 2008, meeting. -- Received
- * 08-1215-12 Tree commission minutes of: (a) September 14; (b) October 21, 2008, meetings. -- Received
- * 08-1215-13 Western Lake Superior Sanitary District budget for 2009. -- Received

* Listed only, not copied.

REPORTS OF COUNCIL COMMITTEES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

08-0732R - RESOLUTION ESTABLISHING WATER RATES EFFECTIVE WITH METER READINGS AFTER FEBRUARY 1, 2009; RESCINDING ALL PRIOR INCONSISTENT OR CONFLICTING RESOLUTIONS WITH RESPECT TO SUCH RATES. (TABLED 12/1)

08-0733R - RESOLUTION ESTABLISHING THE CUSTOMER CHARGE AND USER CHARGES FOR THE CITY'S WASTEWATER FACILITIES EFFECTIVE WITH METER READINGS AFTER FEBRUARY 1, 2009; RESCINDING ALL PRIOR INCONSISTENT OR CONFLICTING RESOLUTIONS WITH RESPECT TO SUCH RATES. (TABLED 12/1)

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)

08-0744R - RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN AND CALLING FOR PUBLIC HEARING ON INTENTION TO ISSUE IMPROVEMENT BONDS AND REALLOCATION OF BOND PROCEEDS UNDER MINNESOTA STATUTES, SECTION 475.521.

COMMITTEE 1

BY COUNCILOR GILBERT (FINANCE)

08-0759R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE WATERMAIN IN ETHEL AVENUE FROM SPRINGVALE ROAD TO 365 FEET NORTHERLY.

08-0760R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE WATERMAIN IN OSAGE AVENUE FROM PAGE STREET TO 410 FEET NORTH OF CENTERLINE.

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

08-0734R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF JUST TAKE ACTION (FITGER'S BREWHOUSE/RED STAR LOUNGE), 600 EAST SUPERIOR STREET.

08-0735R - RESOLUTION IN THE MATTER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF LAST CHANCE OF DULUTH, INC. (LAST CHANCE LIQUOR), 619 EAST FOURTH STREET.

08-0736R - RESOLUTION IN THE MATTER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF DA FITZPATRICK (LAKE AIRE BOTTLE SHOPPE), 2530 LONDON ROAD.

08-0738R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO IRVING COMMUNITY ASSOCIATION.

08-0743R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM DWAYNE & KIMBERLY, INC. (KOM ON INN), 332 NORTH 57TH AVENUE WEST TO JMMP ENTERPRISES, LLC (KOM ON INN), SAME ADDRESS.

08-0758R - 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)

08-0747R - RESOLUTION ABOLISHING TWO OBSOLETE AND INACTIVE JOB CLASSIFICATIONS.

08-0750R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF SOLID WASTE COMPLIANCE OFFICER.

08-0761R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF MANAGER, LIBRARY SERVICES, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0740R - RESOLUTION TERMINATING MCQUADE PUBLIC ACCESS JOINT POWERS AGREEMENT.

08-0741R - RESOLUTION OF INTENT TO AUTHORIZE PURCHASE OF CERTAIN TAX FORFEITED PROPERTY ADJACENT TO LESTER PARK GOLF COURSE FROM THE STATE OF MINNESOTA THROUGH ST. LOUIS COUNTY.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0765R - RESOLUTION REMOVING CERTAIN PROPERTIES FROM TAX INCREMENT FINANCING DISTRICT NO. 2 AND INCLUDING THEM IN TAX INCREMENT FINANCING DISTRICT NO. 22.

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

08-0753R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH VISIT DULUTH TO PROVIDE ADVERTISING AND PROMOTION SERVICES TO THE CITY OF DULUTH FOR THE YEARS 2009-2011 AT A COST TO THE CITY TO BE DETERMINED ANNUALLY.

NEW 08-0773R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

08-0748R - RESOLUTION AMENDING RESOLUTION 06-0478 AMENDING A CONTRACT TO SHORT ELLIOT HENDRICKSON, INC., FOR PROFESSIONAL SERVICES, TO INCREASE THE AMOUNT BY \$32,000 FOR A NEW TOTAL OF \$69,208.

08-0751R - RESOLUTION AUTHORIZING ACCEPTING A GRANT IN THE AMOUNT OF \$50,000 AND AN AGENCY AGREEMENT BETWEEN THE CITY AND MN/DOT FOR FEDERAL PARTICIPATION IN PRELIMINARY ENGINEERING FOR DULUTH PUBLIC SCHOOL DISTRICT ISD 709 SAFE ROUTES TO SCHOOL EDUCATION, ENCOURAGEMENT AND ENFORCEMENT PROGRAM.

08-0752R - RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$5,000 AND AN AGENCY AGREEMENT BETWEEN THE CITY AND MN/DOT FOR FEDERAL PARTICIPATION IN PRELIMINARY ENGINEERING FOR LINCOLN PARK SAFE ROUTES TO SCHOOL EDUCATION, ENCOURAGEMENT AND ENFORCEMENT PROGRAM.

08-0762R - RESOLUTION AUTHORIZING 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.

