

**PROCEEDINGS OF THE REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
Wednesday, April 4, 2018**

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

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

Present: Dan Olson, Jenny Van Sickle, Warren Bender, Jack Sweeney, Keith Kern, Tylor Elm, Ruth Ludwig, Craig Sutherland, Brent Fennessey, Esther Dalbec – 10

Excused: Adam Lavine

Youth Councilors: Madison Hale, Jeffrey Newman

Also Present: Mayor Paine, City Attorney Prell, Deputy City Clerk Pettit

3. PROCLAMATIONS AND COMMENDATIONS

4. APPROVAL OF MINUTES – March 20, 2018 - Regular Council meeting.

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

5. PUBLIC HEARINGS

MOTION by Councilor Olson, seconded by Bender and approved, to suspend the rules and hear item 13.1 out of order.

6. CONSENT AGENDA

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

Communications and Reports Received and Filed:

6.1 Liability Claims Committee minutes, February 21, 2018.

6.2 Deer Committee minutes, March 8, 2018.

6.3 Parks and Recreation Commission minutes, March 22, 2018.

6.4 Superior Public Library Remodel, 2017-18; Signage.

Matters Referred:

Liability Claims Committee

6.5 Claim #18-14, North Star Mutual

7. STANDING COMMITTEE RECOMMENDATIONS FOR APPROVAL

7.1 Finance Committee, March 26, 2018

- 1) To approve entering into the utility billing service agreement with Muni-Link with revisions on Implementation/Training Fees and dates of service agreement.
MOTION by Councilor Kern, seconded by Bender and carried, to approve.

7.2 Human Resources Committee, March 19, 2018

- 2) To approve the IAFF Union #74 Side Letter Agreement.
- 4) To approve the revised job description for Planner/Housing Coordinator and the request to fill the position.
- 7) A. To approve items #7A) 5 and 6, revised Non-Union Salary & Benefits Policy/Handbook.
B. To approve the revised Health Plan Eligibility Requirements Policy 11.01B.
- 8) To receive and file the Monthly Personnel Reports for January and February 2018.
MOTION by Councilor Fennessey, seconded by Ludwig and carried, to approve.

7.3 Public Works Committee, March 21, 2018

- 2) To approve amending Schedule I, “streets excluded from calendar parking” to state East 5th Street between 21st Avenue East and 24th Avenue East (will be excluded from calendar parking).
- 3) To approve two 20 minute parking spots in front of the Badger Building at 1225 Tower Avenue, and to clean up the ordinance language in Section F, Sections 1 and 2, as recommended by Public Works Director Janigo.
- 4) To delete no parking on odd side of Cumming Avenue from North 14th Street to Belknap Street; amend no parking on even side of Cumming Avenue from North 14th south for a distance of 200 feet; exclude from calendar parking Cumming Avenue from North 14th Street to Belknap Street; remove one disabled parking space at 1416 Cumming Avenue (Catholic Charities); add commercial loading zone, one space at 1416 Cumming Avenue.
- 5) To approve awarding Lift Station 4 Construction Related Services to SEH in an amount not anticipated to exceed \$39,100.
- 6) To approve directly procuring the new Lift Station 4 pumps and controls through Electric Pump in an amount not anticipated to exceed \$210,232.74.
- 7) To receive and file the Superior Water Light & Power Easement.
- 8) To receive and file the ESD Director’s Report.
- 9) To receive and file the Public Works Director’s Report.
MOTION by Councilor Dalbec, seconded by Bender and carried, to approve.

7.4 Committee of the Whole, March 20, 2018

- 1) With Power to Act: To approve funding request in the amount of \$6,650 with funding coming from the Economic Development Fund, and to continue to support the NLX.

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

8. BUSINESS BY DEPARTMENT HEADS

City Clerk Kalan

8.1 Requesting approval of miscellaneous licenses.

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

8.2 Requesting approval to amend the premise description for the existing Class "A" Beer & "Class A" Liquor (Cider Only) license for Wal-Mart Stores East, LP, dba: Wal-Mart #1447.

