

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
Tuesday, February 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, Craig Sutherland, Keith Kern, Esther Dalbec – 9

Excused: Ruth Ludwig, Paige Lach

Youth Councilors: Adam Lavine, Jeffrey Newman, Teagan Radtke

Also Present: Mayor Paine, City Attorney Prell, Deputy Clerk Pettit

3. PROCLAMATIONS AND COMMENDATIONS

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

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

5. PUBLIC HEARINGS

5.1 R19-13416 Resolution introduced by the Community Development Division to set a Public Hearing for the Citizen Participation 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 Bender, seconded by Fennessey 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 necessary.

5.3 Public Hearing regarding Fair Housing Choice.

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

6. CONSENT AGENDA

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

Communications and Reports Received and Filed:

6.1 Liability Claims Committee minutes, September 20, 2018.

6.2 Mayor's Commission on Communities of Color minutes, December 10, 2018.

6.3 Police and Fire Commission minutes, January 9, 2019.

- 6.4 Urban Forestry Tree Board minutes, January 17, 2019.
- 6.5 Parks & Recreation Commission minutes, January 24, 2019.

7. STANDING COMMITTEE RECOMMENDATIONS FOR APPROVAL

7.1 Finance Committee, January 10, 2019

- 2) To hold in committee the Health Insurance consultant proposal.
- 3) To receive and file the discussion of Nemadji Golf Course lease termination and creation of a Nemadji Golf Course Lease Management Task Force.
- 4) To receive and file the December, 2018 check register.
- 5) To receive and file the Financial Statements.

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

7.2 Human Resources Committee, January 21, 2019

- 2) To approve the IAFF Local #74 Contract 2019-2021.
- 5) To approve the revised Salary & Benefits Policy/Handbook; Section 18, Overtime and Compensatory Time.
- 7) To receive and file the Monthly Personnel Report for December, 2018.

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

7.3 Plan Commission, January 16, 2019

- 1) To approve the request to vacate a western section of what is termed Railroad Street, located within the City's Winter Street Industrial Park.

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

7.4 Public Safety Committee, January 16, 2019

- 2) To receive and file the Fire Department and Police Department updates.
- 1) To approve the City of Superior Code of Ordinances Section 860-22, Possession of Tobacco and Vapor products with amending paren 11 addressing minors.
- 2) To approve the City of Superior Code of Ordinances Sections 22-1, Definitions, and 22-4, Potentially Dangerous or Dangerous Dogs.

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

7.5 Public Works Committee, January 16, 2019

- 2) To receive and file the ESD Director's Report.
- 3) To approve designating the even (east) side of Hughitt Avenue from Belknap Street south to the alley as no parking.
- 4) To approve designating North 12th Street between Banks and Oakes Avenues as no parking even side and exempt North 12th Street from calendar parking between Oakes and Tower Avenues.
- 5) To receive and file the 2018 Fleet Vehicle Auction removals and end of year auction recap.
- 6) To approve selling surplus vehicles and equipment by auction in 2019.

7) To receive and file the Public Works Director's Report.

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

8. BUSINESS BY DEPARTMENT HEADS

City Clerk Kalan

8.1 Recommending approval of miscellaneous licenses.

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

8.2 Recommending approval of an application by Atypical Enterprises, Inc, Trade Name: Main Club, to appoint Tracy A. Drake as Agent for the remainder of the license period, expiring June 30, 2019.

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

8.3 Recommending approval of an application by Fraternal Order of Eagles #80, Trade Name: Eagles Club, to appoint James Thompson as Agent for the remainder of the license period, expiring June 30, 2019.

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

Planning Director Serck

8.4 Recommending approval of permanent easement across city-owned property on Wisconsin Point to access the proposed piping plover habitat area from Wisconsin Point Road.

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

8.5 Recommending approval to utilize development fund dollars to pay delinquent property taxes for the facilitation of redeveloping 2623 N 21st Street.

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

Parks, Recreation and Forestry Director Cadotte

8.6 Recommending approval of the purchase of 402 trees for the 2019 plantings from Schichtel's Nursery in the amount of \$29,190.00.

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

8.7 Submitting request from MN Power/SWLP to the City Council asking to waive Ordinance Chapter 62, Article II Section 62-16 that restrict the use of herbicides on city lands for the 2019 tree maintenance permit as outlined so as to allow the herbicide to their powerline right of ways for vegetation management.

