

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
TUESDAY, MAY 6, 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: Dan Olson, Tom Bridge, Warren Bender, Jackie Stenberg, Ed Anderson, Chuck Hendry, Bob Finsland, Mick MacKenzie, Esther Dalbec – 9

Council Member Excused: Nick Milroy - 1

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.

PROCLAMATIONS AND COMMENDATIONS

Mayor Ross presented a Proclamation to City Clerk Margaret Ciccone in recognition of Municipal Clerk's Week May 4th through May 10th, 2008.

*** MOTION by Councilor Anderson, seconded by Bridge and carried, to suspend the rules to consider item numbers 39, and 41 out of order.**

Bob McClellan, Lake Superior Dragon Boat Festival, thanked the Parks & Recreation and Police Departments for helping with this event, and presented each Department with a check for \$500.00.

APPROVAL OF MINUTES

MOTION by Councilor Hendry seconded by Bridge and carried, to approve the minutes of the April 15, 2008, Reorganizational Council Meeting

2ND ORDER

CONSENT AGENDA

City Clerk Ciccone advised of addition to the Consent agenda, item #20.1, referral to the Public Works Committee.

MOTION by Councilor Bridge, seconded by Bender and carried, to separate item numbers 16, 17, and 20, and approve the remainder of the Consent Agenda as amended.

COMMUNICATIONS AND REPORTS RECEIVED AND FILED:

1. **United States Department of State** submitting Notice of Intent to Prepare an Environmental Impact Statement and Notice of Floodplain and Wetland Involvement; Enbridge Energy, Limited Partnership (“Alberta Clipper Project”).

State of Wisconsin

2. **Department of Transportation**: Notification of Proposed Project, ID 1190-44-00, US Highway 2; Belknap Extension, Hill Avenue to East 2nd Street, scheduled for 2011.

Douglas County

3. City/County Committee meeting, April 14, 2008.

City of Superior

4. **Fire Chief Matheson** submitting 2007 Fire Department Report.

City of Superior Minutes/Reports

5. Redevelopment Authority for the City of Superior (RACS), April 2, 2008.
6. Superior Public Library, March 12, 2008.
7. Urban Forestry Tree Board, April 10, 2008.

Miscellaneous Communications and Reports

8. Duluth-Superior Metropolitan Interstate Council, March 19, 2008.
9. Duluth Transit Authority, February 27, 2008.
10. UW Extension and Minnesota Sea Grant Program advising of “View From the Lake” program.

MATTERS REFERRED TO:

Liability Claims Committee and CVMIC

11. Claim #08-18 Ross Heart
12. Claim #08-19 Laura Aydt

Committee of the Whole – May 20, 2008

13. **Deputy City Clerk Kalan** requesting referral of the Preliminary Alcohol Report for the 2008-09 license period.
14. **Finance Director Vito** requesting referral of the 2009 – 2010 Capital Improvement Program (With Power to Act).

Finance Committee

15. Finance Director Vito requesting discussion on the Barkers Island Marina dock improvements.

License and Fees Committee

16. Brian Minor request to allow painting (buskering) at the park on Barkers Island.
Brian Minor, 2409 John Avenue, spoke on his behalf of the buskering request as he is unable to attend the scheduled License and Fees Committee meeting.
MOTION by Councilor Anderson, seconded by Bender and carried to refer to the License and Fees Committee.

Mayor Ross and City Attorney Prell License and Fees Committee

17. Councilor Bridge and Councilor Stenberg requesting Mayor and City Attorney develop a rental licensing program proposal.
Marty Curtiss, 5301 E. 1st Street spoke to the issue.
Responding to concerns, Mayor Ross suggested referring this referral to the License and Fees Committee, and invited landlords to draft an ordinance to submit to that Committee.
MOTION by Councilor Bender, seconded by Bridge and carried, to refer to License and Fees Committee.

Plan Commission

18. Application from University of Wisconsin Superior Board of Regents for a Special Use Permit to construct a new Academic Building in the vicinity of North 16th Street and Weeks Avenue.

