

**AGENDA FOR REGULAR COMMON COUNCIL MEETING  
SUPERIOR, WISCONSIN  
Tuesday – April 15, 2014  
6:30 p.m. - Government Center, Board Room 201**

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3.1 PROCLAMATIONS AND COMMENDATIONS**
- 3.2 SELECTION OF COUNCIL PRESIDENT**
- 3.3 SELECTION OF COUNCIL VICE PRESIDENT**
- 4. APPROVAL OF MINUTES** April 2, 2014 - Regular Council meeting
- 5. PUBLIC HEARINGS**
- 6. CONSENT AGENDA** *The following items may be received and filed (r/f), referred, or approved as noted, by the Council utilizing a single vote. All licenses approved are contingent upon meeting City Code requirements. There will be no separate action on these items unless a Council member requests, and the Council approves. Communications are on file in the City Clerk's office, and may be viewed in their entirety during regular office hours.*

**Communications and Reports to be Received and Filed:**

- 6.1** Certification of the Board of Canvassers for the April 1, 2014, Spring Election.
- 6.2** Fire Chief Panger providing a summary of 2014 CIP Vehicle purchase/replacements.
- 6.3** Parks & Recreation Commission, April 3, 2014, meeting minutes.
- 6.4** Police Chief LaGessee informing Council of an opportunity to acquire a Mine Resistance Ambush Protection vehicle (MRAP).

**Matters to be Referred:**

**Special Committee of the Whole, May 6, 2014:**

- 6.5** Public Works Director Goetzman is requesting discussion of the viability of the Moccasin Mike Landfill, be referred to a Committee of the Whole meeting, May 6, 2014.

**Liability Claims Committee:**

- 6.6** Claim #14-12, Paricia Matlock

**License and Fees Committee:**

- 6.7** Assistant Public Works Director Janigo is requesting referral of the Building Inspection Appeals Process.

**Standing Committee Reports to be Approved:**

**Licenses to be Approved:** *City Clerk Kalan*

- 6.8** Approve miscellaneous licenses.

## 7. BUSINESS BY DEPARTMENT HEADS

7.1 Planning Director Serck is requesting to sell City Owned land at 1106 N. 8<sup>th</sup> St. for a minimum bid of \$750. (LS 14-01)

**Public Works Director Goetzman is recommending approval of the following:**

7.2 Award the 2014 Pavement Marking Service to Fahrner Asphalt Sealing for \$32,520.34.

7.3 Award the Billings Park Entrance Culvert Repair project to low bidder, Lakehead Constructors, Inc. for \$512,431.34.

7.4 Award the 2014 Asphalt Milling to WK Construction for the estimated amount of \$103,056.38.

7.5 Approve the amendment to Land Lease with Superior Flying Service, (Calvin Kramp) for a 4,900 sq ft hangar at the Richard I. Bong Memorial Airport (Hanger C5).

7.6 Approve to proceed with final engineering design of the East 5<sup>th</sup> Street project with a grading/paving type solution and to proceed to the bidding phase.

7.7 Assistant Public Works Director Janigo recommending to award the bid to supply four dump bodies, plows and wing assemblies, to Monroe Truck Equipment for \$210,358.

## 8. BUSINESS BY THE MAYOR

8.1 Mayor Hagen appointments to the Business Improvement District (BID) Board of Directors: Jeanne Thompson, term expiring December 2015; Keith Kern, term expiring July, 2014; and Tom Wondolkowski, term expiring January, 2017.

8.2 Mayor Hagen submitting Animal Shelter Ad Hoc Committee Appointments.

## 9. BUSINESS BY COUNCILORS

9.1 Councilor McDonald is requesting an update on Better City Superior.

## 10. RESOLUTIONS

## 11. ORDINANCES

11.1 **O14-3873** Ordinance introduced by the Building Inspection Division repealing Chp. 6 Article III, Sign Erection License.

11.2 **O14-3874** Ordinance introduced by the Director of Parks, Recreation and Forestry, amending Section 86-94, Archery Hunting Areas and Seasons.

11.3 **O14-3875** Ordinance introduced by the Building Inspection Division amending Chp 58, Garbage and Rubbish.

## 12. BUSINESS BY PUBLIC

If you would like to speak before the Council, please sign your name on the sign-up sheet prior to the Council meeting. Due to requirements of the Wisconsin Open Meetings laws, only matters placed on this agenda may be approved by the Council at this meeting, however, citizens may address the Council regarding items which require no action. No personal attacks on individuals will be allowed, and all comments by members of the public shall be limited to three (3) minutes in length.

Citizens should contact the Mayor, a Councilor, or the City Clerk to have a matter placed on a future Council agenda for consideration.

\*\*\*\*\*  
*Pursuant to the Americans with Disabilities Act of 1990, if you are in need of an accommodation to participate in the public meeting process, please contact the City Clerk's Office at (715) 395-7200 prior to the scheduled meeting. The City will attempt to accommodate any request depending on the amount of notice received. TDD (715) 395-7521.*  
\*\*\*\*\*

**In compliance with Wisconsin Open Meetings Law, this agenda was:**  
Posted: Government Center, Court House, & Public Library,  
Faxed to: Daily Telegram, Public Library, April 10, 2014

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING  
SUPERIOR, WISCONSIN  
April 2, 2014**

The Regular Meeting of the Common Council was called to order by Council President Bender at 6:30 p.m. in the Government Center, Board Room 201.

**1. PLEDGE OF ALLEGIANCE**

- 2. ROLL CALL** Dan Olson, Warren Bender, Jack Sweeney, Denise McDonald, Terry Massoglia, Bob Finsland, Mike Herrick, Mick MacKenzie, Esther Dalbec – 9  
Excused: Tom Fennessey – 1  
Youth Councilors: Mike Nowicki, August Cadotte  
Also Present: Deputy City Clerk Byrnes

**3. PROCLAMATIONS AND COMMENDATIONS**

Council President Bender presented Councilor MacKenzie with a plaque in appreciation of his hard work and dedication as the 9<sup>th</sup> District City Councilor from April 2008 – April 2014.

- 4. APPROVAL OF MINUTES** - March 18, 2014 - Regular Council meeting  
**MOTION by Councilor Herrick, seconded by McDonald and carried, to approve.**

**5. PUBLIC HEARINGS**

**6. CONSENT**

Deputy Clerk Byrnes advised there was a correction to item #6.6.  
**MOTION by Councilor Finsland, seconded by Herrick and carried, to approve the Consent Agenda as amended.**

**Communications and Reports Received and Filed:**

- 6.1** Duluth-Superior Metropolitan Interstate Council, February 19, 2014, meeting summary.
- 6.2** Duluth Transit Authority, Board of Directors, January 29, 2014, meeting minutes.
- 6.3** Police and Fire Commission, February 12, 2014, amended minutes.
- 6.4** Police and Fire Commission, March 12, 2014, meeting minutes.
- 6.5** Public Works Director Goetzman recommending selling excess and obsolete fleet vehicles & equipment.
- 6.6** Redevelopment Authority of the City of Superior, March 26, 2014, meeting minutes.  
 \*Planning Director Serck submitted corrected minutes.
- 6.7** Superior Public Library Annual Report.

**Matters Referred to:**

**Liability Claims Committee:**

- 6.8 Claim #14-11, Billy Sobralski

**Plan Commission:**

- 6.9 Kwik Trip Inc. is requesting to rezone property at 2115, 2125 and 2131 East 3<sup>rd</sup> St, from R3 Apartment Residential to C2 Highway Commercial District. (RZ 14-02)
- 6.10 Mark Manion, Broadway Superior Properties, LLC, is requesting to vacate a portion of John Avenue between Winter and Broadway Streets. (VAC 14-03)
- 6.11 Kwik Trip, Inc. is requesting to vacate a portion of the alley located between 21<sup>st</sup> and 22<sup>nd</sup> Avenues East and East 2<sup>nd</sup> and 3<sup>rd</sup> Streets. (VAC 14-04)

**Public Works Committee**

- 6.12 Councilor McDonald is requesting referral of a request by Jeff Collins to remove calendar parking on E. 4<sup>th</sup> Street between E and F Streets.

**Standing Committee Reports Approved:**

**6.13 Finance Committee, March 13, 2014**

2. Hold in Committee, Debt Management Policy.
3. Approve sewage credit for Specialty Minerals Inc, in the amount of \$65,140.68; and Robert Bukowski in the amount of \$368.09.
4. Receive and file the February 2014 All Checks Register.
5. Receive and file the Preliminary 2013 Financial Statements.
6. Receive and file the February 2014 Financial Statement.
7. Receive and file the February 2014 General Financial Overview.

**6.14 Human Resources Committee, March 17, 2014**

1. Approve Local #74 Contract 2014-15.
3. Receive and file the February 2014 Personnel Report.

**6.15 Public Works Committee, March 19, 2014**

1. Hold in committee Councilor Dalbec's request for a 4-way stop on N. 12<sup>th</sup> St. and Hammond Ave.
2. Approve Councilor McDonald's request for a one-way stop on E Street at East 1<sup>st</sup> St.
3. Approve Councilor Massoglia's for "No Parking Between Signs" signage at 1527 Grand Avenue.

**Licenses to be Approved: *City Clerk Kalan***

- 6.16 Approve miscellaneous licenses.

## 7. BUSINESS BY DEPARTMENT HEADS

- 7.1 Planning Director Serck is submitting a request from the Friends of the Superior Public Library, to erect signs in the City Right of Way for the annual book sale, April 25<sup>th</sup>, and 26<sup>th</sup>.  
**MOTION by Councilor Finsland, seconded by McDonald and carried, to approve.**
- 7.2 Planning Director Serck, on behalf of Superior Public Museums (Fairlawn Mansion), is requesting authorization to place signs in the City Right of Way for the annual Garden Market, (May 14<sup>th</sup>) at the Superior National Guard Armory, one week prior to the event.  
**MOTION by Councilor Dalbec, seconded by McDonald and carried, to approve.**

## 8. BUSINESS BY THE MAYOR

- 8.1 Mayor Hagen is recommending to approve the Animal Shelter Management contract with the Humane Society of Douglas County (HSDC) for an eight month period beginning May 1, 2014.
- 8.1 a) Finance Director Vito handed out an amended contract with the HSDC.  
Marcy Barby, HSDC Treasurer, thanked the Council for entrusting them with the care of the City's animals.  
**MOTION by Councilor MacKenzie, seconded by Dalbec and carried, to approve.**

## 9. BUSINESS BY COUNCILORS

## 10. RESOLUTIONS

- 10.1 **R14-13170** Resolution approving the Report of the Redevelopment Authority of the City of Superior Regarding the Option Agreement and Development Agreement with International Metallics Corporation, Inc. and IMC Holdings LLC.  
**MOTION by Councilor Dalbec, seconded by Herrick and carried, to adopt the resolution.**
- 10.2 **R14-13171** Resolution setting a public hearing for the 2014 Consolidated Annual Performance and Evaluation Report (CAPER) for May 6<sup>th</sup>, 2014 at 6:30 p.m. in boardroom 201 of the Government Center. (*entire document can be viewed online or in the City Clerk's office*)  
**MOTION by Councilor Herrick, seconded by Dalbec and carried, to adopt the resolution.**
- 10.3 **R14-13172** Resolution setting a public hearing for comments on the Community Development Needs and Fair Housing Choice for May 6<sup>th</sup>, 2014, at 6:30 p.m. in boardroom 201 of the Government Center.  
**MOTION by Councilor Finsland, seconded by Herrick and carried, to adopt the resolution.**

**10.4 R14-13173** Resolution introduced by the Common Council of the City of Superior Approving a three year Harbor Development Statement of Intentions for the Years 2014-2017.

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

## **11. ORDINANCES**

**11.1 O14-3871** Ordinance amending City Code Chapter 112, Traffic Code, Article VII, Schedule A, Stops, One and Two Way Stops by adding East 1<sup>st</sup> St, at E Street.

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

**11.2 O14-3872** Ordinance amending City Code Chapter 112, Traffic Code, Article VII, Sch. E, No Parking in Designated Spaces, by adding the 1527 Grand Avenue, 5 feet on either side of driveway entrance.

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

## **12. BUSINESS BY PUBLIC**

**12.1** Twinports Lakefest is requesting the use of 15 picnic tables for their annual community outreach event at Barkers Island on August 2, 2014.

Rose Ligman, 1717 Susquehanna Avenue.

**MOTION by Councilor Olson, seconded by McDonald and carried, to approve this request as non-precedent setting, and to review future requests for the use of picnic tables on a case by case basis.**

**MOTION by Councilor Dalbec, seconded by Finsland and carried, to adjourn meeting at 7:07 p.m.**

Respectfully submitted,  
Linda Byrnes, Deputy City Clerk  
Superior, Wisconsin

Approved this 15<sup>th</sup> day of April, 2014.

Attest:

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Mayor

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City Clerk

### Certification of the Board of Canvassers

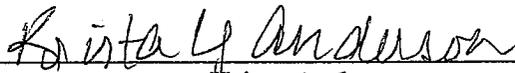
We, the undersigned, certify that we are the members of the Board of Canvassers for the City of Superior, Wisconsin, County of Douglas.

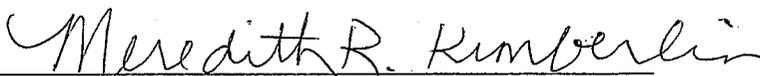
We certify that the attached Summary Statement of the Board of Canvassers, canvassed and prepared by us, are correct and true as compiled from the original returns made to the City Clerk of the City of Superior, Wisconsin.

We further determine and certify that the following persons received the greatest number of votes for the respective office for which each was a candidate for the April 1, 2014 Spring Election.

<u>Office</u>	<u>Highest Candidates</u>
1 <sup>st</sup> District Alderperson	Dan Olson
3 <sup>rd</sup> District Alderperson	Warren Bender
5 <sup>th</sup> District Alderperson	Denise McDonald
7 <sup>th</sup> District Alderperson	Bob Finsland
9 <sup>th</sup> District Alderperson	Dennis Dalbec
10 <sup>th</sup> District Alderperson	Esther Dalbec

#### Board of Canvassers

  
 \_\_\_\_\_  
 Krista Anderson

  
 \_\_\_\_\_  
 Meredith Kimberlin

  
 \_\_\_\_\_  
 Terri Kalan

Certified this 7<sup>th</sup> day of April, 2014.

c: County Clerk  
Council - 4/15/14

**BOARD OF CANVASSERS  
CITY OF SUPERIOR, WISCONSIN  
SPRING ELECTION - APRIL 1, 2014**

In accordance with Wisconsin State Statutes 7.53 (2) (d) the following is a report of the Election Board of Canvassers which met on April 7, 2014, and canvassed the returns for the City of Superior April 1, 2014, Spring Election.

**FOR 1<sup>st</sup> DISTRICT ALDERPERSON:** Dan Olson 109

Having received the highest number of votes, Dan Olson was elected to the office of 1<sup>st</sup> District Alderperson, for the City of Superior.

**FOR 3<sup>rd</sup> DISTRICT ALDERPERSON:** Warren Bender 96

Having received the highest number of votes, Warren Bender was elected to the office of 3<sup>rd</sup> District Alderperson, for the City of Superior.

**FOR 5<sup>th</sup> DISTRICT ALDERPERSON:** Denise McDonald 88

Having received the highest number of votes, Denise McDonald was elected to the office of 5<sup>th</sup> District Alderperson, for the City of Superior.

