

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
July 7, 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, Greg Mertzig, Chuck Hendry, Bob Finsland, Mike Herrick, Mick MacKenzie, Esther Dalbec – 9

Council Member Excused: Ed Anderson

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

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

APPROVAL OF MINUTES

MOTION by Councilor Bender, seconded by Dalbec and carried, to approve the minutes of the June 16, 2009 Regular Council meeting.

2ND ORDER

CONSENT AGENDA

City Clerk Kalan advised of addition of item number 26.1.

MOTION by Councilor Olson, seconded by Finsland and carried, to separate item numbers 2, 20 and 25.2 and approve the remainder of the Consent Agenda as amended.

COMMUNICATIONS AND REPORTS RECEIVED AND FILED:

State of Wisconsin

1. Governor Jim Doyle awarding the City of Superior two Homeland Security grants totaling \$6,688 to be used to cover costs of emergency response and evidence collection training for the City's Dive Team.
2. Department of Commerce submitting 2009 Fire Dues payment of \$47,577.43.
MOTION by Councilor Finsland, seconded by MacKenzie and carried, to receive and file.
3. Department of Natural Resources air pollution construction permit (#08-DCF-313) application review for Enbridge Energy Co. for the Alberta Clipper project.

Department of Revenue:

4. Notice of Revision, Real Estate Assessment for Elkhorn Industries Inc.
5. Notice of Revision, Personal Property Assessment for Amsoil Inc.
6. Department of Transportation advising due to budget reductions, the Connecting Highway Aids July 2009 payment is reduced by 6.13 percent.

Douglas County

7. Historical Society May 18, 2009 meeting minutes.
8. Property advertised for sale by the County.

City of Superior

9. Police Chief Peters advising the Department has been approved to receive a grant in the amount of \$13,704 from The Office of Justice Assistance for Violence against Women Act for the period of July 1, 2009 through June 30, 2010.

City of Superior Minutes/Reports

10. All checks register for the month of June, 2009.
11. Liability Claims Committee May 21, 2009 meeting minutes.
12. Redevelopment Authority of the City of Superior, (RACS) June 25, 2009 meeting minutes.
13. Urban Forestry Tree Board, June 16, 2009 meeting minutes.

Miscellaneous Communications and Reports

14. Charter Communications update on their financial restructuring process.
15. Duluth-Superior Metropolitan Interstate Council, May 20, 2009 meeting minutes.
16. Duluth Transit Authority Board of Directors, April 29, 2009 meeting minutes.
17. Thank you from the School District of Superior for the Project Graduation 2009 donation.
18. Thank you from family of Harold Witkin.

MATTERS REFERRED TO:

Finance Committee

19. Finance Director Vito submitting the 2008 Audit Report.

Finance and Public Works Committees

20. Councilor Bender requesting review of additional free drop off days at the City Landfill. Marty Curtiss, 5301 East 1st Street spoke to the issue.
MOTION by Councilor Bender, seconded by Dalbec and carried, to refer to committees as listed.

Liability Claims Committee

21. Claim #09-19 Bradley Androski

Public Works Committee

22. Councilor MacKenzie requesting to change parking on the east side of Maryland Ave. between Wellington and N. 24th Streets.

6th Order – Resolutions

23. Council President Olson requesting support for a resolution committing to purchasing only products and services made or performed in the United States, with any economic recovery monies received.
24. Environmental Services Administrator Romans submitting a resolution concerning the Wisconsin Department of Natural Resources Compliance Maintenance Annual Report (CMAR) for 2008.

STANDING COMMITTEE REPORTS APPROVED:

25. **Finance Committee, June 11, 2009**

2. Sewage Credit requests by Kevin Peterson and Lakeside Terrace denied.
3. Receive and file Internal Auditor Activity report.
4. Approve \$10,000 to hire United States Humane Society and others, to help design the Animal Shelter building.
5. Receive and file the May 2009 All Checks register.
6. Receive and file the May 2009 Financial Statements.

- 25.2 Kevin Peterson, 2016 Hill Avenue, submitted the City's policy on sewage bill adjustments and Finance Committee minutes and requested reconsideration of denial and review of inconsistencies in the policy.

MOTION by Councilor *Bender MacKenzie, seconded by Dalbee Herrick and carried, to refer Kevin Peterson's sewage credit request back to the Finance Committee for reconsideration.

**Amended motion makers @ 7/21/09 Council mtg*

26. **Human Resources Committee, June 15, 2009**

3. Approve wage step increase for Parks & Recreation Superintendent.
6. Approve the 2009-2011, Police WPPA #27, Public Works #244 and Clerical Technical AFSCME #235 Union Contracts.
8. Receive and file appointment of Acting Community Development Director.

- 26.1 Amended Human Resource Committee minutes, June 15, 2009.

27. **Plan Commission, June 17, 2009**

1. Timothy Enyeart request for certified survey map for Menards withdrawn.
2. Approve application by Scott Anderson to vacate alley between 13th & 14th Avenues East and East 8th and 9th Streets (VAC 09-03).

3. Approve application by Larry Brooke to vacate alley between 14th & 15th Avenues East and East 8th & 9th Streets (VAC 09-04).
4. Approve application by Pete Paine for a Special Use Permit for a mobile kiosk building. (SUP 09-03)

LICENSES APPROVED: *(all licenses approved contingent upon meeting code requirements)*

28. City Clerk Kalan submitting:

Miscellaneous licenses.

