

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
TUESDAY, NOVEMBER 6, 2007**

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

ROLL CALL

Council Members Present: Tom Quick, Tom Bridge, Kevin Norbie, Jackie Stenberg, Ed Anderson, Chuck Hendry, Bob Finsland, Nick Milroy, Dennis Dalbec, Esther Dalbec – 10

Youth Council Present: Carly Scouton, Sarah Johnson

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

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

APPROVAL OF MINUTES

MOTION by Councilor Norbie, seconded by E. Dalbec and carried, to approve the minutes of the October 16, 2007 Regular Council Meeting.

2ND ORDER

CONSENT AGENDA

City Clerk Ciccone advised of addition of item #15.1.

MOTION by Councilor Norbie, seconded by D. Dalbec 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 review of Air Pollution Permit Application submitted by CLM Corporation.
2. Department of Transportation advising of 2008 general transportation aids and connecting highway aids estimates.

Douglas County

3. Emergency Management Coordinator Kesler communication to Fire Chief Matheson assuring a monitoring system is in place for all public safety dispatch channels, for continued operation in the event of a power failure.

City of Superior

4. Development & Government Affairs Director Vito advising Central Equipment Agency is notifying the Common Council of vehicles and miscellaneous equipment to be removed from service and sold at public sealed bid sale on November 15, 2007.

City of Superior Minutes/Reports

5. Human Resources Committee, September 17, 2007.
6. Mayor's Commission on Disabilities, September 17, 2007.
7. Police and Fire Commission, September 10, 2007.
- 7.1 Redevelopment Authority for the City of Superior, October 24, 2007.
8. Superior Public Library, September 5, 2007.
9. Urban Forestry Tree Board, October 18, 2007.

Miscellaneous Communications and Reports

- 10 CVMIC presenting the City of Superior, 2007 Award of Excellence – Silver.
11. Douglas County Historical Society minutes, August 10, September 24, and October 15, 2007.
12. Duluth-Superior Metropolitan Interstate Council, September 19, 2007.
13. Duluth Transit Authority minutes, August 15, and 29, 2007.
14. Enbridge Construction Update, Issue 2, October 12, 2007.
15. WITC submitting Tax Levy report, advising \$1,485,342.29 will be assessed against taxable property.
- 15.1 Ayres Associates advising of scoping meeting November 20, 2007 relating to new Academic Building at the University of Wisconsin – Superior.

MATTERS REFERRED TO

Liability Claims Committee and CVMIC

16. #28-07 Daniel Peterson
17. #29-07 Stephen Jahnke
18. #30-07 Steve Allen, Jr.
19. #31-07 Shawn Brunder
20. #32-07 Eleanor Davis-Oexemann
21. #33-07 Vicky Peterson
22. #34-07 Steven Vojcevic
23. #35-07 Mary Lou McKay
24. #36-07 Stacy VanMeter
25. #37-07 Tina O'Neill
26. #38-07 Martin Hope
27. #39-07 Evelyn Gella
28. #40-07 David Eibon
29. #41-07 William Smart
30. #42-07 William Anderson
31. #43-07 Ken D'Abato
32. #44-07 Lorraine O'Kash
33. #45-07 Lesia Varland
34. #46-07 Greg Trettin
35. #47-07 Stuart Mattonen
36. #48-07 Ronald Makela

Plan Commission

37. Request from James Sheahan to vacate the east/west alley between Hammond and Cumming Avenues and North 60th Street and Central Avenue. (VAC 07-05)
38. Request from Bill Anderson, authorized agent of Fred Paine, to submit a subdivision plat in the area of County High E to be known as Misty Pines.
39. Request from Bill Anderson, authorized agent of Adam Bachand, to submit a subdivision plat in the area of Vogel Street and Bardon Avenue to be known as Bardon Acres.

Finance Committee

- 39.1 Councilor D. Dalbec requesting review of nonpayment of sewage fees by renters.

Finance Committee and City Attorney

40. Development and Government Affairs Director Vito requesting review of the Airport Management Contract by the Finance Committee in reference to an increase in the annual management fee and by the City Attorney regarding insurance requirements.

6th Order – Resolutions

41. City Clerk Ciccone submitting resolution opposing passage of H.R.811 Voter Confidence and Increased Accessibility Act of 2007.
42. Mayor Ross submitting resolution supporting the designation of the National Estuarine Research Reserve in the St. Louis River Estuary.
43. Attorney Toftey submitting five resolutions relating to Barkers Island Expansion, TIF 10, and Cupcake Holdings LLC and Total Tool Supply, Inc.

