

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
August 18, 2015**

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

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL Dan Olson, Tom Fennessey, Warren Bender, Jack Sweeney, Denise McDonald, Graham Garfield, Bob Finland, Mike Herrick, Dennis Dalbec (via phone), Esther Dalbec – 10
Also Present: Mayor Hagen, City Attorney Prell, Deputy Clerk Byrnes

4. APPROVAL OF MINUTES July 21, 2015 – Regular Council and
July 23, 2015 – Special Council meeting

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

6. CONSENT AGENDA

MOTION by Councilor Dalbec, seconded by Olson and carried, to approve the Consent Agenda.

Communications and Reports Received and Filed:

- 6.1** Deer Committee, July 30, 2015, meeting notes.
- 6.2** Notice of opportunity to request a public hearing on the location and design aspects and notice of availability of the environmental assessment for the preservation of the US 2/53 freeway between WI 13 and 53rd Avenue in Douglas County.
- 6.3** Police Chief Alexander is advising of the purchase of three 2016 Ford Utility Police Interceptors from state bid contractor Ewald Automotive Group, Oconomowoc, WI, for \$26,886. per vehicle, for a total of \$80,658. The price includes a State Municipal Discount of \$6,185. per vehicle.
- 6.4** Public Utilities Commission Executive Secretary Daniel P Wolf, Notice of Application Acceptance, Public Information and Environmental Analysis Scoping Meetings.
- 6.5** Urban Forestry Tree Board, July 16, 2015, proceedings.

Matters Referred to:

Public Works Committee:

- 6.6** Councilor McDonald is requesting a Street light at the intersection of East 4th and E Streets.
- 6.7** Councilor E. Dalbec is requesting removal of ‘No parking between 3:00 a.m. and 6:00 a.m.’ signage on the east side of Clough Avenue between N. 10 and 11th Streets.

- 6.8 Councilor Fennessey is requesting to consider installation of Rapid Flashing Beacon (RFB) pedestrian crossing signal at the intersection of 43rd Ave. East and East 2nd Street.

Standing Committee Reports Approved:

6.9 Human Resources Committee, July 20, 2015

2. Approve adding four floating holiday hours to Landfill Staff Assistant hours.
6. Receive and file the June Personnel report.

6.10 Plan Commission, July 15, 2015

1. Approve Central Assembly of God's request to vacate an alley in the vicinity of Hammond Avenue and N. 31st Street. (VAC 15-05)
2. Approve Phillip Gemuenden's request to rezone property from R3 Apartment Residential to C4 Central Business Commercial District. (RZ15-05)
3. Table Matthew Doolittle's request to rezone properties from R1B One-Family Residential, to M2 Manufacturing District-Heavy, for 30 days.

6.11 Public Works Committee, July 15, 2015

1. Hold in Committee Councilor D. Dalbec's request to review traffic concerns on Hammond Ave.
2. Approve Councilor Bender's request for a street light at N. 33rd St. and Lamborn Ave.
3. Approve Councilor Garfield's request for 'no parking here to corner from 7 a.m. to 7 p.m.' signage approximately 100 feet south of the center line of N. 16th Street (Hope Community Church)
4. Approve contract with LSC Environmental Services for intermediate cover at the landfill.
5. Receive and file ESD Director's report.
6. Receive and file Public Works Director's report.

Licenses Approved: *City Clerk Kalan*

- 6.12 Approve miscellaneous licenses.

- 6.13 Approve application to amend premise of a Class B Liquor & Beer License by Flame Nightclub Inc.; 1612 Tower Avenue, for a special event September 4-6, 2015.

- 6.14 Approve Class B Beer, and Class C Wine license applications by Superior Ales, LLC, Agent Rick Lampton; Trade Name 7 West Taphouse, 1319 Tower Avenue, for the license period October 1, 2015 – June 30, 2016.

- 6.15 Approve three Class A Liquor (Cider only) license applications by Kwik Trip for their stores at 2807 Tower Avenue, 1419 Banks Avenue, and 3027 E. 2nd St.

- 6.16 Approve Original Class A Beer, and Class A Liquor (cider only) license application by Kwik Trip, Inc., 2128 E. 2nd St., Agent Daniel Brauer, for the license period August 19, 2015 – June 30, 2016.

- 6.17 Approve application to amend the premise of a Class B Liquor & Beer License by Fish Burger Inc., Trade Name – Grumpy’s Tavern, 3823 E. 2nd St., for a special event August 28 - 29, 2015.
- 6.18 Approve Outdoor Alcohol Consumption License application by Fraternal Order of Eagles, 1710 N. 12th St.
- 6.19 Approve Cabaret License application submitted by Mike Meyers LLC, trade name Mike’s Place, 1807 N. 11th St.

