

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
TUESDAY, JUNE 3, 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, Nick Milroy, Mick MacKenzie, Esther Dalbec – 10
Youth Council Present: Carly Scouton, Sarah Johnson
Also Present: Mayor Ross, Deputy City Clerk Kalan

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

PROCLAMATIONS

Mayor Ross presented a Plaque of Gratitude to Margaret Ciccone for her 30 plus years with the City of Superior as City Clerk and Mayor, and thanked her for her excellent service, hard work, and commitment to the citizens of Superior.

APPROVAL OF MINUTES

MOTION by Councilor Dalbec, seconded by Bender and carried, to approve the minutes of the May 20, 2008 Regular Council Meeting.

1ST ORDER

PUBLIC HEARINGS

1. Public Hearings to consider non-renewal of alcohol applicants:

a) **Community Bank**

Section 14-80 Non Operation

1201 Tower Avenue

Speaking to the issue: Attorney Steve Olson, on behalf of Community Bank, urged the Council to renew the alcohol license stating the real estate market has been slow and the bank has already taken a large loss on the property. The bank has been actively marketing the property and if the license is not renewed, the bank would lose a considerable asset. This would also affect the way other lenders look at financing businesses with alcohol licenses.

Councilor Anderson understood the bank's financial interest in the license, however, he felt the Council needs to make it clear that licenses granted in foreclosures will not continually renew after the first full license period.

Councilor Bridge believed a policy should be developed through the License and Fees Committee so the Council is consistent in this type of situation.

Councilor Milroy agreed and believed the license should be renewed for this license period and a policy in place for next year.

MOTION by Councilor Dalbec, seconded by Bender to renew the Class B Liquor and Beer license failed by roll call vote:

- AYE – 5 Olson, Bender, Milroy, MacKenzie, Dalbec**
NO – 5 Bridge, Stenberg, Anderson, Hendry, Finsland

MOTION by Councilor Bridge, seconded by Stenberg to non-renew the Class B Liquor and Beer license for violation of City Code of Ordinances, Section 14-80 Non-operation, carried by roll call vote:

- AYE – 6 Olson, Bridge, Stenberg, Anderson, Hendry, Finsland**
NO – 4 Bender, Milroy, MacKenzie, Dalbec

Deputy Clerk Kalan advised b) – e) are in compliance and approval of the licenses would be in order.

- b) Ale Port, LLP** Delinquent Personal Property
Smithy's Bar, 3823 East 2nd Street Delinquent Special Assessments
Delinquent Personal Property and Special Assessments have been paid. Applicant is in compliance and approval of the license would be in order.
- c) Charlie Brown's of Superior, Inc.** Delinquent Special Assessments
Charlie Brown's, 1828 Iowa Avenue
Delinquent Special Assessments have been paid. Applicant is in compliance and approval of the license would be in order.
- d) Fifth Street Entertainment Corp.** Delinquent Special Assessments
High 5's on 5th Street, 1310 North 5th Street
Delinquent Special Assessments have been paid. Applicant is in compliance and approval of the license would be in order.
- e) Good Times, Ltd.** Delinquent Personal Property
La Belle's Night Club, 1014 Tower Avenue Delinquent Special Assessments
Delinquent Personal Property and Special Assessments have been paid. Applicant is in compliance and approval of the license would be in order.

MOTION by Councilor Bender, seconded by Dalbec and carried, to approve 1. b) - e).

2ND ORDER

CONSENT AGENDA

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

COMMUNICATIONS AND REPORTS RECEIVED AND FILED:

City of Superior

2. Joint Review Board Chair Jeff Vito submitting resolution of the Joint Review Board for Tax Incremental District Number Eleven (Blaine-Central Project Area) approved May 13, 2008.

City of Superior Minutes/Reports

3. Human Resources Committee, March 17, 2008.
4. Liability Claims Committee, April 23, 2008.
5. Public Library Board of Trustees, April 9, 2008.
6. Urban Forestry Tree Board, May 15, 2008.
7. Zoning Board of Appeals, May 21, 2008.

Miscellaneous Communications and Reports

8. Duluth Transit Authority, March 26, 2008 meeting minutes.
9. Charter Communications advising the Superior customer service office location will be closed after the close of business Friday, June 27, 2008 and consolidating all office operations at 640 Garfield Avenue in Duluth.