**FOR 7<sup>th</sup> DISTRICT ALDERPERSON:** Bob Finsland 53

Having received the highest number of votes, Bob Finsland was elected to the office of 7<sup>th</sup> District Alderperson, for the City of Superior.

**FOR 9<sup>th</sup> DISTRICT ALDERPERSON:** Dennis Dalbec 119

Having received the highest number of votes Dennis Dalbec was elected to the office of 9<sup>th</sup> District Alderperson, for the City of Superior.

**FOR 10<sup>TH</sup> DISTRICT ALDERPERSON:** Esther Dalbec 58

Having received the highest number of votes Esther Dalbec was elected to the office of 10<sup>th</sup> District Alderperson, for the City of Superior.

**Total votes cast in the City of Superior:** 994

We hereby certify the above report is a true and correct report of figures submitted in Tally Sheets by the Election Officials and filed with the City Clerk on April 1, 2014. Signed this 7<sup>th</sup> day of April, 2014, by members of the Canvassing Board:

Krista Anderson  
Krista Anderson

Meredith R. Kimberlin  
Meredith Kimberlin

Terri Kalan  
Terri Kalan

cc: Douglas County Clerk  
Council Bin, April 15, 2014 and Candidates



SUPERIOR

WISCONSIN

Living up to our name.

Superior Fire Department

Steve Panger, Fire Chief  
Superior Fire Department  
3326 Tower Av  
Superior, WI 54880

Phone: (715) 394-0227  
Fax: (715) 394-0215  
www.ci.superior.wi.us

April 4, 2014

TO: Mayor Hagen and Common Council

FROM: Steve Panger, Fire Chief

RE: 2014 CIP Vehicle Purchase

As required under Section 2-379 (b) of City Statue I am providing a summary of purchase of a 2015 Ford Explorer and a 2015 Ford F350 to replace the Fire Department's current Mechanic Truck and Battalion Chief Truck. Funding in the total amount of \$70,000 was budgeted and approved by Council in the 2014 CIP for replacement of these vehicles.

A purchase order was secured through State negotiated pricing for the purchase of a 2015 Ford Explorer 4x4 at a total cost of \$29,264 and a 2015 Ford F-350 4x4 at a total cost of \$27,658 through Ewald Automotive Group, 36833 E. Wisconsin Avenue, Oconomowoc, Wi. 53066. Inquiries into Wisconsin State Contract # 15-07006-301 can be made to Scott Kussow, Director of Commercial and Fleet Services (262) 567-5555.

The new vehicles will be replacing a 2003 Chevy Suburban Battalion Chief SUV and a 2000 Dodge 2500 Mechanic truck. Estimated future replacement date for the new Battalion Chief SUV is 2025. Estimated future replacement date for the new Mechanic truck is 2030. The balance of funds will be used for vehicle accessories.

**PARKS AND RECREATION COMMISSION**  
**Thursday, April 3, 2014**  
**Board Conference Room 204, Government Center**

Members Present: Gerry Olson, Terry Massoglia, and Betty Renko, and Tom Wondolkowski

Absent: Esther Dalbec and Gene Rosburg

Also Present: Keith Kern, Mary Morgan, and Jack Sweeney

Gerry Olson called the meeting to order at 5:00 p.m.

Approval of October 3, 2013, minutes.

**MOTION by Betty Renko, seconded by Tom Wondolkowski, and carried to approve the Parks and Recreation Commission minutes of October 3, 2013.**

1. Recreation Trends: Discussion with City Councilor Jack Sweeney (playgrounds/tennis courts/trails). Councilor Sweeney's concern is how the City makes decisions on what to spend money on and where (how do we know what people are using?). He said it seems some parks do not have much use, and he realizes that everything has a life (e.g., tennis seems to be on the downslide).

Mary Morgan stated that park trends show that people want to have "same-day experiences," and they don't want to have to buy equipment. Shifting trends in recreational facilities can be expensive. We know that softball for adults has decreased over the years in Superior, yet youth softball numbers remain steady. There isn't an accurate way to know actual numbers for playground/park attendance and usage. The Summer Playground Program provides registration data, but some children do not attend every day, so it doesn't give an accurate number. She reminded members that the Master Park Plan process provides recommendations for improvements obtained by suggestions from the public.

Suggestions for obtaining data were to have a suggestion or comment box at parks and trails that people could use. It was also suggested to look into having something like a check-in on Facebook via smartphones. This could give us an idea of how many people are visiting area parks. Tom Wondolkowski said the Library Board is currently doing a Strategic Plan and wondered if this could help (cost of their plan is approximately \$16,000, but they did obtain grant money for about \$10,000). It was suggested to have Susan Heskin, the Library Director, attend the next meeting to talk about the plan process.

Mary Morgan asked members what kind of information they think is needed. She said there is information on the numbers of sales for ski passes, boat launches, and park reservations, but numbers for the "casual use" of facilities are not available. Members agreed that we should explore the process of a strategic plan and also look into digital ways (via smartphone) to obtain counts. It was also suggested to look into obtaining assistance with the plan process from the UWS Business Administration program.

2. Emerald Ash Borer update. A map showing the ash trees within the City was shown. Starting in the North End, the City has removed 300 trees so far. The crew is moving south between Belknap and 28th Street from Butler to Catlin Avenues; this area has about 700 ash trees. Citizens are willing to treat the boulevard ash trees, with about a dozen permits being given out so far for this area. The ash chips from the removal last fall have been sold to the Hibbard Plant, and payment to the hauler still has to be made. There will be 250 trees planted this spring.

**MOTION by Gerry Olson, seconded by Terry Massoglia, and carried, meeting adjourned at 6:07 p.m.**

**The next Parks & Recreation Commission meeting is scheduled for Thursday, May 1, 2014, 5:00 p.m., Board Conference Room 204 of the Government Center.**

Minutes submitted to the Council Meeting of April 15, 2014.



Living up to our name.

## Superior Police Department

1316 N. 14<sup>th</sup> St. Suite 150  
Superior, WI 54880

Phone: (715) 395-7234  
Fax: (715) 395-7664  
[www.ci.superior.wi.us](http://www.ci.superior.wi.us)

# Memo

To: Members of the City Council

From: Charles LaGessee, Chief of Police

Date: April 8, 2014

Re: MRAP Acquisition Plan

This memo is to inform the members of the City Council of an opportunity for the Superior Police Department to acquire a Mine Resistance Ambush Protection vehicle (MRAP) at minimal cost through the Defense Reutilization and Marketing Office (DRMO). The Police Department will utilize Crime Prevention Funds currently possessed to cover the costs of transportation costs from the vehicle's current location in Texas. We estimate this transportation costs to be \$5000. The Police Department has been advised that we will receive an MRAP as early as May 1, 2014.

These vehicles have been retired from recent military service and are either new, or refurbished to excellent condition. The vehicle has an original cost of over \$500,000. Similar vehicles have been placed in the use by other Wisconsin law enforcement agencies and by the St. Louis County Sheriff's Office.

The acquisition of the MRAP would provide the Superior Police Department with a vehicle large enough to provide ballistic protection for all the officers of the Department's Emergency Response Team. If acquired, the MRAP will be stored in the City of Superior to allow rapid deployment in any incident involving the need to deploy officers into an area controlled by a field of fire of an armed subject. These incidents would include situations involving barricaded gunman and incidents in which victims require rescue from an area that would otherwise prove too hazardous to enter.

The acquisition of this vehicle will allow coordination with the LENCO Bearcat currently available for use by the Department, but possessed by the Douglas County Sheriff's Office. The

acquisition of the MRAP would allow the positioning of two vehicles with enhanced ballistic protection to control the perimeter of a situation involving a barricaded gunman.

The MRAP – Mine Resistant Ambush Protection – is a Caiman 6x6 and the specs are as follows

<b>Vehicle Curb Weight (with Fuel)</b>	16,825 kg (37,092 lb)
<b>Payload</b>	2,450 kg (5,400 lb)
<b>Towed Load</b>	5,443 kg (12,000 lb)
<b>Maximum Speed (Governed, at Gross Weight)</b>	105 km/h (65 mph)
<b>Range</b>	645 km (401 miles) w/ 280 L (74 gal)
<b>Maximum Grade</b>	60 percent
<b>Maximum Side Slope</b>	30 percent
<b>Turning Radius (Curb-to-Curb)</b>	18.8 m (61.7 ft)
<b>Turning Radius (Wall-to-Wall)</b>	20 m (65.5 ft)
<b>Fording (without Kit)</b>	915 mm (36 in)
<b>Cab</b>	Armor Protected 2-10 Crew Cab
<b>Steering</b>	Power Assisted, Recirculating Ball
<b>Engine</b>	Caterpillar C7 Heavy Duty Diesel, 6-Cylinder, Electronic Controlled, Fuel-Injected Turbocharged and Aftercooled, EPA Certified
<b>Engine Rating</b>	246 kW (330 hp) @ 2400 rpm
<b>Engine Displacement</b>	7.2 (441 cu in)
<b>Engine Torque</b>	1,166 Nm (860 lb-ft) @ 1440 rpm
<b>Fuel Types</b>	Diesel, DF-2, JP-4, JP-8, VV-F-800
<b>Oil Types</b>	MIL-L-2104D, MIL-L-46167
<b>Engine Oil Capacity</b>	22 qt (21 L)
<b>Transmission</b>	Allison 3700SP Automatic/Select 7-speed, Electronically Controlled, Full-Time, All-Wheel Drive, Integral Transfer Case
<b>Transmission Torque (Normal Operation)</b>	30 percent Torque Front <u>Wheels</u> , 70 percent Torque Rear Wheels
<b>Transmission Torque (Off-Road)</b>	Equal Front and Rear
<b>Axles</b>	ArvinMeritor Front, Intermediate, and Rear Axles
<b>Axle Carrier</b>	Single Reduction, Amboid-Gearing
<b>Wheel End</b>	Bevel Wheel End
<b>Overall Axle Gear Ratio</b>	6.14:1
<b>Front Axle Steering Angle</b>	35 degrees
<b>Suspension (Front)</b>	Parabolic-Tapered Leaf Spring with Coil over Hydraulic Shock Absorbers
<b>Suspension (Rear)</b>	Tandem Axles with Parabolic-Tapered Leaf Spring with Hydraulic Shock Absorbers and Stabilizer Bar
<b>Brakes (Primary)</b>	Dual-Circuit, Four Channel Air, Anti-Lock Braking System (ABS) with Trailers ABS Connectors for Emergency Towing

<b>Brakes (Supplemental)</b>	Air Actuated, Driver Controlled Exhaust Brake
<b>Electrical System</b>	12/24 volt, EMI /HAEM P Qualified, Resettable Circuit Breakers, Central Power Distribution Panel, Battery and Charging Management System
<b>Electrical Alternator</b>	400 amp, 12/24 volt, Waterproof, EMI/RFI Suppressed
<b>Electrical Starter</b>	24 volt Waterproof
<b>Instrumentation</b>	SAE J1708 Data Bus Driven Instrument Cluster
<b>Self Recovery Winch (Optional)</b>	Electric, 8,165 kg (18,000 lb)
<b>Central Tire Inflation System (Eaton)</b>	Cab-Mounted Electronic Controls, Operable while Driving Highway, Cross-Country, Air Transport, Sand/Mud/Snow, and Emergency Modes
<b>Tires</b>	Michelin 395/85R20XML All-Terrain
<b>Runflat Devices</b>	Single Molded Piece with Integral Beadlock





**SUPERIOR**

W I S C O N S I N

Living up to our name.

**Public Works Department**

1316 North 14th Street, 2nd Floor  
Superior, WI 54880  
Web site: [www.ci.superior.wi.us](http://www.ci.superior.wi.us)

Phone: (715) 395-7334  
Fax: (715) 395-7346  
TTY: (715) 395-7521

Date: April 8, 2014

Council Agenda Date: April 15, 2015

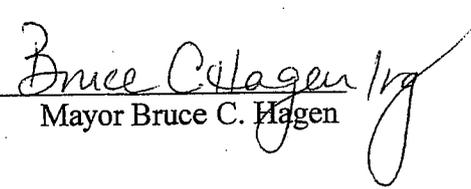
**MEMORANDUM**

TO: Mayor Bruce C. Hagen and Members of the Common Council

FROM: Jeff Goetzman, Director of Public Works 

RE: Discussion of City of Superior's Moccasin Mike Landfill

I am requesting that the issue of the economic viability of the Moccasin Mike Landfill in Superior be referred for discussion to the Committee of the Whole at its May 6, 2014, meeting. This would be for the purposes of discussing the first two phases of study as performed by Leidos, the consultant hired by the City to evaluate the landfill operation. The first phases include evaluation of current cost centers at the landfill, as well as a wasteshed analysis for our geographic area.

Recommend:   
Mayor Bruce C. Hagen

Date Submitted 3-28-14  
Liability Claims Cmt info given

Dept Claim Number 14-12

6.6

CITY OF SUPERIOR NOTICE OF CLAIM FORM

RETURN FORM TO: CITY CLERK'S OFFICE  
1316 N. 14<sup>th</sup> STREET  
SUPERIOR, WI 54880  
(715) 395-7200

RECEIVED  
MAR 28 2014  
City Clerk  
Superior, Wisconsin

(PLEASE PRINT)  
NAME Paricia Matlock

ADDRESS 2383 County Rd 5, Carlton, MN 55718  
City/State/Zip

TELEPHONE (home) (218) 428-9227 (work) \_\_\_\_\_

INCIDENT: DATE AND TIME: Feb, 21st, 2014; between 9am - 3pm

LOCATION: Pennsylvania Ave, Superior, WI

WAS POLICE REPORT FILED? No INJURED?(name) N/A

WHERE TREATED? TYPE OF INJURY? N/A

(TYPE OF DAMAGE - circle one below)

Vehicle-Property Personal-Injury (specify) Drivers side doors crinkled and paint scraped off

ESTIMATE OF DAMAGE: \$ 2610.21

PROPERTY OWNER NAME: \_\_\_\_\_

(IF DIFFERENT than above)

ADDRESS: \_\_\_\_\_

STATE BRIEFLY WHAT HAPPENED: Vehicle was parked on street side according to the alternate parking in effect. Car was already under quite a bit of snow so it was left parked while I went to work. Boyfriend came back to shovel the vehicle out to pick me up from work and discovered the condition it is currently in (crinkled doors with scratches and paint missing). It is a brand new car with no previous physical damages.

Signature: Paricia Matlock Date: 3/14/14

cc: City Attorney ; Tom Mann, Cities & Villages Municipal Insurance Co.;  
Public Works  Street Dept.  Planning \_\_\_\_\_ C.D. \_\_\_\_\_ Police Chief \_\_\_\_\_  
Other \_\_\_\_\_

Submitted to Council 4/15

Date: April 8, 2014

City Council Date: April 15, 2014

# MEMORANDUM

**TO:** Mayor Hagen and Members of the Common Council

**FROM:** Todd Janigo, Assistant Public Works Director

**RE:** Building Inspection Appeals Process

INTRODUCTION – The City of Superior Building Inspection Division proposes the addition of an appeal process within Superior City Ordinance Chapter 34, and modification to the appeal process in Chapter 104 to include an appeal filing fee for both ordinance sections.

BACKGROUND – There is currently no process by which a person may appeal a decision of the Building Inspector regarding provisions of SCO Chapter 34, the City of Superior Construction Code. The creation of SCO 34-20 defines an appeal process for this chapter. The modification to Chapter 104 adds a filing fee of \$100.00 to cover the administrative costs resulting from an appeal and removes the requirement for the appeal to be served to the office of the City Attorney.

