

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
WEDNESDAY, APRIL 2, 2008**

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 Finland, Nick Milroy, Dennis Dalbec, Esther Dalbec – 10

Youth Council Present: Sara Johnson

Youth Council Excused: Carly Scouton

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.

PROCLAMATIONS AND COMMENDATIONS

Mayor Ross presented a Plaque of Gratitude to Gary Blaisdell, who recently retired after 18 years with the City of Superior.

APPROVAL OF MINUTES

MOTION by Councilor Norbie, seconded by D. Dalbec and carried, to approve the minutes of the March 18, 2008 Regular Council Meeting.

2ND ORDER

CONSENT AGENDA

MOTION by Councilor Norbie, seconded by E. Dalbec and carried, to separate item #19.1 and approve the remainder of the Consent Agenda.

COMMUNICATIONS AND REPORTS RECEIVED AND FILED

State of Wisconsin

Department of Natural Resources submitting preliminary approval for:

1. BNSF Allouez Taconite Facility; and
2. Murphy Oil

Department of Revenue submitting Notice of Lottery and Gaming Credit Payment:

3. Mobile Homes Parking Fees Only, \$21,804.70; and
4. General Property Taxes Only (Real & Personal), \$453,342.98.

Douglas County

5. Property advertised for sale.

City of Superior Minutes/Reports

6. Human Resources Committee, February 18, 2008.
7. Liability Claims Committee, February 20, 2008.
8. Police & Fire Commission, January 9, 2008.
9. Superior Public Library, February 20, 2008.
10. Urban Forestry Tree Board, March 13, 2008.

Miscellaneous Communications and Reports

11. Duluth-Superior Metropolitan Interstate Council February 20, 2008.
12. Duluth Transit Authority, January 30, 2008.
13. Housing Authority of Superior, February 20, 2008.
14. Douglas County Historical Society, February 18, 2008.
15. Thank you from Becky Sapper, Freshwater Estuary Outreach Coordinator.

MATTERS REFERRED TO:

Liability Claims Committee and CVMIC

16. Claim #08-15 Kelly Paulson
17. Claim #08-16 General Casualty/Peter & Florence Steffan

6th Order – Resolutions

Attorney Toftey submitting:

18. a) Resolution of the City of Superior, Wisconsin referring Proposed Project Plan for Tax Incremental District Number Eleven (Blaine-Central Project) to the Plan Commission for consideration after a public hearing and appointing City Representative to Joint Review Board.
- b) Resolution of the Common Council of the City of Superior, Wisconsin approving the form of Notice to Lease Real Property (Cenex Harvest States).

STANDING COMMITTEE REPORTS APPROVED:

19. Finance Committee, March 13, 2008

1. To keep the late payment fee assessed by Superior Water Light & Power on sewage in arrears to 1½ % per month.
2. To receive and file agreement with Superior Water Light & Power Sewage Collection.
3. To approve a sewage credit to Melanie DeGraef in amount of \$1,689.42.

Item 19.1

Kevin Peterson, 2016 Hill Avenue, spoke against the late payment fee, stating 18% interest was excessive, and requested the Council consider a more reasonable rate of 12%.

MOTION by Councilor Milroy, seconded by Stenberg to refer back to the Finance Committee failed by roll call vote:

AYE - Hendry, Milroy, Stenberg, Anderson
NO - Finsland, D. Dalbec, E. Dalbec, Quick, Bridge, Norbie

MOTION by Councilor Norbie, seconded by D. Dalbec to approve the Finance Committee recommendation approved by roll call vote:

AYE - D. Dalbec, E. Dalbec, Quick, Bridge, Norbie, Finland

NO - Stenberg, Anderson, Hendry, Milroy

20. Human Resources Committee, March 17, 2008

2. To approve the Local #244 Side Letter Agreement: Seasonal Laborer Wage Rates.
5. To receive and file the Monthly Personnel Report for February 2008.

21. License & Fees Committee, March 26, 2008

1. To repeal Chapter 104, Property Maintenance Code, Article IX, Rental License Program, and to refund license fees paid.

22. Plan Commission, March 19, 2008

1. To approve the application from Ted Kavajecz to vacate a portion of East 4th Street and 1st Avenue East between F Street and 2nd Ave. East and E. 3rd and E. 5th Streets. (VAC 07-06)
2. To approve the Certified Survey Map submitted by the estate of Lois Wessman for the property known as 10 Belknap Shores. (CMS 08-01)
3. To approve the request from Planning and Port Director Serck for recommendation to the City Council approving the Project Area Plan and Designation of Boundaries of Project Area, Blaine-Central Project.

23. Public Safety Committee, March 12, 2008

1. To receive and file information concerning scrap metals regulation.

24. Public Works Committee, March 19, 2008

1. To approve amending the minutes of January 16, 2008. Item 2 should state sign is on the "west side of Hughitt Avenue" (not North 14th Street). The ordinance provided to council stated the correct location.
2. To hold in committee the topic of Railroad Quiet Zones for updates.
3. To receive and file the information on the Superior Water, Light & Power (SWL&P) Cross Connection & Backflow Prevention Ordinance.

3RD ORDER

BUSINESS BY DEPARTMENT HEADS

City Clerk Ciccone submitting:

- 25. Miscellaneous licenses.**

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

- 26. Applications for Class B Liquor and Beer, and Cabaret licenses submitted by Tower Avenue Tavern, Inc., Andrew Saari – agent, Trade Name: Tower Avenue Tavern, 405 Tower Avenue, for license period April 3, 2008 – June 30, 2008. (Previously owned by KMP Properties & Investments)**

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

Councilor Anderson Abstained.

