

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
TUESDAY, MARCH 21, 2006**

The Regular Meeting of the Common Council was called to order by Mayor Ross at 6:44 p.m. in the Government Center, Board Room 201.

Council Members Present: Tom Quick, Kevin Norbie, Jackie Stenberg, Ed Anderson, Chuck Hendry, Bob Finsland, Esther Dalbec -7

Council Members Absent: Tom Bridge, Nick Milroy, Dennis Dalbec - 3

Youth Council Present: Aaron Moncel, Nick Feller

Youth Council excused: Ryan Hoye

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

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

APPROVAL OF MINUTES

MOTION by Councilor Norbie, seconded by E Dalbec and carried, to approve the minutes of the March 7, 2006 Regular Council Meeting.

2ND ORDER

CONSENT AGENDA

City Clerk Ciccone advised item 22.1 should read "To approve a 2 percent increase in hotel/motel taxes."

MOTION by Councilor Norbie, seconded by Finsland and carried, to separate items 8 and 22.1 and approve the Consent Agenda.

COMMUNICATIONS AND REPORTS RECEIVED AND FILED

State of Wisconsin

Department of Natural Resources preliminary approval to renew air pollution control permits at:

1. Birch Avenue and Faxon Street for UW-Superior.
2. 3701 East Itasca Street for BNSF.
3. Approved sites in Wisconsin for Hoover Construction Company.
4. 2407 Stinson Avenue for Murphy Oil USA, Inc.

5. Department of Public Instruction effective date of order altering school district boundaries of 4741 East County Road A, Solon Springs, WI from Solon Springs School District to Superior School District.

Douglas County

6. Property advertised for sale.

City of Superior

7. City Clerk Ciccone advising as a condition of the purchase agreement between the City and End Zone Tavern Co., Inc., Andy Saari - agent, surrendered the Class B Liquor & Beer license for 1026 Tower Avenue, on March 7, 2006.
8. Planning Director Serck submitting resolution adopted by the Duluth Seaway Port Authority of Commissioners regarding Aquatic Nuisance Species.
MOTION by Councilor Norbie, seconded by Quick and carried, to receive and file.

City of Superior Minutes/Reports

9. Mayor's Commission on Disabilities, January 16, 2006.
10. Police & Fire Commission, February 8, 2006.
11. Vehicle Ad Hoc Committee, March 13, 2006.

Miscellaneous Communications and Reports

12. City of Green Bay, Wisconsin, submitting resolution supporting State of Wisconsin 2005 Assembly Bill 591 and 2005 Senate Bill 295 regarding placement of violent and child sex offenders and urging municipalities consider passing similar resolutions.
13. Communication from Laura Davis regarding pesticide registry.
14. Metropolitan Interstate Council, February 15, 2006 meeting minutes.
15. Thank you from family of Richard Murray.
16. Thank you from family of Lyle Maves.

MATTERS REFERRED TO:

Deer Committee

17. Communication from Sniper Plus Wildlife Abatement regarding deer population reduction.

Finance Committee

18. Finance Director Vito refer Hotel Motel Tax Ordinance for discussion.

6th Order - Resolutions

19. Finance Director Vito submitting resolution authorizing Mayor Dave Ross to execute on behalf of the City, any agreement of indemnity required by Travelers Casualty and Surety Company related to the surety and performance bonds.
20. Planning Director Serck submitting resolution approving a three-year Harbor Development State of Intentions.

7th Order - Ordinances

21. City Clerk Ciccone submitting ordinance adopting and enacting republication of the City

Code for the City of Superior.

STANDING COMMITTEE REPORTS APPROVED:

22. Finance Committee, March 9, 2006

1. To hold approve a 2 percent increase in hotel/motel taxes.
2. To hold the Barkers Island Marina Phase Two in committee.
3. To approve the sewage credit requested by Peerless Collision Center with payment made jointly with Superior, Water, Light and Power Company.
4. To approve the changes to the sewage credit policy.
5. To hold the purchase of voting equipment in committee.
6. To hold the review of non-profits assessed payments in lieu of taxes in committee.
7. To receive and file the payments for publication for February 2006.
8. To receive and file the January 2006 financial statements.

Item 22.1: Communication from hotel property owners Kay Biga, Lynda Hofman, and manger

Lynell Van Ert opposing hotel/motel tax increase.

Dave Minor, Superior/Douglas County Chamber of Commerce Executive Director, advised the

Chamber Executive Committee adopted a resolution opposing the increase. Not one hotel/motel property owner is in favor of the increase. While it is true that the City of Duluth's recent referendum regarding an increase in hotel/motel taxes was approved, Duluth had a specific project proposed for the increase (DECC expansion). He requested the Council take a step back and discuss what this increase will be used for. There should be a clear goal for the allocation of the funds, and not just a tax increase.

John Goldfine, Duluth, MN, advised studies show room taxes affect room rates by \$1 and occupancy by 1%. Hotel property owners need to know the specific goal in order to support the tax increase.

