

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
Tuesday, April 16, 2019
6:30 p.m. - Government Center, Board Room 201**

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

Present: Dan Olson, Jenny Van Sickle, Warren Bender, Jack Sweeney (via telephone), Brent Fennessey, Tylor Elm, Ruth Ludwig, Craig Sutherland, Keith Kern, Esther Dalbec – 10
Youth Councilors: Adam Lavine, Jeffrey Newman (Teagan Radtke and Paige Lach excused.)
Also Present: Mayor Paine, City Attorney Prell, Deputy Clerk Pettit

2. ROLL CALL

3.1 PROCLAMATIONS AND COMMENDATIONS

3.2 SELECTION OF COUNCIL PRESIDENT

MOTION by Bender, seconded by Van Sickle to nominate Ludwig as President

MOTION by Dalbec, seconded by Kern to nominate Fennessey as President.

MOTION by Van Sickle, seconded by Bender to proceed with a voice roll call vote.

AYE – 6 Olson, Van Sickle, Bender, Sweeney, Elm, Ludwig

NO – 4 Fennessey, Sutherland, Kern, Dalbec

Roll call 1 for President failed for lack of majority:

Ludwig – 4 Van Sickle, Bender, Elm, Ludwig

Fennessey – 5 Sweeney, Fennessey, Sutherland, Kern, Dalbec

Abstain – 1 Olson

Roll call 2 for President failed for lack of majority:

Ludwig – 4 Van Sickle, Bender, Elm, Ludwig

Fennessey – 5 Sweeney, Fennessey, Sutherland, Kern, Dalbec

Abstain – 1 Olson

MOTION by Councilor Fennessey, seconded by Sutherland to proceed with voting by secret ballot failed by roll call vote:

AYE – 4 Fennessey, Sutherland, Kern, Dalbec

NO – 6 Olson, Van Sickle, Bender, Sweeney, Elm, Ludwig

Roll call 3 for President failed for lack of majority:

Ludwig – 4 Van Sickle, Bender, Elm, Ludwig
Fennessey – 5 Sweeney, Fennessey, Sutherland, Kern, Dalbec
Abstain – 1 Olson

MOTION by Councilor Sutherland, seconded by Dalbec to proceed with voting by secret ballot failed with Mayor Paine breaking a tie vote:

AYE – 5 Sweeney, Fennessey, Sutherland, Kern, Dalbec
NO – 6 Olson, Van Sickle, Bender, Elm, Ludwig, Paine

Roll call 4 for President failed for lack of majority:

Ludwig – 4 Van Sickle, Bender, Elm, Ludwig
Fennessey – 5 Sweeney, Fennessey, Sutherland, Kern, Dalbec
Abstain – 1 Olson

MOTION by Councilor Bender, seconded by Olson and carried to suspend the rules and move selection of President and Vice President to the end of the agenda.

4. APPROVAL OF MINUTES April 3, 2019 - Regular Council meeting.

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

5. PUBLIC HEARINGS

5.1 R19-13422 Resolution introduced by the Plan Commission to vacate a portion of North 11th Street east of Tower Avenue and area alleys.

No one spoke in favor of or opposition to.

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

6. CONSENT AGENDA

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

Communications and Reports Received and Filed:

- 6.1** Mayor's Commission on Disabilities minutes, January 21, 2019.
- 6.2** Human Resources Committee minutes, April 1, 2019.
- 6.3** Redevelopment Authority for the City of Superior minutes, April 3, 2019.

Matters Referred:

Liability Claims Committee

- 6.4** Claim #19-09, Ecklund
- 6.5** Claim #19-10, Butcher
- 6.6** Claim #19-11, Thomson

7. STANDING COMMITTEE RECOMMENDATIONS FOR APPROVAL

8. BUSINESS BY DEPARTMENT HEADS

City Clerk Kalan

8.1 Recommending approval of miscellaneous licenses.
MOTION by Councilor Dalbec, seconded by Fennessey and carried, to approve.

