

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING  
SUPERIOR, WISCONSIN  
June 12, 2012**

The Regular Meeting of the Common Council was called to order by Mayor Bruce Hagen at 6:30 p.m. in the Government Center, Board Room 201.

**1. PLEDGE OF ALLEGIANCE**

- 2. ROLL CALL** Dan Olson, Tom Bridge, Warren Bender, Jackie Stenberg, Denise McDonald, Len Joyal, Bob Finsland, Mike Herrick, Mick MacKenzie, Bob Browne – 10  
Youth Councilor: August Cadotte  
Also Present: Mayor Hagen, City Attorney Prell, City Clerk Kalan

**3. PROCLAMATIONS AND COMMENDATIONS**

- 4. APPROVAL OF MINUTES** – May 15, 2012 - Regular Council meeting.  
**MOTION by Councilor Bender, seconded by Stenberg and carried, to approve.**

**5. PUBLIC HEARINGS**

- 5.1 R12-13070** Resolution introduced by the Plan Commission to vacate and discontinue the alley between Washington and Elmira Avenues, and Wellington and Fellows Streets. (VAC 12-02 Buelteman)  
No one spoke in favor of or opposition to the proposed vacation.  
**MOTION by Councilor MacKenzie, seconded by McDonald and carried, to approve.**
- 5.2 R12-13071** Resolution introduced by the Plan Commission to vacate and discontinue Harrison St. between E. 2<sup>nd</sup> and 3<sup>rd</sup> Streets. (VAC 12-03, Erickson)  
No one spoke in favor of or opposition to the proposed vacation.  
**MOTION by Councilor Olson, seconded by Joyal and carried, to approve.**
- 5.3 R12-13072** Resolution introduced by the Plan Commission to vacate and discontinue a portion of N. 59<sup>th</sup> St. in the vicinity of Nemadji Drive. (VAC 12-05, Mehlum)  
No one spoke in favor of or opposition to the proposed vacation.  
**MOTION by Councilor Olson, seconded by McDonald and carried, to approve.**
- 5.4** Public Hearing to consider non-renewal of applicants in Part 2 & 3 of the 2012-2013 Alcohol Report:  
1) Deputy Clerk Byrnes handed out an update of Part 2 & 3 of the Alcohol report.

a) CCOC, Inc.	Marlee's Caribbean Restaurant	525 Tower Avenue	Sewer & Stormwater Personal Property Fire Code Violations
<del>b) Charlie Brown's Of Sup. Inc.</del>	<del>Charlie Brown's</del>	<del>1828 Iowa Avenue</del>	<del>Sewer &amp; Stormwater Personal Property</del>
<del>e) Kastern, Kimberly Sue</del>	<del>Choo Choo Bar &amp; Grill</del>	<del>5002 E. 3<sup>rd</sup> Street</del>	<del>Sewer &amp; Stormwater Personal Property</del>
<del>d) Mencil Corporation</del>	<del>Landmark Lanes</del>	<del>1914 Broadway St.</del>	<del>Sewer &amp; Stormwater</del>
<del>e) On The Corner Inc.</del>	<del>Off The Wagon</del>	<del>318 Tower Avenue</del>	<del>Sewer &amp; Stormwater Personal Property</del>
<del>f) Pro Edge, Inc.</del>	<del>Gronks Grill &amp; Bar</del>	<del>4909 E. 2<sup>nd</sup> Street</del>	<del>Sewer &amp; Stormwater</del>
<del>g) Raek Em Up, Inc.</del>	<del>Mr Lucky's Bar &amp; Billiards</del>	<del>1022 Tower Ave.</del>	<del>Personal Property</del>
<del>h) Tower Avenue Tavern, Inc.</del>	<del>Tower Avenue Tavern</del>	<del>405 Tower Avenue</del>	<del>Sewer &amp; Stormwater Personal Property</del>
i) McKay, Todd	Les's Grocery	2920 N. 21st Street	Sewer & Stormwater Personal Property

No one spoke in favor of or opposition to the Alcohol report.

