

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
September 15, 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: Tom Bridge, Warren Bender, Greg Mertzig, Ed Anderson, Chuck Hendry, Bob Finsland, Mike Herrick, Mick MacKenzie, Esther Dalbec – 9

Council Members Excused: Dan Olson – 1

Youth Council Present: John Nowicki, Zachary Sather, and Aaron Emmert

Also Present: Mayor Ross, City Clerk Kalan

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

City Clerk Kalan swore in three Youth Councilors, Aaron Emmert, John Nowicki, and Zachary Sather (alt).

PROCLAMATIONS AND COMMENDATIONS

Mayor Ross presented the Quarterly Award for Excellence to Judy Fudally, Finance Department, for her 36 plus years of excellent service to the City of Superior.

APPROVAL OF MINUTES

MOTION by Councilor Dalbec, seconded by Bender and carried, to approve the minutes of the August 27, 2009 Special Council meeting and the September 1, 2009 Regular Council meeting.

2ND ORDER

CONSENT AGENDA

City Clerk Kalan advised of additions to the Consent Agenda, item #'s 8.1, 8.2, and 8.3 referrals to the Public Works Committee.

MOTION by Councilor Finsland, seconded by Hendry and carried, to approve the Consent Agenda as amended.

COMMUNICATIONS AND REPORTS RECEIVED AND FILED:

State of Wisconsin

1. Department of Natural Resources Public Notice of Intent to Reissue a Wisconsin Pollutant discharge elimination system permit by Duluth Winnipeg & Pacific RR Pokegama Yard.

Douglas County

2. Property advertised for sale.

City of Superior Minutes/Reports

3. All checks register for the month of August, 2009.
4. Library Board of Trustees, July 8 and August 12, 2009, meeting minutes.

MATTERS REFERRED TO:

Committee of the Whole

5. Duluth-Superior Metropolitan Interstate Council Planner, Robert Herling presentation on the MIC Long Range Transportation Plan.
6. George Warren, Operation Lifesaver, power point presentation regarding railroad safety.

Liability Claims Committee

7. Claim #09-27 Nikki McLellan

Plan Commission

8. Arnold & Jane Prochazka request to vacate the alley between 24th and 25th Avenue East and East 8th and 9th Streets. (VAC 09-05)

Public Works Committee

- 8.1 Councilor Finsland submitting request for permit parking on the 900 block of N. 19th Street.
- 8.2 Councilor Dalbec submitting Train Horn Disturbance Petition.
- 8.3 Marty Curtiss submitting letters and petitions from area residents, regarding train noise.

Urban Forestry Tree Board

9. Councilor Bender is requesting, on behalf of the Douglas County Historical Society, the trees and shrubs (including a boulevard tree) be removed or trimmed, on the vacant lot (City owned) at N. 11th Street and Ogden Avenue.

6th Order – Resolutions

10. Parks & Recreation Administrator Morgan submitting a resolution in support of a Recreational Boating Facilities grant.
11. Police Captain La Lor submitting a resolution in support of a Memorandum of Understanding (MOU) regarding the Child Death Review (CDR) Team, to ensure cooperation between various agencies in the investigation of causes of child death, to prevent future similar deaths.
12. Planner Serck submitting resolutions:
 - a) Approving the execution of a Development Agreement, Grant Agreement, and Lease Agreement in connection with the Gavilon Grain, LLC Dock Wall Project.
 - b) Authorizing the execution of a Development Agreement with Ami Real Estate, LLC.

13. Development & Government Affairs Director Vito submitting a resolution approving a modification to the terms of the loan of \$250,000 to the Stender Family Group, LLC in connection with the City of Superior, City/County Complex Parking Project Designated Project Area.

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

City Clerk Kalan submitting:

14. Miscellaneous licenses.
15. Dalbec Investments Inc., Viking Bar, 1501 N. 5th St., application to amend the premise of a Class B Liquor & Beer License for a special event October 3, 2009.

3RD ORDER

BUSINESS BY DEPARTMENT HEADS

Assistant Public Works Director Goetzman recommending:

16. To award the Senior Center Roof Repair bid to the lowest qualified bidder, Banks Roofing and General Contractors, for \$31,678.

