

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING  
SUPERIOR, WISCONSIN  
August 4, 2009**

The Regular Meeting of the Common Council was called to order by Mayor Dave Ross at 6:40 p.m. in the Government Center, Board Room 201.

**ROLL CALL**

Council Members Present: Dan Olson, Tom Bridge, Warren Bender, Ed Anderson, Chuck Hendry, Bob Finsland, Mike Herrick, Mick MacKenzie, Esther Dalbec – 9

Council Member Excused: Greg Mertzig - 1

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

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

**APPROVAL OF MINUTES**

**MOTION by Councilor Bridge, seconded by Bender and carried, to approve the minutes of the July 21, 2009, Regular Council meeting.**

**1<sup>ST</sup> ORDER**

**PUBLIC HEARINGS**

1. Justice Assistance Grant in the amount of \$8,531 awarded to the Superior Police Department, will be used to purchase OSHA mandated ANSI Certified high-visibility vests and flashlights that use LED technology. *(Grant requires opportunity for public comment, no action is needed)*  
No one spoke in favor of or opposition to the grant.  
**No action.**

**2<sup>ND</sup> ORDER**

**CONSENT AGENDA**

City Clerk Kalan advised of a correction to the Consent Agenda, item #14 referral to the Public Works Committee; and an addition, item #16.1 referral to the Public Safety Committee.

**MOTION by Councilor Finsland, seconded Hendry and carried, to approve the Consent Agenda as amended.**

**COMMUNICATIONS AND REPORTS RECEIVED AND FILED:**

**State of Wisconsin**

2. Department of Natural Resources Public Notice of intent to reissue a pollutant discharge elimination system permit for Enbridge Energy.

Department of Revenue:

3. Notice of First Dollar Credit payment of \$287,122.81;
4. Notice of Exempt Computer Aid payment of \$4,328;

5. Notice of Exempt Computer Aid payment of \$40,085; and
6. Notice of July Shared Revenue and ERP Payments of \$1,598,042.50, and July School Levy Tax Credit payment of \$2,265,469.69.

**Douglas County**

7. Historical Society June 15, 2009 meeting minutes.

**City of Superior Minutes/Reports**

8. Liability Claims Committee June 18, 2009 meeting minutes.

**MATTERS REFERRED TO:**

**Liability Claims Committee**

9. Claim #09-21 Jan Marthaler
10. Claim #09-22 Jackie Plunkett

**Public Works Committee**

Councilor Bender requesting:

11. Review of Yield signs on N. 29<sup>th</sup> St. and Hughitt, John, and Ogden Avenues for possible change to stop signs; and
12. Review the need for “Slow – Children Playing” signage in the vicinity of 25<sup>th</sup> and Cumming adjacent to Northern Lights School.

Councilor Dalbec requesting:

13. Removal of two Stop signs on N. 6<sup>th</sup> Street, one on Fisher, and one on Clough Avenue; and
14. Right turn only on the *east west* side of Broadway Street at Hammond Avenue intersection.
15. Councilor MacKenzie requesting ‘Slow - Children Playing’ and/or 5 mph signage in the alley behind Fellows St. between Logan and Garfield Avenues (1 block).
16. Councilors Herrick & MacKenzie requesting directional signage for bicycles and/or hikers in reference to the pedestrian route leading to and on the Bong Bridge from Belknap Street.

**Public Safety Committee**

- 16.1 Police Chief Peters submitting a Volunteer Services Agreement with Dr. Les Tekler.

**7<sup>th</sup> Order – Ordinances**

17. Planning Director Serck submitting an Ordinance reestablishing a Bulkhead Line in Howard’s Bay, Being an Appurtenance to St. Louis Bay.

**STANDING COMMITTEE REPORTS APPROVED:**

**18. Human Resources Committee, July 21, 2009**

3. Approve the reorganization of the Community Development Division.
5. Receive and file the June Monthly Personnel Report.

**19. Public Works Committee, July 22, 2009**

1. Traffic Calming Policy program, held in committee.
2. Chair Anderson stated Dalbec's request to repair railroad tracks on N. 8<sup>th</sup> and Grand Avenue can be removed from agenda as the request is in progress, and a report will be given at a later date.
3. It was suggested to hold in committee Councilor Hendry's request for Slow – Children Playing signage between N. 12<sup>th</sup> and 13<sup>th</sup> Streets between Clough and Weeks Avenues.
4. Approve "Slow – Children Playing" sign in alley between Ogden and John Avenues and 61<sup>st</sup> and 62<sup>nd</sup> Streets.
5. To have four free drop off days at the City Landfill in 2010.
6. To change the parking on the east side of Maryland Avenue between Wellington and 24<sup>th</sup> Streets from "Calendar Parking" to "No Parking on Even-Numbered Side of Street".