Public Works Committee

19. Councilor Stenberg requesting diagonal parking on the south side of 14th Avenue East between East 5th and 6th Streets.
20. Assistant Public Works Director Goetzman requesting to enter into a Memorandum of Understanding between the City of Superior, and Superior Water, Light, & Power Co (SWLP) for a Highway Improvement Project at the intersection of 18th Avenue East and Highway 2/53.
Councilor Anderson suggested including Metropolitan Interstate Council in the planning process.
MOTION by Councilor Stenberg, seconded by Dalbec and carried to refer to the Public Works Committee.
- 20.1 Councilor Dalbec request to exclude from Calendar parking, Grand Avenue from N. 5th to N. 10th Streets, from April to October only.

6th Order – Resolutions

21. Planning and Port Director Serck submitting resolutions:
- a) Approving a Project Area Plan for the City of Superior – Blaine-Central Project.
 - b) Approving the Project Plan, Establishing District Boundaries and Making Relevant Findings to the Creation of Tax Incremental District Number Eleven (Blaine-Central Project).
 - c) Approving Execution of a Development Agreement, Grant Agreement and Lease Agreement in Connection with the Cenex Harvest States Dock Wall Project.

7th Order – Ordinances

- 21.1 Assistant Public Works Director Goetzman submitting an ordinance to amend the Traffic Code exempt calendar parking on Grand Avenue between North 10th Street (Broadway) and North 14th Street.

STANDING COMMITTEE REPORTS APPROVED:

22. Plan Commission August 16, 2008

1. To approve the Resolution of the Plan Commission of the City of Superior, Wisconsin, Approving Project Plan and Boundaries for Tax Incremental District Number Eleven (Blaine-Central Project) and Recommendation for the Creation Thereof.
2. To approve the Certified Survey Map for a portion of property on the CHS, Inc Dock. (CSM 08-02)
3. To approve the Certified Survey Map for two portions of property on the Graymont (formerly Cutler-Magner) Dock. (CSM 08-03)

3RD ORDER

BUSINESS BY DEPARTMENT HEADS

City Clerk Ciccone submitting

23. Miscellaneous licenses.

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

24. Applications for Class B Liquor and Beer and Cabaret licenses submitted by Aces on 29th, Inc., Trade Name: Aces on 29th, 2827 Oakes Avenue, Rick Gilbertson – agent, for license period May 7, 2008 – June 30, 2008.

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

25. Application to amend the premises of a Class B Liquor and Beer license submitted by Great Lakes Tavern Company, Shooter's Saloon, 624 Tower Avenue, to include parking lot and city-owned property immediately north of establishment; to lease city-owned property; and authorization to block alley for vendor parking, 5:00 p.m. June 21st – 2:30 a.m. June 22, 2008.

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

- * **MOTION by Councilor Anderson, seconded by Bridge and carried, to suspend the rules to consider item number 39 prior to number 26. See number 39 for motion.**

26. Planning and Port Director Serck recommending Cenex Harvest States Dock Rehabilitation Project be awarded to the lowest, qualified bidder, Northland Constructors of Duluth for their lump sum bid of \$2,125,132.

Chad Scott, AMI Engineers, reviewed the bid process and stated the lowest bidder was found not qualified, as they have had no training or experience with this type of work; do not have the equipment needed; and chose to do the work themselves, not use a subcontractor. Northland Constructors had experience, and are the most qualified competent low bidder.

Craig Olson, 8072 Swan Lake Rd, Duluth, Representing Painters Local 106, spoke in favor of bid award to Northland Constructors.

