

**PLAN COMMISSION MEETING MINUTES  
SUPERIOR, WISCONSIN  
Wednesday, June 15, 2022**

The Plan Commission Meeting for the City of Superior was called to order by Mayor Paine at 4:00 p.m. in the Board Room 201.

**ROLL CALL**

Members present: Mayor Jim Paine, Tylor Elm, Lindsey Graskey, Brent Fennessey, Brian Finstad, Anne Porter, Garner Moffat

Members excused: Dave Strum, Dennis Dalbec

Staff present: Jason Serck, Stephanie Becken

Others present: Shelly Nelson, Greg Reibel, grant applicants. Online: Councilor Van Sickle, Councilor Ludwig, Councilor Herrick

There being a quorum present, the meeting was in order.

**APPROVAL OF MINUTES:**

**MOTION by Commissioner Fennessey, seconded by Porter, and carried to approve the minutes of May 18, 2022.**

**Point of Order:** Commissioner Fennessey reviewed agenda and asked that Old Business be taken into account before New Business.

**MOTION by Commissioner Fennessey, seconded by Finstad, and carried to take agenda out of order and bring Old Business 1 to the top of the agenda.**

1. COMMISSIONER FENNESSEY: Motion to reconsider the approval of the items 4-6, "Vacant to Value: New Construction applications" from Plan Commission meeting on May 18, 2022.

Commissioner Paine referenced the terms of 'reconsideration', first outlining that the reconsideration on the floor was whether the commission wanted to re-open discussion on the previously made vote. If the vote were to be positive for reopening the vote, discussion would return to the vote of May 18<sup>th</sup>. Commissioner Fennessey stated the procedure as written in the Vacant to Value: New Construction was not followed May 18<sup>th</sup> when proof of financing was not included in the application. Commissioner Elm asked Planning Director Serck for more background. Serck explained the process of proof of financing being required before development agreements were drafted and paperwork was sent to Council for approval. The previous applicants for the Vacant to Value: New Construction had happened in this order. In talks with local bankers, the approval for the land is needed before the pre-approval process can begin—putting the need for approval about the land before the ability to attain financing. Commissioner Paine noted that later in the agenda the

commission would look at updating the policy to reflect actual practice. Commissioner Fennessey stated the application in May was still incomplete per existing guidelines. Commissioner Paine noted to follow the policy now would be to treat Green New Deal differently than all of the other applicants seen so far, and that practice has a binding effect too. Commissioner Porter asked why this applicant should be treated differently, if all others have passed through the process. Commissioner Fennessey noted that he noticed the difference this time, and had not previously. Commissioner Moffat asked if the Plan Commission's approval was a strong enough assurance about the properties in attaining financing. Serck said yes, as the banks have already been approving financing this way. Commissioner Paine said the Plan Commission approval holds weight, because it halts the property from other interested parties.

**Commissioner Paine called for any further discussion and asked for a Roll Call vote on the original motion to reconsider the Vacant to Value vote from May 18, 2022.  
Paine, Graskey, Finstad, Elm, Porter: NO. Moffat, Fennessey: YES. Motion failed 5-2.**

### **NEW BUSINESS**

1. Bluff buffer appeal from Gregory Reibel, 418 Marina Drive  
Planning, Economic Development, and Port Director Serck explained the Reibel buffer appeal as presented met and exceeded the requirements for appeal and encouraged approval.

**MOTION by Commissioner Fennessey, seconded by Elm and carried to approve the Reibel buffer appeal.**

2. CSM 102 Belknap St  
Director Serck explained the property as one all were familiar with as it was on Belknap Street with the CSM allowing for adjustments in how the existing building and land are used in the future.

