

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
September 1, 2009**

The Regular Meeting of the Common Council was called to order by Mayor Dave Ross at 6:30 p.m. in the Government Center, Board Room 201.

ROLL CALL

Council Members Present: Dan Olson, Tom Bridge, Warren Bender, Ed Anderson, Chuck Hendry, Bob Finsland, Mike Herrick, Mick MacKenzie, Esther Dalbec – 9

Council Member Excused: Greg Mertzig - 1

Also Present: Mayor Ross, City Attorney Prell, City Clerk Kalan

There being a quorum present, meeting was in order, and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES

MOTION by Councilor Bender, seconded by Dalbec and carried, to approve the minutes of the August 18, 2009 Regular Council meeting.

2ND ORDER

CONSENT AGENDA

MOTION by Councilor Finsland, seconded Dalbec and carried, to separate item #18.3 and approve the remainder of the Consent Agenda.

COMMUNICATIONS AND REPORTS RECEIVED AND FILED:

State of Wisconsin

1. Department of Administration:
 - a) Preliminary estimate of January 1, 2009 population, 27,100; and
 - b) Advising money for Retro-Fitting of Municipal Buildings available through the Energy Efficiency & Conservation Block Grant (EECBG).

2. Office of the Commissioner of Railroads Findings of Fact and Order regarding railroad crossings:
 - a) N. 28th, Belknap; and N. 12th Streets; and
 - b) Stinson Avenue aka 24th Avenue East.

3. Public Service Commission advising Northern States Power Company has requested approval to construct a Biomass Gasifier at Bay Front Power Plant in Ashland, Wisconsin.

Douglas County

4. Historical Society July 20, 2009 meeting minutes.

City of Superior

5. Deer Committee July 23, 2009 meeting minutes.
6. Liability Claims Committee July 16, 2009 meeting minutes.
7. Police & Fire Commission June 10, 2009 meeting minutes.
8. Urban Forestry Tree Board August 20, 2009 meeting minutes.

Miscellaneous Communications and Reports

9. Duluth Transit Authority Board of Directors May 27, 2009 meeting minutes.

MATTERS REFERRED TO:

Liability Claims Committee

10. Claim #09-23 Richard McNutt
11. Claim #09-24 Erik VanOvermeiren
12. Claim #09-25 Richard Hoffman
13. Claim #09-26 Tom Quick

Public Works Committee

14. Petition signed by 17 residents of 320 24th Ave. East, “disturbed by the intensity of the horn blasted at each crossing by the BNSF trains along the railroad corridor extending along the water front between 1st and 2nd Streets and 24th and 26th Avenues East...”

6th Order – Resolutions

15. Assistant Public Works Director Goetzman submitting preliminary resolution setting a public hearing to blacktop certain alleys in 2010.
16. Community Development Manager Gralewski submitting a resolution setting a public hearing to October 6, 2009 to amend the 2006 & 2009 Community Development Block Grant (CDBG) to reallocate funds.

STANDING COMMITTEE REPORTS APPROVED:

17. Committee of the Whole, August 18, 2009

1. To sell property known as 3717 E. 1st St. for minimum bid of \$1,000. (LS 09-01)

18. Finance Committee, August 13, 2009

1. Receive & file 2008 Audit Report
3. Approve Kevin Peterson’s request for sewage credit in the amount of \$262.88.
4. Table Internal Auditor Activity summary until September 10th meeting.
5. Receive & File additional Free Drop off days at the City Landfill.
6. Hold in Committee the Animal Shelter Building review.
7. Receive and file July All checks register.
8. Receive and file July 2009 Financial Statements.

Item 18.3

Kevin Peterson, 2016 Hill Avenue, spoke in favor of the sewage credit.

Councilor Bridge stated the sewer credit policy is under review, and requested this matter be held in committee until a policy is established.

Finance Director Vito requested the matter be referred back to the Finance Committee. She felt it was appropriately denied at the first level and is afraid others may come forward requesting credits who were previously denied if this credit is approved.

MOTION by Councilor Bridge, seconded by Dalbec to hold in committee until a policy is established, failed by roll call vote:

AYE – Bridge, Anderson, Hendry, Finsland, Dalbec – 5

NO – Olson, Bender, Herrick, MacKenzie – 4

MOTION by Councilor Dalbec, seconded by Bridge to deny the sewer credit, failed by roll call vote:

AYE – Bridge, Anderson, Hendry, Finsland, Dalbec – 5

NO – Olson, Bender, Herrick, MacKenzie – 4

MOTION by Councilor Finsland, seconded by Bridge to refer to the Finance Committee failed by roll call vote:

AYE – Bridge, Anderson, Hendry, Finsland, Dalbec – 5

NO – Olson, Bender, Herrick, MacKenzie – 4

MOTION by Councilor Anderson, seconded by Bridge to table to the next Council meeting (September 15th) carried by roll call vote:

