

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING  
SUPERIOR, WISCONSIN  
APRIL 8, 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, Jackie Stenberg, Ed Anderson, Chuck Hendry, Bob Finsland, Nick Milroy, Mick MacKenzie, Esther Dalbec – 10  
Also Present: Mayor Ross, City Clerk Kalan  
Excused: City Attorney Prell

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

**PROCLAMATIONS AND COMMENDATIONS**

Mayor Ross and Police Chief Peters presented Richard Welch a plaque recognizing his years of service to the City.

Richard Welch, Urban Forestry Tree Board Chair, presented the Mayor, Urban Forestry Tree Board, and Short Elliot Hendrickson, Inc., with the Wisconsin Urban Forestry Council's 2008 award for *Project Partnership*, in recognition of the North 28<sup>th</sup> Street corridor tree planting.

**APPROVAL OF MINUTES**

**MOTION by Councilor Dalbec, seconded by Bender and carried, to approve the minutes of the March 17, 2009, Regular Council meeting.**

**2<sup>ND</sup> ORDER**

**CONSENT AGENDA**

**MOTION by Councilor Finsland, seconded by MacKenzie and carried, to separate item numbers 4, 13, and 14, and approve the remainder of the Consent Agenda.**

**COMMUNICATIONS AND REPORTS RECEIVED AND FILED:**

**State of Wisconsin**

1. Department of Administration submitting Local Government Report, February 2009.
2. Department of Natural Resources Public Notice of intent to modify a Wisconsin Pollutant Discharge Elimination System (WPDES) Permit No. WI-0025593-07-01, Superior Sewage Disposal System, 51 E. 1<sup>st</sup> Street.
3. Department of Revenue Notice of Lottery and Gaming Credit Payment Mobile Home Parking Fees Only.

**City of Superior**

4. All checks register for the month of March 2009.  
**MOTION by Councilor Finsland, seconded by Dalbec and carried to receive and file.**

**City of Superior Minutes/Reports**

5. Library Board of Trustees, March 11, 2009 meeting minutes.  
6. Mayor's Commission on Disabilities, January 19, 2009 meeting minutes.  
7. Police & Fire Commission January 14, 2009, and February 11, 2009 meeting minutes.  
8. Redevelopment Authority of the City of Superior (RACS) March 26, 2009 meeting minutes.

**Douglas County**

9. Douglas County Historical Society, February 16, 2009.

**Miscellaneous Communications and Reports**

10. Thank you from the Huck Family.

**MATTERS REFERRED TO:**

**Liability Claims Committee**

11. Claim #09-10 Adam W Johnson  
12. Claim #09-11 Kyle D. Talaska  
13. Claim #09-12 Gale and Sandra Rachuy  
**MOTION by Councilor MacKenzie, seconded by Olson and carried, to refer as noted.**

**Parks & Recreation Commission**

14. Councilor Olson requesting a resolution requiring children people under the age of 18 to wear protective headgear on City operated ice/hockey rinks.  
**MOTION by Councilor Olson, seconded by Bender to refer as amended.**

**Plan Commission**

15. David LaLiberte, 24 Quechee Street, request to vacate a portion of New York Avenue between Wellington Street and Park Place. (VAC 09-02)

**Public Works Committee**

16. Councilor Bridge requesting review of parking at 2415 E. 5<sup>th</sup> St., Regina Hill apartment building.  
17. Councilor Bridge requesting repair of the alley between 24<sup>th</sup> and 25<sup>th</sup> Avenues East and East 2<sup>nd</sup> and East 3<sup>rd</sup> Streets.  
18. Councilor Hendry requesting review of the signage on the 1500 block of Ogden Avenue.

**Public Safety Committee**

19. Councilor Bridge requesting review of the Animal Ordinance.

### **6<sup>th</sup> Order – Resolutions**

Planning Director Serck submitting resolutions:

20. Approving the Report of the Redevelopment Authority of the City of Superior (RACS) regarding the Development Agreement with D & S Development, Inc.
21. Accepting a Street and Utility Easement In Connection with the Winter Street Industrial Park.
22. Three year Harbor Development Statement of Intentions.

Community Development Manager Gralewski submitting resolutions setting public hearings, May 19, 2009 for the following:

23. 2008 Consolidated Annual Performance and Evaluation Report (CAPER); and
24. Community Development Needs and Fair Housing Choice.

### **7<sup>th</sup> Order – Ordinances**

25. City Clerk Kalan and Planning Director Serck requesting to amend Chapter 6, Signs, Section 6-23 regarding political signs within the City.