**MOTION by Commissioner Fennessey, seconded by Graskey and carried to approve the CSM of 102 Belknap St.**

3. Small Business Grant Program Allocation  
Commissioner Paine explained the grant applications presented can be taken in any order as far as discussion, with the first step being to decide how to process and make decisions, as the amount requested was more than available for the 2<sup>nd</sup> quarter of 2022. Director Serck made small amendments to the packet, including a missing page from a bid for Anchor Bar, the income of Jimmy's Saloon (\$350,000 rather than \$10,000). He assured the commissioners that all applicants before them had met the requirements of the application, including submitting financial documents and multiple bids where needed. Serck noted the applicants were all present in the room and available for questions.  
Commissioner Paine noted Commissioner Moffat had put together his ideas on how to adjust totals and if wanted later, Moffat could make a motion to approve those ideas if desired. Commissioner Elm asked for clarity on budget on if the commission could borrow from the past/future, as Q1 had left over money and Q3 was budgeted to have \$50,000. Commissioner

Paine asserted that spending what was left from Q1 was the current plan, and borrowing from Q3 was not part of the current policy and program, but the Plan Commission had made that policy/plan and could therefore change it to allow for Q3 borrowing if they wanted.

Commissioner Elm added that for the future, if spending shows any quarter as substantially more popular than others, then the commission may want to consider a different schedule for allocations. Commissioner Moffat explained his spreadsheet and totals he'd like to see to fit within the budget. His recommendations were based to average down the larger projects and reduce ones that did not seem as essential or had a lower economic impact. Commissioner Paine asked for discussion to continue, but allowed that when it came time to make motions, Commissioner Moffat was first on the list. Commissioner Porter asked for the mission statement to be read. *Provide grant-funding support for Superior's new and existing small businesses who are investing in the community by improving, beautifying and stabilizing our storefronts and streetscapes within the city. The City will focus on aesthetic improvements as being a priority for this program.*

Commissioner Fennessey noted all the applicants fit with what the grant has funded in the past, but in light of staying within budget, some did fit the focus better than others. He provided a spreadsheet that came in under budget, but reflected preference to fully funding projects that more fully met the grant parameters, while still funding the others at lower rates.

**MOTION by Commissioner Moffat to approve the spreadsheet of recommendations he submitted to the group. No second. Failed.**

Commissioner Graskey said she was in favor of dipping into quarter three to fully fund all the grant applications, as the projects were most likely seasonally sensitive.

**MOTION by Commissioner Fennessey and seconded by Elm to approve the spreadsheet of recommendation he submitted to the group.**

Commissioner Fennessey explained he'd chosen numbers based on projects and reduced reimbursement for the projects that fit in the 'upon approval' section of the grant description. Commissioner Finstad stated he thought normal wear and tear fit for the same value as new construction and wanted to see Eddie's application fully funded. Commissioner Graskey stated she'd like to see the Tower Plaza application be fully funded. Commissioner Moffat noted the criteria was becoming 2-track with some commissioners looking at public good and others looking at economic growth while staying in budget, and reminded the group his proposal did both. Commissioner Porter asked the options for comparing or amending to come to an agreement. Commissioner Paine brought up 'creating a blank' that would allow for side by side comparison. Commissioner Fennessey stated his proposal was imperfect and wouldn't want it passed as-is, suggested amending and to bump up the totals to spend all the available funds. Commissioner Paine said the group could get that done today or go into special session. Commissioner Elm suggested to amend the amounts by percentages of what was left.

**MOTION by Commissioner Finstad, seconded by Fennessey and carried to amend the proposed budget to fully fund Eddie's and Tower Avenue Plaza.**

**MOTION by Commissioner Elm, seconded by Porter to amend the amendment to reduce SAHA and DSC to reach the \$190 balance difference. Motion failed.**

Commissioner Fennessey suggested to borrow the \$190 from the future. Commissioner Graskey agreed or offered up reducing everyone by \$30.