Lynell Van Ert, Driftwood Motel manager, spoke in opposition to the increase.

Finance Director Vito advised whether the Council supports the increase or not, the City must determine where the money will go so the decision may be premature. She stated an option may be to refer the increase back to the Finance Committee for discussion along with an ordinance change allocating the revenue.

MOTION by Councilor Finsland, seconded by Hendry to approve item 22.1, failed by voice vote.

3RD ORDER

BUSINESS BY DEPARTMENT HEADS

23. City Attorney Prell submitting proposed sublease agreement between Flamingo Excursions, Inc. and Deco Bay, Inc. for occupancy and access to portions of the building currently under construction on Barkers Island.

MOTION by Councilor Norbie, seconded by Quick and carried, to approve.

City Clerk Ciccone submitting:

24. Miscellaneous licenses.

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

25. Application to amend the premises of a Class B Liquor and Beer license submitted by Thomas & Patricia Lozon, East End Tavern, 2114 East 5th Street, to include parking lot immediately south of establishment, May 21, 2006, 12:00 noon through May 22, 2006, 2:00 a.m. for special event.

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

26. Submitting request from Daniel Pendergast, Nemadji Golf Course Concession, to amend his six-month Class B Liquor & Beer license from April 15 through October 15, 2006 to April 14 through October 14, 2006.

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

27. Finance Department Contract Analyst Larson requesting approval to enter into lease agreements with Charles Androsky, Sr., Skydive Superior for a hangar land lease and for a Fixed Base Operator agreement for use of airport property for skydiving activities.

Attorney Prell requested this item be referred to the April 4, 2006 Council meeting to allow him

time to strengthen language relating to payment of personal property taxes.

MOTION by Councilor Norbie, seconded by E Dalbec and carried, to refer to the April 4, 2006 Council meeting.

4TH ORDER

BUSINESS BY THE MAYOR

Mayor Ross read a press release issued by him and the City Council:

“We very much appreciate the efforts of the Friends of the Carnegie Library and we share their goals and concerns for this unique structure. I propose that the City Council allocate its April 18, 2006 Committee of the Whole meeting to allow representatives from the Friends of the Carnegie Library to share with the community their vision and plans for the rehabilitation of the property. At the same meeting, the Council will have an opportunity, based on the presentation by the Friends of the Carnegie Library, to reassess the pending raze order.”

Clerk's Note: This matter will be referred to the April 18, 2006 Committee of the Whole.

5TH ORDER

BUSINESS BY COUNCILORS

28. Youth Councilor Report by Nick Feller regarding the Carnegie Library.
No Action.

29. Councilor Norbie submitting proposed ordinances changes:
- 2-37(c) After a motion is made and seconded, it shall not be withdrawn, except by consent of the *motion's maker and second*.
 - 2-50(2) The public works committee, which shall consist of ~~four councilmembers~~ *three councilmembers and one alternate member*; and
 - 2-50(3) The finance committee, which shall consist of three councilmembers *and one alternate member*; and
 - 6-36 (new section) Defacing signs. No person shall willfully deface or destroy any legally placed and displayed sign.

MOTION by Councilor Norbie, seconded by Finsland and carried, to refer to City Attorney.

6TH ORDER

RESOLUTIONS

30. **R06-12668** Resolution authorizing Mayor Dave Ross to execute on behalf of the City, any agreement of indemnity required by Travelers Casualty and Surety Company related to the surety and performance bonds.

MOTION by Councilor Norbie, seconded by Stenberg and carried, to adopt resolution.

31. **R06-12669** Resolution introduced by the Community Development Division to set public hearings May 2, 2006 at 6:30 p.m. in the Government Center Board Room for:

- 1) 2006-2010 Consolidated Plan
- 2) 2006 Action Plan
- 3) 2005 Consolidated Annual Performance and Evaluation Report (CAPER).

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

32. **R06-12670** Resolution approving a three-year Harbor Development Statement of Intentions.

MOTION by Councilor Anderson, seconded by Quick and carried, to adopt resolution.

7TH ORDER

ORDINANCES

33. **O06-3571** Ordinance amending Traffic Code, Schedule E, No Parking in Designated Spaces,

Section 2, No Parking between signs by adding Tower Avenue - beginning at a point 225 feet north of North 59th Street right-of-way for a distance of 118 feet north, even side.

MOTION by Councilor Quick, seconded by E Dalbec and carried, to adopt ordinance.

34. **O06-3573** Ordinance adopting and enacting a new City Code for the City of Superior, Wisconsin; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such Code; and providing when such Code and this ordinance shall become effective.

MOTION by Councilor Finsland, seconded by Norbie and carried, to adopt ordinance.

8TH ORDER

BUSINESS BY PUBLIC

MOTION by Councilor Norbie, seconded by E Dalbec and carried, meeting adjourned at 7:45 p.m.

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

Approved this 4th day of April, 2006

Attest:

Mayor

City Clerk

M:\Council Minutes\2006\R03-21-06.wpd