7th Order – Ordinances

44. City Clerk Ciccone submitting ordinance amending City Code Section 14.24 License Fees, for clarification.

STANDING COMMITTEE REPORTS APPROVED

45. Committee of the Whole, October 16, 2007

1. No action regarding presentation on the “Lake Superior Freshwater Estuary Center” project.
2. No action regarding presentation on the “Emerald Ash Borer and Your Community”.
3. To approve placing City-owned property located in the area of 30th Avenue East and East 9th Street up for sale with a minimum bid of \$1,500.

46. Finance Committee, October 11, 2007

1. To approve a sewage credit to Ken Reed in the amount of \$1,180.48.
2. To approve the new lease agreement for Sailboat’s Inc.
3. To approve the Barkers Island Marina Financial Review.

4. To approve the revised City travel policy.
5. To approve the September payments for publication.
6. To approve the September 2007 Financial Statements.

47. Human Resources Special Committee, October 25, 2007

3. To approve the Non-Union Wage Increase for 2008.
4. To receive and file the September 2007 Personnel Report.

48. Plan Commission, October 17, 2007

1. a) To approve resolution of the Plan Commission approving Project Plan and Boundaries for Tax Incremental District Number Ten (Barkers Island Inn Expansion).
b) To approve Oliver Companies' request for a Special Use Permit to construct eight residential units in the vicinity of 300 Marina Drive (SUP 07-04).
2. To approve application from Oliver Companies to submit a Certified Survey Map for 300 Marina Drive (CSM 07-07).
3. To approve application from Nichols Residential Development, Inc. authorized agent of John Dandrea, to submit a Certified Survey Map for 1 Belknap Shores (CSM 07-06).
4. To approve request from Grand Central Development, LLC, to vacate a portion of the alley between Lamborn and Weeks Avenues and North 13th and 14th Streets (VAC 07-04).
5. No action regarding review of City Code of Ordinances Chapter 6, Advertising and Signs.

49. Public Safety Committee, October 10, 2007

1. To have Councilor's D. Dalbec and Norbie remain Chair and Vice Chair for the committee.
2. To receive and file information on hydrant maintenance by Minnesota Power.
3. To receive and file information on testing for firefighters.

50. Public Works Committee, October 17, 2007

1. To continue the sidewalk extension on 37th Street from Tower to the corner of the Wal-Mart parking lot (with a crosswalk across the street and a small portion of sidewalk leading to the parking lot) within the right-of-way.
2. To remove the one-way designation of the alley between Tower and Banks Avenues and North 26th and 28th Streets.
3. To receive and file the information on lead-based paint.
4. To hold in committee for discussion between Public Works and Police Department to come up with a recommendation on the request to remove yield signs at North 20th Street and Weeks Avenue and to place stop signs on Weeks Avenue at North 20th Street (two-way stop).

3RD ORDER

BUSINESS BY DEPARTMENT HEADS

City Clerk Ciccone submitting:

- 51.** Miscellaneous licenses.

MOTION by Councilor Finsland, seconded by D. Dalbec and carried, to approve.

52. Original Class B Liquor & Beer license submitted by Applebee's Restaurants North LLC, Applebee's Neighborhood Grill & Bar, 3605 Tower Avenue, for license period November 7, 2007 – June 30, 2008.
MOTION by Councilor D. Dalbec, seconded by E. Dalbec and carried, to approve.
53. **Development & Government Affairs Director Vito** requesting authorization for proper City officials to enter into renewal of a five-year lease agreement for Fixed Base Operator (FBO) lease for Twin Ports Flying Service.
MOTION by Councilor Anderson, seconded by E. Dalbec and carried, to approve.
- Finance Director Vito** submitting:
54. 2008 and 2009 Landfill budgets.
MOTION by Councilor D. Dalbec, seconded by E. Dalbec and carried, to approve.
55. 2008 and 2009 Economic Development Fund budgets.
MOTION by Councilor Norbie, seconded by D. Dalbec and carried, to approve.
56. Revised City Travel Policy.
MOTION by Councilor Norbie, seconded by D. Dalbec and carried, to approve.
57. Updated 2006-2008 Capital Improvement Program Budget and Projected 2009-2011 Capital Improvement Program Budget.
MOTION by Councilor Anderson, seconded by D. Dalbec and carried, to approve.
58. Revision to 2008 and 2009 General Fund Operating Budgets revisions (to reflect 0.5% contract salary and wage increased).
MOTION by Councilor Norbie, seconded by E. Dalbec and carried, to approve.