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

Public Works Director Janigo

8.3 Recommending approval of the 2018 hot mix asphalt proposals allowing the Public Works Department to use products from the vendors based on their submitted price and plant location.

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

8.4 Recommending approval of the 2018 sand and gravel proposals allowing the Public Works Department to use products from the vendors based on their submitted price and location.

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

Environmental Services Director Roberts and Facilities Planning Coordinator Unger

8.5 Recommending approval to award construction related services to SEH for Lift Station 4 construction related services in an amount not anticipated to exceed \$39,100.

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

8.6 Recommending approval to procure the new Lift Station 4 pumps and controls through Electric Pump in an amount not anticipated to exceed \$210,232.74.

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

8.7 Stormwater and Administrative Manager Nelson recommending approval to enter into a contract with Muni-Link to provide Utility Billing software for processing quarterly invoices for sewage, stormwater, garbage and recycling.

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

Parks, Recreation and Forestry Director Cadotte

8.8 Requesting approval of the renaming of the "18th & Oakes Play Area" to "18 Oaks".

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

8.9 Recommending approval of Parks Commission recommendation for the allocation of the recreation grants.

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

8.10 Finance Director Vito requesting approval to redirect \$120,000 in 2019 Fire Department CIP rig funding to the 2018 headquarters project and to direct \$256,732 in CIP contingency funding to the headquarters project.

Finance Director Vito noted a change in the amount due to the rising price of steel; \$326,279 is now needed for project.

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

8.11 Fire Chief Panger requesting approval to award contracts to the lowest qualified bidders (as outlined in CP-1 through CP-19 & Alt. 1: Training Tower) for the construction of Headquarters Fire Station at a total cost of \$4,805,643.

MOTION by Councilor Van Sickle, seconded by Ludwig, to approve.

Councilors Olson and Sutherland abstained from the discussion due to a conflict of interest and left the meeting.

Doug Christy, Andy Campeau, Mitchell Diers, Casey Aronson, Butch Liebaert, Joe Moenck spoke in opposition to awarding two contracts to KBK Services.

MOTION by Councilor Van Sickle, seconded by Ludwig, to amend the motion and declare KBK Services an irresponsible bidder and award contracts to the next lowest responsible bidder.

MOTION by Councilor Fennessey, seconded by Sweeney, to refer item 8.11 to April 17th Council meeting with clarification and facts based on accusations made to KBK Services, failed.

MOTION by Councilor Fennessey, seconded by Sweeney, to amend the amendment to approve all bids except KBK Services and consider KBK Services bids separately, carried.

MOTION by Councilor Fennessey, seconded by Sweeney, to refer discussion regarding KBK Services to the April 17, 2018 Council meeting, carried.

Amendment to the motion as amended by Fennessey seconded by Sweeney, to read: To approve all bids except those in which KBK Services was the low bidder, carried.

Main motion as amended, carried.

Planning Director Serck

- 8.12** Recommending approval of BNSF request to purchase approximately two credits from the City of Superior Compensatory Wetland Mitigation Bank.

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

- 8.13** Recommending to award construction observation services for the East Dock Wall Rehabilitation Cenex Harvest States, Inc. to Marine Tech at a total proposed cost of \$50,000.

Withdrawn at the request of the Planning Director.

- 8.14** Recommending to award construction services for the East Dock Wall Rehabilitation Cenex Harvest States, Inc. to Roen Salvage Company at a total proposed cost of \$1,891,931.50, including the base bid and alternate.

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

9. BUSINESS BY THE MAYOR

10. BUSINESS BY COUNCILORS

- 10.1** Councilor Fennessey requesting discussion/questions between Council and Charlie Deville regarding Hog Island Disk Golf proposal, and to refer the issue to Parks & Recreation Commission as well as City/County Committee.

