

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
TUESDAY, APRIL 4, 2006**

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

Council Members Present: Tom Quick, Tom Bridge, Kevin Norbie, Jackie Stenberg, Ed Anderson, Chuck Hendry, Bob Finsland, Nick Milroy (6:35), Dennis Dalbec, Esther Dalbec - 10

Youth Council Present: Ryan Hoyer, Aaron Moncel

Youth Council Absent: Nick Feller

Also Present: City Attorney Frog Prell, City Clerk Ciccone

Excused: Mayor Ross

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

APPROVAL OF MINUTES

MOTION by Councilor Finsland, seconded by E. Dalbec and carried, to approve the minutes of the March 21, 2006 Regular Council Meeting.

1ST ORDER

PUBLIC HEARINGS

1. Housing and Community Development Needs: for the purpose of receiving comment on the needs of Superior regarding housing and community development. Special consideration is given to needs of persons with low and moderate incomes and those persons living in CDBG-eligible neighborhoods.
No one spoke in favor of or opposition to the Housing and Community Development Needs.
No action.

2. Fair Housing Choice: to take comments on fair housing choice from individuals, realtors, landlords, lenders, housing advocates, service providers and others concerned about or knowledgeable of fair housing practices in Superior.
Speaking to the issue:
- 2.1 Sherry MacGregor, Coalition for Advancement of Fair Housing, CAFH submitted and read statement.
Reggie Leckel, 1111 Grand Avenue
No action.

3. **O06-3574** Ordinance amending the Zoning Code by rezoning 4.70 acres in the vicinity of Highway 2/53 and City Limits Road from SUB, Suburban District to R1A, One-Family

Residential District. (RZ 06-01, Paine2)

No one spoke in favor of or opposition to the proposed amendment to the Zoning Code.

MOTION by Councilor Anderson seconded by Bridge and carried, to adopt the Ordinance.

2ND ORDER

CONSENT AGENDA

City Clerk Ciccone submitted *amended* Human Resources Committee, March 30, 2006 recommendations, item number 24.

MOTION by Councilor Norbie, seconded by Stenberg to separate item number 21 and approve the remainder of the Consent Agenda as amended.

COMMUNICATIONS AND REPORTS RECEIVED AND FILED:

State of Wisconsin

4. Department of Natural Resources preliminary approval to renew air pollution control permits at 2407 Stinson Ave for Murphy Oil USA and at approved sites within Wisconsin.

Department of Revenue submitting Notice of Lottery and Gaming Credit Payment:

5. Mobile Homes Parking Fees Only, \$19,747.80.
6. General Property Taxes Only (Real & Personal), \$425,593.75.
7. Department of Transportation submitting 2006-07 Local Roads Improvement Program State/Municipal Project Agreement for partial and full depth slab joint repair; crack sealing and filling of East 2nd Street.

City of Superior

8. Communication from Bill Finnely submitting resignation from the Liability Claims Committee.

City of Superior Minutes/Reports

9. Historical Preservation Committee, March 22, 2006.
10. Liability Claims Committee, January 19, 2006.
11. Stormwater Flood Control Pilot Project Committee, August 1, 2005.

Miscellaneous Communications and Reports

12. Duluth Transit Authority, January 25, 2006 meeting minutes.
13. Housing Authority of the City of Superior, February 22, 2006 meeting minutes.

MATTERS REFERRED TO:

Liability Claims Committee and CVMIC

14. #10-06 Eleanor Paulson
15. #11-06 Wells Fargo Bank
16. #12-06 Superior, Water, Light & Power

Regular Council Meeting, April 18, 2006

17. Contract Analyst Larson advising lease agreements with Charles Androsky, Sr., Skydive Superior was referred to April 4, 2006 Council meeting (from March 21, 2006 meeting) will be submitted at the April 18, 2006 Council meeting.

Committee of the Whole Meeting, April 18, 2006, WITH POWER TO ACT

18. Presentation by Friends of the Carnegie Library regarding plans for rehabilitation of the old Carnegie Library, and consideration by the Common Council of pending raze order.

Finance Committee

19. Contract Analyst Larson submitting review of office space lease for the Superior Municipal Employees Credit Union.

License & Fees Committee

20. Councilor E Dalbec requesting review of Traffic Code, Chapter 6, Vehicles for Hire, Section 6-23(f) to allow proration of license fees for partial terms.