**MOTION by Councilor Bridge seconded by Bender and carried, to approve items b) c) d) e) f) g) h) as they are code compliant.**

**MOTION by Councilor Finland, seconded by Bender and carried, to non-renew licenses for items a) and i) due to failure to comply with City Code requirements, delinquent special assessments.**

## 6. CONSENT AGENDA

**MOTION by Councilor Finland, seconded by Olson and carried, to separate items #6.14 4) and 6.19 2) and approve the remainder of the Consent Agenda.**

- 6.1 State of Wisconsin Commissioner of Railroads, Notice of Investigation and Hearing and Assessment of Costs, regarding installing traffic signals at the intersection of Hammond Ave. and Winter St. *r/f*
- 6.2 State of Wisconsin Commissioner of Railroads, Notice of Investigation and Hearing and Assessment of Costs, regarding installing a 12 foot raised median island to replace the existing painted island at the tracks crossing Tower Avenue. *r/f*
- 6.3 All checks register for the month of May, 2012. *r/f*
- 6.4 Douglas County Historical Society, April 29, 2012, meeting notes. *r/f*
- 6.5 Duluth Transit Authority, March 28, 2012, meeting minutes. *r/f*

- 6.6 Metropolitan Interstate Council, April 18, 2012, meeting summary. *r/f*
- 6.7 Police and Fire Commission, May 25, 2012, meeting minutes. *r/f*
- 6.8 Police Department 2011 Annual Report. *r/f*
- 6.9 Claim #12-10, Randy & Janice Terry. *refer to Claims Cmt*
- 6.10 Councilor Finsland is requesting review of the University area for possible signage; Crosswalk marking; and possibly moving the bus shelter. *refer to PW Cmt*
- 6.11 Councilor Joyal is requesting removal of stops signs on N. 12<sup>th</sup> Street at Weeks and Clough Avenues. *refer to PW Cmt*
- 6.12 Councilor Stenberg is requesting installation of “No Engine Braking” signage on E. 2<sup>nd</sup> St. at 24<sup>th</sup> Avenue East. *refer to PW Cmt*
- 6.13 Council President Herrick is requesting installation of two stop signs, one on N. 23<sup>rd</sup> St., and one on N. 24<sup>th</sup> St., and Oakes Avenue. *refer to PW Cmt*
- 6.14 **Finance Committee, May 10, 2012** *recommendations for approval*
  - 3) Approve the sewage credit for Steven Olson for 1911 Butler Ave. in the amount of \$7,502.05, with payment made to the Douglas County Treasurer.
  - 4) Approve the new contract between the City of Superior and Animal Allies for management of the Animal Shelter for the period 7/1/12 – 6/30/13.
  - 5) Approve the 2012 Storm Water Fund Budget.
  - 6) Hold to the June 14<sup>th</sup> Finance Committee meeting, the Internal Auditor Activity Summary.
  - 7) Receive and file the April 2012 Financial Statements.

**Item 6.14 (4)**

Councilor MacKenzie advised there are still some details that need to be worked out in the Animal Allies Contract and requested this item be referred back to the Finance Committee.

**MOTION by Councilor Olson, seconded by Bridge and carried, to refer back to the Finance Committee.**

- 6.15 **Human Resources Committee, May 21, 2012** *recommendations for approval*
  - 2) Receive and file April 2012 Personnel report.
  - 3) Approve Local #27 (Police), 2012-13 Contract.
- 6.16 **Special Human Resources Committee, June 6, 2012** *recommendation for approval*
  - 1) Approve Local #74 (Fire), 2012-13 Contract.

**6.17 License & Fees Committee, May 14, 2012 recommendations for approval**

- 1) Approve increasing the Towing/Wrecker Service fees from \$90 to \$98, for vehicles Weighing 8,000 lbs or less; and from \$100 to \$108, for vehicles weighing more than 8,000 lbs.
- 2) Hold the review of outdoor music requirements in committee until the August 13, 2012 meeting.