4TH ORDER

BUSINESS BY THE MAYOR

59. City Boards/Committees and Commissions:
Plan Commission: Re-appointing Greg Date to a three year term expiring September 2010.
Redevelopment Authority of the City of Superior (RACS): Appointing Mike McCoshen to complete a term expiring May 2009.
MOTION by Councilor Anderson, seconded by D. Dalbec and carried, to confirm the appointments.

6TH ORDER

RESOLUTIONS

60. **R07-12771** Resolution introduced by Mayor Ross, the Planning Department, the Parks & Recreation Division and the Environmental Services Division of the Public Works Department supporting the designation of the National Estuarine Research Reserve (NERR) in the St. Louis River Estuary.
MOTION by Councilor Milroy, seconded by Hendry and carried, to amend the resolution to include the City Council and adopt the resolution as amended.

61. **R07-12772** Resolution introduced by the City Clerk in opposition to the Passage of H.R. 811, Voter Confidence and Increased Accessibility Act of 2007.
MOTION by Councilor Stenberg, seconded by E. Dalbec and carried, to adopt the resolution.
62. **R07-12773** Resolution setting a public hearing December 18, 2007 in the Government Center Board Room at 6:30 p.m. to vacate and discontinue a portion of an alley between Weeks and Grand Avenues and North 13th and 14th Streets. (VAC 07-04 Grand Central LLC)
MOTION by Councilor E. Dalbec, seconded by D. Dalbec and carried, to adopt the resolution.
63. **R07-12774** Resolution of the Common Council of the City of Superior, Wisconsin Approving the Execution of an Amendment to Amended and Restated Lease Agreement with Sailboats, Inc.; an Amended and Restated Agreement with Evergreen Square of Barker's Island, LLC and Sailboats, Inc.; and an Amended and Restated Grant of Easements and Use Agreement with Evergreen Square of Barker's Island, LLC.
MOTION by Councilor Anderson, seconded by D. Dalbec and carried, to adopt the resolution.
64. **R07-12775** Resolution of the City of Superior, Wisconsin Approving the Project Plan, Establishing District Boundaries and Making Relevant Findings to the Creation of Tax Incremental District Number Ten (Barker's Island Inn Expansion).
MOTION by Councilor Norbie, seconded by Anderson and carried, to adopt the resolution.
65. **R07-12776** Resolution of the City of Superior, Wisconsin, Authorizing Execution of a Cooperation Agreement with the Redevelopment Authority of the City of Superior, Wisconsin in Connection with the Barker's Island Inn Expansion Project (Evergreen Square of Barkers Island, LLC and Barkers Island Hotel, LLC).
MOTION by Councilor D. Dalbec, seconded by Anderson and carried, to adopt the resolution.
66. **R07-12777** Resolution of the City of Superior, Wisconsin Approving the Report of the Redevelopment Authority of the City of Superior Regarding the Development Agreement Concerning the Barker's Island Inn Expansion Project. (Evergreen Square of Barkers Island, LLC and Barkers Island Hotel, LLC).
- 66.1 Executive Director Serck's Report includes sale of property, Time Share Tower project, and TIF 10 (ten) grant.
MOTION by Councilor D. Dalbec, seconded by Norbie and carried, to adopt the resolution.
67. **R07-12778** Resolution authorizing a Special Use Permit to construct eight residential units in the vicinity of 300 Marina Drive (Executive Director Report included) (SUP 07-04, Oliver Company, Evergreen Square of Barkers Island, LLC)

MOTION by Councilor Norbie, seconded by D. Dalbec and carried, to adopt the resolution.

- 68. R07-12779** Resolution of the City of Superior, Wisconsin Approving the Report of the Redevelopment Authority of the City of Superior Regarding the Development Agreement with Cupcake Holdings LLC and Total Tool Supply, Inc.
MOTION by Councilor Anderson, seconded by E. Dalbec and carried, to adopt the resolution.

7TH ORDER

ORDINANCES

- 69. O07-3638** Ordinance introduced by the City Clerk amending City Code Section 14.24, License Fees, for clarification.
MOTION by Councilor Norbie, seconded by D. Dalbec and carried, to adopt the ordinance.

- 70. O07-3639** Ordinance amending Traffic Code Schedule B, One-Way Streets and Alleys, by deleting Tower Avenue – T alley between Tower and Banks Avenues and North 26th and 28th Streets.
MOTION by Councilor D. Dalbec, seconded by E. Dalbec and carried, to adopt the ordinance.

MOTION by Councilor Norbie, seconded by E. Dalbec and carried, meeting adjourned at 6:48 p.m.

Respectfully submitted,
Margaret Ciccone, City Clerk
Superior, Wisconsin

Approved this 20th day of November, 2007

Attest:

Mayor Ross

City Clerk