CONCLUSION – Please refer these suggested changes to the May License and Fees Committee Meeting.

Recommend: B. Hagen /rg  
Mayor Bruce C. Hagen

**City Clerk's Office - Miscellaneous License Applications**

*Approvals have been requested and/or obtained, and can be approved contingent upon meeting all Code Requirements*

**Tavern Operators 2014-2016**

Ashley	Hill
Melissa	Childers
Samantha	Lund
Allison	Wainionpaa
Erin	Gotelaere
Deanna	Benjamin
Finley	Stalvig
Charles	Malec

Date: April 4, 2014

Council Date: April 15, 2014

# MEMORANDUM

TO: Honorable Mayor Hagen and Members of the Common Council

FROM: Jason Serck, AICP   
 Planning & Port Director

RE: David Olson's Request to Purchase City-Owned Land

NUMBER: LS 14-01

INTRODUCTION - The City of Superior has received a request from David Olson, 4523 Heritage Hills Circle, Bloomington, MN to put up for bid a parcel of land located at 1106 North 8<sup>th</sup> Street. This property is legally described as:

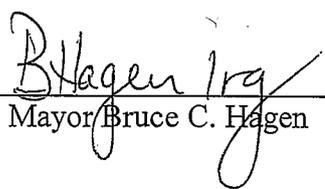
*West Superior Second Division, West 25 feet of East 75 feet of Lots 1,2,3 & 4, Block 82, City of Superior, Douglas County, Wisconsin. A/k/a parcel 03-803-00335-00.*

BACKGROUND - The property is currently zoned M1, Manufacturing – Light District. The City razed the house that existed on the property in early 2013. Mr. Olson owns the adjacent property and has requested the land sale in order to combine the lot with his existing property to increase open green space and possibly construct a shed.

The City Assessor's Office, Public Works and Parks and Recreation Departments have been notified of this request. No objections have been received regarding the sale of this property.

The City Assessor's Office has placed a value of \$750 on this property.

Please place this property up for sale with a minimum bid of \$750.

Recommend:   
 \_\_\_\_\_  
 Mayor Bruce C. Hagen

CITY OF SUPERIOR, WISCONSIN  
REQUEST TO PURCHASE CITY-OWNED LAND

This form is to be filled out and submitted to the Department of Planning and Development by those individuals who are interested in purchasing City-owned property. The City's procedures for sale of City-owned land are attached for your information. Please include a non-refundable \$50 application fee with your request to assist in covering the advertising and processing costs. If the property has not been advertised for sale within the past twelve months, a notice must be published in the local newspaper. In the event that a property has been advertised for sale within the previous twelve months, it can be sold upon review and recommendation by the Department of Planning and Development and approval by the Common Council.

NAME David Olson PHONE 612-801-3457

ADDRESS 4523 Heritage Hills Circle, Bloomington MN 55437

PARCEL NO. 03-803-00335-00 ZONING M1

LEGAL DESCRIPTION: West Superior 2nd Division

West 25 feet of East 75 feet of Lots 1, 2, 3 & 4, Block 82

PROPERTY ADDRESS 1106 N 8th St

INTENDED USE Add to our existing property of 1108 N 8th St to combine as conforming lot. Likely to plant green. Possibly shed/garage as permissible by city.

SIGNATURE David M. Olson DATE 3-27-14

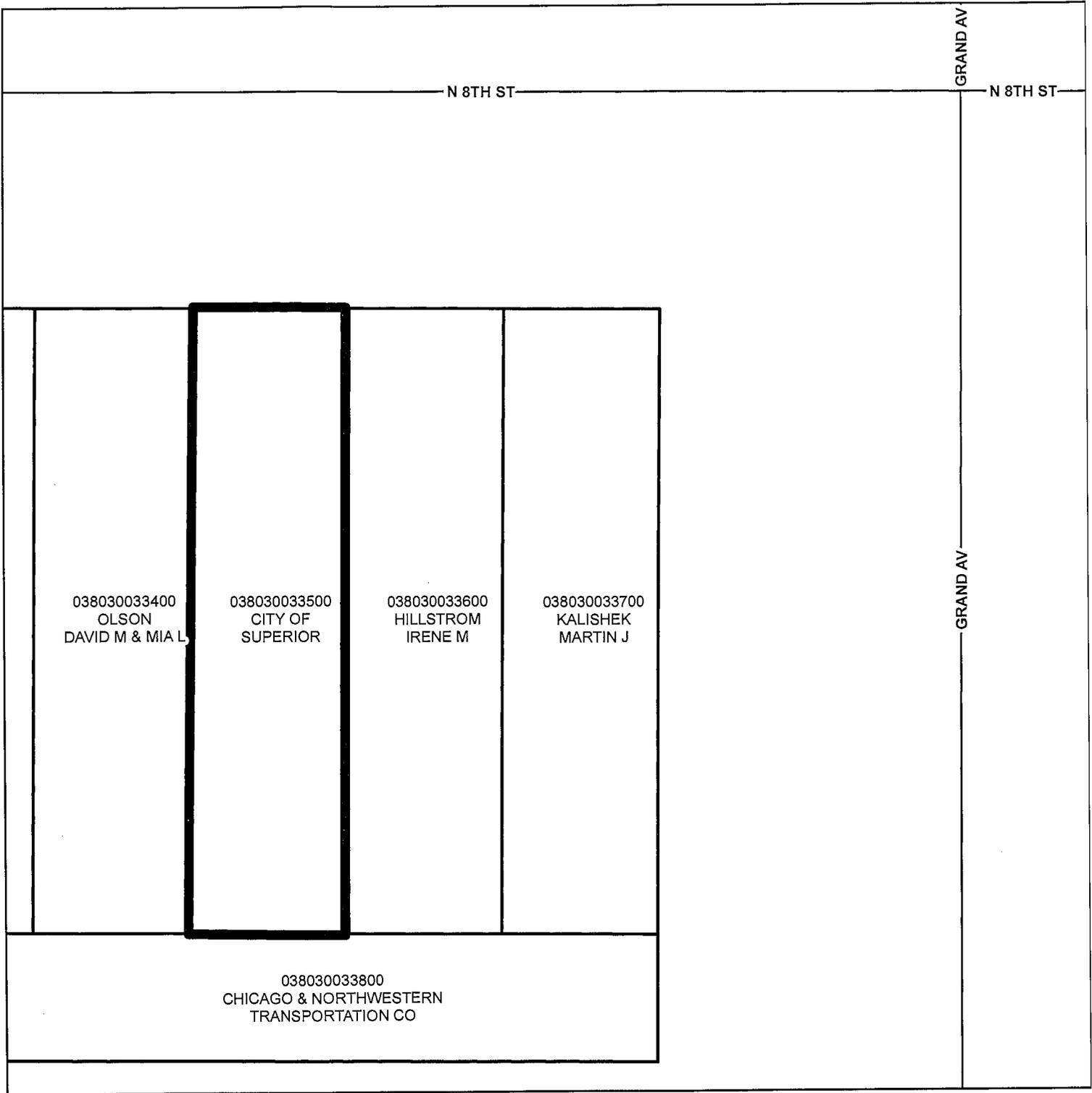
Return To: City of Superior  
Department of Planning and Development  
1316 North 14<sup>th</sup> Street, Suite 210  
Superior, WI 54880  
Ph: 715-395-7335 Fax: 715-395-7292



SUPERIOR  
WISCONSIN

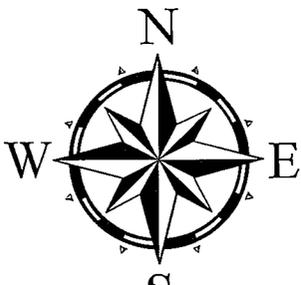
Living up to our name

1108 is my wife's grandmother's home and where my mother in law grew up. Plans are for family use.



## David Olson's Land Sale Request

Area outlined in bold black





Public Works Department
1316 North 14th Street
Superior, WI 54880
Tel: (715)395-7279
Fax: (715)395-7346
www.ci.superior.wi.us

Living up to our name.

MEMORANDUM

DATE: April 8, 2014
TO: Mayor Hagen and the Common Council
FROM: Jeff Goetzman, Public Works Director
RE: Bid Award - Pavement Marking Service 2014

It is requested that the Common Council approve the contract for above-listed project to Fahrner Asphalt Sealers, LLC for the estimated service contract amount of twenty seven thousand eight hundred eighty five dollars and thirty four cents (\$27,885.34) for the yellow and white line stripping. If the City chooses to utilize Fahrner Asphalt Sealers for the Turn Arrow, "ONLY" marking and RR Crossing marking as well, it would be an additional four thousand six hundred and thirty five dollars (\$4,635.00).

1. Introduction

The Public Works Department sought proposals from qualified firms for annual pavement marking and street striping maintenance within the City.

2. Background

At least once annually, the City is required to reapply the pavement markings on City streets and roads in compliance with Wisconsin DOT specifications for road maintenance. A request for proposals was sent to forty seven (47) potential suppliers to perform this service, five (5) of which requested specifications, and two (2) submitted bids. After reviewing the price per lineal for striping, the cost for applying each turn arrow and the word "ONLY" in designated turn lanes, as well as required railroad crossing marks, Fahrner Asphalt Sealers, LLC was the lowest responsible bidder for overall cost.

This company has done work for Douglas County and the City and has adequate equipment and experience to perform the work for the City of Superior.

3. Budget Source

Funds for this contract come from the Public Works 2014 operating budget.

4. Proposal Summary

Company	Yellow (per LF)	White (per LF)	Arrow (each)	Only (each)	RR (each)	Total
Fahrner Asphalt Sealers, LLC	\$0.055	\$0.055	\$25.00	\$40.00	\$175.00	\$32,520.34
AAA Striping Service Company	\$0.066	\$0.067	\$30.00	\$45.00	\$150.00	\$38,878.58

5. Conclusion

It is the Public Works Department's recommendation to award the contract for Pavement Marking Services to Fahrner Asphalt Sealing for \$0.055 per linear foot for yellow and white striping; \$25.00 each for arrow, \$40.00 each for 'ONLY' markers, and \$175.00 each for railroad crossing markings.

Recommended: Bruce C. Hagen  
Bruce Hagen, Mayor

c: Todd Janigo, Assistant Director  
Nathan Johnstad, Acting Public Works Superintendent



# SUPERIOR

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## Public Works Department

1316 North 14<sup>th</sup> Street  
Superior, WI 54880  
Tel: (715)395-7334  
Fax: (715)395-7346  
[www.ci.superior.wi.us](http://www.ci.superior.wi.us)

### MEMORANDUM

DATE: April 7, 2014

TO: Mayor Hagen and the Common Council

FROM: Jeff Goetzman, Public Works Director 

RE: Bid Award: **Billings Park Entrance Culvert Repairs**

It is requested that the Common Council award the Billings Park Entrance Culvert Repair project to the low bidder, Lakehead Constructors, Inc in the amount of five hundred twelve thousand four hundred thirty one dollars and thirty four cents (\$512,431.34.).

1. Introduction

On May 8, 2013, proposals were accepted by the Public Works Department for reconstructing the entrance culvert in Billings Park located on Billings Drive between N 21<sup>st</sup> Street and Billings 1<sup>st</sup> Point Road.

2. Background

Billings Park Culvert Repair project consists of clearing and grubbing, culvert removal, removal and salvaging of existing stone walls, grading, construction of structural concrete walls with architectural finish and concrete staining, 36-inch RCP culvert, erosion control, traffic control, contractor staking, and bituminous paving. Billings Drive is to be reopened to traffic by August 1, 2014, with remaining work to be done under traffic using temporary lane closures.

Requests were broadcast to over 145 vendors, 26 became planholders; while six submitted bids for the project. The lowest responsive bidder, Lakehead Constructors, Inc has sufficient equipment and experience to perform the work, and has successfully completed other large projects in Superior, including projects for BNSF Railway and Calumet.

3. Budget Source

The City will be reimbursed 75% of eligible costs thru FEMA Federal Disaster Aid, 12.5% of eligible costs thru Wisconsin Emergency Management Disaster Aid as this is a repair made as a result of the June 2012 flooding. The remaining 12.5% and any costs not eligible thru Federal or Wisconsin Disaster Aid will come from the 2013 State Trust

4. Conclusion

The bids received are as follows:

<b>BIDDER (Company &amp; City)</b>	<b>TOTAL BID</b>
M. Jolma, Inc. Marengo, WI	\$563,608.73* \$563,005.94
RJS Construction Group, LLC Superior, WI	\$693,500.00
HMI (Home Menders, Inc) Duluth, MN	\$735,915.00* \$738,535.00
Lakehead Constructors, Inc. Superior, WI	\$512,944.00* \$512,431.34
Hovland Concrete, Masonry, and Design, Inc Hermantown, MN	\$657,681.30
Lunda Construction Group Black River Falls, WI	\$907,109.90

\*corrected due to mathematical errors made on bid

The Public Works Department recommends awarding the Billings Park Entrance Culvert Repair project to the low bidder, Lakehead Constructors, Inc in the amount of five hundred twelve thousand four hundred thirty one dollars and thirty four cents (\$512,431.34.).

Recommended: Bruce C. Hagen /rg  
Bruce Hagen, Mayor

c: Todd Janigo, Assistant Director Public Works



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## Public Works Department

1316 North 14<sup>th</sup> Street

Superior, WI 54880

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Fax: (715)395-7346

[www.ci.superior.wi.us](http://www.ci.superior.wi.us)

### MEMORANDUM

DATE: April 7, 2014

TO: Mayor Hagen and the Common Council

FROM: Jeff Goetzman, Public Works Director 

RE: Bid Award – **Asphalt Milling 2014**

It is requested that the Common Council award the above-listed project to W.K. Construction for the estimated amount of one hundred three thousand fifty-six dollars and thirty eight cents (\$103,056.38).

1. Introduction  
The Public Works Department sought bids for milling asphalt on various streets throughout the City in preparation for resurfacing this summer.
2. Background  
A request for proposals was broadcast to 26 vendors, five of which requested specifications; two responded with a bid.
3. Budget Source  
Funds for this work will be from the Street Department's CIP General Street Maintenance funds.

The bids received are as follows:

<b>BIDDER (Company &amp; City)</b>	<b>Full Depth Milling Per Square Yard</b> <b>EST: 24,305.75</b>	<b>Partial Depth Milling Per Square Yard</b> <b>EST: 72,917.25</b>	<b>Detail Milling Per Square Yard</b> <b>EST:4,861.15</b>
WK Construction- Middleton, WI	\$1.07 (per) \$26,007.15 (total)	\$0.91 (per) \$66,354.70 (total)	\$2.20 (per) \$10,694.53 (total)  \$103,056.38
The Kraemer Company- Plain, WI	\$1.53 (per) \$37,187.80 (total)	\$0.79 (per) \$57,604.63 (total)	\$3.67 (per) \$17,840.42 (total)  \$112,632.85

4. Conclusion

W.K. Construction is the same company that was awarded the bid last couple of years and they completed the work on time and to our standards. They also have a lot of experience in other areas of the state and have sufficient manpower and equipment to meet our timeline to complete this year's project.

It is the Public Works Department's recommendation to award the City's Asphalt Milling contract to W.K. Construction for the amount of \$1.07/'SY for full depth milling, \$0.91/SY for partial depth milling and \$2.20/SY for detailed milling.

