

**PROCEEDINGS OF THE REGULAR COUNCIL MEETING
SUPERIOR, WISCONSIN
TUESDAY, JUNE 6, 2006**

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.

Council Members Present: Tom Quick (6:55) , Tom Bridge, Kevin Norbie, Jackie Stenberg, Ed Anderson, Chuck Hendry, Bob Finsland, Nick Milroy, Dennis Dalbec, Esther Dalbec - 10

Youth Council Present: Aaron Moncel, Nick Feller

Youth Council Excused: Ryan Hoyer

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

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

MOTION by Councilor D. Dalbec, seconded by Norbie and carried, to approve the minutes of the May 16, 2006 Regular Council meeting.

1ST ORDER

PUBLIC HEARINGS

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

- | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|----------------------------|
| a) Fifth (5th) Street Entertainment Corp Bonnie Douglas, Agent North Star Liquor, 1310 North 5 th Street Communication from Bonnie Douglas requesting waiver of the 150 hour requirement and advising the building is very near completion with anticipated completion in July 2006. | <u>City Code 5-15. Nonoperational</u> | |
| MOTION by Councilor D. Dalbec, seconded by Finsland and carried, to waive the 150 hour requirement and approve the license. | | |
| b) Orloski, Paul Tyomie's, 601 Tower Avenue | <u>Delinquent Personal Property</u> <u>Delinquent Special Assessments</u> | Paid |
| c) Sitek, Carol Ann Loading Zone, 24 Winter Street | <u>Delinquent Personal Property</u> | Paid |
| d) Belknap Foods, Inc. (Class A Beer) Jubilee Foods, 204 Belknap Street Bradley Roden, Agent | <u>Delinquent Personal Property</u> | Paid |
| e) Country Market IGA, Inc. (Class A Beer) Jubilee Foods, 2222 East 5th Street Bradley Roden, Agent | <u>Delinquent Personal Property</u> <u>Delinquent Special Assessments</u> | Paid Paid |

- f) **Turner, Isadore, Jr. & Lori . (Class B Beer)** Delinquent Personal Property **Paid**
Billings Park Café, 1802 Iowa Avenue
MOTION by Councilor Stenberg, seconded by D. Dalbec and carried, to approve licenses b) through f).

2ND ORDER

CONSENT AGENDA

City Clerk Ciccone advised of additions to the Consent agenda, item #'s 12.1, and 12.2, referrals to Public Works Committee.

MOTION by Councilor Finsland, seconded by Norbie and carried, to separate item #'s 12.1, 12.2 and 16.5, and approve the remainder of the Consent Agenda.

COMMUNICATIONS AND REPORTS RECEIVED AND FILED:

City of Superior Minutes/Reports

2. Human Resources Committee, April 17, 2006.
3. Public Library Board, April 5, 2006.
4. Redevelopment Authority of the City of Superior, May 17, 2006.

Miscellaneous Communications and Reports

5. Development Association, Inc., 2006 Annual Report.
6. Duluth-Superior Metropolitan Interstate Council, April 19, 2006, minutes.
7. Duluth Transit Authority Board of Directors, March 29, 2006, minutes.
8. Housing Authority of the City of Superior, April 26, and May 5, 2006, minutes.

MATTERS REFERRED TO:

Liability Claims Committee and CVMIC

9. #16-06 Stanley Beckman
10. #17-06 Hyran & Kathleen Price

Public Works Committee

Commissioner of Railroads submitting:

11. Notice of Investigation and Assessment of Costs, regarding crossing at Hammond Avenue and N. 58th Street.

Public Works Committee City Attorney

12. Supplemental Order regarding closure of crossing at Elm Avenue and N. 12th Street.
- 12.1 Joe Penney submitted petitions which read: "We, the undersigned residents, support keeping Elm Avenue OPEN from 12th to Winter Streets. Closing Elm Avenue at 12th Street would cause hardship to existing businesses and restrict access to the area for emergency vehicles. We are **OPPOSED** to closing Elm Avenue at the railroad crossing near 12th Street." Total number of signatures 644; of which 631 were residents; 10 were non residents working at Superior based businesses; 3 non-residents; and one excluded for invalid address.

12.2 Councilor D. Dalbec submitting information regarding closure of crossing at Elm Avenue and N. 12th Street.

Joe Penney, 708 Winter St., stated he would like this crossing to remain open “permanently” and requested that wording be added to communications forwarded to the Commissioner of Railroads.

Councilor D. Dalbec stated this crossing was included with other closures when approved by the Council years ago. Money was received in 2003 and 2004, and has already been used to pay for other projects. He recommended sending a letter to the Commissioner of Railroads, along with the petitions submitted by Mr. Penney, and the portion of monies received for this crossing, and request to rescind the order to close this crossing.