6th Order - Resolutions

21. City Clerk Ciccone submitting resolution on behalf of the PEGA Committee expressing concern about the rulemaking of the Federal Communication Commission (FCC) which threatens to adversely affect the ability of local governments to continue to franchise cable services.

MOTION by Councilor Stenberg, seconded by Anderson and carried, to amend resolution to read “opposing” instead of “expressing concern”.

22. Councilor Anderson submitting resolution urging the State Legislature reject the Taxpayer Protection Amendment.

7th Order - Ordinances

23. Attorney Prell regarding ordinance changes submitted by Councilor Norbie at the March 21st Council meeting, recommending 6-36 (new section) not be created, and submitting ordinance to repeal Section 2-37(c), and amend 2-50(2) and (3).

STANDING COMMITTEE REPORTS APPROVED:

24. Amended Human Resources Committee, March 30, 2006

2. Local #235 Side Letter Agreement: Remove Library Page positions from Union.

3. Exceptions to Hiring Freeze:
 - A) Student Worker Engineering Tech - WWTP 1
 - B) Seasonal Laborers: Landfill - 2, WWTP 1
 - C) Summer Park & Recreation Program Positions
 - D) Police Officer - ~~2~~ Positions up to three (3) positions approved
 - E) ~~Temporary Staff Assistant~~ - Finance Post position according to #235 Union Contract and not use temporary staffing.
4. City Code Chapter 11 City Employees: Public Works Director
5. Information to Receive and file:
 - A) Monthly Personnel Report - February 2006
6. Salary adjustment for two Library Managers
7. Request to advance the Fire Chief to Step 4 of the Non-Union salary schedule on 1/1/07.
8. Non-Union 2006 Wage Increase and Non-Union Salary & Benefits policy:
 - A) Request 2% wage increase for Non-Union employees effective 1/1/06.
 - B) Non-Union Salary & Benefits policy
9. Reorganization of Human Resources Department:
 - A) Approve Mayor Ross' recommendations
 - B) Approve job descriptions:
 - Human Resources Administrator
 - Administrative Assistant - Human Resources
 - City Attorney
 - C) Change references from Human Resources Director to Human Resources Administrator in all policies.

25. Plan Commission, March 15, 2006

1. To approve the Outdoor Lighting Ordinance with changes.

26. Public Works Committee, March 15, 2006

1. To allow no parking on the west side of Cumming Avenue between Stinson Avenue and North 56th Street, excluding that area from calendar parking.
2. To create a commercial loading zone on Hughitt Avenue closest to the door of Noah's Ark II Day Care Center/Faith United Methodist Church Sunday School.
3. To change Banks Avenue to two-way traffic from North 16th to North 28th Streets on a permanent basis.

3RD ORDER

BUSINESS BY DEPARTMENT HEADS

City Clerk Ciccone submitting:

27. Miscellaneous licenses.
MOTION by Councilor Norbie, seconded by E. Dalbec and carried, to approve.
28. Original Class B Liquor & Beer license application and Cabaret license application submitted

by RRD Inc. of Superior, Rondo DeBernardis - agent, Trade Name: Bootleggers, 1201 Tower Avenue, for license period April 5, 2006 through June 30, 2006. (License currently held by TLE, Inc., Sherry Erickson - agent, Trade Name: 3rd Rock)

1. Assistant Police Chief Campbell denying the license due to delinquent forfeitures.
2. Wisconsin Department of Revenue requesting denial of license as applicant does not currently hold a valid seller's permit.
3. Fire Inspector Gil de Lamadrid denying the license due to outstanding fire code violations.
4. Badger West, Eau Claire, WI, requesting denial of license as current owner has outstanding wholesale invoices.

28.1 Rondo DeBernardis submitted communication withdrawing his Class B Liquor & Beer application.

Withdrawn

29. Parks & Recreation Administrator Morgan recommending 2006-07 service contract for portable toilets be awarded to low bidder, Portable John of Hibbing, MN..

MOTION by Councilor Norbie, seconded by Stenberg and carried, to approve recommendation.

30. Planning Director Serck recommending Historic Structures Reports - *SS Meteor* be awarded to:

Part I - History & Significance of the *SS Meteor* - William Beck, Lakeside Writers Group Inc. of Indianapolis, IN for bid of \$24,200; and

Part II - Current Condition of the *SS Meteor* - Joseph Lombardi, Ocean Technology Services of Manchester, MA at \$52,000.