Recommended: Bruce C. Hagen /rg  
Bruce Hagen, Mayor

c: Todd Janigo, Assistant Director of Public Works  
Nathan Johnstad, Acting Public Works Superintendent



# SUPERIOR

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## Public Works Department

1316 North 14th Street, 2nd Floor  
Superior, WI 54880  
Web site: [www.ci.superior.wi.us](http://www.ci.superior.wi.us)

Phone: (715) 395-7334  
Fax: (715) 395-7346  
TTY: (715) 395-7521

### MEMORANDUM

DATE: April 9, 2014

TO: Mayor Bruce Hagen and Members of the Common Council

FROM: Jeff Goetzman, Public Works Director 

RE: **Amendment to the Superior Flying Service Airport Land Lease**

It is requested that the Common Council authorize the proper City officials to amend the Superior Flying Service Land Lease dated November 8, 2012, for the land at the Richard I. Bong Memorial Airport.

1. Introduction

Mr. Calvin Kramp currently operates the FBO at the airport, and has a land lease for the site previously referenced at C4 to build a hanger on it. The leased premises has been changed to hanger site C5 which is described as a as a parcel of land comprising of approximately **four thousand, nine hundred (4,900) square feet** located in the SW 1/4 of Section 35, Town 49 north, Range 14 west, City of Superior, Douglas County Wisconsin, 1419 North 46<sup>th</sup> Street, Superior, WI 54880.

2. Background

Previous plan designs were for Superior Flying Service to build a 5,600 square foot hanger for airplane storage. Due to build sprinkling requirements, the state approved plan was finalized at 4,900 square feet; therefore President Calvin Kramp requested that the land lease be amended to reflect the changes.

The hangar will be built adjacent to existing hangars, and will be in compliance with FAA requirements for clearance and visibility.

Due to plan approval delays, Mr. Kramp would like to start construction on the building this spring.

4. Fiscal Impact

Rent under the amended contract is \$.08 per square foot, or \$392.00 per year.

5. Conclusion

It is my recommendation to approve the amendment to Land Lease with Mr. Calvin Kramp for a 4,900 square foot hangar at the Richard I. Bong Memorial Airport.

Recommended: Bruce Hagen  
Mayor Bruce Hagen

Attachment

c: City Attorney

airport\lease\Kamp.mcc

## LEASE AMENDMENT

Land Lease at the Richard I. Bong Airport  
Superior, WI

The CITY OF SUPERIOR, a Municipal Corporation located in Douglas County, existing by and under the authority of the laws of the State of Wisconsin (hereinafter referred to as the LESSOR) and SUPERIOR FLYING SERVICE, (hereinafter referred to as the LESSEE) are parties to a Land Lease dated November 8, 2012 for lease of the premises commonly known as C4 located at the Richard I. Bong Memorial Airport.

The Parties mutually agree to the amend the Land Lease as follows:

1. II. LEASED PREMISES

- A. For the consideration set forth below, the City of Superior does hereby agreed to delete the reference to the site commonly known as "C4". The Leased premises shall hereinafter be referred to as the leased premises "C5".

C5 is described as a parcel of land comprising of approximately **four thousand, nine hundred (4,900) square feet** located in the SW 1/4 of Section 35, Town 49 north, Range 14 west, City of Superior, Douglas County Wisconsin, 1419 North 46<sup>th</sup> Street, Superior, WI 54880.

2. III. RENT

- A. The Lessee agrees to pay to the City for use of the leased premises an annual base rent of \$0.08 per square foot, payable in advance on the first day of January each year; **rent for 4,900 square feet is three hundred ninety two dollars (\$392.00) for the 2014 calendar year.** First year and last year rent shall be a prorated amount for the number of months and partial months remaining in the year based on the commencement date of the Lease.

2. A. The correct spelling of the President of Superior Flying Service is "Calvin Kramp".

All other terms and conditions of the Agreement remain in full force and effect.

Signed this \_\_\_\_\_ of \_\_\_\_\_ 2014.

Calvin Kramp, President  
Superior Flying Service

\_\_\_\_\_

Subscribed and sworn to before me,

this \_\_\_\_ day of \_\_\_\_\_, 2014

Notary Public

County of \_\_\_\_\_

My Commission Expires \_\_\_\_\_

CITY OF SUPERIOR, WISCONSIN

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Finance Director

\_\_\_\_\_  
City Attorney

Provision has been made to  
pay the liability that will  
accrue under this contract.

Approved by Common Council on April 15, 2014



# SUPERIOR

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## Public Works Department

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Superior, WI 54880  
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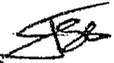
7.6

Date: April 8, 2014

Council Agenda Date: April 15, 2014

### MEMORANDUM

TO: Mayor Bruce C. Hagen and Members of the Common Council

FROM: Jeff Goetzman, Director of Public Works 

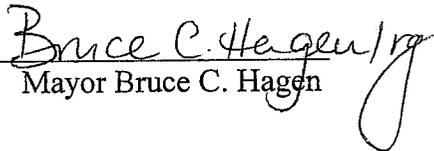
RE: Request to Proceed with East 5<sup>th</sup> Street Reconstruction Scope Change

1. Introduction – The City of Superior Public Works Department has had a reconstruction project slated for East 5<sup>th</sup> Street in the current Capital Improvement Plan (CIP) in two phases—from 6<sup>th</sup> Avenue to 12<sup>th</sup> Avenue East and also from Belknap Extension to 6<sup>th</sup> Avenue East. The department performed milling of bituminous pavement from the old concrete pavement, as well as installation of some storm sewers on the first phase in 2013.
2. Background – The department anticipated completing the first phase of this project, between 6<sup>th</sup> and 12<sup>th</sup> Avenues East, in early 2014 by completing bituminous paving and curb work. Engineering plans were started during the winter for construction of the second phase, between Belknap Extension and 6<sup>th</sup> Avenue. Two discoveries have led to a recommended scope change for the project: first, the portion between Belknap Extension and 6<sup>th</sup> Avenue east requires some grading of the road bed to make recommended drainage and pavement improvements function correctly; second, the portion between 6<sup>th</sup> and 12<sup>th</sup> Avenues East is not holding up to freeze and thaw cycles as hoped. The section between 12<sup>th</sup> and 18<sup>th</sup> Avenues was reconstructed in the same manner several years ago and has held up as anticipated. In monitoring the condition of pavement between 6<sup>th</sup> and 12<sup>th</sup> Avenues, there appears to be differences in the base/old concrete pavement left that do not make paving this with additional bituminous a good solution and the most efficient use of City funding.
3. Analysis/Discussion – The portion of the project between Belknap Extension and 6<sup>th</sup> Avenue East involved a change in scope from milling and overlay with curbs/improved drainage to a full grading (i.e. remove pavement, remove poor soils, place new gravel and bituminous) to facilitate proper drainage in this segment. In short, based on observations of the current situation, grading and placing new gravel and then constructing new curb/gutter, as well as black top driving surface is also the best long-term solution for the portion between 6<sup>th</sup> and 12<sup>th</sup> Avenues. In total, the two segments are approximately one (1) mile in length. The design engineer has estimated it will cost

approximately \$500,000 more than originally budgeted in the CIP to accomplish completely reconstructing this entire portion (Belknap Extension to 12<sup>th</sup> Avenue) of East 5<sup>th</sup> Street. Normally, the City makes any updates or changes to its CIP in the spring of the year based on changes in funding, project priorities, or similar criteria. This has not yet happened for 2014 but is scheduled for discussion in May of 2014. Before making a change in project scope requiring additional funding as is being suggested here for East 5<sup>th</sup> Street, the usual course of action would be to bring the request as a part of the suggested changes to the CIP. However, for the sake of obtaining the best bid prices possible for a project such as this, early spring advertising/bidding is preferable. Earlier bid dates and providing a longer span of time to actually construct these improvements may reduce the estimated amount of additional funding needed. Therefore, the department is seeking permission from the Council to proceed with completion of the detailed engineering plans and the bidding process as soon as possible, so that we can obtain the best construction bids/cost possible, and make a longer lasting improvement on East 5<sup>th</sup> Street for the lowest dollar amount. It is anticipated that plans could be available for bidding by April 25, and these changes would be formalized with the updated CIP in May.

4. Conclusion – The department would like approval to proceed with final engineering design of the East 5<sup>th</sup> Street project with a grading/paving type solution and to proceed to the bidding phase so that the best construction pricing can be obtained for the City. This would allow us to obtain a good construction price for the project while the formal recommendation for updates/changes to the City's CIP are being completed for May 2014 discussion and approval.

Recommend:

  
Mayor Bruce C. Hagen



# SUPERIOR

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## Public Works Department

1316 North 14<sup>th</sup> Street  
Superior, WI 54880  
Tel: (715)395-7334  
Fax: (715)395-7346  
[www.ci.superior.wi.us](http://www.ci.superior.wi.us)

### MEMORANDUM

DATE: April 7, 2014

TO: Mayor Hagen and the Common Council

FROM: Todd Janigo, Assistant Public Works Director 

RE: Bid Award – **Dump Truck Bodies, Plows and Wing Assemblies**

It is requested that the Common Council award the above-listed project to Monroe Truck Equipment for two hundred ten thousand three hundred fifty eight dollars (\$210,358.00).

1. Introduction

On April 4, 2014 the Public Works Department opened bids for supplying four dump truck bodies, three plows and wing assemblies to be placed on new cab & chassis diesel powered tandem drive trucks for use at the Public Works Garage.

2. Background

These dump bodies, plows and wing assemblies will be installed on the new tandem truck chassis according to our specifications to meet the long-term needs of the Public Works Department and to ensure standardization within the fleet.

A request for proposals was broadcast to 59 vendors, five of which requested specifications; one responded with a bid.

3. Budget Source

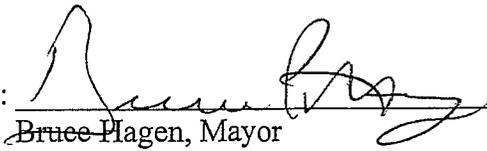
Funds for the purchase comes from the 2014 CIP Equipment budget.

Bid received was as follows:

<u>Company</u>	<u>Model</u>	<u>Amount</u>
Monroe Truck Equipment, Monroe, WI	Monroe	\$210,358.00

4. Conclusion

It is the Public Works Department's recommendation to award Monroe Truck Equipment the bid to supply four dump bodies, plows and wing assemblies for two hundred ten thousand three hundred fifty eight dollars (\$210,358.00).

Recommended:   
~~Bruce Plagen, Mayor~~

c: Jeff Goetzman  
Len Moen



**SUPERIOR**  
WISCONSIN

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**Office of the Mayor**  
**Bruce C. Hagen, Mayor**  
**Rani Gill, Chief of Staff to the Mayor**

---

Phone: (715) 395-7212  
Fax: (715) 395-7590  
TDD: (715) 395-7521  
E-mail: [mayor@ci.superior.wi.us](mailto:mayor@ci.superior.wi.us)

1316 North 14<sup>th</sup> Street, #301  
Superior, WI 54880  
Website: [www.ci.superior.wi.us](http://www.ci.superior.wi.us)

April 9, 2014

Council Meeting: 4/15/14

**MEMORANDUM**

TO: Members of the Common Council  
FROM: Bruce C. Hagen, Mayor *BCHrg*  
RE: *Committee Appointment*

**Business Improvement District (BID) Board of Directors**

**Appoint** Jeanne Thompson, UW-Superior, PO Box 2000, Superior, WI, to complete a term vacated through a resignation. The term expires December, 2015.

**Appoint**, Keith Kern, 1618 Susquehanna Avenue, Superior, WI, to complete a vacated term, expiring July, 2014.

**Re-appoint**, Tom Wondolkowski, 2620 East 4<sup>th</sup> Street, Superior, WI, for another three (3) year term, expiring January, 2017. (oversight)

Thank you.

rg



SUPERIOR

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Living up to our name

Office of the Mayor

Bruce C. Hagen, Mayor

Rani Gill, Chief of Staff to the Mayor

Phone: (715) 395-7212
Fax: (715) 395-7590
TDD: (715) 395-7521
E-mail: mayor@ci.superior.wi.us

1316 North 14th Street, #301
Superior, WI 54880
Website: www.ci.superior.wi.us

April 8, 2014

Council: 4/15/14

MEMORANDUM

TO: Members of the Common Council
FROM: Mayor Bruce C. Hagen [Signature]
RE: Animal Shelter Ad Hoc Committee Appointments

First of all, thank you for approving the "interim" contract with the Humane Society of Douglas County (HSDC).

I would like to recommend the following people to serve on the Ad-Hoc Animal Shelter Review Committee. The purpose of this committee will be to provide input on the functionality and general design of the new Animal Shelter that will serve Superior and Douglas County animals.

Goal is to have the construction plan documents finalized and ready to go out for bids by the end of July, with construction beginning shortly thereafter, thus concluding the committee's services.

- Tom Fennessey - City Councilor - 2nd District
Michelle Porter - HSDC
Marcy Barby - HSDC
Mick MacKenzie - Citizen
Holly McLean - Citizen
Jeff Goetzman - Public Works Director
Linda Cadotte - Contract Analyst

Thank you.

rg

Date Submitted: April 7, 2014

Council Date: April 15, 2014

***COUNCILOR'S BUSINESS***

Presented by Councilor: McDonald

District: 5

I am requesting an update on Better City Superior.



**SUPERIOR**  
WISCONSIN

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**Building Inspection Division  
Public Works Department**

Phone: (715) 395-7288  
Fax: (715) 395-7346  
Website: www.ci.superior.wi.us  
Email: buildingsafety@ci.superior.wi.us

1316 North 14<sup>th</sup> Street  
Suite 230  
Superior, WI 54880

Council Meeting Date April 15, 2014

## MEMORANDUM

To: Mayor Bruce Hagen and the Common Council  
From: Daniel Curran, Chief Building Inspector; Todd Janigo, Assistant Public Works Director  
Re: Sign Erection Contractor Registration

The Sign Erection Contractors are included in the overall contractor registration program of the City of Superior administered by the Building Inspection Division as specified in Superior Code of Ordinances 34-57 to 34-60. These ordinance sections also require that contractors submit certificates of adequate bond and insurance as part of the registration process before they perform work within the City of Superior. The contractor registration fee is \$50.00 if paid before January 1<sup>st</sup> or \$100.00 if paid after January 1<sup>st</sup>.

The Building Inspection Division is recommending the repeal of Chapter 6, Article III for the following reasons:

- It will eliminate a "double fee."
- It will provide opportunity for a reduction of fees if paid early.
- It will reduce the administrative work load of the City Clerk.
- Since Sign Permits are administered by the Building Inspection Department, it will eliminate the need for sign erection contractors to deal with two administrative offices.

Please pass the repeal of Chapter 6, Article III of the City of Superior Code of Ordinances.

Recommended: \_\_\_\_\_

Mayor Bruce Hagen

**ORDINANCE #014-3873**

**AN ORDINANCE INTRODUCED BY BUILDING INSPECTION DIVISION REPEALING  
CHAPTER 6, ARTICLE III, SIGN ERECTION LICENSE**

The Common Council of the City of Superior, Wisconsin does ordain as follows:

SECTION 1. The Code of Ordinances is hereby amended by **repealing** the following:

**Chapter 6, Article III. Sign Erection License**

SECTION 2. All ordinance and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof.

SECTION 4. This ordinance shall take effect and be in force effective January 1, 2015 and after its passage and publication, as provided by law.

Passed and adopted this 15<sup>th</sup> day of April, 2014.

