

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
Tuesday, March 7, 2017**

1. PLEDGE OF ALLEGIANCE

- 2. ROLL CALL** Dan Olson (via phone), Tom Fennessey, Jack Sweeney, Keith Kern, Graham Garfield, Ruth Ludwig (via phone), Mike Herrick, Brent Fennessey, Esther Dalbec – 9
Excused: Warren Bender – 1
Youth Councilors: Madison Hale, Adam Lavine
Also Present: City Attorney Prell, City Clerk Kalan

3. PROCLAMATIONS AND COMMENDATIONS

- 4. APPROVAL OF MINUTES** February 7, 2017 - Regular Council meeting and
February 7, 2017 - Committee of the Whole.

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

5. PUBLIC HEARINGS

- 5.1 R17-13327** Resolution introduced by the Plan Commission to vacate and discontinue a portion of Winter Street, located in the vicinity of Fisher Avenue and Winter Street.

No one spoke in favor of or opposition to.

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

- 5.2** Public Hearing regarding Housing and Community Development needs.

No one spoke in favor of or opposition to; no action required.

- 5.3** Public Hearing regarding Fair Housing Choice.

No one spoke in favor of or opposition to; no action required.

6. CONSENT AGENDA

MOTION by Councilor Olson, seconded by Garfield and carried, to separate item #6.16 from the Consent Agenda.

MOTION by Councilor Herrick, seconded by Dalbec and carried, to approve the Consent Agenda as amended.

Communications and Reports Received and Filed:

- 6.1** Duluth-Superior MIC Policy Board, January 18, 2017.
6.2 Police & Fire Commission, February 15, 2017.
6.3 Wisconsin Point Plan Implementation Committee, February 15, 2017.

- 6.4 Redevelopment Authority for the City of Superior, February 24, 2017.
- 6.5 Memorandum of Understanding between the City of Superior, Police Department, Fire Department, and Gold Cross Ambulance Services.

Matters Referred:

Liability Claims Committee

- 6.6 Claim #17-04, Ashley Hemmingsen.

Parks & Recreation Commission

- 6.7 Humane Society of Douglas County garage requesting to build a three stall garage on current basketball court area.

Plan Commission

- 6.8 Councilor Brent Fennessey requesting consideration of a zero lot line ordinance.
- 6.9 Planning Department request to rezone properties located in the vicinity of Grand Avenue and North 13th Street from R3, Apartment Residential District to PDD, Planned Development District.
- 6.10 Planning Department request to vacate a portion of John Avenue located north of Broadway Street.

Public Works Committee

- 6.11 Councilor Dalbec requesting discussion of parking concerns on Clough Avenue between North 6th and 7th streets, and consideration of permit parking in this area.
- 6.12 Councilor Dalbec requesting discussion of no-parking between cutaway on Tower Avenue (521 Tower Ave).
- 6.13 Councilor Sweeney requesting consideration of a two-way stop sign at 20th Avenue East and East 3rd Street (traffic to stop at East 3rd Street).

Standing Committee Reports/Recommendations Approved:

6.14 Finance Committee, February 9, 2017

- 1) To receive and file the discussion of 2016 City Investment accounts.
- 3) To approve the additional funding of 25%, 25% and 65% over the next three years providing the grant is approved and we accept the SAFER grant.
- 4) To further review findings and recommendations of Gold Course Consultant and to hold in committee until the March Finance Committee meeting.
- 5) To approve Uniform Guidance Policies and Procedures External auditors (Wipfli) to prepare procedures manual at a cost of \$8,000.00.

6.15 Human Resources Committee, February 27, 2017

- 3) To approve carryover of 2016 floating holiday hours for newly hired Police Officers. (J. Collings, J. Fontaine, A. Jarecki)
- 4) To approve adding 5 floating holiday hours for Brenda Prokop to make up the balance of her 10 paid holidays due.
- 5) A) To approve the revised Non-Union Salary & Benefits Policy.
B) To approve the revised Performance Evaluations policy #7.01.
- 6) To receive and file the corrected Monthly Personnel Report for January 2017.

6.16 Plan Commission, February 15, 2017

- 1) To approve an ordinance change to permitted uses in C2-Highway Commercial District with the revision that the Planning Department add language stating the design standards much reflect surrounding buildings and are subject to review and approval by the Planning Department.

Councilor Olson questioned the affect this change may have on neighboring businesses/buildings.

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

6.17 Public Works Committee, February 15, 2017

- 1) To approve reducing the speed limit on Bardon Avenue, from Stinson Avenue approximately ½ mile south (to the Enbridge fence line) to 25 mph.
- 2) To hold in committee Councilor Bender's request to remove permit parking from the 2900 block of Ogden Avenue and allow parking on both sides.
- 3) To approve selling surplus vehicles and equipment by auction in 2017.
- 4) To approve the Environmental Services Division's request to waive Superior Code Sec. 62.18 related to the application of pesticides to city lands, specifically in the 25th Avenue East corridor.
- 5) To receive and file the ESD Director's report.
- 6) To receive and file the Public Works Director's report.

Licenses Approved:

- 6.18 Approve miscellaneous licenses.

7. BUSINESS BY DEPARTMENT HEADS

- 7.1 Public Works Director Janigo recommending approval of the Fixed Base Operator's Agreement with Skydive Duluth Superior LLC/Dean Beaudoin through November 30, 2017, for the use of Richard I Bong Airport for \$500 annually.