MOTION by Councilor D. Dalbec, seconded by E. Dalbec and carried, to refer items 12, 12.1, and 12.2 to the City Attorney directing he send a letter to the Commissioner of Railroads, requesting to rescind the order to close the Elm Avenue and N. 12th Street crossing; to include a check reimbursing the railroads for the portion of monies received for that crossing; and also include the petitions submitted by Mr. Penney.

7th Order – Ordinances

Attorney Prell submitting:

13. Ordinance amending Traffic Code Section 4-73, Enforcement, regarding notice of Junked Vehicles.
14. Ordinance amending Traffic Code Schedule M, Municipal Parking lots, Section 1, No parking in designated spaces within Municipal lots, deleting City Library, “Employee Parking” designation.

STANDING COMMITTEE REPORTS APPROVED:

15. Committee of the Whole, May 16, 2006

1. To place city-owned property abutting 2216 Lamborn Avenue for sale with a minimum bid price of \$700.
2. Regarding the Preliminary Alcohol Report: to refer Part 1 (Applicants with Special Circumstances) and Part 2 (Applicants with Basic Violations) to a Public Hearing June 6, 2006 to consider non-renewal of applications; and to approve applicants listed in Part 3 and Part 4 of the report.
3. To request the Friends of the Carnegie Library provide a progress report to the Council in six months.

16. Finance Committee, May 11, 2006

2. To approve the sewage credit at 4228 East 2nd Street with payment to be made to Cheryl Valentine.
7. Regarding Barkers Island Marina Phase Two, to look into long term plan as presented by Public Works Director Vito and keep in Committee.
3. To revise the SMECU lease to be uniform with other leases the City holds and use the Consumer Price Index to increase this lease each year.
4. To receive and file information regarding purchase of voting equipment as presented by City Clerk Ciccone.

5. To refer Hotel-Motel Tax Distribution ordinance to City Attorney Prell, Dave Minor, Dennis Dalbec and Finance Director Vito (the new committee to include one or two Councilors, Executive Director of Chamber, Director of Development Association and citizens as appointed by the Mayor)
6. To hold in committee, review of non-profits assessment payments in lieu of taxes.
8. To approach Superior Bank and inquire if they can meet the same standards as M&I Bank has offered regarding payroll checking account – banking options.
9. To approve the payments for publication for April, 2006.
10. To receive and file the April 2006 Financial Statements.

Item 16.5

MOTION by Councilor Anderson, seconded by D. Dalbec and carried, to approve the recommendation of the Finance Committee.

17. Human Resources Committee, May 15, 2006

3. To approve Local #235 Side Letter Agreement: Community Service positions participate in random drug testing program.
4. To approve Local #235 Side Letter Agreement: Departmental Seniority for Comm Dev/Eng/Landfill/Parks & Rec/ PW/WWTP.
6. To approve the recommended reclassification of the part-time Clerk to Typist Clerk II at the Landfill.
7. To approve the exceptions to the hiring freeze.
8. To receive and file the Monthly Personnel Report for April 2006.

18. License & Fees Committee, May 22, 2006

1. To recommend the Council repeal O05-3544 prohibiting mobile food establishments and refer licensing of mobile food establishments back to committee for review under the Peddler and Solicitors licensing requirements.

19. Plan Commission, May 17, 2006

1. To approve the certified survey map for the area located in part of Government Lot 1, Section 16, Township 49 North, Range 14 West, City of Superior, Wisconsin as submitted (Hallet Dock project).

Public Safety Committee did not meet in May

20. Public Works Committee, May 17, 2006

1. To hold possibility of installing a guard rail or no parking signs on City Limits Road at Bear Creek in Committee so a recommendation can be made on signage and the item can be discussed with the Town of Parkland.

3RD ORDER

BUSINESS BY DEPARTMENT HEADS

21. City Attorney Prell submitting sublease agreement between Flamingo Excursions, Inc. and Cheese to Please and Kanine Krunchies.

MOTION by Councilor Norbie, seconded by E. Dalbec and carried, to approve.

City Clerk Ciccone submitting:

22. Miscellaneous licenses.

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

23. Original Class B Liquor & Beer license submitted by Community Bank, 1201 Tower Avenue, Stephen Olson, agent, for license period July 1, 2006 – June 30, 2007 (previously held by TLE, Inc., 3rd Rock)

- 23.1 Communication from Attorney Stephen Olson advising while Community Bank, has no intentions of operating the license, is aggressively looking for a suitable buyer, and requesting the Council waive the 150 hours of operation requirement and approve the license.

MOTION by Councilor D. Dalbec, seconded by E. Dalbec and carried, to approve the license contingent upon resolution of the delinquent 2005 personal property taxes.

24. Application to waive the 15 day filing timeline and amend the premises of a Class B Liquor and Beer license submitted by Ale Port, LLP, Smithy's Bar, 3823 East 2nd Street, to include parking lot immediately north/east of establishment, June 17, 2006, 12:00 p.m. - 12:00 a.m. for special event.

