

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
Tuesday, July 2, 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 (via telephone), Jack Sweeney, Brent Fennessey, Tylor Elm, Ruth Ludwig, Craig Sutherland, Keith Kern, Esther Dalbec – 10

Youth Councilors: Jeffrey Newman

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

3. PROCLAMATIONS AND COMMENDATIONS

4. APPROVAL OF MINUTES June 18, 2019 - Regular Council meeting.

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

5. PUBLIC HEARINGS

6. CONSENT AGENDA

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

Councilor Van Sickle abstains from item 6.3.

Communications and Reports Received and Filed:

6.1 Tax reciprocity response from the State of Wisconsin, Department of Revenue.

6.2 MIC Policy Board meeting summary, May 15, 2019.

Matters Referred:

Liability Claims Committee

6.3 Claim #19-17, Frog Prell

6.4 Claim #19-18, Jason Anderson

6.5 Claim #19-19, John Llamas

7. STANDING COMMITTEE RECOMMENDATIONS FOR APPROVAL

7.1 Finance Committee, June 13, 2019

2) To receive and file the Deer Committee update.

3) To receive and file the Muni-Link utility billing system update.

- 4) To approve a one-year budget plan with equal payments per month due to a undetected water leak.
- 5) To hold in committee the funding options for three adaptive Zagster bicycles until the July, 2019 meeting.
- 6) To move forward with the basic Operational and Organization Review package for non-union employees for a fee of \$39,500 and eliminate the Police and Fire portion of the proposal.

Finance Committee, June 25, 2019

- 3) To move forward with hiring Dr. Maria Todd to review future proposals received for health insurance broker services at a cost not to exceed \$2,000.

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

7.2 Human Resources Committee, June 24, 2019

- 1) a. To approve revised Assistant Finance Director job description with an amendment to list “working” knowledge of computer applications for accounting.
b. To approve the revised Finance Director job description with amendment to require a CPA certification.
- 2) a. To approve the request to fill the Assistant Finance Director position and subsequent vacancies if filled in-house.
b. To approve the request to fill the Finance Director position and subsequent vacancies if filled in-house.

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

7.3 Public Safety Committee, June 19, 2019

- 1) To table the issue of limiting of the speed of motorized users on the Osaugie/Tri County Corridor in the City of Superior until the July Public Safety meeting.
- 2) To refer the city-wide camera system to the Finance Committee for funding discussion.

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

7.4 Public Works Committee, June 19, 2019

- 2) To approve removing the east-west alley route and related portions of Butler and Banks Avenues and add North 58th Street to the City of Superior Year Round ATV/UTV Road Routes.
- 3) To approve reducing the speed limit permanently to 25 mph on Stinson Avenue in front of the refinery between Bardon and Hill Avenues.
- 4) To approve removing DTA bus parking only on odd side of Banks Avenue from Winter Street 220 feet south; and to approve adding DTA bus parking only on odd side of Banks Avenue from Broadway north 150’ to the alley and Broadway Street from Banks Avenue 200’ east on the south side of Broadway.

4.1) To approve reducing the speed limit from 30 to 25 mph on Hill Avenue between Belknap and North 21st Streets.

5) To receive and file the ESD Directors report.

6) To table the tree abatement assistance program draft.

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

8.2 Recommending approval of a one-day cabaret of a Class B Liquor & Beer license by Dodgies East End Tavern, 2114 E 5th Street, on July 12, 2019.

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

8.3 Recommending approval of an application to amend the premise and a one-day cabaret of a Class B Liquor & Beer license by Dodgies East End Tavern, 2114 E 5th Street, for a special event on July 13 through July 14, 2019.

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

8.4 Mayor Paine's written veto relating to Resolution # R19-13440 regarding censure of Councilor Van Sickle.

John Coffee, Megan McGarvey, Jacob Meddower, spoke in support of Councilor Van Sickle.

Councilor Sutherland stated the council is still moving forward and functioning well in their districts. To continue moving forward will require us all working together with civility and respect. If any other employee had spoken about another employee the same way Attorney Prell was recently, this would be a direct violation of the employee handbook and handled with some type of disciplinary action. There are consequences for poor decisions, as there should be. Employees are afraid to voice concerns for fear of retaliation by the mayor and some city councilors. We have important issues to deal with. We have to hire an entire finance department that has resigned or retired, and have two budgets to pass within the next few months. How do we expect to attract new talent for any open position when these kind of remarks are allowed? Nobody is taking away anyone's right to say something but rather simply stating our disapproval for the things that were said. Let's get back to where we were, let's treat each other with respect and let's move on.