7. BUSINESS BY DEPARTMENT HEADS

- 7.1 Finance Director Vito is submitting an updated report of the General Fund Reserves.
MOTION by Councilor Olson, seconded by E. Dalbec and carried, to approve.
- 7.2 Environmental Services Division Director Roberts is recommending to purchase and install an online ammonia analyzer to monitor and control effluent ammonia concentrations, for an amount not anticipated to exceed \$37,085.
MOTION by Councilor D. Dalbec, seconded by Bender and carried, to approve.
- 7.3 Fire Chief Panger is requesting Council approval to formally accept the Staffing for Adequate Fire and Emergency Response (SAFER) grant in the amount of \$436,125.
MOTION by Councilor E. Dalbec, seconded by Garfield and carried, to approve.
- 7.4 Parks, Recreation & Forestry Director Morgan is advising of the Tree Boards approval to remove a maple tree located on the Weeks Avenue boulevard at 1001 N. 21st St. and requesting Council agreement.
MOTION by Councilor Fennessey, seconded by E. Dalbec and carried, to approve.
- 7.5 Parks, Recreation & Forestry Director Morgan is introducing Taylor Pedersen of the Chamber, who will present a new event at Barker’s Island scheduled for September 19th. The event is the Superior Power Boat Championship, presented by the Twin Cities Power Boat Association (TCPBA) in partnership with the Head of the Lakes Fair Management Group.
Joe Stariha, Head of the Lakes Management Group; Brian Trolan, President of Twin City Power Boat Association; and Taylor Pedersen, Chamber of Commerce; gave a brief presentation on the Superior Power Boat Championship event. They are requesting the use of the green space along the mainland for parking for the event.
MOTION by Councilor Bender, seconded by Fennessey and carried, to approve the use of green space along Barkers Island mainland for parking for this event.
- 7.6 Parks, Recreation & Forestry Director Morgan is presenting an understory planting project designed to mitigate the impacts of emerald ash borer in the Superior Municipal Forest. The project, implemented by representatives of the Lake Superior National Estuarine Research Reserve (NERR), Michigan Technological University (Houghton, MI) and

Thompson Rivers University (Kamloops, BC), is being funded by the WI Department of Natural Resources (WDNR).

Nicholas Bolton, PhD student at Michigan Technological University, along with Erica Washburn, NERR Manager; Gayle Epping Overholt, Program Coordinator, gave a brief presentation regarding underplanting 3 other species to boost the resistance and resiliency of the forest.

MOTION by Councilor Olson, seconded by E. Dalbec and carried, to approve.

- 7.7 Planning Director Serck is requesting to waive the City's bid process and allow Superior Choice Credit Union (SCCU) to purchase vacant land adjacent to their facility at 2817 Tower Avenue for \$13,000.

MOTION by Councilor E. Dalbec, seconded by D. Dalbec and carried, to approve.

- 7.8 Public Works Director Janigo is requesting to award the Fairlawn Mansion Exterior Painting and Repairs project to Four Star Construction for \$70,000, plus the following unit prices: \$10 per linear foot replacement for shingle siding; \$8 per linear foot for lap siding, and \$25 per linear foot for bead board soffit material.

MOTION by Councilor E. Dalbec, seconded by McDonald and carried, to approve.

- 7.9 Public Works Director Janigo is recommending to award the Engineer Services for the Fairlawn Mansion foundation project, to Miller Dunwiddie Architecture, Inc. for \$34,500.

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

- 7.10 Public Works Director Janigo is recommending approval of a five year extension to the existing Fixed Base Operator's Agreement with Eugene Amorde, dba Av-Mech, hanger A-1, increasing the rent to \$350/mth.

MOTION by Councilor E. Dalbec, seconded by Herrick and carried, to approve.

8. BUSINESS BY THE MAYOR

- 8.1 Mayor Hagen is requesting the Council approve a Discretionary Fund in the amount of \$10,000, to be used to repair parking areas at civic and non-profit organizations in the Community.

Responding to Councilors concerns, Mayor Hagen withdrew his request.

- 8.2 Mayor Hagen is recommending to receive and file the proposal from SKB Environmental to purchase Moccasin Mike Landfill; and to retain ownership and operation of the Landfill until the remaining capacity is used up.

MOTION by Councilor D. Dalbec, seconded by Fennessey and carried, to receive and file.