8.2 Recommending approval of an original Class A Liquor application by Clifford A. Lindberg, Trade Name: Airport Restaurant and Lounge, 1415 N 46th Street, Agent: Clifford A. Lindberg, for the remainder of the license period, expiring June 30, 2019.
MOTION by Councilor Bender, seconded by Dalbec and carried, to approve.

Environmental Services Director Roberts

8.3 Recommending approval of the contract amendment with Donohue and Associates to provide construction related services for the Secondary Treatment and Power Distribution Improvements project in an amount not anticipated to exceed \$266,840.
MOTION by Councilor Bender, seconded by Ludwig and carried, to approve.

8.4 Recommending approval to accept and award the bid from Magney Construction for the Secondary Treatment and Power Distribution System Improvements project in the amount of \$3,286,885.
MOTION by Councilor Fennessey, seconded by Dalbec and carried, to approve.

8.5 Recommending approval to accept and award the bid from Northland Constructors for the Main Plant Sludge Dewatering Slab Construction project in the amount of \$126,300.00.
MOTION by Councilor Fennessey, seconded by Bender and carried, to approve.

8.6 Recommending approval of bid award from Great Lakes Pipe Service, Inc. to provide televising service for the 2019 Sanitary Sewer Televising Contract in the amount of \$23,195.14.
MOTION by Councilor Dalbec, seconded by Elm and carried, to approve.

8.7 Recommending approval of bid award from Great Lakes Pipe Service, Inc. for the 2019 Storm Sewer Televising Contract in the amount of \$26,925.60.
MOTION by Councilor Bender, seconded by Dalbec and carried, to approve.

8.8 Recommending approval of bid award and Alternate 1 from Insituform Technologies for the 2019 Faxon Interceptor Lining project in the amount of \$127,760.00.
MOTION by Councilor Bender, seconded by Fennessey and carried, to approve.

Fire Chief Panger

8.9 Recommending approval to award the contract for purchase and installation of a vehicle exhaust system at Headquarters Fire Station to Hastings Air – Energy Control, Inc. for a total price of \$45,334.38.

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

Planning Director Serck

8.10 Requesting approval of a two year extension on the Army Corp of Engineers’ Right of Entry Agreement.

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

8.11 Requesting approval to grant the Army Corp of Engineers two year Right of Entry Agreement for construction related to the Piping Plover Habitat Restoration Project.

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

Public Works Director Janigo

8.12 Recommending approval of the State Municipal Agreement with the Wisconsin Department of Transportation for replacement of the Marina Drive Causeway bridge approaches as part of the 2022 Marina Drive Bridge and Causeway replacement project.

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

8.13 Recommending approval of the State Municipal Agreement with the Wisconsin Department of Transportation for damage done to the culvert under E 3rd Street between 54th and 55th Avenue E as a result of the June 2018 flooding event.

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

9. BUSINESS BY THE MAYOR

9.1 Re-appointing Karen Geegan to the Superior Business Improvement District (BID) for a three (3) year term, expiring April, 2022.

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

10. BUSINESS BY COUNCILORS

11. RESOLUTIONS

11.1 R19-13431 Resolution of the City of Superior, Wisconsin Approving the Project Plan, Establishing District Boundaries and Making Relevant Findings to the Creation of Tax Incremental District No. 14.

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

11.2 R19-13432 Resolution of the City of Superior, Wisconsin providing for contribution payments by the city in connection with Tax Increment Grants in the maximum amount of \$800,000 in connection with the Superior Hotel Group, LLC project and approving related documents and transactions.

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

12. ORDINANCES

12.1 O19-4139 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 1318 Baxter Avenue (both sides).

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

13. BUSINESS BY PUBLIC

CONTINUATION OF 3.2 SELECTION OF COUNCIL PRESIDENT

MOTION by Councilor Sutherland, seconded by Fennessey to proceed with voting by secret ballot failed with Mayor Paine breaking a tie vote:

AYE – 5 Sweeney, Fennessey, Sutherland, Kern, Dalbec

NO – 6 Olson, Van Sickle, Bender, Elm, Ludwig, Paine

Councilor Olson requested Mayor Paine relinquish his ability to break a tie vote and let a tie vote be decided by cutting cards. Mayor Paine declined and requested Councilor Olson reconsiders his abstention.