### **STANDING COMMITTEE REPORTS APPROVED:**

#### **26. Finance Committee March 12, 2009**

2. Receive and file information from Chris Bronson.
3. Receive and file Health Insurance Committee overview.
4. Hold Take Home Squad Program in committee.
5. Receive and file Animal Shelter Building review.
6. Receive and file the All Check Register for February 2009.
7. Receive and file the February 2009 Financial Statements.
8. Receive and file General Financial Overview and Other Financial Issues.

#### **27. Human Resources Committee, March 16, 2009**

4. Approve revised Human Resources Policies.
5. Receive and file Monthly Personnel Reports for January and February 2009, and the CVMIC Work Comp Loss Runs for 2008.

#### **28. Plan Commission, March 18, 2009**

1. Approve Special Use Permit for Eagles Nest Rental Property, 1024 Belknap Street, for outdoor sales (agricultural use). (SUP 09-01)
2. Approve certified survey map for Robert and Holly Larson for 1224 N. 16<sup>th</sup> Street. (CSM 09-01)
3. Approve request by David Starkey to vacate N. 16<sup>th</sup> Street between Elmira Avenue west 129 feet to the BNSF Railroad right-of-way. (VAC 09-01)
4. Approve request to submit a preliminary plat in the TIF #9 Winter Street Industrial Park.

#### **29. Public Safety Committee, March 11, 2009**

1. Receive and file the proposed ordinance regarding Key Boxes.
2. Receive and file information presented on the Pedestrian Safety Walkability Workshop.

**30. Public Works Committee, March 18, 2009**

1. Hold in committee the discussion on a Traffic Calming Policy.
2. Hold the Faxon parking issue in committee.
3. Amend "No Parking on Odd Side" on N. 12<sup>th</sup> Street between Ogden and Catlin Avenues, to year-round calendar parking.
4. Receive and file the recommendation to increase alley reconstruction assessment rate.

**LICENSES APPROVED:**

**City Clerk Kalan submitting:**

31. Miscellaneous licenses.
32. Appointment of Agent application submitted by Lakewalk Brewery & Café Co.; trade name Thirsty Pagan Brewing, 1623 Broadway St. appointing Alex Berlin as agent for license period April 9, 2009 through June 30, 2009.
33. Appointment of Agent application submitted by Cameo Investments Inc.; trade name Centerfolds, 702 Tower Avenue, appointing Kaja Christopherson as agent for license period April 9, 2009 through June 30, 2009.

**3<sup>RD</sup> ORDER**

**BUSINESS BY DEPARTMENT HEADS**

- 33.1 City Attorney Prell:** recommending to purchase items known as the "Pattison Collection" located at the Fairlawn Mansion.

City Clerk Kalan advised Councilors Bender and MacKenzie are abstaining from discussion and voting as they are board members of the Douglas County Historical Society; and Councilor Olson is abstaining from discussion and voting as he is a board member of the Superior Public Museum Board.

**MOTION by Councilor Dalbec, seconded by Hendry and carried by unanimous voice vote, to approve purchasing the "Pattison Collection", also known as the "A" list from the Douglas County Historical Society (DCHS) located at Fairlawn Museum for \$140,000; DCHS will waive all claims to and ownership of the "A" list artifacts; DCHS will retain ownership of the "B" list artifacts that are not part of this agreement; DCHS will allow for quality reproductions of all records relating to the orphanage/children's home that operated at the Pattison Mansion/Fairlawn Museum; this agreement will not effect the 2009 \$10,000 appropriation to DCHS; and all future funding will be subject to future council approval.**

**Councilors Bender, MacKenzie, and Olson abstained.**

**Assistant Public Works Director Goetzman:**

34. Requesting to purchase a 2009 Chevrolet Tahoe Police Special Service Vehicle for the Police Department from Ewald Automotive Group for a total price of \$32,460.00.