29. DP Management, trade name Roper's Saloon, 705 Tower Avenue, application to amend the premise of a Class B Liquor & Beer License for a special event July 22, 2009.
30. Marolt Enterprises, Inc., trade name JT's Bar & Grill, 1506 N. 3rd Street, application to amend the premise of a Class B Liquor & Beer License for a special event August 29 & 30, 2009.
31. Application for a One-Day Cabaret license submitted by Renee Kern, Jimmy's Saloon, 1812 Iowa Avenue, for July 18, 2009.

3RD ORDER

BUSINESS BY DEPARTMENT HEADS

32. **Planning Director Serck and SAMP II Technical Coordinator Johnson** request authorization to enter into an Encroachment Agreement with Superior Water, Light and Power (SWLP) to construct the earthen berms for the City's Lyman Lake Rd Wetland Mitigation Bank site.
MOTION by Councilor Dalbec, seconded by Olson and carried, to approve.
33. **Planning Director Serck** recommending to award the Cofferdam Installation at Cenex Harvest States Dock bid to the lowest most qualified bidder, Roen Salvage Company, amounts as follows: Mobilization/Demobilization, \$19,000., 24-hour dewatering, \$2,000. and price per placement, \$1,000.
MOTION by Councilor Dalbec seconded by Bender and carried, to approve.
- Assistant Public Works Director Goetzman** recommending:
 34. Bid award for Cab & Chassis Tandem Drive Trucks to Boyer Trucks of Superior for \$572,274, less an estimated trade-in value of the existing units of \$110,000, for a net total of \$462,274.
MOTION by Councilor Bridge, seconded by Dalbec and carried, to approve.
 35. To award Monroe Truck Equipment the bid to supply four dump bodies, plows and wing assemblies for \$199,940.
MOTION by Councilor Dalbec, seconded by Bender and carried, to approve.

36. To amend the Land Lease Agreement with Jeff Foster and accept the Fixed Base Operator (FBO) Agreement with Lake Superior Helicopters for a period of five years.
MOTION by Councilor Olson, seconded by Dalbec and carried, to approve.
37. To award Stack Bros. Mechanical Contractors, Inc. the 24th Ave. East Sanitary Sewer Reconstruction Project 2009 for \$144,000.
MOTION by Councilor Dalbec, seconded by Bender and carried, to approve.
38. To approve proposal from Donohue and Associates to provide preliminary engineering services for the Engineering and Facilities Planning for Wastewater Collection and Treatment Optimization and Upgrades for \$393,125.
MOTION by Councilor Dalbec, seconded by Bender and carried, to approve.

4TH ORDER

BUSINESS BY THE MAYOR

39. **Mayor Ross Committee Appointments:**
Assessment Board of Review - Margaret Ciccone for a term ending July 2012; and Duluth Transit Authority Board of Directors – Leslie Evans as the City’s representative, no term.
Superior Housing Authority Board of Commissioners – Jim James for a term ending May, 2014.
MOTION by Councilor Bridge, seconded by MacKenzie and carried, to approve.

6TH ORDER

RESOLUTIONS

40. **R09-12888** Resolution supporting a commitment to purchase only products and services that are made or performed in the United States, whenever and wherever possible, with any economic recovery monies received.
MOTION by Councilor Olson, seconded by MacKenzie and carried, to adopt the resolution.
41. **R09-12889** Resolution introduced by the Plan Commission setting a public hearing August 18, 2009, at 6:30 p.m. in the Government Center Board Room 201, to vacate alley between 13th & 14th Avenues East, and East 8th & 9th Streets. (VAC 09-03, Anderson)
MOTION by Councilor Dalbec, seconded by MacKenzie and carried, to adopt the resolution.
42. **R09-12890** Resolution introduced by the Plan Commission setting a public hearing to August 18, 2009, at 6:30 p.m. in the Government Center Board Room 201, to vacate alley between 14th & 15th Avenues East, and East 8th & 9th Streets. (VAC 09-04, Brooke)
MOTION by Councilor Dalbec, seconded by Bender and carried, to adopt the resolution.

43. **R09-12891** Resolution introduced by the Plan Commission authorizing a Special Use Permit for a Mobile Kiosk at 3731 E. 2nd Street. (SUP 09-03, Paine)
MOTION by Councilor Dalbec, seconded by Bridge and carried, to adopt the resolution.
44. **R09-12892** Resolution introduced by the Common Council concerning the Wisconsin Department of Natural Resources, Compliance Maintenance Annual Report (CMAR) for 2008.
This resolution was withdrawn.

7TH ORDER

ORDINANCES

45. **O09-3699** Ordinance introduced by Assistant Public Works Director Goetzman amending City Code Chapter 58-40 and 58-41, City Sanitary Landfill, Permission and Disposal Fees.
- 45.1 Handout; posted landfill rates.
MOTION by Councilor Bender, seconded by Dalbec and carried, to adopt the ordinance.

MOTION by Councilor MacKenzie, seconded by Bender and carried, to adjourn meeting at 7:01 p.m.

Respectfully submitted,
 Terri Kalan, City Clerk
 Superior, Wisconsin

Approved this 21st day of July, 2009.

Attest:

 Mayor Ross

 City Clerk