Ludwig stated when she was first elected she was excited for the future of the city with several youthful faces on the council. However, with youth often comes

immaturity, impatience, and often times disrespect when not seeing eye to eye. Maturity, patience, and genuine respect, if not respectful tolerance, comes from life experience, and mentoring and modeling from more seasoned adults and provided examples to Sutherland, Van Sickle, and Fennessey. Councilors have a right and a duty to question, research, discuss and constructively criticize each other but not censure each other when they disagree on semantics. Think of the things that could be accomplished by volunteering in our community instead of insulting each other. She stated she was voting no, treating this as an example to learn from.

Councilor Van Sickle thanked those who spoke with her regarding their legal tribulations with the city. She stated she did not act illegal or immorally but is aware of the hurt caused and was not particularly proud of that. She thanked her district for their support and will continue to the hard at work and not forgot why she was elected. She thanked those who pointed out stunning hypocrisy of the censure and stated there are not enough censures and political grandstanding to keep her from doing her job.

Councilor Fennessey asked Mayor Paine to confirm that he still stood behind the veto and his statements that strongly condemn councilors who have, “embarrassed themselves and the city of Superior by voting for the censure.”

Mayor Paine stated he stood by the veto and his remarks.

Fennessey added that he believes the veto is completely dismissive of the comments made which led to the censure, and if upheld, would usher in a new normality under this administration which not only condones but encourages more of the same in the future. He added that herein lies the source of actual embarrassment. He stated one could even make a reasonable case that the veto is illegal. In the state of Wisconsin, the mayor’s veto power generally extends to all legislative acts of the council. A vote to censure a city councilor is clearly not a legislative act. A vote to overturn this veto makes it clear that the city of Superior has a strong majority of elected officials who proudly stand behind all of our city employees and that they should not fear a public and humiliating personal attack that is not reflective of the his/her character, reputation or work ethic. Fennessey also stated that a vote to overturn this veto is a demand for civility and common sense to prevail moving forward, and that a vote to uphold this veto sends the exact opposite message.

Councilor Dalbec read letters from former Mayor Hagen and Mayor Ross in support of Attorney Prell.

**MOTION by Councilor Sutherland, seconded by Sweeney to overturn the veto.
Roll call vote taken and passed.
AYE – Elm, Sutherland, Kern, Dalbec, Olson, Bender, Sweeney, Bender.
NO – Ludwig, Van Sickle.**

Parks, Recreation and Forestry Director Cadotte

8.5 Recommending approval of the Environmental Right of Entry Agreement with BNSF relating to Pickle Pond Remediation Project.

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

8.6 Recommending approval to waive the bidding requirements and approve agreement with Veit for the removal and placement of engineered wood fiber in eight city parks in the amount of \$49,650.00.

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

Human Resource Director Koneczny

8.7 Human Resource Director Koneczny recommending approval of Tonia Kittelson's appointment to the ESD Stormwater & Administrative Services Manager position.

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

9. BUSINESS BY THE MAYOR

9.1 Re-appointing Reggie Leckel, and Hattie Crass to the Mayor's Commission on Disabilities for a three-year term, expiring June, 2022.

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

10. BUSINESS BY COUNCILORS

11. RESOLUTIONS

11.1 R19-13442 Amended resolution by Mayor Jim Paine endorsing Better Cities – Superior Legislative efforts for the City's Downtown District.

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

12. ORDINANCES

12.1 O19-4152 Ordinance introduced by the Public Works Committee amending the City Code, Chapter 112, Traffic Code, Article III, Parking, by adding No Parking on Even Side of Street on Broadway Street from Banks Avenue 200' east on the South side of Broadway to be designated "DTA BUS PARKING ONLY."

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

12.2 O19-4153 Ordinance introduced by the Public Works Committee amending the City Code, Chapter 112, Traffic Code, Article III, Parking, to amend SECTION 1. No Parking on Odd Side; Remove: Banks Avenue from Winter Street 220 feet south - to

be designated "DTA BUS PARKING ONLY"; and add: Banks Avenue from Broadway north 150' to the alley - to be designated "DTA BUS PARKING ONLY."

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

12.3 O19-4154 Ordinance introduced by the Public Works Committee amending the City Code, Chapter 112, Traffic Code, Article VII, Schedule O, Speed Limits, to amend to 35 Miles Per Hour, (8) Stinson Avenue – between East 10th Street and Bardon Avenue Stinson Avenue – between Hill Avenue and North 56th Street, and 30 Miles Per Hour, (4) Hill Avenue – between North 21st Street and North 28th Street.

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

12.4 O19-4155 Ordinance introduced by the Public Works Committee amending Chapter 90 – Parks, Recreation and Forestry, Article VII – Motorized Recreational Vehicles.

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

12.5 O19-4156 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 927 Clough Avenue.

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

13. BUSINESS BY PUBLIC

13.1 Presentation by Tianna Day, Mentor Superior.

Respectfully submitted,
Terri Kalan, City Clerk
Superior, Wisconsin

Approved this 16th day of July, 2019.

Attest:

Mayor

City Clerk