In response to questions, Attorney Prell advised many municipalities prefer voting for President and Vice President by secret ballot.

MOTION by Councilor Sutherland, seconded by Dalbec to proceed with voting by secret ballot failed with Mayor Paine breaking a tie vote:

AYE – 5 Sweeney, Fennessey, Sutherland, Kern, Dalbec

NO – 6 Olson, Van Sickle, Bender, Elm, Ludwig, Paine

Roll call 5 for President failed for lack of majority:

Ludwig – 4 Van Sickle, Bender, Elm, Ludwig

Fennessey – 5 Sweeney, Fennessey, Sutherland, Kern, Dalbec

Abstain – 1 Olson

Roll call 6 for President failed for lack of majority:

Ludwig – 4 Van Sickle, Bender, Elm, Ludwig

Fennessey – 5 Sweeney, Fennessey, Sutherland, Kern, Dalbec

Abstain – 1 Olson

MOTION by Kern, seconded by Sutherland and carried, to suspend the rules and vote for Vice President.

3.3 SELECTION OF COUNCIL VICE PRESIDENT

MOTION BY Olson, seconded by Dalbec and carried to nominate Sutherland as Vice President.

MOTION by Van Sickle, seconded by Bender and carried to nominate Elm as Vice President.

Councilor Sutherland elected as Vice President by roll call vote:

**Sutherland – 6 Olson, Fennessey, Sweeney, Sutherland, Kern, Dalbec
Elm – 4 Van Sickle, Bender, Elm, Ludwig**

CONTINUATION OF 3.2 SELECTION OF COUNCIL PRESIDENT

MOTION by Sutherland, seconded by Olson to adjourn, failed.

MOTION by Fennessey, seconded by Bender to table selection of President to the next meeting, failed by voice vote.

MOTION by Councilor Sutherland, seconded by Dalbec to proceed with voting by secret ballot failed with Mayor Paine breaking a tie vote:

**AYE – 5 Sweeney, Fennessey, Sutherland, Kern, Dalbec
NO – 6 Olson, Van Sickle, Bender, Elm, Ludwig, Paine**

MOTION by Ludwig, seconded by Bender to nominate Kern as President:

**Kern – 1 Ludwig
Ludwig – 3 Van Sickle, Bender, Elm
Fennessey – 4 Sweeney, Fennessey, Sutherland, Kern, Dalbec
Abstain – 1 Olson**

Roll call 7 for President failed for lack of majority:

**Ludwig – 4 Van Sickle, Bender, Elm, Ludwig
Fennessey – 5 Sweeney, Fennessey, Sutherland, Kern, Dalbec
Abstain – 1 Olson**

Roll call 8 for President failed for lack of majority:

**Ludwig – 4 Van Sickle, Bender, Elm, Ludwig
Fennessey – 5 Sweeney, Fennessey, Sutherland, Kern, Dalbec
Abstain – 1 Olson**

Mayor Paine renewed his request for the entire Council to vote.

MOTION by Councilor Sutherland, seconded by Dalbec to proceed with voting by secret ballot failed with Mayor Paine breaking a tie vote:

AYE – 5 Sweeney, Fennessey, Sutherland, Kern, Dalbec

NO – 6 Olson, Van Sickle, Bender, Elm, Ludwig, Paine

MOTION by Sweeney, seconded by Olson and carried to roll call vote to adjourn at 7:57.

AYE – 8 Olson, Bender, Sweeney, Fennessey, Elm, Ludwig, Kern, Dalbec

NO – 2 Van Sickle, Sutherland

Meeting adjourned at 7:57 p.m.

Respectfully submitted,
Terri Kalan, City Clerk
Superior, Wisconsin

Approved this 7th day of May, 2019.

Attest:

Mayor

City Clerk