MATTERS REFERRED TO:

Committee of the Whole Meeting, June 17, 2008

10. Councilor Olson requesting to introduce a Project Labor Agreement Ordinance.

License and Fees Committee

11. Towing/Wrecker Companies request to increase towing fees.

7th Order – Ordinances

12. City Attorney Prell submitting an ordinance adding the City Assessor as an appointed City Officer.
13. Public Works Department submitting ordinance adding disabled parking at 1323 Baxter Avenue (both sides).
14. Assistant Public Works Director Goetzman and ESD Administrator Romans submitting ordinances amending Sections of 114, The City of Superior Stormwater, and Wastewater Ordinances.

STANDING COMMITTEE REPORTS APPROVED:

15. Committee of the Whole, May 20, 2008

1. Preliminary Alcohol Report:
 - 1) To schedule a public hearing June 3, 2008 to consider non-renewal of the alcohol applicant listed in Part 1.

- 2) To schedule a public hearing June 3, 2008 to consider non-renewal of the alcohol applicant listed in Part 2.
- 3) To approve applicants listed in Part 3.
- 4) To approve applicants listed in Part 4.
2. With Power to Act: To formally approve the 2009 Capital Improvement Program Budget and tentatively approve the 2010 Capital Improvement Program Budget.

16. Finance Committee, May 22, 2008

1. To refer the Health Research Institute to the Common Council as the Health Insurance Cost Containment and Wellness Initiative Consultants for the City of Superior.

17. Human Resources Committee, May 19, 2008

3. Approve Local #244 Side Letter Agreement: Residency Waiver for Seasonal Employee at ESD.
4. Approve Local #74 Side Letter Agreement: Assistant Fire Investigator Specialist assignment.
5. c) Approve filling the Internal Auditor position.
7. Approve the appointment of Acting City Clerk and Acting Deputy City Clerk.
8. a) Approve Human Resources Policies & Procedures Revised: VantageCare Retirement Health Savings Plan #11.07.
9. Approve the Monthly Personnel Report April 2008.

18. Plan Commission, May 21, 2008

1. Approve application from Board of Regents, Belknap Street and Catlin Avenue, for a Special Use Permit to construct and operate a new Academic Building in the vicinity of N. 16th Street and Weeks Avenue (SUP 08-02)
2. Approve request from Bill Anderson, authorized agent for Fred Paine, to allow lots within the Misty Pines subdivision to access 30-foot wide private driveways instead of a public street, per City Code Sec. 110-43(d).

19. Public Works Committee, May 21, 2008

1. To hold in committee the topic of Railroad Quiet Zones.
2. Approve the request for diagonal parking on the even side of 14th Avenue East between East 5th and 6th Streets.
3. To make a recommendation to enter into the Memorandum of Understanding between the City of Superior and Superior Water, Light & Power (SWLP) for a Highway Improvement Project at the intersection of 18th Avenue East and Highway 2/53.
4. To add that N. 6th to 10th Streets on Grand Avenue be excluded from calendar parking – April 1 through October 31 only (this would amend the total area excluded to be N. 6th to N. 15th Streets).

3RD ORDER

BUSINESS BY DEPARTMENT HEADS

20. City Attorney Prell submitting information regarding Police and Fire Commissioner term limits from other municipalities.
MOTION by Councilor Bridge, seconded by Stenberg and carried, to receive and file.
- City Clerk Ciccone submitting
21. Miscellaneous licenses.
MOTION by Councilor Stenberg, seconded by Bridge and carried, to approve.
22. Applications to amend the premises of a Class B Liquor and Beer license submitted by East End Tavern, Inc. Thomas Lozon – agent, 2114 East 5th Street, to include parking lot immediately south of establishment, July 19 – 20, 2008 and July 25 – 26, 2008 for special events.
MOTION by Councilor Dalbec, seconded by Stenberg and carried, to approve.
23. Application to amend the premises of a Class B Liquor and Beer license submitted by Ale Port, LLP, Smithy’s Bar, Terri LaPorte – agent, 3823 East 2nd Street, to include area immediately north of establishment, June 21 – 22, 2008.
MOTION by Councilor Bridge, seconded by Dalbec and carried, to approve.
24. Application for a One-Day Cabaret license submitted by Renee Kern, Jimmy’s Saloon, 1812 Iowa Avenue, for June 28, 2008 and July 19, 2008.
MOTION by Councilor Olson, seconded by Dalbec and carried, to approve.
25. a) Application to renew a Class B Liquor and Beer license submitted by Paul Orloski, Tyomies Bar, 601 Tower Avenue, for 2008-09 license period.
b) Application for an original Class B Liquor and Beer license submitted by Equity Funding and Loan LLC, Gregory Gilbert – agent, 601 Tower Avenue, for license period ending June 30, 2008. (Note: Equity Funding and Loan LLC has been assigned the rights to this license in a foreclosure judgment.)
c) Memo from City Attorney Prell and Deputy City Clerk Kalan providing information on possible scenarios due to the foreclosure judgment.

