

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
Tuesday, October 6, 2020**

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: Nick Ledin, Jenny Van Sickle, Warren Bender, Jack Sweeney, Brent Fennessey, Tylor Elm, Ruth Ludwig, Craig Sutherland, Keith Kern – 9

Excused: Esther Dalbec – 1

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

3. APPROVAL OF MINUTES September 15, 2020 - Regular Council meeting and September 22, 2020 - Special meeting.

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

4. PRESENTATIONS AND PUBLIC HEARINGS

5. CORRESPONDENCE TO BE FILED

6. MAYOR'S REPORT

6.1 The Mayor's Report.

6.2 Recommending approval to appoint Tom Kurtz to the Liability Claims Committee for a three year term, expiring October, 2023; appoint Kathleen Laakso as the Historian to the Historic Preservation Committee for three years, expiring October, 2023, and re-appoint Matt Osterland to the Historic Preservation Committee for a three year term expiring October, 2023.

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

7. STANDING COMMITTEE REPORTS

7.1 Finance Committee, September 10, 2020

1) Report from the Chair.

7) To approve the medical travel incentive benefit of an HSA contribution of \$500.00 if electing orthopedic surgeries performed by providers within the Health Partners High Value Network.

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

7.2 Finance Committee Special Meeting, September 23, 2020

- 1) To approve **Resolution #R20-13524** providing relief of penalties for Hotel-Motel Tax.

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

- 2) To approve **Ordinance #O20-4212** amending Chapter 74 Relating to Hotel, Motel and Rooming House Tax.

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

7.3 Plan Commission, September 16, 2020

- 1) Report from the Chair.
- 2) To approve a request to submit a Certified Survey Map for property located at 199 Billings Drive.

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

7.4 Public Safety Committee, September 16, 2020

- 1) Report from the Chair.
- 2) To approve **Ordinance #O20-4213** amending the City Code, Chapter 112, Traffic Code, Article I, Parking, by adding: no parking on either side at any time, on Spartan Road.

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

- 3) To approve **Ordinance #O20-4214** amending the City Code, Chapter 112, Traffic Code, Article III, Parking, by adding North 31st St west of frontage Road to Oakes Avenue, exempt from calendar parking, no parking odd (north side), and no parking 3:00 a.m. through 6:00 a.m.

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

- 4) To approve **Ordinance #O20-4215** amending the City Code, Chapter 112-51, Stopping, Standing and Parking, Code of the City Code of Ordinances to create subsection (C) (9), adding: in any designated fire lane zone;

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

To approve **Ordinance #O20-4216** amending Section 1-14, Citations and Deposits for Violation of Certain Provisions of the City Code of Ordinances.

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

- 5) To approve **Ordinance #O20-4217** amending the City Code, Section 112-251(d)(2) and (3), Penalties, Forfeitures for Other Non-Moving Violations and Contesting Non-Moving Traffic Citations.

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

7.5 Public Works Committee, September 16, 2020

- 1) Report from the Chair.
- 4) 4-way stop at 22nd and Hughitt Avenue. (Action taken concurrently with item #5.)
- 5) To approve **Ordinance #O20-4218** amending the City Code, Chapter 112, Traffic Code, Article VII, Schedule A, Stops, by adding and installing a 4-way stop at N 23rd Street and Hughitt Avenue; and to approve **Ordinance #O20-4219** amending the City Code, Chapter 112, Traffic Code, Article VII, Schedule A, Stops, by adding and installing a 4-way stop at N 17th Street and Hughitt Avenue.

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

- 6) 3-way stop at Spartan Drive and Catlin Avenue. No action.

8. SPECIAL COMMITTEE REPORTS

9. OLD BUSINESS

- 9.1 O20-4220** Ordinance introduced by Mayor Paine amending Section 2-50, Standing Committees by creating the Administration Committee. (*Referred from September 15th City Council Meeting.*)

UPON UNANIMOUS CONSENT, the council considered Ordinance O20-4220 which failed by roll call vote:

AYE – 4 Ledin, Bender, Elm, Ludwig
NO – 5 Van Sickle, Sweeney, Fennessey, Sutherland, Kern

10. NEW BUSINESS

- 10.1 Assistant Public Works Director Carlson** recommending approval of the City of Superior Active Transportation Plan.