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

7.2 Planning Director Serck requesting to endorse the Earth Rider Brewing, LLC (Former Leamon Mercantile Building) application to the Wisconsin Economic Development Corporation's (WEDC) Community Development Initiative (CDI) Grant Program.

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

7.3 Environmental Services Director Roberts requesting approval of the award of Engineering Services for Newton Creek and Nelson Creek Trunk Sewers to Donohue & Associates at a proposed cost of \$110,390 with the option for ESD to award construction related services and grant management for up to an additional \$88,400.

MOTION by Councilor B. Fennessey, seconded by Herrick and carried, to approve.

7.4 Environmental Services Director Roberts requesting a waiver of the ordinance restricting the use of pesticides on city lands for the application of herbicide on the Newton Creek Trunk Sewer to be effective immediately and expire no later than June 30, 2017.

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

7.5 Finance Director Vito requesting approval of the Professional Services Agreement for Priority Based Budgeting Software and Services between Resource Exploration, LLC ("ResourceX") and City of Superior.

Discussion on the process that Douglas County used as they were able to implement Priority Based Budgeting internally, as well as timeline necessary for implementation.

MOTION by Councilor Olson, seconded by Garfield, to refer to Finance Committee. Roll call vote taken and failed due to lack of majority.

AYE – 5 Olson, Garfield, Ludwig, Kern, Dalbec

NO – 4 T. Fennessey, Sweeney, B. Fennessey, Herrick.

MOTION by Councilor B. Fennessey, seconded by Sweeney, to approve. Roll call vote taken and failed due to lack of majority.

AYE – 5 T. Fennessey, Sweeney, B. Fennessey, Ludwig, Herrick.

NO – 4 Garfield, Kern, Dalbec, Olson

8. BUSINESS BY THE MAYOR

8.1 Appoint Katie "Nummi" Perrault, to the Business Improvement District Board of Directors for a three (3) year term, expiring December, 2019.

MOTION by Councilor Herrick, seconded by B. Fennessey and carried, to approve.

9. BUSINESS BY COUNCILORS

10. RESOLUTIONS

10.1 R17-13328 Resolution introduced by the City of Superior, Wisconsin Approving a Cooperation Agreement with the Redevelopment Authority of the City of Superior, Wisconsin in Connection with Zenith Landmark, LLC and Earth Rider Brewing, LLC Project. (Development Agreement and Cooperation Agreement attached)

MOTION by Councilor Herrick, seconded by Kern and carried, to adopt the resolution.

10.2 R17-13329 Resolution introduced by the Common Council of the City of Superior, Wisconsin, Authorizing the Transfer of Land Located at Grand Avenue and N. 13th Street and on Weeks Avenue to the Redevelopment Authority of the City of Superior.

MOTION by Councilor Garfield, seconded by Dalbec and carried, to adopt the resolution.

10.3 R17-13330 Resolution jointly introduced by the Planning Department and the Department of Parks, Recreation and Forestry of the City of Superior in support of the Howards Bay Remediation Project.

Joe Graham, Wisconsin DNR, and Darienne McNamara, Environmental Regulatory Manager, gave presentation on project and timeline.

James Farkas, Frasier Shipyards, spoke in favor of project.

Chuck Walt, Executive Director of Fond du Lac Band of Lake Superior Chippewa, spoke in opposition to project, and distributed a Resolution in objection, as well as communication expressing concerns.

Councilor Garfield expressed concern with lack of support from the Fond du Lac Band of Lake Superior Chippewa.

MOTION by Councilor Garfield, second Dalbec, to refer to Wisconsin Point Plan Implementation Committee. Roll call vote taken and failed due to lack of majority.

AYE – 4 Garfield, Kern, Dalbec, Olson.

NO – 5 Sweeney, B. Fennessey, Ludwig, Herrick, T. Fennessey.

MOTION by Councilor B. Fennessey, seconded by Sweeney, to adopt the resolution. Roll call vote taken and passed.

AYE – 7 B. Fennessey, Ludwig, Herrick, Kern, Olson, T. Fennessey, Sweeney.

NO – 2 Garfield, Dalbec

11. ORDINANCES

11.1 O17-3996 Ordinance introduced by the Public Works Committee amending the City Code, Chapter 112, Traffic Code, Article VII, Schedule O, Speed Limits, by adding 25 Miles Per Hour on Bardon Avenue, from the intersection of Stinson Avenue to 3,000 feet south, and amending 35 Miles Per Hour on Bardon Avenue, from 3,000 feet south of the intersection of Stinson Avenue, south to North 58th Street.

MOTION by Councilor Herrick, seconded by Olson and carried, to adopt the ordinance.

11.2 O17-3997 Ordinance introduced by the Department of Planning and Development to amend the City Code, Chapter 122, Zoning, Article IV, District Regulations regarding interior unit self-service storage facilities.

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

12. BUSINESS BY PUBLIC

MOTION by Councilor Herrick, seconded by B. Fennessey and carried, to adjourn meeting at 7:26 p.m.

Respectfully submitted,
Terri Kalan, City Clerk
Superior, Wisconsin

Approved this 21st day of March, 2017.

Attest:

Mayor

City Clerk