Deputy Clerk Kalan advised a copy of the Sheriff’s Deed outlining the Order Confirming Foreclosure Sale was filed with the City Clerk’s Office on June 2, 2008, therefore, the original application by Equity Funding and Loan LLC should be acted on. A renewal application for the 2008-09 license period will be submitted at the June 17, 2008 Council meeting.

Attorney Rob Gee, on behalf of Equity Funding and Loan, outlined the foreclosure procedure and advised it is their intention to sell this property quickly.
MOTION by Councilor Bridge, seconded by Bender and carried, to approve the original Class B Liquor and Beer license for Equity Funding and Loan, LLC, 601 Tower Avenue, Gregory Gilbert – agent, for license period ending June 30, 2008.

26. **Finance Director Vito** request approval of the 2011 Capital Improvement Program (CIP) budget.

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

27. **Assistant Public Works Director Goetzman** requesting authorization for proper City officials to enter into a State/Municipal Agreement between the City of Superior and the Wisconsin Department of Transportation (WisDOT) Highway Improvement Project for North 12th Street from Grand Avenue to Catlin Avenue.

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

4TH ORDER

BUSINESS BY THE MAYOR

28. Appointing James Leppioja to the Library Board to fill a vacated term ending July 2008, and re-appointing him for another three year term expiring July 2011.

MOTION by Councilor Dalbec, seconded by Bender and carried, to confirm the appointment.

6TH ORDER

RESOLUTIONS

29. **R08-12810** Resolution introduced by the Plan Commission authorizing a Special Use Permit for constructing and operating a new Academic Building in the vicinity of North 16th Street and Weeks Avenue.

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

7TH ORDER

ORDINANCES

30. **O08-3656** Ordinance amending Chapter 42, City Employees, Article II, Human Resources Administration, Section 42-19 Definition and Scope, by repealing and recreating to include the City Assessor as an appointed City Officer.

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

31. **O08-3657** Ordinance amending Chapter 112, Traffic Code, Article VII, Schedule I, Streets Excluded from Calendar Parking by:

Deleting - Grand Avenue – between N. 10th Street (Broadway) and N. 15th Street (Belknap) – April 1 through October 31, only; and

Adding - Grand Avenue – between N. 6th and N. 15th Streets (Belknap) – April 1 through October 31, only.

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

32. **O08-3658** Ordinance amending Chapter 112, Traffic Code, Article VII, Schedule N, Diagonal Parking by:

Deleting - 14th Avenue East – between East 5th and East 6th Streets, odd side; and

Adding - 14th Avenue East – both sides between East 5th and East 6th Streets.

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

33. **O08-3659** Ordinance amending Chapter 112, Traffic Code, Article VII, Schedule J, Disabled Parking Zones by adding: Disabled parking signs (both sides) at: 1323 Baxter Ave.
MOTION by Councilor Finsland, seconded by Dalbec and carried, to approve.

34. **O08-3660** Ordinance introduced by Environmental Services Administrator Romans amending Chapter 114, Article IV Stormwater Utilities; and Article V, Stormwater Utility Charges.

Environmental Services Administrator Romans responding Councilor Olson's concerns regarding the appeals process, specifically Sec. 114-154, stated he is basically cleaning up the definitions to be consistent with the Wastewater ordinance definitions.

MOTION by Councilor Bridge, seconded by Dalbec and carried, to refer Sec. 114-154 to the Finance Committee and approve the remainder of the ordinance.

35. **O08-3661** Ordinance introduced by Environmental Services Administrator Romans amending Chapter 114, Article II, Sewer Usage; and Article III, Private Sewage Systems.
MOTION by Councilor Dalbec, seconded by Finsland and carried, to approve.

MOTION by Councilor Dalbec, seconded by Stenberg and carried, meeting adjourned at 7:30 p.m.

Respectfully submitted,
Terri Kalan, Acting City Clerk
Superior, Wisconsin

Approved this 17th day of June, 2008.

Attest:

Mayor Ross

Acting City Clerk