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Mayor

Attest:

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City Clerk



# SUPERIOR

Living up to our name.

## Parks & Recreation

1316 North 14th Street, 2nd Floor  
Superior, WI 54880  
Web site: [www.ci.superior.wi.us](http://www.ci.superior.wi.us)

Phone: (715) 395-7270  
Fax: (715) 395-7346  
TTY: (715) 395-7521

Council Agenda: April 15, 2014

To: Mayor Bruce Hagen & Members of the Common Council

From: *Mary* Mary Morgan, Director of Parks, Recreation & Forestry

Date: April 7, 2014

Re: Archery Hunting Ordinance Modification-Expanded Crossbow Opportunity

It has come to my attention that the state of Wisconsin has expanded archery hunting with a crossbow to non-disabled hunters. Therefore, I am proposing a language change to our local archery hunting ordinance in order for it to be compatible with state regulations.

Section 86-94 Archery hunting areas and season.

Existing language:

- (a) The provisions of section 86-74 notwithstanding, archery (bow and arrow only or use of a crossbow by anyone holding an ADNR special use permit in designated areas) hunting for deer when otherwise permitted by the state and subsection (1)b of this section, shall coincide with the State of Wisconsin hunting season (both early and late seasons in the following locations:

**Change (a) to:**

**The provisions of section 86-74 notwithstanding, archery hunting for deer using a bow and arrow or crossbow is permitted in the City of Superior by anyone holding a valid WDNR-issued license during the state-allowed deer hunting season(s) in the following locations:**

We believe this change to our local ordinance clarifies the intent of the legislature. Please see attached page 1 (of 3) of the WDNR website regarding disabled hunting.



**2013 Wisconsin Act 61 passed; expanded crossbow opportunity**

All hunters are eligible to purchase a crossbow license to hunt with a crossbow during the crossbow season regardless of age or ability. Starting in 2014, Wisconsin will have both concurrent archery and crossbow seasons. Hunters who wish to use a crossbow to hunt deer during the crossbow season must purchase a crossbow license, which will be available for the first time on March 5, 2014. Hunters who wish to use bow and arrow during the archery season will need to purchase an archer license. Act 61 rescinds crossbow privileges that accompanied all previously issued disabled hunter permits. The issuance of the disabled hunter Crossbow Permit has been discontinued. The cost of the archer license and the crossbow license are the same, however, hunters can choose to purchase both a crossbow and an archer license for \$3 more than the normal cost of either license. Both the archer and crossbow licenses are included in the conservation patron license package. Since 2012, ALL hunters can use a crossbow or bow and arrow while hunting under the authority of a gun deer license, sports license and conservation patron license during any firearm deer season. Please check the deer hunting regulations for crossbow, archery and gun deer season dates.

**Licenses, permits and registrations**



Photo courtesy of Mark Martin.

**Related links**

- [➤ Open the Outdoors](#)
- [➤ Hunting](#)
- [➤ Fishing](#)
- [➤ Where to hunt](#)
- [➤ Shore fishing access](#)

**Permits for people with disabilities**

Wisconsin law provides for a variety of hunting, fishing and recreational use permits designed to help people with disabilities enjoy the state's natural resources, such as:

- hunt from a stationary vehicle (Class A or Class B permit);
- use a laser sight (Class C permit);
- use an adaptive device to facilitate the use of a firearm (Class D permit);
- permit to fish while trolling with an electric motor; and
- permit to use a mobility device on department lands.

**Contact information**

For information on disabled applications, contact:

Customer Service  
1-888-936-7463

**Hunting Permits**

Persons with disabilities can use the [Hunting or Trolling Disability Permit Authorizations Application form 9400-604 \[PDF\]](#) to apply for the following privileges:

- **Shoot from a stationary vehicle** – The Class A Shoot From Vehicle permit is issued to applicants who have specific permanent disabilities that prevent them from walking a distance of 50 feet without use of a wheelchair, walker, two canes or prosthetics; or have lung disease; and/or cardiovascular disease. The permit allows the hunter to hunt from a stationary vehicle and motor troll. A Class B Shoot From Vehicle permit is a discretionary permit issued to applicants who are unable to walk a distance of 50 due to temporary physical limitations related to injury, surgery or illness, or have permanent physical conditions not included under the Class A criteria. The Class B permit can also include a Fish While Trolling permit.
- **Use of a Laser Sight** (Class C Permit) - Hunters who are legally blind in both eyes can apply for a permit that allows them to use laser sights while hunting. Hunters with Class C permits MUST be accompanied by an assistant.
- **Use of an Adaptive Device on a Firearm** (Class D Permit) - This permit is for individuals with upper extremity impairments such as amputation of one or both arms, permanent loss of function in one or both arms, hands or shoulders, or prosthesis in one or both arms. The permit allows the hunter to hunt deer of either sex with a firearm during the October disabled gun deer season and use an approved adaptive device to facilitate firearm use.

All applications must be completed and signed by you and your health care provider no more than six months prior to the date the application is submitted for review. First-time Class A, C and D permits are issued for five seasons while a renewal is issued for 10 seasons. To renew a disabled permit a new application is required.

*Archery & Crossbow SEPT 13 - JAN. 4*

Superior, Wisconsin, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 86 - OFFENSES AND MISCELLANEOUS PROVISIONS >> ARTICLE III. - WEAPONS >> DIVISION 2. ARCHERY HUNTING >>

DIVISION 2. ARCHERY HUNTING

Sec. 86-94. Archery hunting areas and seasons.

Sec. 86-95. Permits required.

Sec. 86-96. Tree stands.

Secs. 86-97—86-120. Reserved.

**Sec. 86-94. Archery hunting areas and seasons.**

- (a) The provisions of section 86-74 notwithstanding, archery (bow and arrow only or use of a crossbow by anyone holding an ADNR special use permit in designated areas) hunting for deer when otherwise permitted by the state and subsection (1)b of this section, shall coincide with the State of Wisconsin hunting season (both early and late seasons in the following locations:
- (1) *Allouez Area:*
    - a. *Section 1:* Commencing at the intersection of E 11th St and 31st Ave. E go 981 feet S41°38'39"E to the point of beginning. Then go 666 feet N 48°43'21" E then go 1,481 feet S 39°56'04" E, then go 3,360 feet S 48°52'14" W to Nemadji River. Follow Nemadji River south 660 feet S 1°25'56" E, then 549 feet S 29°08'16" W, then go 1,052 feet S 40°57'56" E, then go 4,817 feet S 47°59'22" W to the Nemadji River. Then follow the river north to a point that is 5,457 feet S 48°43'21" W from the point of beginning.
    - b. *Section 2:* Commencing at the intersection of Woodlawn Rd. and 42 Ave. E being the point of beginning. Then going 546 feet S 48°31'56" W along 42N Ave. E, then go 1,910 feet N 87°42'54" W to the Nemadji River. Follow the south side of the Nemadji River, north to the Woodlawn Rd. Bridge. Then go southeast along Woodlawn Rd. to point of beginning.
    - c. *Section 3:* Commencing at the south side of the Woodlawn Rd. Bridge being the point of beginning. Then go 437 feet S 47°03'28" E, then go 880 feet N 47°56'54" E to the Nemadji River. Follow the south side of the river north back to the Woodlawn Rd. Bridge. 437 feet S 47°03'28" E along Woodlawn Rd. then go 880 feet N 47°56'54" E to the Nemadji River follow the south side of the Nemadji River north to the Woodlawn Rd. Bridge.
  - (2) *Hog Island:* Area in its entirety.
  - (3) *Itasca Area:* Commencing at the intersection of County Hwy. E and City Limits Road go about 2,516.36 feet N 89°25'58" W, then go 1,300.30 feet N 1°13'33" E to point of beginning. Then go 6,107 feet S 89°35'30" E, then go 6,198 feet S 49°40'30" W then go 2,102 feet N 1°19'49" W then go 1,338 feet N 51°11'14" W, then go 1,199 feet N 15°44'22" W to point of beginning.
  - (4) *The Municipal Forest Area:* Starting at Hwy. 105, one-quarter mile west of Elmira Ave., thence north along Elmira Ave. to one-quarter mile south of N 28th St., thence west along N 28th St. to Billings Dr., thence south along Billings Dr. to Kimball's Bay, thence along the shore lines of Dwight's Point, Chases Point, and the St. Louis River to the west city limits, thence south along the city limits to a point that is one-quarter mile north of Hwy. 105 thence east parallel with Hwy. 105 to the point of beginning.
  - (5) *Wisconsin Point Area:* Starting at the southeast city limits corner north to the shoreline of Lake Superior, thence west along the shoreline to the base of Wisconsin Point, thence west across Wisconsin Point along the Allouez Bay shoreline to one-half mile from Hwy. 2-53, thence south along Hwy. 2-53 to the city limits and thence east along the city limits to the point of beginning. Excluding a one-quarter mile boundary around the city landfill property.
  - (6) *Parkland Annex Area: Section 1* (The entire area known as the Parkland Annex, south of City Limits Road and north of County Road Z). Commencing at the northwest corner of said section 9; thence S 00°32'25" W along the west line of said section 9 for a distance of 2,617.88 feet to the west quarter corner of said section 9; thence S 00°37'35" W, continuing along the west line of said section 9, for a distance of 2,575.39 feet to a point on the north right-of-way line of County Trunk Highway Z; thence N 89°57'18" E for a distance of 2,673.29 feet along the north right-of-way line of County Trunk Highway Z to a point at the intersection of the east line of the SW one-quarter of said section 9 and the north right-of-way line of County Trunk Highway Z; thence N 89°57'28" E for a distance of 922.52 feet to a point at the intersection of the north right-of-way line of County Trunk Highway Z and the westerly right-of-way line of Grand Avenue; thence N 41°10'32" W for a distance of 2,246.89 feet along the westerly right-of-way line of Grand Avenue to a point; thence N 47°06'41" E for a distance of 40.02 feet to a point on the centerline of Grand Avenue; thence N 41°10'32" W along the centerline of Grand Avenue for a distance of 1,717.56 feet to a point at the intersection of the centerline of the interstate transfer railroad (Duluth, Missabe & Iron Range Railway) right-of-way and the centerline of Grand Avenue; thence N 00°32'25" E for a distance of 2,187.36 feet to the north section line of section 9 (centerline of City Limits Road); thence S 89°30'57" W for a distance of 982.86 feet along the north section line of section 9 to the point of beginning.
  - (7) *South Superior Area: Section 1.* The public property in and around CSO5 (east end of Central Avenue to CP Rail tracks on the east). Starting in the NW corner: 92°5'10.764" W 46°40'0.477" N; thence E to 92°5'5.621" W 46°40'0.485" N; thence S to 92°5'5.614" W 46°39'58.31" N; thence E to 92°5'0.386" W 46°39'58.26" N; thence S to 92°5'0.299" W 46°39'57.029" N; thence E to 92°4'58.174" W 46°39'56.933" N; thence S to 92°4'58.288" W 46°39'48.545" N; thence W to 95°5'13.802" W 46°39'48.541" N; thence N to 92°5'13.821" W 46°39'54.545" N; thence E to 92°5'10.774" W 46°39'54.55" N; thence N to the start.
  - (8) *Murphy Oil Hunting Site #5.* East of Hill Avenue. These survey courses are mathematically derived from an existing GIS feature not from a field survey. commencing from the intersection of Kirk Rolson St. and Hill Ave. go south about 150 feet and east about 300 feet to p.o.b.; then go N 01-08-45 E 1,334.97 feet; then N 49-07-01 E 1,031.72 feet; then N 41-46-47 W 609.837 feet; then S 88-24-32 E 961.354 feet; then S 40-40-24 E 3,973.84 feet; then S 49-28-29 W 1,339.81 feet; then N 41-30-52 W 3,012.47 feet; then S 49-09-37 W 1,237.49 feet to p.o.b. Fence is patrolled, stay 150 yards away.
  - (9) *Murphy Oil Hunting Site #6.* West of Hill Avenue. These survey courses are mathematically derived from an existing GIS feature and are not from a field survey. Commencing from the intersection of Kirk Rolson St. and Hill Ave. go south about 300 feet and west about 300 feet to p.o.b.; then go S 00-30-07 E 2,246.47 feet; then N 40-50-49 W 1,395.81 feet; then N 00-04-08 W 1,199.33 feet; then S 89-26-08 E 894.72 feet to the p.o.b.
  - (10)

*Enbridge Inc. Hunting.* These survey courses are mathematically derived from an existing GIS feature not from a field survey. Commencing at the NW corner intersection of Hill Ave. and Stinson Ave. going N 48°38'01" E 800 feet; N 00°25'24" E 2,028 feet; N 41°06'39" W 886 feet; S 48°44'32" W 889 feet; S 00°43'10" W 2,081 feet; S 1°03'42" E 650 feet; N 48°38'19" E 128 feet; S 41°14'57" E 203 feet; to point of beginning.

- (11) *Clough Island.* Area in its entirety.
- (b) The above provisions notwithstanding, it shall be illegal to hunt anywhere within 100 yards from any house, building, railroad track, airplane runway or taxiway, road or public street. This section shall not be interpreted as permitting hunting on property other than that as noted above without the owner's prior consent.

(Code 1971, § 23-53; Ord. No. 004-3493, § 1, 8-3-2004; Ord. No. 005-3509, § 1, 3-1-2005; Ord. No. 009-3680, § 1, 1-6-2009; Ord. No. 013-3826, § 1, 3-5-2013)

#### Sec. 86-95. Permits required.

No person shall archery hunt for deer within the city without carrying on his or her person a current permit issued by the city. No permit shall be issued to any person convicted of a violation of section 86-74 of the Code, or any laws of the state governing hunting. The permit shall expire at the end of each calendar year or at such other time as determined by the parks and recreation department.

(Code 1971, § 23-54)

#### Sec. 86-96. Tree stands.

No person may construct, occupy or use any elevated scaffold or other elevated device for hunting except portable tree stands may be used where hunting is otherwise permitted by this division, provided they are completely removed each day at the close of hunting hours. Such removal is exempt for active members of the Wisconsin Whitetail Bowhunters Association during approved deer reduction (abatement) efforts in designated deer reduction areas. No person may cause damage to trees by the placement or erection of such portable tree stands for hunting by any other manner while hunting from a tree or preparing to hunt from a tree.

(Code 1971, § 23-54; Ord. No. 007-3615, § 1-16-2007)

#### Secs. 86-97—86-120. Reserved.

**ORDINANCE # O14-3874**

AN ORDINANCE INTRODUCED BY THE DIRECTOR OF PARKS, RECREATION, AND FORESTRY, AMENDING SECTION 86-94, ARCHERY HUNTING AREAS AND SEASONS.

The Common Council of the City of Superior, Wisconsin does ordain as follows:

SECTION 1. Chapter 86, Section 86-94 Archery hunting areas and seasons by **amending** the following:

(a) The provisions of section 86-74 notwithstanding, archery hunting for deer using a bow and arrow or crossbow is permitted in the City of Superior by anyone holding a valid WDNR-issued license during the state-allowed deer hunting season(s) in the following locations:

SECTION 2. All ordinance and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication, as provided by law.

Passed and adopted this 15<sup>th</sup> day of April, 2014.

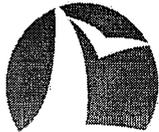
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Mayor

Attest:

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City Clerk



**SUPERIOR**  
WISCONSIN

**Building Inspection Division  
Public Works Department**

Phone: (715) 395-7288  
Fax: (715) 395-7346  
Website: www.ci.superior.wi.us  
Email: buildingsafety@ci.superior.wi.us

1316 North 14<sup>th</sup> Street  
Suite 230  
Superior, WI 54880

Living up to our name.

