

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
January 20, 2009**

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

ROLL CALL

Council Members Present: Dan Olson, Tom Bridge, Warren Bender, Jackie Stenberg, Ed Anderson, Chuck Hendry, Bob Finsland, Nick Milroy, Mick MacKenzie, Esther Dalbec – 10
Also Present: Mayor Ross, City Attorney Prell, City Clerk Kalan

There being a quorum present, meeting was in order, and the Pledge of Allegiance was recited.

PROCLAMATIONS AND COMMENDATIONS

Mayor Ross presented retirement plaques with gratitude to:
Larry Koski, Public Works Department Mechanic, for 34 plus years of service; and
Fred Stalvig, Public Works Department Medium Equipment Operator, for 31 plus years of service.

APPROVAL OF MINUTES

MOTION by Councilor Dalbec, seconded by Bender and carried, to approve the minutes of the January 6, 2009 Regular Council meeting.

2ND ORDER

CONSENT AGENDA

MOTION by Councilor Bridge, seconded by Dalbec and carried, to separate item #12 and approve the remainder of the Consent Agenda.

COMMUNICATIONS AND REPORTS RECEIVED AND FILED:

City of Superior

1. Len Moen, Fleet Manager notifying the Council of:
 - a) Vehicles removed from service and sold via auction; and
 - b) Miscellaneous equipment removed from service and sold at public sealed bid sale.

City of Superior Minutes/Reports

2. All checks register for the month of December, 2008.
3. Parks and Recreation Commission December 30, 2008, meeting minutes.
4. Redevelopment Authority for the City of Superior January 13, 2009 meeting minutes.

Miscellaneous Communications and Reports

5. Duluth Transit Authority Board of Directors October 29, 2008 meeting minutes.

MATTERS REFERRED TO:

Liability Claims Committee

6. Claim #09-03 Kathleen Gondek
7. Claim #09-04 Kenneth King

Public Works Committee Mayor's Office, and Mayor's Commission on Disabilities

8. Councilor Finsland requesting the assignment of an employee of the Street Department (preferably a grader operator) to the Mayor's Commission on Disabilities.

6th Order – Resolutions

9. Councilors Anderson and Bender co-sponsoring a resolution to encourage and promote the use of Project Labor Agreements (PLA) for qualified public projects when deemed to be in the best interest of the City of Superior.
10. Councilor Bender, on behalf of Superior Douglas County Leadership, submitting a resolution in support of National Night Out, August 4, 2009.
11. Planning Director Serck submitting a resolution approving the Redevelopment Authority report regarding the purchase agreement with A&M Rentals, LLC; a purchase agreement; and assignment of lease.

7th Order – Ordinances

12. Councilor Anderson requesting reconsideration of the recycling ordinance (*tabled at the January 6, 2009 Council meeting*), adding phrase "increased penalties under this ordinance will not be enforced until January 1, 2010".
MOTION by Councilor Dalbec, seconded by Anderson and carried, to refer to 7th Order Ordinances.

STANDING COMMITTEE REPORTS APPROVED:

13. Finance Committee, January 8, 2009

2. Receive and file update given by Jean Vito from the Health Insurance Committee.
3. Hold the Take Home Squad Program in Committee until more information can be obtained.
4. Hold the Animal Shelter Building review in Committee until further information is available.
5. Receive and file the December 22, 2008 Tourism Development Foundation Minutes and Financials.
6. Approve the All Checks Register for December 2008.
7. Receive and file the December 2008 Financial Statements.

LICENSES APPROVED:

14. **City Clerk Kalan** submitting miscellaneous licenses.

3RD ORDER

BUSINESS BY DEPARTMENT HEADS

15. **Finance Director Vito** submitting 2009 Stormwater budget.
MOTION by Councilor Dalbec, seconded by Bridge and carried, to approve.
16. **Fire Chief Matheson** submitting bid award recommendation to Duluth Superior Communications for \$96,610.45 for a Fire Repeater for the Superior Fire Department.
MOTION by Councilor Dalbec, seconded by MacKenzie and carried, to approve.