MOTION by Councilor Fennessey, seconded by Sutherland and carried, to refer to Parks & Recreation Commission as well as City/County Committee.

11. RESOLUTIONS

- 11.1 R18-13379** Resolution of the Common Council of the City of Superior, Wisconsin approving execution of a Development Agreement, Grant Agreement, Primary Lease and Lease Agreement in connection with the CHS Inc. Project.

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

- 11.2 R18-13380** Resolution authorizing approval to apply for a Wisconsin Regional Planning Commission and DNR Great Lakes Basin Tree Planting Grants Program.

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

12. ORDINANCES

- 12.1 O18-4059** An Ordinance introduced by the Public Works Committee amending the City Code, Chapter 112, Traffic Code, Article VII, Schedule I, Streets Excluded From Calendar Parking, to state the following: East 5th Street, between 21st Avenue East and 24th Avenue East (Stinson Avenue).

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

12.2 O18-4060 An Ordinance introduced by the Public Works Committee amending the City Code, Chapter 112, Traffic Code, Article VII, Schedule E, No Parking In Designated Spaces, by adding 1416 Cumming Avenue (Catholic Charities) one space.
MOTION by Councilor Elm, seconded by Bender and carried, to adopt the ordinance.

12.3 O18-4061 An Ordinance introduced by the Public Works Department of the City of Superior amending City Code Chapter 112 - Traffic Code, Schedule J, Disabled Parking Zones, by read: One Disabled Parking sign at 1416 N Cumming Avenue – even side, one space (Catholic Charities). (Currently two spaces)
MOTION by Councilor Kern, seconded by Elm and carried, to adopt the ordinance.

12.4 O18-4062 An Ordinance introduced by the Public Works Committee amending the City Code, Chapter 112, Traffic Code, Article III, Parking, by adding Twenty Minute Parking Only, two spots in front of 1225 Tower Avenue.
MOTION by Councilor Van Sickle, seconded by Dalbec and carried, to adopt the ordinance.

12.5 O18-4063 An Ordinance introduced by the Public Works Committee amending the City Code, Chapter 112, Traffic Code, Article VII, Schedule I, Streets Excluded From Calendar Parking, by adding Cumming Avenue from North 14th Street to Belknap Street.
MOTION by Councilor Sutherland, seconded by Bender and carried, to adopt the ordinance.

12.6 O18-4064 An Ordinance introduced by the Public Works Committee amending the City Code, Chapter 112, Traffic Code, Article VII, Schedule C, No Parking on Odd-Numbered Side of Street, by deleting Cumming Avenue from North 14th Street to Belknap Street.
MOTION by Councilor Fennessey, seconded by Bender and carried, to adopt the ordinance.

12.7 O18-4065 An Ordinance introduced by the Public Works Committee amending the City Code, Chapter 112, Traffic Code, Article III, Parking, Schedule D, No Parking on Even-Numbered Side of Street by adding Section 1: Cumming Avenue from North 14th Street south for a distance of 200 feet.
MOTION by Councilor Kern, seconded by Ludwig and carried, to adopt the ordinance.

12.8 O18-4066 An Ordinance introduced by the Public Works Committee amending the City Code, Chapter 112, Traffic Code, Article III, Parking Section I, relating to Two-Hour Parking only between the Hours of 7:00 a.m. and 7:00 p.m.

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

12.9 O18-4067 An Ordinance introduced by the Common Council of the City of Superior amending City Code Chapter 112 – Traffic Code, Schedule J, Disabled Parking Zones by adding 1915 Banks Avenue (both sides).

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

13. BUSINESS BY PUBLIC

13.1 Presentation by Hayes Scriven, Richard I. Bong Memorial Center Executive Director.
No action.

Meeting adjourned at 8:07 p.m.

Respectfully submitted,
Terri Kalan, City Clerk
Superior, Wisconsin

Approved this 17th day of April, 2018.

Attest:

Mayor

City Clerk