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

27. **Police Chief Peters** requesting approval of a one year continuation lease agreement with LaCrosse Area Harley Davidson, Inc. for two Harley Davidson Police Department motorcycles for \$199 per motorcycle per month through May 31, 2009.
MOTION by Councilor Bridge, seconded by Dalbec and carried, to approve.
28. **Assistant Public Works Director Goetzman:**
Recommending the purchase and installation of Solar Bee mixers in the CSTP2 aeration basin for \$160,360 (City has been awarded \$41,900 Focus on Energy Grant).
MOTION by Councilor Anderson, seconded by Hendry and carried, to approve.
29. Requesting authorization to waive the bid procedures and purchase five (5) 2008 marked Police Interceptor Sedans (Ford Crown Victorias) from Ewald's Hartford Ford Lincoln Mercury at a cost of \$23,338 per unit under the Wisconsin State bid contract.
MOTION by Councilor Anderson, seconded by Dalbec and carried, to approve the request.

MOTION by Councilor Anderson, seconded by Bridge and carried, to refer the Take Home Squad Program to the Finance Committee.
30. Requesting authorization to waive City Code of Ordinance 62.18 restricting the use of pesticides on City lands for the application of herbicide to non-native, weedy plant populations on the Lyman Lake Road-Bear Creek Compensatory Wetland Mitigation Site.
MOTION by Councilor Bridge, seconded by Dalbec and carried, to approve.
31. Requesting authorization to waive City Code of Ordinance 62.18 restricting the use of pesticides on City lands for the application of an herbicide to invasive plants along Faxon Creek in Central Park.
MOTION by Councilor Dalbec, seconded by Bridge and carried, to approve.
32. Recommending 2008 Digester Improvements for Environmental Services Division of Public Works be awarded to Rice Lake Construction Group for low bid of \$841,000.
MOTION by Councilor Bridge, seconded by Bender and carried, to approve.
33. Purchase of blacktop mix for annual street maintenance program for 2008 from any and all vendors listed in communication at their submitted prices.
MOTION by Councilor Dalbec, seconded by Stenberg and carried, to approve.
34. Purchase of gravel and sand supplies for 2008 from any/all vendors listed in communication at their submitted prices.
MOTION by Councilor Stenberg, seconded by Finsland and carried, to approve.

4TH ORDER

BUSINESS BY THE MAYOR

35. **Committee Appointments:**
Superior Housing Authority Board of Commissioners: Re-appoint Doug Finn to a five year term expiring May 2013.

Metropolitan Interstate Council: Appoint Kevin Norbie to a two year term expiring May 2010.
Civil Service Commission: Re-appoint Alan Rock to four year term expiring May 2012.
Redevelopment Authority of City of Superior (RACS): Re-appoint Mark Smith to a five year term expiring May 2013.
Police and Fire Commission: Appoint Dennis Dalbec to a five year term expiring May 2013.
Tree Board: Appoint Scott Carlson to fill a vacated position, term ending February 2009.
Plan Commission: Re-appoint Barbara Doherty to a three year term expiring May 2011.

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

5TH ORDER

BUSINESS BY COUNCILORS

36. Council President Bridge and Vice President Stenberg submitting committee assignments:

City-Wide Labor Management	Finsland
Deer Committee	Milroy
Development Association	Bridge
Douglas County Historical Society	Bender
Finance Committee	Anderson, Bridge, Milroy, Bender (Alt)
Golf Course Committee	MacKenzie
Head of the Lakes Fair Board	Milroy
Human Resources Committee	Bridge, Finsland, Hendry, MacKenzie (Alt)
Library Board	MacKenzie
License and Fees Committee	Finsland, Dalbec, Olson, Stenberg (Alt)
Mayor's Commission on Disabilities	Finsland
Metropolitan Interstate Committee	Bender, Olson, Anderson
Parks & Recreation Commission	Bridge, Hendry
Plan Commission	Anderson, Bridge, Hendry
Police & Fire Commission	Dalbec
Public, Education & Govt Access (PEGA)	Stenberg
Public Safety Committee	Dalbec, Olson, MacKenzie, Bender (Alt)
Public Works Committee	Stenberg, Finsland, Anderson, MacKenzie (Alt)
Redevelopment Authority City of Superior (RACS)	Bridge
Superior-Douglas Co. Convention & Visitor Bureau	Bridge
Superior Public Museums Board	Olson
Superior Senior Center	Hendry
Superior Tourism Development Foundation	Bender, Hendry
Tree Board	Stenberg

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

6TH ORDER

RESOLUTIONS

37. R08-12804 Resolution of the City of Superior, Wisconsin Approving Project Area Plan for the City of Superior – Blaine-Central Project.