- 8.3 Mayor Hagen is recommending to retain City Collection Services and implement a Solid Waste and Disposal fee of \$9.75 per month, per household (and small commercial premises) beginning January 1, 2016.

- (a) Communication from Dave Yanke, New Gen Strategies & Solutions, supporting implementation of recommended fee.

(Item discussed under #11.3, O15-3935)

No action.

10. RESOLUTIONS

- 10.1 R15-13252** Resolution introduced by the Planning Department setting a public hearing to September 15, 2015, 6:30 p.m. in the Government Center, Board Room 201, to rezone lots in the vicinity of John Avenue and N. 13th St. from R2 Apartment Residential to C4, Central Business Commercial District. (RZ 15-04, Gemuenden)

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

11. ORDINANCES

- 11.1 O15-3933** Ordinance introduced by the Public Works Committee amending the Traffic Code Article VII, Sch. E, Sec. 2, No Parking Between Signs adding: No Parking Here To Corner on Banks Avenue, east side, approximately 100 feet south of the center line of N. 16th St. from 7 a.m. – 7 p.m. (Hope Community Church, 1604 Banks Avenue).

MOTION by Councilor E. Dalbec, seconded by Finland and carried, to approve.

- 11.2 O15-3934** Ordinance introduced by the Public Works Department amending City Code Chapter 112, Traffic Code, Disabled Parking zones by adding 1311 John Avenue #2 (both sides).

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

- 11.3 O15-3935** Ordinance of the City of Superior establishing a solid waste and disposal fee of \$9.75 per month per residential and small commercial premises, beginning January 1, 2016.

Mayor Hagen stated landfill issues are the result of the 1993 revision of the Clean Water Act of 1976, which brought new regulations. He advised we can't keep subsidizing the cost to run the landfill with the general fund. If we do not implement a fee, we will have to reduce core services. The Wisconsin Department of Natural Resources (WDNR) charges \$13/ton; which in turn cost the City \$1.7 million to use our own landfill. We have no control over the landfill and how it is operated, and WDNR could change their rate at any time.

Finance Director Jean Vito advised of the active participants involved in helping them reach the proposed recommendation. The Mayor; Consultants Dave Yanke, New Gen Strategies & Solutions and Dr. Bob Larsen; Internal Review Committee which included Council President Tom Fennessey, Councilor Jack Sweeney, herself, Public Works Director Janigo, and Environmental Regulatory Coordinator Darienne McNamara; Internal Auditor Tom Andersen, and the Finance Committee members. They all came to the same conclusion, which is the recommendation presented. To retain the garbage collection service, which will retain employees and excellent service; maintain control of pricing, and is the least costly to residents. To retain City ownership. To charge a solid waste disposal fee of \$9.75 per month, per household and small commercial premise. To not pursue an expansion; and to pursue WLSSD contract extension.

Vito strongly recommended Council approve the proposed \$9.75 per month disposal fee.

Councilor Olson requested Council consider amending the proposed collection fee from \$9.75 to \$7.75/mth. \$7.75 per month equals \$93/year, which would generate \$930,000 revenue. We have been subsidizing the landfill for the last few years for \$850,000 to \$1 million. We could break even at that cost. He stated \$7.75 breaks down to \$1.79 per week.

Darrell Hoekstra, Waste Management, urged the Council to consider their proposal for taking over the landfill, specifically stating they offer a senior citizen rate and different size cans/rates. He also mentioned they have comparable wages for their employees.

Speaking in opposition to a disposal fee:

Dan O'Neill, 2003 Garfield Ave., Dee Fetters, 2729 E. 3rd St., Gordon Nys, 309 E. 9th St., John Mahan, 1926 E. 2nd St. and Marty Curtiss, 5301 E. 1st St.

MOTION by Councilor Olson, seconded by McDonald to amend the proposed disposal fee of \$9.75 to \$7.75 failed by roll call vote.

AYE – 3 McDonald, Garfield, Olson.

NO – 7 Fennessey, Bender, Sweeney, Finsland, Herrick, D. Dalbec, E. Dalbec.

MOTION by Councilor D. Dalbec, seconded by Fennessey to approve the proposed disposal fee of \$9.75, failed by roll call vote.

AYE – 4 Sweeney, Finsland, D. Dalbec, Fennessey.

NO – 6 McDonald, Garfield, Herrick, E. Dalbec, Olson, Bender.

MOTION by Councilor Bender, seconded by Finsland and carried, to adjourn meeting at 8:56 p.m.

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

Approved this 1st day of September, 2015.

Attest:

Mayor

City Clerk