**LICENSES APPROVED:**

**City Clerk Kalan submitting:**

20. Miscellaneous licenses.
21. Dodgies East End Tavern Inc., trade name: Dodgies East End Tavern, 2114 E. 5<sup>th</sup> St. applications to amend the premise of a Class B Liquor & Beer License for special events August 6; and August 14, 2009.
22. Flame Nightclub Inc., trade name: Flame Nightclub, 1612 Tower Avenue, applications to amend the premise of a Class B Liquor & Beer License for special events August 28 - 29, 2009; and September 4 – 5, 2009.
23. Ronald E. Geegan, trade name: Jack's Place, 1923 Tower Avenue, applications to amend the premise of a Class B Liquor & Beer License for special events August 15<sup>th</sup>; and August 21 – 23, 2009.
24. Marolt Enterprises, Inc., trade name JT's Bar & Grill, 1506 N. 3<sup>rd</sup> Street, application to amend the premise of a Class B Liquor & Beer License for a special event September 5 & 6, 2009. *(previously approved at the July 7<sup>th</sup> Council meeting, this is a correction in the date of the event)*

**3<sup>RD</sup> ORDER**

**BUSINESS BY DEPARTMENT HEADS**

25. **Planning Director Serck and SAMP II Technical Coordinator Johnson** recommending approval of Murphy Oil Land Preservation Actions as outlined in document.  
**MOTION by Councilor Dalbec, seconded by Bender and carried, to approve.**
26. **Assistant Public Works Director Goetzman** requesting to waive the bid procedure and purchase one 2009 Chevrolet Silverado 2500HD pickup, and one 2009 Chevrolet Silverado 3500HD cab & chassis, through the Wisconsin State bid contract for a total price of \$46,708.  
**MOTION by Councilor Dalbec, seconded by MacKenzie and carried, to approve.**

**Parks & Recreation Administrator Morgan recommending:**

27. To award the Arrowhead Pier Construction Management Agreement to AMI Consulting Engineers of Duluth, amount not to exceed \$21,500.

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

28. Bid award for the Arrowhead Fishing Pier construction project.

Parks & Recreation Administrator Morgan advised there is no construction bid to award as the three bids received came in over the allocated budget for the project. She has been negotiating with the lowest bidder to see if they can modify the project to come in line with the City's budget and submit the project at the next council meeting. She did not recommend redesigning and rebidding the project because that would take time, and some of the grant money expires at the end of the year.

Councilor's Olson and Anderson questioned negotiating with only one bidder instead of all three that were received.

City Attorney Prell did not recommend negotiating with three companies, advising the City has the right to pursue negotiations with any bidder. The other option would be to redesign and rebid the project.

**MOTION by Councilor Olson, seconded by Bender to table item to the next council meeting, failed.**

**MOTION by Councilor Bridge, seconded by Hendry and carried, to authorize City Officials to enter into negotiations with the lowest qualified bidder and submit their recommendation at the next Council meeting.**

**4<sup>TH</sup> ORDER**

**BUSINESS BY THE MAYOR**

29. **Mayor Ross** appointing Gary Foix to the Urban Forestry Tree Board, term expiring May, 2010.

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

**7<sup>TH</sup> ORDER**

**ORDINANCES**

30. **O09-3700** Ordinance Reestablishing a Bulkhead Line in Howard's Bay, Being an Appurtenance to St. Louis Bay, Douglas County, Wisconsin.

**MOTION by Councilor Dalbec, seconded by Bender and carried, to adopt the ordinance.**

31. **O09-3701** Ordinance introduced by the Public Works Committee amending City Code Chapter 112, Traffic Code Schedule D, No Parking on Even Numbered Side of Street by adding Maryland Avenue between Wellington and North 24<sup>th</sup> Streets.

**MOTION by Councilor MacKenzie, seconded by Dalbec and carried, to adopt the ordinance.**

**MOTION by Councilor Bridge, seconded by Bender and carried, to adjourn meeting at 7:30 p.m.**

Respectfully submitted,  
Terri Kalan, City Clerk  
Superior, Wisconsin

Approved this 18<sup>th</sup> day of August, 2009.

Attest:

---

Mayor Ross

---

City Clerk