**6.18 Plan Commission, May 16, 2012 recommendations for approval**

- 1) Approve request from Parkland Sanitary District #1 for a Special Use Permit for a private utility facility in the vicinity of County Rd E and E. 3<sup>rd</sup> St. (SUP 12-02)
- 2) Approve Richard Melcher's request to vacate New York Avenue between N. 21<sup>st</sup> St. and Wellington St. (VAC 12-04)

**6.19 Public Safety Committee, May 9, 2012 recommendations for approval**

- 1) Hold to the next Public Safety Committee meeting, Councilor Bender's request on behalf of various landlords and business people, concerns about fire inspections, directing Fire Chief Rigstad to meet with John Mahan and review discussed inspection reports and report back.
- 2) Approve the purchase of 35 portable radios from Two Way Communications; and three base station radios and one dual head radio, from Duluth Superior Communications, in the corrected amount of \$9,545.28.

**item 6.19 (2)**

Councilor Bender stated this item was referred back to the Public Safety Committee at the May 15, 2012 Council meeting, and wanted the record to reflect that.

**MOTION by Councilor Bender, seconded by Browne and carried, to refer this item back to the Public Safety Committee.**

**6.20 Public Works Committee, May 16, 2012 recommendations for approval**

- 2) Receive and file Councilor MacKenzie's request for placement of street lights at the intersections of Texas Avenue and Beacon Lane, and Overlook and Beacon Lanes.

**6.21 Approve miscellaneous licenses. City Clerk Kalan**

**6.22 Approve original "Class B" Liquor and Class "B" Beer license application by Shorty's Pizza and Smoked Meat, Inc., Trade Name Shorty's Pizza and Smoked Meat; 1015 Tower Avenue, Brian Noel Agent, for the license period July 1, 2012 through June 30, 2013.**

**MOTION by Councilor Herrick, seconded by MacKenzie and carried, to consider 10<sup>th</sup> Order, Resolutions, before 7<sup>th</sup> Order, Business by Department Heads.**

## 7. BUSINESS BY DEPARTMENT HEADS

- 7.1 City Attorney Prell and Finance Director Vito recommending to refund property tax paid by 1101 Building Ltd. Partnership (Alan T. Amatuzio) based on lowered assessed property value of 1101 Building Ltd. property for the years 2009 and 2010, a total of \$99,154.84.

City Attorney Prell and Finance Director Vito responding to Councilors, explained the property owner appealed the market value assessment of the property (1101 Susquehanna Avenue) to the Wisconsin Tax Appeals Commission, which resulted in a lower value. The City is statutorily obligated to refund the amount stated. The City is now researching the option to charge the other taxing jurisdictions for their share of the refunded taxes.

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

- 7.2 Finance Director Vito is requesting referral of the Animal Allies – Proposed Animal Shelter Contract, July 1, 2012 – June 30, 2013 (item #6.13 (4); and Animal Allies Consultation and Coordination Proposal (approved May 3, 2011), back to the Finance Committee.

**MOTION by Councilor MacKenzie, seconded by Bridge and carried, to approve.**

- 7.3 Planning Director Serck is recommending to award the bid to purchase City owned property at 1813 N. 26<sup>th</sup> St., to Northwest Wisconsin Community Services Agency (NWCSA) for \$2,700.

**MOTION by Councilor Herrick, seconded by Stenberg and carried, to approve.**

- 7.4 Planning Director Serck is recommending to award the bid to purchase City owned property at 2225-27 Ogden Avenue to David and Joy Preston in the amount of \$16,505.

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

- 7.5 Fire Chief Jim Rigstad is requesting approval to renew the WI Regional Hazardous Materials Response Team contract for a total of \$131,935.03 for July 1, 2012 through June 30, 2013.

**MOTION by Councilor Olson, seconded by Herrick and carried, to approve.**

- 7.6 Public Works Director Goetzman and Mark Simmonds are recommending to award the Engineering Services for the Main Plant Pump Replacement with Controls Project, to Donohue and Associates for \$66,600.

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

- 7.7 Public Works Director Goetzman is recommending to award the 2012 Sewer Reconstruction projects to A-1 Excavating Inc. in the amount of \$140,869.40.

**MOTION by Councilor Olson, seconded by McDonald and carried, to approve.**

- 7.8 Public Works Director Goetzman is recommending to award the 2012 Asphalt Milling project to W.K. Construction in the amount of \$70,840.