Mayor Paine noted that he is requesting this waiver be denied due to the fact that there have been no alternative methods explored which would be in violation of the ordinance restricting herbicide treatment.

Ryan Korpela, VM Manager, Northern Clearing, Inc., discussed the various methods that could be used and noted that the herbicide is most effective. He discussed the statewide restrictions and noted that only ounces of herbicide would be used as a spot treatment.

MOTION by Councilor Kern, seconded by Bender and carried, to approve. Roll call vote taken and failed due to lack of majority.

AYE – 4 Olson, Fennessey, Sutherland, Kern.

NO – 5 Van Sickle, Bender, Sweeney, Elm, Dalbec.

9. BUSINESS BY THE MAYOR

9.1 Appointing Anthony Sclavi to the Plan Commission.

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

10. BUSINESS BY COUNCILORS

10.1 Councilor Fennessey requesting to reconsider ordinance #O19-4126 relating to off-street parking and loading adopted January 15, 2019.

MOTION by Councilor Fennessey, seconded by Kern, to reconsider ordinance.

Roll call vote taken and passed.

AYE – 6 Olson, Bender, Sweeney, Fennessey, Sutherland, Kern.

NO – 3 Van Sickle, Elm, Dalbec.

Councilor Fennessey expressed concern with lack of transparency and vetting. He discussed the process that the Plan Commission followed while considering ordinance change and noted many of the recommendations made by the advisors of the Plan Commission were not completed.

Brief discussion on research and statistics that were reviewed before ordinance changes were made, as well as organizations that were informed of potential changes.

MOTION by Councilor Fennessey, seconded by Sutherland, to refer ordinance #O19-4129 relating to off-street parking and loading to the Plan Commission for further review. Roll call vote taken and passed.

AYE – 6 Olson, Bender, Sweeney, Fennessey, Sutherland, Kern.

NO – 3 Van Sickle, Elm, Dalbec.

11. RESOLUTIONS

11.1 R19-13417 Resolution introduced by the Plan Commission setting a public hearing on March 20, 2019, in the Government Center Board Room 201, to vacate the Western portion of Railroad Street in relation to the Lakehead Constructors Project.

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

12. ORDINANCES

12.1 O19-4127 Ordinance introduced by the Common Council of the City of Superior amending City Code, Chapter 112 – Traffic Code, Schedule J, Disabled Parking Zones by adding 2015 ½ Baxter (both sides).

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

12.2 O19-4128 Ordinance introduced by the Public Works Department of the City of Superior amending City Code, Chapter 112 – Traffic Code, Schedule K, Disabled Do Not Block Sidewalk Zones by adding 1410 Cedar Avenue.

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

12.3 O19-4129 Ordinance introduced by the Public Works Committee amending the City Code, Chapter 112, Traffic Code, Article VII, Schedule I, Streets Excluded from Calendar Parking by adding North 12th Street – between Oakes and Tower Avenues.

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

12.4 O19-4130 Ordinance introduced by the Public Works Committee amending the City Code, Chapter 112, Traffic Code, Article III, Parking, to add No Parking on Even Side of Street on Hughitt Avenue from Belknap Street south to the alley.

MOTION by Councilor Elm, seconded by Fennessey and carried, to adopt the ordinance.

12.5 O19-4131 Ordinance introduced by the Public Works Committee amending the City Code, Chapter 112, Traffic Code, Article III, Parking, to add No Parking on Even Side of Street on North 12th Street between Banks and Oakes Avenues.

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

12.6 O19-4132 Ordinance introduced by City Attorney Frog Prell amending Sections 22-1, Definitions, and 22-4, Potentially Dangerous or Dangerous Dogs of the City Code of Ordinances.

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

12.7 O19-4133 Ordinance introduced by the Public Safety Committee amending Section 86-22, Possession of Tobacco and Vapor Products by Minors.

MOTION by Councilor Bender, seconded by Sutherland and carried, to adopt the ordinance with amendment to include court costs and assessments in the addition to the fine.

13. BUSINESS BY PUBLIC

Meeting adjourned at 7:18 p.m.

Respectfully submitted,
Terri Kalan, City Clerk
Superior, Wisconsin

Approved this 19th day of February, 2019.

Attest:

Mayor

City Clerk