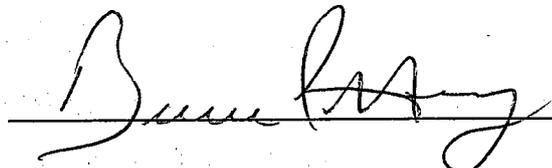
Council Meeting Date April 15, 2014

**MEMORANDUM**

To: Mayor Bruce Hagen and the Common Council  
From: Daniel Curran, Chief Building Inspector; Todd Janigo, Assistant Public Works Director  
Re: Chapter 58 Garbage and Rubbish

The Building Inspection Division is recommending changes to Superior Code of Ordinances Chapter 58 which regulates the storage, collection, transportation and disposition of garbage, rubbish, brush and ashes in the city. The proposed changes bring conflicting language into agreement within various sections of the ordinance. These changes also provide clarification for better and more effective enforcement, and help enhance the overall appearance of the City.

Please see the attached documents for details of the recommended changes to Chapter 58.

Recommended: 

Mayor Bruce Hagen

## Chapter 58 Garbage and Rubbish

### Highlights of Proposed changes

May 27, 2012

Revised 11-26-13

1. The boldface **catchlines** (Sec. 1-3) did not match the content of the sections and are revised to more correctly identify the section content. Note: Sec. 58-2, 58-4, 58-6, 58-7 and 58-20.
2. Section 58-4 is modified such that the existing portion is renamed and relocated in section 58-20. New regulations are added to the new 58-4.
3. The garbage container storage area is distinguished from the pickup area as noted in sections 58-7 and 58-9.
4. Regulation to require the removal of containers from the front yard of the structures should greatly improve the appearance of the City and support and enhance the Neighborhood Beautification Program. 58-9
5. Enforcement to eliminate overflowing containers should be easier, note 58-8.
6. It will be easier to deal with repeat offenders. 58-19
7. The responsibility to manage the property is placed back on the property owner and tenants. Code enforcement officers are not paid to be property managers. 58-19
8. The public nuisance section 58-20 is clarified.
9. Chapter 112 Section 112-132 [Licensed Storage Facilities] refers to the fencing or screening from public view as outlined in Section 58-4 (moved to 58-20)

## ORDINANCE #O14-3875

### AN ORDINANCE INTRODUCED BY THE BUILDING INSPECTION DIVISION AMENDING CITY CODE CHAPTER 58, GARBAGE AND RUBBISH

The Common Council of the City of Superior, Wisconsin, does ordain as follows:

**SECTION 1:** Section **58** of the Code of Ordinances of the City of Superior, Wisconsin, is hereby amended to read as follows:

#### Garbage and Rubbish

#### Proposed changes

#### ARTICLE I. IN GENERAL

##### Sec. 58-1. Purpose of chapter.

This chapter is adopted for the purpose of promoting and preserving the health and sanitation in the city through the regulation of the storage, collection, transportation and disposition of garbage, rubbish, brush and ashes in the city. ~~and the collection and transportation thereof by the garbage department of the city.~~  
(Code 1971, § 16-1)

##### Sec. 58-2. Duty to keep public property grounds and premises clean and free from garbage, and refuse and debris.

It shall be unlawful for any person to place, throw, leave or permit to remain any rubbish, paper, dirt, waste, debris or garbage upon any street, gutter, sidewalk, alley, park or other public ground and it shall be the duty of each and every owner or occupant of any real property to clear any such rubbish from all adjacent streets, gutters, sidewalks, ditches or alleys.  
(Code 1971, § 16-2)

##### Sec. 58-3. Littering.

- (a) All loose papers or other light materials so deposited, left or scattered so that they may be blown away or scattered about in the city are declared to be a public nuisance and dangerous to the city; and no such papers or other light materials shall be swept, or thrown out, or deposited or left loose ~~or swept or thrown out~~ so that they may be blown away or scattered about the city.
- (b) It is the special duty of the chief of the fire department to enforce the provisions of this section.  
(Code 1971, § 16-3)

##### Sec. 58-4. Duty to keep private property clean and free from garbage, refuse and debris.

It shall be unlawful for any person to place, throw, leave or permit to remain any rubbish, paper, dirt, waste, debris or garbage upon any real property within the city.

- (a) It shall be the duty of each and every owner of any real property to clear any such rubbish, paper, dirt, waste, debris or garbage from all property owned by them.
- (b) It is unlawful for any person to dump garbage, refuse, recyclables, demolition materials, or bulky materials onto any other person's property or into any other person's refuse or recyclable container, unless acting with proper permission or authority. This subsection does not apply to garbage receptacles held out for public use.

(c) It is unlawful for any person to rummage or scavenge through any public garbage container or any other person's garbage or recyclable container, unless acting with proper permission or authority.

~~(a) *Generally.* The owner, occupant or tenant of any real property shall keep the property in a safe and sanitary condition, free of rubbish and other debris.~~

~~(b) *Findings of fact.* The common council finds the following facts:~~

~~(1) The city includes approximately 45 square miles;~~

~~(2) Within the city there are approximately 17,500 private and commercial owned parcels which lie in close proximity to improved residential or commercial lots (buildings) or which lie in areas zoned for residential or business use;~~

~~(3) In many cases the owners of these lots, some of whom are nonresidents, have allowed rubbish, paper, dirt, waste, debris or garbage to accumulate on these lots;~~

~~(4) In addition to these lots, the city contains miles of vacant land lying on railroad rights-of-way;~~

~~(5) The vacant land lying adjacent to railroad tracks often becomes a dumping ground for unwanted rubbish and debris;~~

~~(6) Grain spills along such tracks often create an especially good habitat for rats, mice and other animal life;~~

~~(7) The rubbish and debris provides shelter for rats, mice, mosquitoes, flies and other noxious insects;~~

~~(8) Lots containing rubbish and other debris depreciate the value of adjacent property and create eyesores. While many items are considered eyesores to the public, they are nevertheless, often inescapable and may actually provide beneficial services to the community. Provisions must be made to serve the public in both providing necessary services while screening such eyesores from public view. The following are considered eyesores and, if unconstrained, constitute public nuisance:~~

~~a. Scrap, whether wood, metal, rubber, plastic or paper;~~

~~b. Inoperable, damaged, disassembled, abandoned, junk or impounded vehicles, machinery snow, farm, construction, marine, tool or lawn/garden equipment.~~

~~c. Any inoperable, disassembled or salvage appliances, plumbing fixtures, heating/cooling equipment, parts or accessories;~~

~~d. Any additional items so deemed by the common council.~~

~~(9) The city has learned from its experience that the time and costs of providing notice and hearing before removing rubbish and other debris render it impossible to inspect and remove the same in all areas of the city during the short summer season;~~

~~(10) The time and manpower involved in locating the sites, measuring the sites, finding the owners and giving notice has resulted in only limited, selective and ineffective enforcement; and~~

~~(11) The unkept lots in close proximity to improved residential or commercial lots/buildings create a particularly unhealthy situation in that they bring people in direct contact with the undesirable animals, garbage and debris.~~

~~(c) *Public nuisance--Defined.* It is declared that for the purpose of this section public nuisance shall be defined as property which is not kept in a safe and/or sanitary condition.~~

~~(d) *Same--Prohibited.* No person who is the owner, lessee, occupant or other person in possession or control of land shall permit any public nuisance on such land. The chief building inspector, or designee, may abate public nuisances, or cause them to be abated, on public and/or private property.~~

~~(e) *Duties of the building inspector.* Unless otherwise determined by the mayor, the building inspector, shall have the powers and duties set forth in Wis. Stats. §§ 66.0405, 66.0407 and shall assess fees for public nuisances. Any city employee working under the direction of the~~

~~building inspector shall be a deputy inspector and have the powers set forth in Wis. Stats. § 62.17. The building inspector and any deputy inspectors shall be paid at their normal rate of pay as city employees for duties performed under this article. Such pay, plus the costs of transportation, equipment, fuel, fringe benefits and administration costs, shall be considered compensation for purposes of Wis. Stats. §§ 66.0405, 66.0407. These fees, and public nuisance removal fees as established herein, shall be presented to the city treasurer for placement on the tax rolls as provided under Wis. Stats. § 66.0703. The provisions of the article notwithstanding, neither the building inspector or any deputy inspector shall receive any amounts in addition to their normal rate of pay as city employees for work performed under this article or Wis. Stats. § 66.0627. Fees for abatement and removal of public nuisances and administrative costs shall be set by the building inspector but shall be no less than the actual cost incurred during removal process.~~

~~(f) *Hearings.* Any person aggrieved by the building inspector's or deputy inspector's performance of their duties may, request a review or appeal under Wis. Stats. ch. 68. Any appeal shall be heard by the city clerk who shall decide the matter and may grant such relief or payment as they determine.~~

~~(g) *Assessment of special charges.* In addition to the method provided under Wis. Stats. §§ 66.0405, 66.0407 for the collection fees for violations, special charges for the removal of public nuisances on private property as defined by this section may be imposed as provided by state law. If such charges are not paid within 30 days from the date on which removal occurs, the special charge shall be considered delinquent, and become a lien as provided in Wis. Stats. § 66.0703(13), and shall automatically be extended upon the current or next tax roll as provided by Wis. Stats. § 66.0627(4).~~

~~(h) *Enforcement.* In addition to all other proceedings, the building inspector, any deputy inspector, assistant building inspector, housing inspector, the county health officer or any law enforcement officer may issue citations for violation of this section.~~

~~(1) As listed in subsection (b)(8) of this section, such eyesore shall be:~~

~~a. Restricted to appropriately zoned areas; and~~

~~b. Screened from casual public view from any public sidewalk, street or avenue by means of fence and/or building.~~

~~(2) Fences must be at least six feet high, constructed of suitable, durable and aesthetically acceptable materials maintained in accordance with the property maintenance code.~~

~~(Code 1971, § 16-4; Ord. No. 004-3488, § 1, 7-6-2004)~~

### **Sec. 58-5. Dumping refuse prohibited.**

No person shall dump garbage, rubbish or other debris anywhere except the municipal landfill garbage disposal site.

(Code 1971, § 16-5)

### **Sec. 58-6. Garbage to be wrapped; food service establishments to place garbage in plastic bags.**

All garbage shall be securely wrapped or placed in plastic paper bags before it is deposited in the approved garbage receptacle. All establishments serving either food or drink or both, shall be required to use plastic liners to contain their garbage before placing it in garbage cans the approved garbage receptacle.

(Code 1971, § 16-8)

### **Sec. 58-7. Deposit and Storage of garbage in approved and garbage receptacles.**

(a) All garbage, refuse, debris and recyclable materials shall be deposited in approved receptacles.

- (b) All garbage shall be deposited in receptacles approved by the Department of Public Works when collection service is provided to the property by the Department of Public Works.
- (c) A storage area shall be provided for garbage receptacles, recyclable receptacles and rubbish.
- (d) All storage areas shall be located on the property served and not on the city street or city alley right-of-way.
- (e) Storage areas shall be kept free of loose, unwrapped or unconstrained garbage and rubbish.
- (f) Storage areas shall not contain discarded household appliances, yard waste, building materials or any other material unless picked up and removed at least weekly.
- (g) Storage areas shall not be located in the front yard.
- (h) Storage areas located on the street side yard of corner lots of any residential property shall be screened from view so that the garbage and rubbish receptacle is not openly and prominently visible from the streets.
- (i) Storage areas shall be clearly located, enclosed, fenced or marked with signs to designate the property served by the storage areas.
- (j) Storage areas on interior side yards of residential properties shall not be closer than 10 feet from the property line and shall be enclosed or guarded from view.
- (k) All yards are defined in accordance with Sec. 122.1.
- (l) Storage areas for mobile homes or manufactured homes within licensed manufactured home communities are exempt from subsections (i) and (j) but shall not be forward of the main front entry door or rear entry door.
- (m) Storage areas shall be located in a manner best meeting the intent of sub-sections (a) to (l) when lot size and building dimensions make it impossible to fully comply with subsections (a) to (l).

(Code 1971, § 16-9)

#### **Sec. 58-8. Preparation of rubbish and refuse for collection.**

- (a) For efficient handling by city collection crews, rubbish and other debris shall be placed in the standard garbage receptacles as ordered by the department of public works. Brush and tree trimmings shall be tied in bundles of not over four feet in length.
- (b) Overflowing garbage containers, scattered garbage and rubbish piles on premises in the city are prohibited. All garbage and rubbish containers shall be covered and garbage, trash and refuse may not be piled so that it is above the top of the container. Premises owners and/or occupants may be cited and are responsible for a violation of this section. The city may remove or cause to remove any garbage or rubbish in violation of this section and the cost thereof shall be assessed to the owner or occupant.

(Code 1971, § 16-10)

#### **Sec. 58-9. Placement of garbage and refuse for collection.**

- (a) ~~Storage area~~ **Pickup area** . Each garbage and rubbish receptacle shall be placed for pickup at the alley line of the property for which the garbage receptacle is furnished or at such other location as may be ordered by the department of public works. If no alley is adjacent to the property being served, all rubbish and ~~each~~-all garbage receptacles shall be placed for pickup at the designated location as determined by the Department of Public Works, ~~unless otherwise ordered by the department of public works, be placed at the end of the property which is opposite the street fronting the property, or at another location which ensures that the receptacle is not visible from the street fronting the property.~~

(b) **Collection Times.** ~~Pickup area~~ . In the event the storage area of the garbage receptacle is different than the pickup location designated by the director of public works, **T**he receptacle shall be moved from the storage area to the pickup area not more than 12 hours prior to the scheduled pickup time and returned to the storage area not more than eight hours after the scheduled pickup time.  
(Code 1971, § 16-11)

**Sec. 58-10. Vehicles used to transport garbage and refuse to be watertight.**

It shall be unlawful for any person to transport garbage or refuse upon the streets of the city unless the vehicle used to transport the garbage or refuse is completely watertight.  
(Code 1971, § 16-12)

**Sec. 58-11. Classification of premises for garbage removal.**

The following classes of places are established for the purpose of garbage removal:

(1) *Residential premises* . A residential premises is any building which is occupied and used exclusively as one single-family dwelling and includes such legal home occupations as permitted in one-family residential districts under the zoning code.

(2) *Small commercial premises* . A small commercial premises is any building or lot, regardless of the number of tenants or businesses located therein, other than a residential premises as defined in subsection (1) of this section, in which enough garbage is generated to require the pickup of no more than four city approved garbage receptacles per week. When a small commercial premises produces enough garbage to require the pickup of more than four city approved garbage receptacles per week thereby becoming a large commercial premises, the city shall notify the property owner to advise that the city's garbage receptacles will be removed following the next scheduled collection and the owner or tenant of those premises shall be responsible for the disposal of its own garbage at its own cost in a legal and safe manner.

(3) *Large commercial and industrial premises* . A large commercial and industrial premises is any building or lot which is not a residential premises or a small commercial premises. A small commercial premises shall not become a large commercial and industrial premises due solely to an isolated incident in which the volume of garbage exceeds the amounts set forth in subsection (2) of this section. An incident will be considered isolated if it does not reoccur within three months. The city will not pick up excess garbage generated by an isolated incident.