**MOTION by Councilor Dalbec, seconded by Bender and carried, to approve.**

35. Requesting the proper City officials to enter into a State/Municipal Agreement between the City of Superior and the Wisconsin Department of Transportation (WisDOT) on the Tower Avenue Highway Safety Improvement Project (HSIP).  
**MOTION by Councilor Hendry, seconded by Bender and carried, to approve.**
36. Recommending to award installation of floats for the Barker's Island Marina docks to RJS Construction for low bid amount of \$131,750.00.  
**MOTION by Councilor Olson, seconded by Bridge and carried, to approve.**
37. Recommending to award Lyman Lake wetland mitigation to Integrity Grading and Excavating for low bid of \$364,721.89.  
**MOTION by Councilor Olson, seconded by Bender and carried, to approve.**
38. **Parks and Recreation Administrator Morgan** recommending bid award to Four Star Construction for \$72,476.00, for Phase II of the Center City Park Reconstruction.  
**MOTION by Councilor Dalbec, seconded by Olson and carried, to approve.**
- Planning Director Serck** submitting:
39. Easement from Superior, Water, Light and Power (SWL&P) to the City of Superior for a portion of the Millennium Trail in Billings Park.  
**MOTION by Councilor Hendry, seconded by Dalbec and carried, to approve.**
40. Memorandum of Agreement with the Wisconsin Department of Transportation concerning property at 308 East 2<sup>nd</sup> Street.  
**MOTION by Councilor Stenberg, seconded by Bridge and carried, to approve.**

**4<sup>TH</sup> ORDER**

**BUSINESS BY THE MAYOR**

41. Mayor Ross appointing his Executive Assistant, Rani Gill, as the new Public Information Officer for the City of Superior.  
**MOTION by Councilor Dalbec, seconded by Bender and carried, to approve.**

**6<sup>TH</sup> ORDER**

**RESOLUTIONS**

42. **R09-12866** Resolution Approving the Report of the Redevelopment Authority of the City of Superior (RACS) regarding the Development Agreement with D & S Development, Inc.  
**MOTION by Councilor Bridge, seconded by Olson and carried, to adopt the resolution.**
43. **R09-12867** Resolution Accepting a Street and Utility Easement In Connection with the Winter Street Industrial Park.  
**MOTION by Councilor Dalbec, seconded by Bender and carried, to adopt the resolution.**

44. **R09-12868** Resolution Introduced by the Common Council of the City of Superior, Approving A Three-Year Harbor Development Statement of Intentions for the Years 2009-2012.  
**MOTION by Councilor Anderson, seconded by Dalbec and carried, to adopt the resolution.**
45. **R09-12869** Resolution setting a public hearing, May 19, 2009, 6:30 p.m. in the Government Center Board Room 201, to request comments on the 2008 Consolidated Annual Performance and Evaluation Report (CAPER)  
**MOTION by Councilor Bridge, seconded by MacKenzie and carried, to adopt the resolution.**
46. **R09-12870** Resolution setting a public hearing May 19, 2009, 6:30 p.m. in the Government Center Board Room 201, to request comment on Community Development Needs and Fair Housing Choice.  
**MOTION by Councilor Dalbec, seconded by Bender and carried, to adopt the resolution.**
47. **R09-12871** Resolution introduced by the Plan Commission Authorizing a Special Use Permit for Agricultural Outdoor Sales at 1024 Belknap Street. (SUP 09-01 Eagles Nest)  
**MOTION by Councilor Dalbec, seconded by Hendry and carried, to adopt the resolution.**
48. **R09-12872** Resolution setting a public hearing, May 19, 2009, 6:30 p.m. Government Center Board Room 201, to vacate a portion of North 16<sup>th</sup> Street between Elmira Avenue and the BNSF railroad right-of-way. (VAC 09-01 Starkey)  
**MOTION by Councilor Anderson, seconded by Bridge and carried, to adopt the resolution.**

## 7<sup>TH</sup> ORDER

## ORDINANCES

49. **O09-3688** Ordinance introduced by City Clerk Kalan and Planning Director Serck amending City Code Chapter 6, Signs, Section 6-23, Signs Exempted.  
**MOTION by Councilor MacKenzie, seconded by Dalbec and carried, to strike the 5 foot setback requirement from the ordinance, and adopt the ordinance as amended.**
50. **O09-3689** Ordinance introduced by the Public Works Committee amending the City Code, Chapter 112, Traffic Code, Article III, Parking, by **deleting** No Parking on Odd Side on North 12<sup>th</sup> Street between Ogden and Catlin Avenues.  
**MOTION by Councilor Anderson, seconded by Hendry and carried, to adopt the ordinance.**

**MOTION by Councilor Stenberg seconded by Dalbec and carried, to adjourn meeting at 7:26 p.m.**

Respectfully submitted,  
Terri Kalan, City Clerk  
Superior, Wisconsin

Approved this 21<sup>st</sup> day of April, 2009.

Attest:

---

Mayor Ross

---

City Clerk