

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
Tuesday, November 5, 2019**

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

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

Present: Dan Olson, Jenny Van Sickle, Warren Bender, Jack Sweeney, Brent Fennessey, Tylor Elm, Ruth Ludwig, Craig Sutherland, Keith Kern, Esther Dalbec – 10

Youth Councilors: Teagan Radtke

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

3. PROCLAMATIONS AND COMMENDATIONS

4. APPROVAL OF MINUTES October 15, 2019 - Regular Council meeting.

MOTION by Councilor Bender, seconded by Sutherland and carried, to approve.

5. PUBLIC HEARINGS

5.1 2020 General Fund Budget.

No one spoke in favor of or opposition to.

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

5.2 R19-13464 Resolution introduced by the Community Development Division to approve the 2020 Community Development Block Grant Action Plan; authorizing staff to submit plan to U.S. Department of Housing and Urban Development.

No one spoke in favor of or opposition to.

**MOTION by Councilor Fennessey, seconded by Bender and carried, to approve.
Councilor Van Sickle abstains.**

6. CONSENT AGENDA

MOTION by Councilor Ludwig, seconded by Bender and carried, to approve the Consent Agenda.

Communications and Reports Received and Filed:

6.1 Police and Fire Commission, October 9, 2019.

6.2 Parks and Recreation Commission, October 9, and October 24, 2019.

6.3 Urban Forestry Tree Board, October 17, 2019.

Matters Referred:

Liability Claims Committee

6.4 Claim #19-23, Amsoil, Inc.

6.5 Claim #19-24, Amsoil, Inc.

7. STANDING COMMITTEE RECOMMENDATIONS FOR APPROVAL

7.1 Human Resources Committee, October 21, 2019

2) To approve the Salary & Benefit Policy/Handbook, Section 18-Overtime & Compensatory Time with amendments.

3) To receive and file the Monthly Personnel Report for September 2019.

MOTION by Councilor Ludwig, seconded by Elm and carried, to approve.

7.2 Public Works Committee, October 16, 2019

2) To approve the revision of City Code Sec. 104 Property Maintenance and Housing Code, but under Sec. 104-266 strike the 25 feet restriction, replace with 10 feet and indicate not less than 5 feet from any rear lot line or 5 feet from any side lot line and include the statement “a compost pile shall not be a nuisance to the adjacent parcel.”

3) To hold in committee the relocation of gate at 44th Avenue East.

5) To hold in committee the discussion on the history of sidewalk snow removal by the City as well as on identifying opportunities to enhance sidewalk snow removal moving forward.

6) To table indefinitely removing the loading zone at 1416 Cumming Avenue (Catholic Charities) per request of Douglas County Building & Grounds.

MOTION by Councilor Van Sickle, seconded by Ludwig and carried, to approve.

8. BUSINESS BY DEPARTMENT HEADS

City Clerk Kalan

8.1 Recommending approval of miscellaneous licenses.

MOTION by Councilor Sutherland, seconded by Dalbec and carried, to approve.

8.2 Recommending approval of an Original Class B Beer and Class C Wine application by KD’s Family Restaurants, LLC, Trade Name: KD’s Itasca Bay Family Restaurant, 4927 E 2nd Street, Agent: Lawrence R. Poster, for the remainder of the license period, expiring June 30, 2020.

MOTION by Councilor Van Sickle, seconded by Fennessey and carried, to approve.

8.3 Recommending approval of a One-Day Cabaret License for Shelly, LLC, Trade Name: Tavern 105, for an event on January 18, 2020.

MOTION by Councilor Olson, seconded by Sutherland and carried, to approve.

Assistant Finance Director Puetz

8.4 Recommending approval of Amendment I to the Professional Service Agreement with Tom Andersen.

MOTION by Councilor Kern, seconded by Bender and carried, to approve.

Public Works Director Janigo

8.5 Recommending approval of contract amendment with SEH for construction phase engineering services relating to the reconstruction of two large culvert crossings of Moccasin Mike Road with an estimated amendment fee is \$56,200.

MOTION by Councilor Dalbec, seconded by Van Sickle and carried, to approve.

8.6 Recommending approval of Amendment II with Jack Rabbit Cleaning, LLC, through December 31, 2020, for cleaning services of the Municipal Services Building.

MOTION by Councilor Fennessey, seconded by Sutherland and carried, to approve.

8.7 Recommending approval to waive the bidding requirements and purchase potassium acetate deicing chemical from Cryotech Deicing Technology via the MN Net State Bid Contract at a price of \$3.85 per gallon.

Chris Carlson noted that the \$3.85 per gallon price does not include the 59-cent charge per gallon for freight and delivery. Total cost per gallon is \$4.44.

MOTION by Councilor Kern, seconded by Bender and carried, to approve as amended.