MOTION by Councilor Bridge, seconded by E. Dalbec and carried, to approve.

25. Recommendation to purchase eleven (11) Model 100 Precinct Ballot Counters at a cost of up to \$10,000 each year for five years (\$50,000 total) with funds designated from the franchise fee, and ten (10) Auto MARK Voter Assist Terminals, through the Douglas County Clerk Request from Proposals for election equipment, from Election Systems & Software (ES&S).

MOTION by Councilor Finsland, seconded by D. Dalbec and carried, to approve.

26. Finance Director Vito requesting authorization to utilize a new developer to update the City website, for a one time fee of approximately \$8,000 - \$9,000 and funds to come from the Information Services budget. The recommended vendor information will be submitted at the meeting.

- 26.1 Information Services Manager Dan Shea, recommending CivicPlus to design/host the new City web site, with a one time cost of approximately \$8,000.

MOTION by Councilor Norbie, seconded by D. Dalbec and carried, to approve.

Public Works Director Vito recommending:

27. Purchase of blacktop mix for annual street maintenance program for 2006, from any/all vendors listed in communication at their submitted prices.

MOTION by Councilor Norbie, seconded by D. Dalbec and carried, to approve.

28. Purchase of gravel and sand supplies for 2006, from any/all vendors listed in communication at their submitted prices.
MOTION by Councilor Norbie, seconded by D. Dalbec and carried, to approve.
29. Award sewer repairs for eight locations outlined in communication, to J. Kimmes Construction, Inc. for low bid of \$308,500.
MOTION by Councilor Norbie, seconded by D. Dalbec and carried, to approve.
30. Purchase of two (2) four-wheel drive articulated loaders be awarded to Nortrax Equipment, Ashland, WI, for low bids including trade-in of \$112,900 for the Solid Waste Division loader and \$163,500 for the Street Division loader.
MOTION by Councilor Norbie, seconded by Anderson and carried, to approve.

4TH ORDER

BUSINESS BY THE MAYOR

31. Mayor Ross recommending the following Committee re-appointments:
- a) David Bilden, Metropolitan Interstate Council for a two (2) year term expiring May 2008;
 - b) Teddie Meronek, Historical Preservation Committee for a three (3) year term expiring May 2009;
 - c) James Sigfrids Sr, Plan Commission for a three (3) year term expiring May 2009; and
 - d) Mary Robek, Civil Service Commission for a four (4) year term expiring May, 2010.
- MOTION by Councilor Hendry, seconded by D. Dalbec and carried, to approve.**

5TH ORDER

BUSINESS BY COUNCILORS

Youth Councilors Moncel and Feller thanked the Council for the opportunity to be involved in the City Government. Moncel will serve a second term, Feller will graduate this summer.

7TH ORDER

ORDINANCES

32. **O06-3587** Ordinance introduced by Wastewater Treatment Administrator Romans to amend the City Code of Ordinances, Chapter 114, by repealing and recreating Article IV, Stormwater Utility, and by creating Article V, Stormwater Utility Charges.
MOTION by Councilor Anderson, seconded by D. Dalbec and carried, to adopt the ordinance.
33. **O06-3588** Ordinance introduced by City Attorney Prell amending Traffic Code, Section 4-73, Junked Vehicle Enforcement, by allowing notice to be provided by placing a placard on the vehicle, or providing written notice via first class mail.
MOTION by Councilor D. Dalbec, seconded by E. Dalbec and carried, to adopt the ordinance.

34. **O06-3589** Ordinance introduced by City Attorney Prell amending the Traffic Code Schedule M, Municipal Parking Lots, Section 1, No Parking in Designated Spaces within Municipal Lots, deleting City Library “Employee Parking” designation.
MOTION by Councilor Norbie, seconded by D. Dalbec and carried, to adopt the ordinance.
35. **O06-3590** Ordinance introduced by the request of the License and Fees Committee to amend City Code, Chapter 94 Peddlers and Solicitors, by repealing Ordinance #O05-3544 prohibiting Mobile Food Establishments.
MOTION by Councilor Finsland, seconded by D. Dalbec and carried, to adopt the ordinance.
36. **O06-3591** Ordinance amending the Traffic Code, Section 3-12, Schedule J, Disabled Parking – Do Not Block Sidewalk, by removing 1824 Lackawanna Avenue.
MOTION by Councilor D. Dalbec, seconded by Norbie and carried, to adopt the ordinance.

8TH ORDER

BUSINESS BY PUBLIC

Joe Penney, 708 Winter Street, advised the Boys & Girls Club is in need of donations.
No action.

Joe Penney, requested review of house fire at 712 Winter Street.
No action.

MOTION by Councilor Norbie, seconded by D. Dalbec and carried, meeting adjourned at 7:21 p.m.

Respectfully submitted,
 Margaret Ciccone, City Clerk
 City of Superior, Wisconsin

Approved this 20th day of June, 2006

Attest:

 Mayor

 City Clerk