MOTION by Councilor Dalbec, seconded by Hendry and carried, to approve.

17. To award the South Superior Storm Sewer Phase II bid.

- 17.1 Assistant Public Works Director Goetzman recommending awarding the South Superior Storm Sewer Phase II bid to RJS Construction Group, LLC for \$1,837,000.

MOTION by Councilor Finsland, seconded by MacKenzie and carried, to approve.

18. To award the Billings Park Storm Sewer and Water Detention Basin bin.

- 18.1 Assistant Public Works Director Goetzman recommending to reject the low bid by Utility Systems of America due to a tabulation discrepancy and not possessing a "Certificate of Good Standing" from the Wisconsin Department of Finance Institutions (a required license for the project); and to award the bid to the second lowest bidder, RJS Construction Group, LLC for \$4,113,000.

MOTION by Councilor Anderson, seconded by Dalbec and carried, to approve.

19. **Finance Director** Vito recommending approval of the 2010 - 2011 General Fund Operating Budget, and setting a public hearing for November 3, 2009, 6:30 p.m. in the Government Center Board Room 201.

Councilor Finsland read a communication from Councilor Olson who supported adopting the budget.

Finance Director Vito presented an overview of the budget process and explained areas of concern.

MOTION by Councilor Dalbec, seconded by Bender and carried, to hold the Fire Department budget until the October 6th Council meeting, and set a public hearing for November 3, 2009, and approve the remainder of the 2010-2011 budget.

4TH ORDER

BUSINESS BY THE MAYOR

20. **Mayor Ross** reappointing James Cirilli to the Zoning Board of Appeals for a three year term expiring August 2012; and reappointing Dave Stannard to the Community Development Block Grant Advisory Board for a three year term expiring September 2012.
MOTION by Councilor Bridge, seconded by Bender and carried, to approve.

5TH ORDER

BUSINESS BY COUNCILORS

21. **Tabled from the September 1, 2009, Regular Council meeting:** Finance Committee August 13, 2009, 3) recommendation to approve Kevin Peterson's request for a sewage credit in the amount of \$262.88.
Kevin Peterson, 2016 Hill Avenue, spoke to the issue.
MOTION by Councilor Anderson, seconded by Bridge and carried, to table until the October 20th Council meeting.

6TH ORDER

RESOLUTIONS

22. **R09-12898** Resolution introduced by the Department of Parks and Recreation for Developing Recreational Boating Facilities.
MOTION by Councilor Hendry, seconded by Bridge and carried, to adopt the resolution.
23. **R09-12899** Resolution introduced by the Police Chief asking the Superior City Council support the Douglas County Child Death Review (CDR)Team.
MOTION by Councilor Dalbec, seconded by MacKenzie and carried, to adopt the resolution.
24. **R09-12900** Resolution of the Common Council approving Execution of a Development Agreement, Grant Agreement and Lease Agreement in Connection with the Gavilon Grain LLC Dock Wall Project.
MOTION by Councilor Dalbec, seconded by Bender and carried, to adopt the resolution.
25. **R09-12901** Resolution of the Common Council Authorizing Execution of a Development Agreement with Ami Real Estate, LLC.
Withdrawn
26. **R09-12902** Resolution of the Common Council approving a modification to the terms of the loan of \$250,000 to the Stender Family Group, LLC in connection with the City of Superior, City/County Complex Parking Project Designated Project Area.
MOTION by Councilor Bender, seconded by MacKenzie and carried, to adopt the resolution.
Councilor Bridge abstained.

8TH ORDER

BUSINESS BY PUBLIC

Robert Wuorinen Jr, 501 20th Ave. East, spoke regarding the Police Department removing signs he placed on the boulevard in front of his house.

No action.

MOTION by Councilor Finsland, seconded by Anderson and carried, to adjourn meeting at 7:17 p.m.

Respectfully submitted,
Terri Kalan, City Clerk
Superior, Wisconsin

Approved this 6th day of October, 2009.

Attest:

Mayor Ross

City Clerk