**MOTION by Councilor Olson, seconded by Herrick and carried, to approve.**

- 7.9 Assistant Public Works Director Janigo recommending to award the contract for Pavement Markings to AAA Striping, for amounts outlined in document.  
**MOTION by Councilor Olson, seconded by Browne and carried, to approve.**

## 8. BUSINESS BY THE MAYOR

Mayor Hagen Committee Appointments:

Police and Fire Commission – Charlie Glazman, for another five year term expiring May, 2017; Community Development Block Grant Advisory Board (CDBG) – Dan Knight, for another three year term expiring January, 2015; Urban Forestry Tree Board – Mary Kehoe, for another three year term expiring February, 2015; Mayor’s Commission on Disabilities – Hattie Crass, filling a vacancy, term expiring June, 2013; Civil Service Commission – Alan Rock, for another three year term expiring May, 2015; Superior Housing Authority Board of Commissioners – Sue Rink for another five year term expiring May, 2017; Assessment Board of Review – Margaret Ciccone, for another five year term expiring, July, 2017; Library Board – Greg Elonen, to a three year term expiring July 2015; and Urban Forestry Tree Board – Ella Cross, for another three year term expiring May, 2015.

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

## 9. BUSINESS BY COUNCILORS

## 10. RESOLUTIONS

- 10.1 **R12-13073** Resolution introduced by the Plan Commission setting a public hearing for August 7, 2012 at 6:30 p.m. in the Government Center Board Room 201, to vacate New York Ave. between N. 21<sup>st</sup> St. and Wellington Street. (VAC 12-04, Melcher)  
**MOTION by Councilor MacKenzie, seconded by Herrick and carried, to adopt the resolution.**
- 10.2 **R12-13074** Resolution introduced by the Plan Commission Authorizing a Special Use Permit for Utility Building in the Vicinity of County Road E and East Third Street, Superior, Wisconsin. (*Parkland Sanitary District #1*)  
**MOTION by Councilor Bridge, seconded by McDonald and carried, to adopt the resolution.**
- 10.3 **R12-13075** Initial Resolution of the City of Superior, relating to the issuance of General Obligation Bonds in an amount not to exceed \$3,000,000 for Improvements to the City’s landfill.  
**MOTION by Councilor Bridge, seconded by McDoanld and carried, to adopt the resolution.**
- 10.4 **R12-13076** Resolution of the City of Superior, relating to the Issuance and Sale of General Obligation Corporate Purpose Bonds.  
**MOTION by Councilor Bridge, seconded by MacKenzie and carried, to adopt the resolution.**

**10.5 R12-13077** Resolution of the City of Superior, Authorizing the Transfer of Property to the Redevelopment Authority of the City of Superior; Approving a Cooperation Agreement with the Redevelopment Authority of the City of Superior; and Approving the Report of the Redevelopment Authority of the City of Superior Regarding the Development Agreement with Exodus Machines Incorporated and Exodus Real Estate Holdings, LLC.

**10.5 a)** Planning Director Serck handed out the report of the Redevelopment Authority of the City of Superior, and the June 7, 2012 Redevelopment Authority meeting minutes.  
**MOTION by Councilor MacKenzie, seconded by Browne and carried, to adopt the resolution.**

**10.6 R12-13078** Resolution of the Common Council of the City of Superior, Approving Execution of Lease Agreements with the State of Wisconsin Department of Administration. *(former Boathouse Restaurant and Vista properties)*

**MOTION by Councilor Bridge, seconded by McDonald and carried, to adopt the resolution.**

## **11. ORDINANCES**

**11.1 O12-3805** Ordinance introduced by the License & Fees Committee amending City Code Section 112-143, Towing Charges.

**MOTION by Councilor Finsland, seconded by McDonald and carried, to adopt the ordinance.**

## **12. BUSINESS BY PUBLIC**

**MOTION by Councilor Bridge, seconded by Bender and carried, to adjourn meeting at 7:04 p.m.**

Respectfully submitted,  
Terri Kalan, City Clerk  
Superior, Wisconsin

Approved this 3<sup>rd</sup> day of July, 2012.

Attest:

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Mayor

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City Clerk