Planning and Port Director Serck presented overview of the Project Area Plan. Overall objectives are to eliminate blighted properties; create well planned land development; employment opportunities; and commercial and multi-family housing sites. Proposed uses for the site are retail, office space, eateries, and housing component. He stressed Eminent Domain will not be utilized. There are 22 homes in the area. The process will include appraisal; purchase offer; and relocation assistance, to ensure minimal loss and inconvenience.

Councilor MacKenzie requested the record show he took a poll of his constituents, 95% opposed, the other 5% didn't know about it.

Speaking in favor of Project Area Plan and Tax Increment District #11:

Kevin Norbie, 2205 John Avenue;
Mike Murray, Rueben Johnson Executive Vice President, 5300 Stinson Avenue;
John Conway, Blaine Business Center, 823 Belknap Street;
Kevin Hopkins, Blaine Business Center, 823 Belknap Street;
Andy Lisak, Development Association Director, 1225 Tower Avenue;
Knut Pederson, Blaine Business Center, 823 Belknap Street; and
Kaye Tenerelli, Business Improvement District Director, 1401 Tower Avenue

Speaking in opposition:

Kevin Peterson, 2016 Hill Avenue

Speaking to the issue:

Lance Nelson, 1912 Iowa Avenue

MOTION by Councilor Bridge, seconded by Dalbec to approve, carried by roll call vote:

AYE 8 Olson, Bridge, Bender, Stenberg, Anderson, Hendry, Finland, and Dalbec
NO 1 MacKenzie

38. **R08- 12805** 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 Eleven (Blaine-Central Project).

MOTION by Councilor Dalbec, seconded by Anderson to approve, carried by roll call vote:

AYE 8 Olson, Bridge, Bender, Stenberg, Anderson, Hendry, Finland, and Dalbec
NO 1 MacKenzie

- * **MOTION by Councilor Anderson, seconded by Bridge and carried to suspend the rules, item #39 considered prior to number 26.**

39. **R08- 12806** Resolution of the Common Council of the City of Superior, Wisconsin Approving Execution of a Development Agreement, Grant Agreement and Lease Agreement in Connection with the Cenex Harvest States Dock Wall Project.

Planning and Port Director Serck presented overview of the Cenex Harvest States Dock Wall project. In short the project is to design and install sheet piling on the northern 800' of Hallet Dock #8. 80% of the \$2.2 million project is funded by the State of Wisconsin through the Harbor Assistance Program.

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

7TH ORDER

ORDINANCES

40. **O08-3655** Ordinance amending the Code of Ordinances, Chapter 112, Traffic Code, Article VII, Schedule I, Streets Excluded from Calendar Parking by:
deleting - Grand Avenue between North 14th and 15th Streets
April 1 through October 31, only; and
adding - Grand Avenue between North 10th (Broadway) and North 15th Streets –
April 1 through October 31.

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

8TH ORDER

BUSINESS BY PUBLIC

- * **MOTION by Councilor Anderson, seconded by Bridge and carried to suspend the rules, item #41 considered under Proclamations and Commendations.**
41. Lake Superior Dragon Boat Festival requesting City renews sponsorship for 2008 as outlined in the request.
MOTION by Councilor Finsland, seconded by Dalbec and carried, to approve.
Councilor Anderson abstained.

Marty Curtiss, 5301 E. 1st Street regarding Fire Prevention Code.
No action

MOTION by Councilor Finsland, seconded by Dalbec and carried, to adjourn at 8:56 p.m.

Respectfully submitted,
Margaret Ciccone, City Clerk
Superior, Wisconsin

Approved this 20th day of May, 2008.

Attest:

Mayor Ross

City Clerk