6TH ORDER

RESOLUTIONS

17. **R09-12855** Resolution authorizing proper City Officials to accept an amended grant from the State of Minnesota, Commissioner of Public Safety, Office of Justice Programs, in the amount of \$670,000 (*previously \$335,000*) for the purpose of supporting the operations of the Lake Superior Drug and Gang Task Force. (*City of Superior portion \$40,000*)
MOTION by Councilor Bridge, seconded by Dalbec and carried, to adopt the resolution.
18. **R09-12856** Resolution to encourage and promote the use of Project Labor Agreements (PLA) for qualified public projects when deemed to be in the best interest of the City of Superior.
Councilor Olson excused himself from the meeting for topic/discussion.
Speaking in favor of a Project Labor Agreement Ordinance:
Norm Voorhees, President of the Northern Building Trades Council
David LaBorde, 6673 Range Line Rd, South Range
Scott Carpenter, 2331 ½ Ogden Avenue
Ryan Crary, 1920 John Avenue
James Voltzke, 5904 Butler Avenue
Grant Ehlers, 902 N. 21st Street
Robb Nelson, 3106 John Avenue
Ted Helin, 9588 E. Sleepy Valley, Poplar
Craig Olson, Business Representative for the Painters Union
Councilor Bender questioned why the PLA was submitted as a resolution rather than an ordinance as requested at the November 18, 2008 Committee of the Whole meeting.
City Attorney Prell explained ordinances establish laws and would restrict Council's options regarding projects. Resolutions are often used to express the Council's opinion/support but still allow wide discretion while reviewing projects on a case by case basis to determine the taxpayers' best interest.
Councilor Anderson spoke in favor of adopting an ordinance rather than a resolution, stating Minnesota has adopted an ordinance, and he would like to create standardized rules on both sides of the bridge.
Councilor Stenberg spoke in opposition to Project Labor Agreements as a whole.

Councilor Milroy expressed concern adopting a resolution because the Council previously directed the City Attorney to draft an ordinance. He stated he would like to see an ordinance brought before the Council in the future so the Council could vote yes or no on the ordinance.

Councilor Finsland suggested the following changes to the wording: "...the City of Superior ~~may~~ **should** use a project labor agreement..." and "...~~if~~ **when** the City of Superior decides, based on its evaluation, to use a PLA..."

MOTION by Councilor Anderson, seconded by Bridge and carried, to adopt the resolution as amended. Councilor Olson abstained.

19. **R09-12857** Resolution in support of National Night Out, August 4, 2009.
MOTION by Councilor Bender, seconded by Dalbec and carried, to adopt the resolution.
20. **R09-12858** Resolution of the Common Council of the City of Superior approving the Redevelopment Authority of the City of Superior report regarding the purchase agreement with A&M Rentals, LLC; a Purchase Agreement; and Assignment of Lease and Consent to Assignment.
MOTION by Councilor Bridge, seconded by Dalbec and carried, to adopt the resolution.

7TH ORDER

ORDINANCES

21. **O09-3682** Ordinance introduced by Assistant Public Works Director Goetzman repealing and recreating City Code Chapter 58, Article IV, Recyclable Waste Materials, amending all minimum penalty violations to be set at \$100. *Increased penalties will not be enforced until January 1, 2010.*

Marty Curtiss, 5301 E. 1st Street, expressed concerns regarding the ordinance and requested it be referred back to committee.

MOTION by Councilor Dalbec, seconded by Bridge and carried, to remove the reference to foam polystyrene and adopt the ordinance as amended.

MOTION by Councilor Dalbec seconded by Bender and carried, to adjourn meeting at 7:55 p.m.

Respectfully submitted,
Terri Kalan, City Clerk
Superior, Wisconsin

Approved this 3rd day of February, 2009.

Attest:

Mayor Ross

City Clerk