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

Public Works Director Vito:

31. Requesting authorization to sell excess and obsolete fleet vehicles and equipment via public auction service, as per ordinance guidelines.

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

32. Recommending purchase of sign making equipment and supplies from Advanced Cutting Systems for low bid of \$11,912.54.

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

33. Recommending 2006 traffic paint be awarded to Sherwin Williams for bid of \$16,793.50.

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

recommendation.

6TH ORDER

RESOLUTIONS

34. **R06-12671** Resolution from the PEGA Committee ~~expressing concern about~~ *opposing* the rulemaking of the Federal Communication Commission (FCC) which threatens to adversely affect the ability of local governments to continue to franchise cable services.
MOTION by Councilor Norbie, seconded by Stenberg and carried, to adopt resolution as amended. (See consent agenda, item number 21)
35. **R06-12672** Resolution by Common Council urging the State Legislature reject the Taxpayer Protection Amendment.
- 35.A Councilor Norbie submitted "2005 Senate Joint Resolution 63"
MOTION by Councilor Anderson, seconded by Hendry to adopt the resolution, carried by roll call vote:
Aye - 9 Quick, Bridge, Stenberg, Anderson, Hendry, Finsland, Milroy, D. Dalbec, E. Dalbec
No - 1 Norbie
- 35.1 **R06-12673** Resolution of the Common Council of the City of Superior, WI, authorizing the transfer of property located on Ogden Avenue in the Interstate Business Park, to the Redevelopment Authority of the City of Superior (Twin Ports Enterprises) property known as 721 - 727 Ogden Avenue.
MOTION by Councilor Norbie, seconded by Stenberg and carried, to adopt resolution.

7TH ORDER

ORDINANCES

36. **O06-3575** Ordinance amending the Zoning Code by Creating Article III ¾, Outdoor Lighting Requirements.
MOTION by Councilor Bridge, seconded by Stenberg and carried, to adopt ordinance.
37. **O06-3576** Ordinance amending the City Code, Section 2-37, Motions, by deleting (c) After a motion is made and seconded, it shall not be withdrawn, except by consent of the second.
MOTION by Councilor Norbie, seconded by Finsland and carried, to adopt ordinance.
38. **O06- 3577** Ordinance amending the City Code, Section 2-50 (a) Standing Committees to read: (a) (2) "The public works committee, which shall consist of three councilmembers and one alternate member, and"
(a) (3) "The finance committee, which shall consist of three council members and one

alternate member.”

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

39. **O06-3578** Ordinance amending the Traffic Code, Schedule C, No Parking on Odd-Numbered Side of Street by adding Cumming Avenue - between Stinson and North 56th Street.

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

40. **O06-3579** Ordinance amending the Traffic Code, Schedule E, No Parking in Designated Spaces, Section 1, Commercial Loading Zones, by adding Hughitt Avenue - fronting 1531 Hughitt Avenue (Noah’s Ark II Day Care Center), one space.

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

41. **O06-3580** Ordinance amending the Traffic Code, Schedule B, One-Way Streets and Alleys, Section 3, South Bound Traffic Only, by deleting Banks Avenue - from North 16th Street to North 28th Street.

Councilors Milroy, Bridge, and Quick expressed concern regarding the narrowness of Banks Avenue between North 21st and 28th Streets.

MOTION by Councilor Finsland, seconded by Bridge and carried, to refer review of Banks Avenue between North 21st and 28th Streets to the Public Safety and Public Works Committees.

MOTION by Councilor Norbie, seconded by Bridge to approve deleting One-Way Streets on Banks Avenue between North 16th and 21st Streets.

42. **O06-3581** Ordinance amending the City Code, Section 42-19, Definitions and scope, to read

“b. The director of public works (who shall also serve as street commissioner and city engineer, which may be through delegation to an employee or contractor).”

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

43. **O06-3582** Ordinance amending the City Code (entire Code) by changing references from Human Resources Director to Human Resources Administrator; Section 42-19(e) by deleting section which reads “the Human Resources Director”; Section 42-20 (10) by repealing and recreating section to read “ to direct the Human Resources Administrator”; and Section 42-21 (15) by repealing and recreating to read: “To assist department heads with the supervision and direction of city employees. Members of the common council shall not be supervised or directed by the human resources administrator.”

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

MOTION by Councilor Finsland, seconded by Norbie and carried, meeting adjourned at 7:25 p.m.

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

Approved this 18th day of April, 2006

Attest:

Mayor

City Clerk

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