Planning Director Serck

8.8 Recommending approval to waive the building permit fees for the rehabilitation of the five-unit residence for Harbor House Crisis Shelter at 1022 Harrison Street.

MOTION by Councilor Dalbec, seconded by Ludwig and carried, to approve.

8.9 Recommending approval of Small Business Grant applications and Development Agreements for the following:

19-01 KD's Itasca Bay Family Restaurant, 4927 East 2nd Street, for \$47,213.

19-03 Korner Store 300 LLC, 3802 East 2nd Street, for \$2,511.

19-04 Scott Wallin CPA CS, 2221 East 5th Street, for \$1,329.

MOTION by Councilor Van Sickle, seconded by Fennessey and carried, to approve.

Assistant Police Chief Markon

8.10 Recommending approval to designate until #02, a 2014 Ford Police Interceptor Utility, as surplus city property and to be eligible for auction to the highest bidder.

MOTION by Councilor Elm, seconded by Sutherland and carried, to approve.

Parks, Recreation and Forestry Director Cadotte

8.11 Recommending approval of the construction agreement with Gardner Builders Duluth, for the next phase of dock upgrades at the Barker’s Island Marina in the amount of \$484,177.31.

MOTION by Councilor Bender, seconded by Fennessey and carried, to approve.

8.12 Recommending approval of construction project oversight services for the next phase of the Barker’s Island Dock Upgrades, to AMI Consulting Engineers, for the proposed, not to exceed, amount of \$47,700.00.

MOTION by Councilor Bender, seconded by Elm and carried, to approve.

9. BUSINESS BY THE MAYOR

10. BUSINESS BY COUNCILORS

10.1 Youth Councilor Radtke stated that the Superior Spartan Football team won their last game and are headed to DC Everest on Saturday. If they win the next three playoff games, they will go to Camp Randall Stadium in UW-Madison for D-2 State.

Councilor Bender discussed concerns with garbage fees and policy and asked it be addressed with the Finance Committee.

11. RESOLUTIONS

11.1 R19-13465 Resolution of the Common Council of the City of Superior, Wisconsin Approving the Forms of Assignment and Assumption of Lease Agreements (Hallett Dock Company Projects).

Draft Lease Assignment and Assumption Agreement (2006 Lease)

Draft Lease Assignment and Assumption Agreement (2012 Lease)

MOTION by Councilor Olson, seconded by Bender and carried, to adopt the resolution.

11.2 R19-13466 Resolution of the Common Council of the City of Superior, Wisconsin Approving the Forms of Assignment and Assumption of Development Agreements (Hallett Dock Company Projects).

Draft Development Agreement Assignment and Assumption Agreement (2006 Development Agreement)

Draft Development Agreement Assignment and Assumption Agreement (2012 Development Agreement)

MOTION by Councilor Olson, seconded by Bender and carried, to adopt the resolution.

12. ORDINANCES

- 12.1 O19-4171** Ordinance introduced by Councilor Fennessey amending the City Code Chapter 86, Section 16, Smoking Prohibited. (*Recommended by the Parks & Recreation Commission at their October 9, 2019 meeting.*)

Councilor Fennessey noted that the ordinance has been to the Parks & Recreation Commission multiple times and asked for two small amendments to the ordinance. In the definition, the first amendment is to replace the word ‘smoke’ with ‘smoking’ and to change ‘electronic delivery device’ to ‘this’.

Councilor Dalbec expressed concern with enforcement.

Councilor Ludwig stated she was unable to attend the meeting while this item was discussed and expressed concern with limiting the proposed ordinance and would like to see it expanded to include picnic tables, park benches, basketball courts, etc.

Councilor Fennessey reiterated this ordinance has gone through several meetings and has been properly vetted. The concerns Ludwig brought up have been reviewed.

MOTION by Councilor Ludwig, seconded by Van Sickle to amend the ordinance to add picnic tables, park benches, basketball and tennis courts, the skateboard park, ice skating rinks, and bleachers to the list of places that prohibit smoking within 50 feet. Roll call vote taken and failed due to lack of majority.

AYE – Van Sickle, Ludwig.

NO – Olson, Bender, Sweeney, Fennessey, Elm, Sutherland, Kern, Dalbec.

MOTION by Councilor Fennessey, seconded by Sutherland and carried, to adopt the ordinance as amended.

- 12.2 O19-4172** Ordinance introduced by Building Inspection and Environmental Services Division of Public Works amending Chapter 104, Property Maintenance and Housing Code, Article III, General Requirements, Section 206; and create new code Section 266, Composting and Compost Piles.

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

13. BUSINESS BY PUBLIC

Meeting adjourned at 7:13 p.m.

Respectfully submitted,
Terri Kalan, City Clerk
Superior, Wisconsin

Approved this 19th day of November, 2019.

Attest:

Mayor

City Clerk