Kevin Leucke, Director of Toole Design’s Madison office, presented the plan, outlining existing conditions, policies and programs, walkway and bikeway types, active transportation network, implementation, maintenance, and the plan’s conclusion.

MOTION by Councilor Fennessey, seconded by Sweeney and carried, to remove all language in the Transportation Plan focusing on hosting a bike share program, failed by roll call vote:

AYE – 4 Sweeney, Fennessey, Sutherland, Kern
NO – 5 Ledin, Van Sickle, Bender, Elm, Ludwig

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

- 10.2 Planning Director Serck** recommending approval of the release of Utility Easements in previously vacated property at 5627 Albany Avenue.

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

- 10.3** Planning Director Serck recommending approval to reallocate \$50,000 from the Economic Development Fund (designated for the ERP) back to the Small Business Grant Program.
MOTION by Councilor Van Sickle, seconded by Elm and carried, to approve.
- 10.4** Planning Director Serck recommending approval of a Land Lease Agreement between the City of Superior and the Board of Regents of the University of Wisconsin System, dba: University of Wisconsin-Superior, for continued use of Montreal Pier as a Freshwater Ballast Water Testing Site.
MOTION by Councilor Bender, seconded by Ludwig and carried, to approve.
- 10.5** Planning Director Serck and Environmental Regulatory Manager McNamara recommending approval of request from Enbridge Inc. to purchase 0.59 credits from the City of Superior Compensatory Wetland Mitigation Bank.
MOTION by Councilor Elm, seconded by Fennessey, and carried, to approve.
- 10.6** Parks, Recreation and Forestry Director Cadotte recommending approval to award the Fairlawn Mansion Boiler Replacement project to the Jamar Company for the proposed, not to exceed amount of \$32,795.00.
MOTION by Councilor Kern, seconded by Bender and carried, to approve.
- 10.7** Parks, Recreation and Forestry Director Cadotte recommending approval of the new agreement to extend and modify the terms with North Shore SUP, LLC, Land Lease and Use Agreement.
MOTION by Councilor Kern, seconded by Elm and carried, to approve.
- 10.8 R20-13525** Resolution introduced by the Department of Parks, Recreation and Forestry of the City of Superior supporting the Proclamation of World Migratory Bird Celebration the week of October 10, 2020 in the City of Superior.
MOTION by Councilor Ludwig, seconded by Bender and carried, to adopt the resolution.
- 10.9 R20-13526** Resolution introduced by the Community Development Division to set a public hearing for the 2021 – 2025 Community Development Block Grant Consolidated Plan and the 2021 Action Plan.
MOTION by Councilor Bender seconded by Fennessey and carried, to adopt the resolution.
- 10.10 R20-13527** Resolution of the Common Council of the City of Superior, Wisconsin, to call on Burlington Northern Santa Fe to resume payments of claims submitted for abatement of dust residue.
 Emails received from Allouez residents in support of the resolution: Joanie and Mike Hoffman, Charity Colby, Judy Homich, Diane Van Vynckt, Bruce and Sue Vrooman, Michelle Kurtz, Krystal and Bryan LaLonde, Melissa Pratt, Julie Herrick, Kim Backlund Visger, and Pete & Susan Paine.
 Councilor Van Sickle outlined the lengthy process and discussions that have taken

place in order to resolve this issue and requested action on the resolution be postponed until the October 20, 2020 Council meeting.

MOTION by Councilor Van Sickle, seconded by Ledin and carried, to adopt the resolution.

10.11 Planning Director Serck recommending approval of sanitary sewer line easement crossing unimproved rights of way of 23rd Avenue East and 16th Street due to the construction of their new office building located on Stinson Avenue.

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

Business by Councilors

11. BUSINESS BY PUBLIC

Meeting adjourned at 8:00 p.m.

Respectfully submitted,
Terri Kalan, City Clerk
Superior, Wisconsin

Approved this 20th day of October, 2020.

Attest:

Mayor

City Clerk