Commissioner Graskey asked if those who aren't fully funded could become fully funded at the end of the year if the commission still had unspent money. Director Serck stated that's not how the program is currently written. Commissioner Paine said it was something the commission could revisit at the end of the year. Commissioner Moffat stated after approval, grant recipients can't apply again for 3 years per the current policy and also stated he was against borrowing from Q3 and would like to stay within budget. Commissioner Elm asked about the weight of the precedent if the commission decided to borrow from the future. Commissioner Paine stated precedent matters, but it was up to the commission. Commissioner Graskey stated the commission had set a precedent of supporting businesses and to move forward to amend the budget to allow for the \$190 over.

Commissioner Paine asked if the commission would be open to public feedback. Commissioner Paine welcomed Keith Kern for 3 minutes. Kern invited the commissioners to stay within budget by reducing the grant to Jimmy's Saloon by the \$190.

**MOTION by Commissioner Finstad, seconded by Elm to amend the proposed allocations budget to reduce Jimmy's Saloon by \$190 and carries.**

Commissioner Paine asked for any further discussion and asked for vote based on the amendments to the original motion and carries unanimously.

**Approved Grant Amounts totaling: \$73,586**

<b>a. Anchor Bar &amp; Grill 22-04</b>	<b>\$4,692 (full)</b>
<b>b. DSC Communications 22-05</b>	<b>\$9,750 (partial)</b>
<b>c. Eddie's 22-06</b>	<b>\$14,011 (full)</b>
<b>d. Jimmy's Saloon 22-07</b>	<b>\$12,935 (partial)</b>
<b>e. SAHA 22-08</b>	<b>\$5,798 (partial)</b>
<b>f. Superior Tavern 22-09</b>	<b>\$11,400 (full)</b>
<b>g. Tower Plaza Development Corporation 22-10</b>	<b>\$15,000 (full)</b>

4. Amend policy language for Vacant to Value: New Construction

**MOTION by Commissioner Elm, second by Finstad to approve the change in language in the Vacant to Value: New Construction language.**

**MOTION by Commissioner Fennessey, seconded by Porter to amend the motion to strike out all new language and keep the existing language.**

Commissioner Fennessey stated the rehab program requires financial information up front and

any real estate agent would require a pre-approval, so it was reasonable for this program to as well. Commissioner Porter said the requirements for the application already included financial commitment with the architect plans and drawings. Commissioner Paine noted that banks say 'no' if there is not an asset to loan against and the program should not be reduced to only serving those who can independently finance. Commissioner Fennessey competition is good and suggested awarding those who are doing their work ahead of time is a good thing. He asked about what kind of delay happens in the program when financing comes after approval. Director Serck said the last applications have been 1-2 months and that the commission would not have seen any of the other applications if the finances hadn't been requested after approval.

**Commissioner Paine asked for a roll call vote on the amendment motion on the floor:  
Paine, Graskey, Finstad, Elm, Moffat, Porter: NO. Fennessey: YES. Motion fails 6-1.**

**Commissioner Paine asked for a vote on the original motion to approve the amended language to the Vacant to Value: New Construction policy, carried.**

### **OLD BUSINESS**

2. REFERRAL FROM CITY COUNCIL: Item number 7 from Plan Commission meeting on May 18, 2022. O22-4273, an ordinance introduced by the Department of Planning and Development to amend the City Code, Chapter 122, Zoning, to allow firearm sales in C2 – Highway Commercial District.

Commissioner Paine explained the City Council had asked for the ordinance to be referred back to the Plan Commission to look at moving back to the original idea of doing a special use permit rather than an ordinance change. He then asked the commission to consider postponing any discussion until next month when the City Planning Department will have had time to put together some options for updated language for a special permit.

**MOTION by Commissioner Finstad, seconded by Elm and carried to hold the firearm ordinance discussion in commission until the July Plan Commission meeting.**

### **OTHER BUSINESS**

Commissioner Paine requested the Plan Commission meetings be moved to 204—the Committee Room—to allow for more discussion based communication. In the case of public hearings or large groups, the commission would go to the board room. A sign will be posted for future meetings alerting people to the new location.

### **ADJOURNMENT**

**The meeting adjourned at 5:33**

Respectfully Submitted by:

Stephanie Becken

Planning Assistant