27. **Development and Government Affairs Director Vito** requesting authorization to enter into a partnership with Douglas County for expansion of the Government Center parking lot.

Speaking in opposition:

Kevin Peterson, 2016 Hill Avenue
Marty Curtiss, 5301 E. 1st Street
Kim Culp, 1301 Baxter Avenue
Joe Penney, 702 Winter Street
Valarie Burk, 11 Bridgeview Drive

Speaking to the issue:

Responding to Councilors and Citizen concerns, Development and Government Affairs Director Jeff Vito explained the cost of the parking lot project would be shared with Douglas County on a 50/50 basis. Douglas County has appropriated \$100,000 for 2008 to put towards the project on the condition the City match those funds. He is requesting \$100,000 from the CIP funds be used for the project. The arrangement worked out with Douglas County is that the County would provide funds for materials, and the City would provide labor and equipment for construction. He also clarified this is not an employee issue, it is a customer issue.

MOTION by Councilor Norbie, seconded by E. Dalbec and carried, to approve.

28. **Library Director Jennings** requesting authorization to enter into an agreement between the City of Superior, Superior Public Library Board, ~~Douglas County~~ and the Friends of Lake Nebagamon to form a Lake Nebagamon Library Branch.

Janet Jennings, Library Director, stated the agreement she submitted to the Council erroneously listed Douglas County, and they will be removed from the official document to be signed. Also the date is missing that it will be open, which should state "on or before July 1, 2008".

Susan Enright, 6875 S. Fitch Ave., Lake Nebagamon, Friends of Emma Jean McGrath Library of Lake Nebagamon, thanked the Council stating she is very excited as they have never had a Library in Lake Nebagamon.

MOTION by Councilor Quick, seconded by E. Dalbec and carried, to approve.

29. **Parks & Recreation Administrator Morgan** requesting authorization to enter a three year renewal lease, maintenance and operation agreement with Superior Youth Organization for Hayes Court Complex for the period 2008-2010 at the cost to the City of \$23,000 per year.

Steve Olson, 1514 E. 10th Street, thanked the Council, expressing a special thank you to Councilor Dennis Dalbec for his help and support.

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

30. **Planning Director Serck** recommending City-owned land on the corner of East 2nd Street and 52nd Avenue East be sold to Twin Ports Baptist Church, 208 52nd Avenue East, for sole bid of \$3,500.

MOTION by Councilor Bridge, seconded by E. Dalbec and carried, to approve.

31. **Assistant Public Works Director Goetzman** recommending purchase of three (3) 2008 Chevrolet Uplander passenger vans (\$16,016 each) and one (1) 2008 Chevrolet Impala sedan (\$16,086) from the Wisconsin State contract.

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

6TH ORDER

RESOLUTIONS

32. **R08-12800** Resolution of the City of Superior, Wisconsin referring Proposed Project Plan for Tax Incremental District Number Eleven (Blaine-Central Project) to the Plan Commission for consideration after a public hearing and appointing City Representative to Joint Review Board.
MOTION by Councilor Norbie, seconded by E. Dalbec and carried, to adopt the resolution.
33. **R08-12801** Resolution of the Common Council of the City of Superior, Wisconsin approving the form of Notice to Lease Real Property (Cenex Harvest States).
MOTION by Councilor Norbie, seconded by D. Dalbec and carried, to adopt the resolution.
34. **R08-12802** Resolution setting a public hearing May 20, 2008 at 6:30 p.m. in the Government Center Board Room to vacate a portion of East 4th Street and 1st Avenue East between F Street and 2nd Avenue East and East 3rd and East 5th Streets. (VAC 07-06 Kavajecz)
MOTION by Councilor E. Dalbec, seconded by Norbie and carried, to adopt the resolution.

7TH ORDER

ORDINANCES

35. **O08-3654** Ordinance introduced by the License & Fees Committee to amend the City Code of Ordinances by repealing Chapter 104, Property Maintenance Code, Article IX, Rental License Program.
Councilors Bridge, Quick, and Norbie agreed they are in favor of repealing the Rental License Program but would like discussion on a new rental program to begin immediately.
Mayor Ross offered Administration reviewing and presenting alternative plans to the Council.
Speaking to the issue: Marty Curtiss, 5301 E. 1st Street, and Joe Penney, 702 Winter St.
MOTION by Councilor Finsland, seconded by Anderson and carried, to adopt the ordinance repealing the Rental License Program.
Councilor Milroy Abstained.

8TH ORDER

BUSINESS BY PUBLIC

- 35.1 Marty Curtiss, 5301 E. 1st Street, submitted information from the Wisconsin Department of Commerce: "Safety and Building Division – Dwelling Contractor Certification and Education"; "Business Credential Application"; and "Credential Application". He is concerned about Contractors obtaining a Dwelling Contractor Certification.
No action.

Joe Penney, 702 Winter Street, informed the Council he was successful in keeping the road open on Elm Ave.
No action.

MOTION by Councilor Quick, seconded by Finsland and carried, meeting adjourned at 8:08 p.m.

Respectfully submitted,
Margaret Ciccone, City Clerk
Superior, Wisconsin

Approved this 15th day of April, 2008.

Attest:

Mayor Ross

City Clerk