(Code 1971, § 16-13)

**Sec. 58-12. Residential premises pickup.**

Except as provided by section 58-18, the city will, at no charge to the owner or occupant, provide for the pickup of a maximum of two garbage receptacles per week at each residential premises in the city. A second container will be distributed at the discretion of the public works director or his or her representative when the need is demonstrated by the volume of garbage generated on the premises. The city will provide one stop per residential premises per week to make any pickups under this section. All garbage receptacles picked up shall conform to the requirements of sections 58-7 and 58-9. No receptacles containing any substance identified in section 58-42 or containing any substance which, in the opinion of the director of public works, is harmful to collection crews or equipment, is noxious, or is improperly disposed of shall be picked up.

(Code 1971, § 16-14)

**Sec. 58-13. Small commercial premises pickup.**

Except as provided by section 58-18, the city will, at no charge to the owner or occupant, provide for the pickup of a maximum of three garbage receptacles once per week at each small

commercial premises in the city. Second and third containers will be distributed at the discretion of the public works director or his or her representative when the need is demonstrated by the volume of garbage generated on the premises. A fourth receptacle may be distributed at the discretion of the director of public works; provided, however, that the owner or occupant of the small commercial premises shall pay to the city the amount of \$32.50 per month in advance for the once a week pickup of the fourth receptacle. The city will provide one stop per premises per week to make any pickups under this section. All garbage receptacles picked up shall conform to the requirements of section 58-7 and section 58-9. No receptacle containing any substance identified in section 58-42 or containing any substance which is harmful to collection crews or equipment, is noxious, or is improperly disposed of shall be picked up.  
(Code 1971, § 16-15)

**Sec. 58-14. Large commercial and industrial premises.**

The city will not pick up nor provide garbage receptacles at large commercial and industrial premises. Owners and occupants of such premises shall provide garbage and trash removal and disposal at their own cost in a legal and safe manner.  
(Code 1971, § 16-16)

**Sec. 58-15. City to furnish garbage receptacles.**

The city shall supply to the owner, occupant or tenant of each residential premises a maximum of two garbage receptacles as outlined in section 58-12. The city will supply a maximum of four garbage receptacles at each small commercial premises as outlined in section 58-13. These receptacles will be supplied at no cost except as provided in section 58-16.  
(Code 1971, § 16-17)

**Sec. 58-16. Repair and replacement.**

The city will replace or repair any container damaged by its collection service. The destruction of receptacles due to misuse or disposing of unauthorized material identified in section 58-42 will result in replacement of container by the city for a fee of \$75.00.  
(Code 1971, § 16-18)

**Sec. 58-17. Harmful material.**

No person shall place in any garbage receptacle any material which is harmful to collection crews, garbage receptacles or collection equipment, or which is noxious or improperly disposed.  
(Code 1971, § 16-19)

**Sec. 58-18. Annual city cleanup.**

Once each spring the city shall provide a citywide pickup of household trash which cannot be disposed of in city approved garbage receptacles. The public works director may refuse to pick up any item which is harmful, noxious, excessive or unsuitable for pickup by the available equipment and disposal location. Any person may request additional pickup of such household trash provided, however, that such person shall pay in advance to the city the cost of the pickup and disposal, including but not limited to, cost of equipment, time, labor, administration and landfill fees. **Items intended for the annual spring pickup shall be placed at the designated pickup area no sooner than 7 days before the scheduled pickup date and must be removed, if unapproved or unsuitable for pickup, no later than 7 days after the scheduled pickup date unless special pickup arrangements have been made and payment has been received by the Public Works Department for the special pickup.**  
(Code 1971, § 16-20; Ord. No. O05-3513, § 1, 4-19-2005)

### **Sec. 58-19. Property owners to be responsible.**

Notice of violation, of any section of this article of this chapter, will be given to the owner, occupant, tenant, manager, property manager, rental agency or other responsible person if such persons are readily known. Within any three month period, the first notice of violation will be sent followed by citation and/or other enforcement action if the violation is not corrected or abated. Additional similar violations within any three month period will be sent a citation without notice. The property owner shall be responsible for compliance with this article, Sections 58-1 through 58-9. Enforcement action will ultimately be directed to the property owner alone if other responsible persons are not readily known or recorded with the public works department.

### **Sec. 58-20. Public Nuisance Declared**

The purpose of this subsection is to recognize the private and public benefits resulting from the safe, sanitary and attractive exterior maintenance of residential and nonresidential yards, lots, parcels or vacant or un-improved areas. Attractive and well maintained property will enhance the neighborhood and City and provide a suitable environment for increasing physical and monetary values.

(a) *Generally.* The owner, occupant or tenant or responsible person in control of any real property shall keep the property in a safe, clean and sanitary condition, free of garbage, rubbish, other debris and items or conditions considered a public nuisance.

(b) *Findings of fact.* The common council finds the following facts:

- (1) The city includes approximately 45 square miles;
- (2) Within the city there are approximately 17,500 private and commercial owned parcels which lie in close proximity to improved residential or commercial lots (buildings) or which lie in areas zoned for residential or business use;
- (3) In many cases the owners of these lots, some of whom are nonresidents, have allowed rubbish, paper, dirt, waste, debris or garbage to accumulate on these lots;
- (4) In addition to these lots, the city contains miles of vacant land lying on railroad rights-of-way;
- (5) The vacant land lying adjacent to railroad tracks often becomes a dumping ground for unwanted rubbish and debris;
- (6) Grain spills along such tracks often create an especially good habitat for rats, mice and other animal life;
- (7) The rubbish and debris provides shelter for rats, mice, mosquitoes, flies and other noxious insects;
- (8) Lots containing rubbish and other debris depreciate the value of adjacent property and create eyesores;
- (9) Provisions are available for the proper disposal of unwanted, discarded items and garbage and recyclable materials by engaging services of municipal service providers, contract haulers, licensed junk and salvage dealers and other approved and acceptable resources.
- (10) The following are considered eyesores:
  - a. Scrap of any type whether wood, metal, rubber, plastic or paper or any other type;

b. Inoperable, damaged, disassembled, abandoned, junk or impounded vehicles, and inoperable, damaged, disassembled, abandoned, junk or impounded farm, construction, snow, marine, tool or lawn/garden machinery or equipment;

c. Any operable item exceeding three in number from subsection b. above excluding vehicles;

d. Any inoperable, disassembled or salvage appliances, plumbing fixtures, heating/cooling equipment including parts or accessories of such items and any other similar items;

e. Any operable appliance or operable item listed in subsection d. above stored in plain view on the exterior of a garage or dwelling for a period of time exceeding 10 days shall be considered an eyesore.

f. Any unconstrained accumulation of garbage, rubbish, trash, debris, yard waste, litter, junk or other similar items not handled, managed or contained in manners set forth in this chapter or any other ordinance or regulation of the State of Wisconsin or the City of Superior.

g. Any additional items so deemed by the common council.

(11) The city has learned from its experience that the time and costs of providing notice, hearing and removal or abatement of garbage, rubbish, trash, junk, debris and other eyesores render it difficult to inspect and remove the same in all areas of the city during the short summer season;

(12) The time and manpower involved in locating the sites, finding the owners and giving notice has resulted in only limited, selective, inefficient and ineffective enforcement; and

(13) The unkempt lots in close proximity to improved residential or commercial lots/buildings create a particularly unhealthy situation in that they bring people in close contact with the undesirable animals, insects, disease causing agents, garbage, trash, junk and debris.

(c) *Public nuisance--Defined.* *Public nuisance* means a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

(1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.

(2) In any way render the public insecure in life or in the use of property.

(3) Greatly offend the public morals or decency.

(4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

A *Public Nuisance* is also any act, thing, occupation, condition or use of property which is declared to be a public nuisance by any other section of the City of Superior Code of Municipal Ordinances.

(d) The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other public nuisances as defined or declared elsewhere in this code of ordinances.

(1) *Breeding places for vermin, etc.* Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

(2) *Garbage and refuse.* The deposit of garbage, refuse or any offensive substance on any public or private property except as may be permitted by this Code.

(3) *Other substances.* Any substance, activity or condition sufficient to create a human health hazard as that term is defined in Section 254.01(2) of the Wisconsin Statutes.

(3) *Chemical or biological.* Any chemical and/or biological material that is stored, used, or disposed of in such quantity or manner that is, or has the potential to create a human health hazard.

(4) *Eyesores.* The uncontrolled, unconstrained, unmanaged, unlicensed existence of eyesores, as enumerated in subsection (b)(10) of this section. The prominent display of eyesores within public view is also declared a public nuisance. Eyesores shall not be considered a public nuisance if all of the following conditions exist:

- a. They shall be restricted to appropriately zoned areas; and
- b. They shall be screened from casual public view from any public sidewalk, street or avenue by means of an approved fence and/or building; and
- c. Where fences are used, the fence must be at least six feet high, constructed of suitable, durable and aesthetically acceptable materials maintained in accordance with the property maintenance code.
- d. They shall be appropriately licensed by the State of Wisconsin and the City of Superior if required by state statute or this code of ordinances.

(e) *Same--Prohibited.* No person who is the owner, tenant, lessee, occupant or other person in possession or control of land shall permit any public nuisance on such land. No person shall perform any act that creates a public nuisance on public property or the property of another. The chief building inspector, or designee, may abate public nuisances, or cause them to be abated, on public and/or private property.

(f) *Duties of the building inspector.* Unless otherwise determined by a directive of the mayor or of the common council, the building inspector shall have the powers and duties set forth in this chapter and Wis. Stats. § § 66.0113, 66.0114, 66.0115 for the administration and enforcement of this chapter. Any city employee working under the direction of the building inspector shall be a deputy inspector and have the powers and duties of the building inspector as delegated by the building inspector for the enforcement of this chapter. The building inspector shall assess fees for abatement of public nuisances. These fees, and public nuisance removal or abatement fees as established herein, if not paid on a timely basis per subsection (h) below, shall be presented to the city treasurer for placement on the tax rolls as provided under Wis. Stats. § § 66.0627 and 66.0703. Fees for abatement and removal of public nuisances and administrative costs shall be set by the building inspector but shall be no less than the actual cost incurred during removal process.

(g) *Hearings.* Any person aggrieved by the performance of the duties of the building inspector, code compliance officer, housing inspector, county health officer or law enforcement officer related to the enforcement of this article shall deliver a written request for review or appeal within 10 days from the date such action was taken. The request for review shall state the ground or grounds upon which the person aggrieved contends that the decision should be modified or reversed. A request for review shall first be made to the building inspector, code compliance officer, housing inspector, county health officer or law enforcement officer who made the determination. The request for review or appeal shall be reviewed within 15 days of receipt of a request for review. Failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority. The city clerk shall provide a second review of any written request for review or appeal by any aggrieved party when requested by the aggrieved party. The determination of city clerk shall be final in such matters regarding enforcement of this article. This review process shall be in accord with provisions of State Statute 68.03 (8).

(h) *Assessment of special charges.* In addition to the method provided under Wis. Stats. §§ 66.0113, 66.0114 and 66.0115 for the collection fees for violations, special charges for the removal of public nuisances on private property as defined by this section may be imposed as provided by Wis. Stats. § 66.0627. If such charges are not paid within 30 days from the date on which notice is sent of fees due and payable, the special charge shall be considered delinquent, and become a lien as provided in Wis. Stats. § 66.0627(4), and shall automatically be extended upon the current or next tax roll as provided by Wis. Stats. § 66.0627(4).

(i) *Enforcement.* In addition to all other proceedings, the building inspector, any deputy inspector, the county health officer or any law enforcement officer may issue citations for violation of this section.

Secs. 58-21--58-39. Reserved.

Drafted 2013-03-26

Revised 2013-11-26

Revised 2014-01-30

Revised 2014-03-14

**SECTION 2:** All ordinances and parts of ordinance in conflict herewith are hereby repealed.

**SECTION 3:** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof.

**SECTION 4:** This ordinance shall take effect and be in force from and after its passage and publication, as provided by law.

Passed and adopted this 15<sup>th</sup> day of April, 2014.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Final

**ORDINANCE #014-3875**

**AN ORDINANCE INTRODUCED BY THE BUILDING INSPECTION DIVISION  
AMENDING CITY CODE CHAPTER 58, GARBAGE AND RUBBISH**

The Common Council of the City of Superior, Wisconsin, does ordain as follows:

**SECTION 1:** Section 58 of the Code of Ordinances of the City of Superior, Wisconsin, is hereby amended to read as follows:

**Garbage and Rubbish**

**ARTICLE I. IN GENERAL**

**Sec. 58-1. Purpose of chapter.**

This chapter is adopted for the purpose of promoting and preserving the health and sanitation in the city through the regulation of the storage, collection, transportation and disposition of garbage, rubbish, brush and ashes in the city.

(Code 1971, § 16-1)

**Sec. 58-2. Duty to keep public property clean and free from garbage, and refuse and debris.**

It shall be unlawful for any person to place, throw, leave or permit to remain any rubbish, paper, dirt, waste, debris or garbage upon any street, gutter, sidewalk, alley, park or other public ground and it shall be the duty of each and every owner or occupant of any real property to clear any such rubbish from all adjacent streets, gutters, sidewalks, ditches or alleys.

(Code 1971, § 16-2)

**Sec. 58-3. Littering.**

(a) All loose papers or other light materials so deposited, left or scattered so that they may be blown away or scattered about in the city are declared to be a public nuisance and dangerous to the city; and no such papers or other light materials shall be swept, thrown out, deposited or left loose so that they may be blown away or scattered about the city.

(b) It is the special duty of the chief of the fire department to enforce the provisions of this section.

(Code 1971, § 16-3)

**Sec. 58-4. Duty to keep private property clean and free from garbage, refuse and debris.**

It shall be unlawful for any person to place, throw, leave or permit to remain any rubbish, paper, dirt, waste, debris or garbage upon any real property within the city.

(a) It shall be the duty of each and every owner of any real property to clear any such rubbish, paper, dirt, waste, debris or garbage from all property owned by them.

(b) It is unlawful for any person to dump garbage, refuse, recyclables, demolition materials, or bulky materials onto any other person's property or into any other person's refuse or recyclable container, unless acting with proper permission or authority. This subsection does not apply to garbage receptacles held out for public use.

(c) It is unlawful for any person to rummage or scavenge through any public garbage container or any other person's garbage or recyclable container, unless acting with proper permission or authority.

**Sec. 58-5. Dumping refuse prohibited.**

No person shall dump garbage, rubbish or other debris anywhere except the municipal landfill garbage disposal site.

(Code 1971, § 16-5)

**Sec. 58-6. Garbage to be wrapped; food service establishments to place garbage in plastic bags.**

All garbage shall be securely wrapped or placed in plastic bags before it is deposited in the approved garbage receptacle. All establishments serving either food or drink or both, shall be required to use plastic liners to contain their garbage before placing it in the approved garbage receptacle.