08-0763R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH SERVICE ELECTRIC OF SUPERIOR, INC., FOR THE HOOKUP OF A 400 KW EMERGENCY GENERATOR AT THE DULUTH STEAM DISTRICT ONE PLANT IN THE AMOUNT OF \$40,853.20.

08-0769R - RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH DULUTH SEAWAY PORT AUTHORITY TO DISPOSE OF SNOW ON DULUTH SEAWAY PORT AUTHORITY PROPERTY.

BY COUNCILOR CUNEO (PUBLIC SAFETY)

08-0739R - RESOLUTION ESTABLISHING A ONE STALL ACCESSIBLE PARKING ZONE AT 519 NORTH FOURTH AVENUE EAST.

08-0767R - RESOLUTION APPROVING AGREEMENT WITH ST. LOUIS COUNTY TO SHARE COSTS OF A PUBLIC SAFETY GRANT COORDINATOR.

COMMITTEE 3

BY COUNCILOR CUNEO (PUBLIC SAFETY)

08-0768R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ISD NO. 709 TO PROVIDE LAW ENFORCEMENT OFFICERS IN THE PUBLIC SCHOOLS.

08-0770R - RESOLUTION AUTHORIZING LEASE AGREEMENTS WITH LAKE SUPERIOR COLLEGE FOR POLICE FIREARMS TRAINING RANGE AND PARKING LOT PROPERTIES.

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

08-0754R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH COMMUNITY GARDEN PROGRAM, DBA PLANT-A-LOT COMMUNITY GARDEN PROGRAM.

08-0755R - RESOLUTION AUTHORIZING A CONCESSION AGREEMENT FOR OPERATION OF CHESTER BOWL CHALET WITH THE CHESTER BOWL IMPROVEMENT CLUB IN THE AMOUNT OF \$20,000.

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)

08-0742R - RESOLUTION ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2009. **(AMENDMENT)**

08-0745R - RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, STATING THE INTENT TO ISSUE GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2009, AND APPROVING THE CAPITAL EQUIPMENT LIST ASSOCIATED WITH THE NOTES IN THE APPROXIMATE AMOUNT OF \$2,775,000.

08-0756R - RESOLUTION DISTRIBUTING THE ESTIMATED 2009 TOURISM TAXES OF HOTEL-MOTEL AND FOOD AND BEVERAGE. **(AMENDMENT)**

BY COUNCILOR GARDNER (PERSONNEL)

08-0749R - RESOLUTION APPOINTING _____ TO THE SEAWAY PORT AUTHORITY OF DULUTH.

NEW 08-0775R - RESOLUTION ESTABLISHING A PROCEDURE FOR SELECTING A CANDIDATE TO FILL THE PROSPECTIVE VACANCY OF THE AT LARGE COUNCIL SEAT OF ROGER REINERT. **(REPLACEMENT) (AMENDMENTS)**

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0757R - RESOLUTION AMENDING RESOLUTION 89-0323 ESTABLISHING THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY, SAID AMENDMENT RELATED TO THE EXECUTIVE DIRECTOR AND OTHER DEDA PERSONNEL.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-0766R - RESOLUTION AMENDING THE MINNESOTA INVESTMENT FUND (MIF) AGREEMENT WITH THE STATE OF MINNESOTA AND AUTHORIZING AN AMENDMENT TO THE LOAN AGREEMENT AND A PROMISSORY NOTE MODIFICATION AGREEMENT WITH NORTHSTAR MACHINE & TOOL, INC., D.B.A. NORTHSTAR AEROSPACE, INCREASING THE TIME FOR JOB CREATION AND ALLOWING INTEREST-ONLY PAYMENTS FOR A SIX MONTH PERIOD.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

NEW 08-0774R - RESOLUTION ESTABLISHING WATER RATES EFFECTIVE WITH METER READINGS AFTER FEBRUARY 1, 2009; RESCINDING ALL PRIOR INCONSISTENT OR CONFLICTING RESOLUTIONS WITH RESPECT TO SUCH RATES.

BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)

08-0764R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH ARROWHEAD ZOOLOGICAL SOCIETY, INC.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 2

BY COUNCILOR FEDORA (INTERGOVERNMENTAL RELATIONS)

08-100-O - AN ORDINANCE PERTAINING TO BONDING LIMITATIONS, AMENDING CHAPTER 20 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO ADD A NEW ARTICLE III.

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

COMMITTEE 1

BY COUNCILOR GILBERT (FINANCE)

08-094-O - AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2009.

08-095-O - AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH SEAWAY PORT AUTHORITY, FOR THE YEAR 2009. (REPLACEMENT)

08-097-O - AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2009.

08-098-O - AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2009 APPROPRIATION MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES. (AMENDMENT)

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

08-096-O - AN ORDINANCE AMENDING SECTION 43-33.4 OF THE DULUTH CITY CODE, 1959, AS AMENDED,
PERTAINING TO POINT OF SALE INSPECTIONS. **(AMENDMENT)**

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COUNCILOR QUESTIONS AND COMMENTS

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