AYE – Olson, Bridge, Anderson, Hendry, Finsland, Herrick, Dalbec - 7

NO – Bender, MacKenzie - 2

19. Human Resources Committee, August 17, 2009

6. Receive and file July 2009 monthly personnel report.

20. License & Fees Committee, August 17, 2009

1. Outdoor Alcohol service area regulations held in committee.

21. Public Safety Committee, May 13, 2009

1. Nominate Councilor MacKenzie as Chair and Councilor Dalbec as Vice Chair.

2. Hold review of the Animal Ordinance in Committee.

3. Hold the Woodland Way playground site in Committee.

22. Public Safety Committee August 12, 2009

1. Approve the Volunteer Service Agreement with Dr. Les Tekler.

23. Public Works Committee, August 19, 2009

1. Hold in Committee Traffic Calming Policy.
2. Hold in Committee Hendry's request for "Slow – Children Playing" sign between N. 12 & 13th & Clough and Weeks Avenues.
3. Remove Yield signs and install Stop signs on N. 29th St. at Hughitt, John, and Ogden Avenues.
4. Place School zone sign vicinity of N. 25th and Cumming Avenue.
5. Remove Stop signs at N. 6th on Fisher and Clough Avenues.
6. Hold in Committee for further review, Dalbec's request for right turn only on the south side of Broadway Street at Hammond Avenue intersection.
7. Deny MacKenzie's request for "Slow – Children Playing" sign and/or 5 mph signage in alley behind Fellows Street between Logan and Garfield Avenues.
8. Approve Herrick & MacKenzie's request for directional signage for bicycles/hikers, to the pedestrian route leading to the Bong Bridge from Belknap Street.

LICENSES APPROVED: (all licenses approved contingent upon meeting code requirements)

City Clerk Kalan submitting:

24. Miscellaneous licenses.
25. One Day Cabaret license application for Charlie Browns of Superior, Inc., Trade Name Charlie Browns, 1828 Iowa Avenue, for an event September 12, 2009.
26. Dodgies East End Tavern Inc., Trade Name: Dodgies East End Tavern, 2114 E. 5th St. application to amend the premise of a Class B Liquor & Beer License for a special event September 12, 2009.
27. Ronald E. Geegan, Trade Name: Jack's Place, 1923 Tower Avenue, application to amend the premise of a Class B Liquor & Beer License for a special event September 18 – 20, 2009.

3RD ORDER

BUSINESS BY DEPARTMENT HEADS

28. **Assistant Public Works Director Goetzman & Engineering Manager Roberts** recommending to approve Aero-Metric proposal for Impervious Surface Planimetric Map File Development for Multiple Areas for \$73,000.
MOTION by Councilor Dalbec, seconded by Bender and carried, to approve.
29. **Finance Director Vito** submitting 2010-2011 General Fund Operating Budget (initial estimates).
MOTION by Councilor Finsland, seconded by Bridge and carried, to receive and file.
30. **Parks & Recreation Administrator Morgan** recommending to restructure and re-bid the Arrowhead Pier Project in January 2010.
MOTION by Councilor Olson, seconded by MacKenzie and carried, to approve.

31. **Police Chief Peters** requesting approval of the Voluntary Service Agreement with Dr. Les Tekler.
MOTION by Councilor Dalbec, seconded by MacKenzie and carried, to approve.

4TH ORDER

BUSINESS BY THE MAYOR

32. **Mayor Ross** reappointing Chad Matushak to the Liability Claims Committee for another three year term, expiring July 2012; and Charlotte Nelson to the Assessment Board of Review for another five year term expiring July 2014.
MOTION by Councilor Finsland, seconded by Hendry and carried, to approve.

6TH ORDER

RESOLUTIONS

33. **R09-12896** Resolution introduced by the Public Works Department setting a public hearing to October 6, 2009, 6:30 p.m. in the Government Center, Board Room 201, and declaring intent to exercise special assessment powers under WI Statutes 66.0703 to Blacktop the following alleys in 2010, between:
1. Hammond & Cumming Avenues – N. 54th & 55th Streets; and
 2. Oakes & Banks Avenues – N. 22nd & 23rd Streets
- MOTION by Councilor Olson, seconded by MacKenzie and carried, to adopt the resolution.**
34. **R09-12897** Resolution introduced by the Planning Department setting a public hearing to October 6, 2009, at 6:30 p.m. in the Government Center Board Room 201, to amend the 2006 & 2009 Community Development Block Grant (CDBG) Action Plans.
MOTION by Councilor Dalbec, seconded by Bender and carried, to adopt the resolution.

7TH ORDER

ORDINANCES

35. **O09-3703** Ordinance introduced by the Public Works Committee amending City Code Ch 112, Traffic Code, Article II, Schedule A, Stops, by adding stop signs on North 29th Street at Hughitt, John, and Ogden Avenues (north/south).
MOTION by Councilor Bender, seconded by MacKenzie and carried, to adopt the ordinance.
36. **O09-3704** Ordinance introduced by the Public Works Committee amending City Code Ch 112, Traffic Code, Article II, Schedule A, Stops by, deleting stop signs on North 6th Street at Fisher and Clough Avenues.
MOTION by Councilor Dalbec, seconded by Hendry and carried, to adopt the ordinance.

MOTION by Councilor Dalbec, seconded by Finsland and carried, to adjourn meeting at 6:55 p.m.

Respectfully submitted,
Terri Kalan, City Clerk
Superior, Wisconsin

Approved this 15th day of September, 2009.

Attest:

Mayor Ross

City Clerk