(Code 1971, § 16-8)

**Sec. 58-7. Deposit and Storage of garbage and garbage receptacles.**

- (a) All garbage, refuse, debris and recyclable materials shall be deposited in approved receptacles.
- (b) All garbage shall be deposited in receptacles approved by the Department of Public Works when collection service is provided to the property by the Department of Public Works.
- (c) A storage area shall be provided for garbage receptacles, recyclable receptacles and rubbish.
- (d) All storage areas shall be located on the property served and not on the city street or city alley right-of-way.
- (e) Storage areas shall be kept free of loose, unwrapped or unconstrained garbage and rubbish.
- (f) Storage areas shall not contain discarded household appliances, yard waste, building materials or any other material unless picked up and removed at least weekly.
- (g) Storage areas shall not be located in the front yard.
- (h) Storage areas located on the street side yard of corner lots of any residential property shall be screened from view so that the garbage and rubbish receptacle is not openly and prominently visible from the streets.
- (i) Storage areas shall be clearly located, enclosed, fenced or marked with signs to designate the property served by the storage areas.
- (j) Storage areas on interior side yards of residential properties shall not be closer than 10 feet from the property line and shall be enclosed or guarded from view.
- (k) All yards are defined in accordance with Sec. 122.1.
- (l) Storage areas for mobile homes or manufactured homes within licensed manufactured home communities are exempt from subsections (i) and (j) but shall not be forward of the main front entry door or rear entry door.
- (m) Storage areas shall be located in a manner best meeting the intent of sub-sections (a) to (l) when lot size and building dimensions make it impossible to fully comply with subsections (a) to (l).

(Code 1971, § 16-9)

**Sec. 58-8. Preparation of rubbish and refuse for collection.**

- (a) For efficient handling by city collection crews, rubbish and other debris shall be placed in the standard garbage receptacles as ordered by the department of public works. Brush and tree trimmings shall be tied in bundles of not over four feet in length.
- (b) Overflowing garbage containers, scattered garbage and rubbish piles on premises in the city are prohibited. All garbage and rubbish containers shall be covered and garbage, trash and refuse may not be piled so that it is above the top of the container. Premises owners and/or occupants may be cited and are responsible for a violation of this section. The city may remove or cause to remove any garbage or rubbish in violation of this section and the cost thereof shall be assessed to the owner or occupant.

(Code 1971, § 16-10)

**Sec. 58-9. Placement of garbage and refuse for collection.**

(a) *Pickup area.* Each garbage and rubbish receptacle shall be placed for pickup at the alley line of the property for which the garbage receptacle is furnished or at such other location as may be ordered by the department of public works. If no alley is adjacent to the property being served, all rubbish and all garbage receptacles shall be placed for pickup at the designated location as determined by the Department of Public Works.

(b) *Collection Times.* The receptacle shall be moved from the storage area to the pickup area not more than 12 hours prior to the scheduled pickup time and returned to the storage area not more than eight hours after the scheduled pickup time.

(Code 1971, § 16-11)

**Sec. 58-10. Vehicles used to transport garbage and refuse to be watertight.**

It shall be unlawful for any person to transport garbage or refuse upon the streets of the city unless the vehicle used to transport the garbage or refuse is completely watertight.

(Code 1971, § 16-12)

**Sec. 58-11. Classification of premises for garbage removal.**

The following classes of places are established for the purpose of garbage removal:

(1) *Residential premises.* A residential premises is any building which is occupied and used exclusively as one single-family dwelling and includes such legal home occupations as permitted in one-family residential districts under the zoning code.

(2) *Small commercial premises.* A small commercial premises is any building or lot, regardless of the number of tenants or businesses located therein, other than a residential premises as defined in subsection (1) of this section, in which enough garbage is generated to require the pickup of no more than four city approved garbage receptacles per week. When a small commercial premises produces enough garbage to require the pickup of more than four city approved garbage receptacles per week thereby becoming a large commercial premises, the city shall notify the property owner to advise that the city's garbage receptacles will be removed following the next scheduled collection and the owner or tenant of those premises shall be responsible for the disposal of its own garbage at its own cost in a legal and safe manner.

(3) *Large commercial and industrial premises.* A large commercial and industrial premises is any building or lot which is not a residential premises or a small commercial premises. A small commercial premises shall not become a large commercial and industrial premises due solely to an isolated incident in which the volume of garbage exceeds the amounts set forth in subsection (2) of this section. An incident will be considered isolated if it does not reoccur within three months. The city will not pick up excess garbage generated by an isolated incident.

(Code 1971, § 16-13)

**Sec. 58-12. Residential premises pickup.**

Except as provided by section 58-18, the city will, at no charge to the owner or occupant, provide for the pickup of a maximum of two garbage receptacles per week at each residential premises in the city. A second container will be distributed at the discretion of the public works director or his or her representative when the need is demonstrated by the volume of garbage generated on the premises. The city will provide one stop per residential premises per week to make any pickups under this section. All garbage receptacles picked up shall conform to the requirements of sections 58-7 and 58-9. No receptacles containing any substance identified in section 58-42 or containing any substance which, in the opinion of the director of public works, is harmful to collection crews or equipment, is noxious, or is improperly disposed of shall be picked up.

(Code 1971, § 16-14)

**Sec. 58-13. Small commercial premises pickup.**

Except as provided by section 58-18, the city will, at no charge to the owner or occupant, provide for the pickup of a maximum of three garbage receptacles once per week at each small commercial premises in the city. Second and third containers will be distributed at the discretion of the public works director or his or her representative when the need is demonstrated by the volume of garbage generated on the premises. A fourth receptacle may be distributed at the discretion of the director of public works; provided, however, that the owner or occupant of the small commercial premises shall pay to the city the amount of \$32.50 per month in advance for the once a week pickup of the fourth receptacle. The city will provide one stop per premises per week to make any pickups under this section. All garbage receptacles picked up shall conform to the requirements of section 58-7 and section 58-9. No receptacle containing any substance identified in section 58-42 or containing any substance which is harmful to collection crews or equipment, is noxious, or is improperly disposed of shall be picked up.

(Code 1971, § 16-15)

**Sec. 58-14. Large commercial and industrial premises.**

The city will not pick up nor provide garbage receptacles at large commercial and industrial premises. Owners and occupants of such premises shall provide garbage and trash removal and disposal at their own cost in a legal and safe manner.

(Code 1971, § 16-16)

**Sec. 58-15. City to furnish garbage receptacles.**

The city shall supply to the owner, occupant or tenant of each residential premises a maximum of two garbage receptacles as outlined in section 58-12. The city will supply a maximum of four garbage receptacles at each small commercial premises as outlined in section 58-13. These receptacles will be supplied at no cost except as provided in section 58-16.

(Code 1971, § 16-17)

**Sec. 58-16. Repair and replacement.**

The city will replace or repair any container damaged by its collection service. The destruction of receptacles due to misuse or disposing of unauthorized material identified in section 58-42 will result in replacement of container by the city for a fee of \$75.00.

(Code 1971, § 16-18)

**Sec. 58-17. Harmful material.**

No person shall place in any garbage receptacle any material which is harmful to collection crews, garbage receptacles or collection equipment, or which is noxious or improperly disposed.

(Code 1971, § 16-19)

### **Sec. 58-18. Annual city cleanup.**

Once each spring the city shall provide a citywide pickup of household trash which cannot be disposed of in city approved garbage receptacles. The public works director may refuse to pick up any item which is harmful, noxious, excessive or unsuitable for pickup by the available equipment and disposal location. Any person may request additional pickup of such household trash provided, however, that such person shall pay in advance to the city the cost of the pickup and disposal, including but not limited to, cost of equipment, time, labor, administration and landfill fees. Items intended for the annual spring pickup shall be placed at the designated pickup area no sooner than 7 days before the scheduled pickup date and must be removed, if unapproved or unsuitable for pickup, no later than 7 days after the scheduled pickup date unless special pickup arrangements have been made and payment has been received by the Public Works Department for the special pickup.

(Code 1971, § 16-20; Ord. No. O05-3513, § 1, 4-19-2005)

### **Sec. 58-19. Property owners to be responsible.**

Notice of violation, of any section of this article of this chapter, will be given to the owner, occupant, tenant, manager, property manager, rental agency or other responsible person if such persons are readily known. Within any three month period, the first notice of violation will be sent followed by citation and/or other enforcement action if the violation is not corrected or abated. Additional similar violations within any three month period will be sent a citation without notice. The property owner shall be responsible for compliance with this article, Sections 58-1 through 58-9. Enforcement action will ultimately be directed to the property owner alone if other responsible persons are not readily known or recorded with the public works department.

### **Sec. 58-20. Public Nuisance Declared**

The purpose of this subsection is to recognize the private and public benefits resulting from the safe, sanitary and attractive exterior maintenance of residential and nonresidential yards, lots, parcels or vacant or un-improved areas. Attractive and well maintained property will enhance the neighborhood and City and provide a suitable environment for increasing physical and monetary values.

(a) *Generally.* The owner, occupant or tenant or responsible person in control of any real property shall keep the property in a safe, clean and sanitary condition, free of garbage, rubbish, other debris and items or conditions considered a public nuisance.

(b) *Findings of fact.* The common council finds the following facts:

(1) The city includes approximately 45 square miles;

(2) Within the city there are approximately 17,500 private and commercial owned parcels which lie in close proximity to improved residential or commercial lots (buildings) or which lie in areas zoned for residential or business use;

(3) In many cases the owners of these lots, some of whom are nonresidents, have allowed rubbish, paper, dirt, waste, debris or garbage to accumulate on these lots;

(4) In addition to these lots, the city contains miles of vacant land lying on railroad rights-of-way;

(5) The vacant land lying adjacent to railroad tracks often becomes a dumping ground for unwanted rubbish and debris;

(6) Grain spills along such tracks often create an especially good habitat for rats, mice and other animal life;

(7) The rubbish and debris provides shelter for rats, mice, mosquitoes, flies and other noxious insects;

(8) Lots containing rubbish and other debris depreciate the value of adjacent property and create eyesores;

(9) Provisions are available for the proper disposal of unwanted, discarded items and garbage and recyclable materials by engaging services of municipal service providers, contract haulers, licensed junk and salvage dealers and other approved and acceptable resources.

(10) The following are considered eyesores:

a. Scrap of any type whether wood, metal, rubber, plastic or paper or any other type;

b. Inoperable, damaged, disassembled, abandoned, junk or impounded vehicles, and inoperable, damaged, disassembled, abandoned, junk or impounded farm, construction, snow, marine, tool or lawn/garden machinery or equipment;

c. Any operable item exceeding three in number from subsection b. above excluding vehicles;

d. Any inoperable, disassembled or salvage appliances, plumbing fixtures, heating/cooling equipment including parts or accessories of such items and any other similar items;

e. Any operable appliance or operable item listed in subsection d. above stored in plain view on the exterior of a garage or dwelling for a period of time exceeding 10 days shall be considered an eyesore.

f. Any unconstrained accumulation of garbage, rubbish, trash, debris, yard waste, litter, junk or other similar items not handled, managed or contained in manners set forth in this chapter or any other ordinance or regulation of the State of Wisconsin or the City of Superior.

g. Any additional items so deemed by the common council.

(11) The city has learned from its experience that the time and costs of providing notice, hearing and removal or abatement of garbage, rubbish, trash, junk, debris and other eyesores render it difficult to inspect and remove the same in all areas of the city during the short summer season;

(12) The time and manpower involved in locating the sites, finding the owners and giving notice has resulted in only limited, selective, inefficient and ineffective enforcement; and

(13) The unkempt lots in close proximity to improved residential or commercial lots/buildings create a particularly unhealthy situation in that they bring people in close contact with the undesirable animals, insects, disease causing agents, garbage, trash, junk and debris.

(c) *Public nuisance--Defined.* *Public nuisance* means a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

(1)Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.

(2)In any way render the public insecure in life or in the use of property.

(3)Greatly offend the public morals or decency.

(4)Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

A *Public Nuisance* is also any act, thing, occupation, condition or use of property which is declared to be a public nuisance by any other section of the City of Superior Code of Municipal Ordinances.

(d) The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other public nuisances as defined or declared elsewhere in this code of ordinances.

(1) *Breeding places for vermin, etc.* Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

(2) *Garbage and refuse.* The deposit of garbage, refuse or any offensive substance on any public or private property except as may be permitted by this Code.

(3) *Other substances.* Any substance, activity or condition sufficient to create a human health hazard as that term is defined in Section 254.01(2) of the Wisconsin Statutes.

(3) *Chemical or biological.* Any chemical and/or biological material that is stored, used, or disposed of in such quantity or manner that is, or has the potential to create a human health hazard.

(4) *Eyesores.* The uncontrolled, unconstrained, unmanaged, unlicensed existence of eyesores, as enumerated in subsection (b)(10) of this section. The prominent display of eyesores within public view is also declared a public nuisance. Eyesores shall not be considered a public nuisance if all of the following conditions exist:

a. They shall be restricted to appropriately zoned areas; and

b. They shall be screened from casual public view from any public sidewalk, street or avenue by means of an approved fence and/or building; and

c. Where fences are used, the fence must be at least six feet high, constructed of suitable, durable and aesthetically acceptable materials maintained in accordance with the property maintenance code.

d. They shall be appropriately licensed by the State of Wisconsin and the City of Superior if required by state statute or this code of ordinances.

(e) *Same--Prohibited.* No person who is the owner, tenant, lessee, occupant or other person in possession or control of land shall permit any public nuisance on such land. No person shall perform any act that creates a public nuisance on public property or the property of another. The chief building inspector, or designee, may abate public nuisances, or cause them to be abated, on public and/or private property.

(f) *Duties of the building inspector.* Unless otherwise determined by a directive of the mayor or of the common council, the building inspector shall have the powers and duties set forth in this chapter and Wis. Stats. § § 66.0113, 66.0114, 66.0115 for the administration and enforcement of this chapter. Any city employee working under the direction of the building inspector shall be a deputy inspector and have the powers and duties of the building inspector as delegated by the building inspector for the enforcement of this chapter. The building inspector shall assess fees for abatement of public nuisances. These fees, and public nuisance removal or abatement fees as established herein, if not paid on a timely basis per subsection (h) below, shall be presented to the city treasurer for placement on the tax rolls as provided under Wis. Stats. § § 66.0627 and 66.0703. Fees for abatement and removal of public nuisances and administrative costs shall be set by the building inspector but shall be no less than the actual cost incurred during removal process.

(g) *Hearings.* Any person aggrieved by the performance of the duties of the building inspector, code compliance officer, housing inspector, county health officer or law enforcement officer related to the enforcement of this article shall deliver a written request for review or appeal within 10 days from the date such action was taken. The request for review shall state the ground or grounds upon which the person aggrieved contends that the decision should be

modified or reversed. A request for review shall first be made to the building inspector, code compliance officer, housing inspector, county health officer or law enforcement officer who made the determination. The request for review or appeal shall be reviewed within 15 days of receipt of a request for review. Failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority. The city clerk shall provide a second review of any written request for review or appeal by any aggrieved party when requested by the aggrieved party. The determination of city clerk shall be final in such matters regarding enforcement of this article. This review process shall be in accord with provisions of State Statute 68.03 (8).

(h) *Assessment of special charges.* In addition to the method provided under Wis. Stats. §§ 66.0113, 66.0114 and 66.0115 for the collection fees for violations, special charges for the removal of public nuisances on private property as defined by this section may be imposed as provided by Wis. Stats. § 66.0627. If such charges are not paid within 30 days from the date on which notice is sent of fees due and payable, the special charge shall be considered delinquent, and become a lien as provided in Wis. Stats. § 66.0627(4), and shall automatically be extended upon the current or next tax roll as provided by Wis. Stats. § 66.0627(4).

(i) *Enforcement.* In addition to all other proceedings, the building inspector, any deputy inspector, the county health officer or any law enforcement officer may issue citations for violation of this section.

Secs. 58-21--58-39. Reserved.

**SECTION 2:** All ordinances and parts of ordinance in conflict herewith are hereby repealed.

**SECTION 3:** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof.

**SECTION 4:** This ordinance shall take effect and be in force from and after its passage and publication, as provided by law.

Passed and adopted this 15<sup>th</sup> day of April, 2014.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk