AMENDED (Item 10.6)
AGENDA FOR REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
Tuesday, February 2, 2021
6:30 p.m. - Government Center, Board Room 201

This meeting is to be held virtually. For information on how to attend, please contact the City Clerk’s Office at 715-395-7200 or email cityclerk@ci.superior.wi.us.

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES January 19, 2021 - Regular Council Meeting.

4. PRESENTATIONS AND PUBLIC HEARINGS
   4.1 Presentation by Kemper Sports; 2020 Recap.

5. CORRESPONDENCE TO BE FILED (No action)
   5.2 Parks & Recreation Commission, December 17, 2020.
   5.3 Participating Agency on the Blatnik Bridge Project.

6. MAYOR’S REPORT
   6.1 The Mayor’s Report.
   6.2 R21-13536, Resolution relating to declaring a Health Emergency Response to the COVID-19 Coronavirus and mandating the use of face coverings.
   6.3 Recommending confirmation of Terry Johnson to the Assessor position.

7. STANDING COMMITTEE REPORTS
   7.1 Finance Committee, January 14, 2020
       Report from the Chair.
       3) To approve an additional garbage fee refund of $43.50 to Brad Scott of 6206 Ogden Avenue.
       4) To approve to amend the process of streamlining the application process of city grants to include leases, facility use permits, contracts and agreements; and to proceed with the process of streamlining city grant applications.
7.2 Human Resources Committee, January 18, 2021
Report from the Chair.
3) A) i. To approve the revised Code Compliance Officer I & II job description.
   A) ii. To approve the revised Building Inspector-UDC I & II/Building Inspector-
   Commercial job description.
   B) To approve the pay grade changes for Building Inspection positions as outlined
   in attachment.
   C) To approve the new Annual Certification Allowance for Building Inspection
   position as outlined in the attachment.

7.3 Public Works Committee, January 20, 2021
Report from the Chair.
4) To approve the advising of 2020 fleet vehicle auction removals and the request to
   sell surplus vehicles and equipment by auction in 2021.
5) To approve R21-13537, Resolution dedicating Spartan Circle for public use and
   transfer of ownership of infrastructure to the City.
2) To decline installing a permanent electronic sign on Highway 2 near the Fairlawn
   Mansion.
3) To deny the removal of the removal of the stop sign at 23rd Street and Hughitt.

8. SPECIAL COMMITTEE REPORTS

8.1 Parks & Recreation Commission, December 17, 2020
Report from the Chair.

9. OLD BUSINESS

10. NEW BUSINESS

10.1 City Clerk Kalan recommending approval of miscellaneous licenses.

10.2 City Clerk Kalan recommending approval of an Original Class B Liquor & Beer
   license for Dolce Vita, LLC, Trade Name: Dolce Vita Restaurant, 5802 Tower
   Avenue, Agent: Zudija Maksutoski, for the remainder of the license period.

10.3 City Clerk Kalan recommending approval of an Original Class B Liquor & Beer
   license for Ride or Die Pizzeria, LLC, Trade Name: Ride or Die Pizzeria, 1623
   Broadway Street, Agent: Terry Johnson, for the remainder of the license period.

10.4 City Clerk Kalan recommending referral of Claim #21-03 to the Liability Claims
   Committee.

10.5 Finance Director Puetz update regarding the approval of the 2021 General Fund
   Budget as related to Building Inspections Salary Classification adjustment.
10.6 Finance Director Puettz recommending approval of R21-13542, Resolution adopting updated Post-Issuance Debt Compliance Policy and Tax-exempt and Tax-advantaged Governmental Bonds.

10.7 R21-13538 Initial Resolution of the City of Superior, Wisconsin Relating to the Issuance of General Obligation Street Improvement Bonds in an Amount Not to Exceed $2,760,000 for the 2021 Street Improvement Program.

10.8 R21-13539 Initial Resolution of the City of Superior, Wisconsin Relating to the Issuance of General Obligation Bonds in an Amount Not to Exceed $330,000 for Park and Public Grounds Improvements.


10.10 R21-13541 Resolution introduced by the Community Development Division to set a public hearing on March 16, 2021, to request comments on Community Development Needs and Fair Housing Choice.

10.11 O21-4232 Ordinance introduced by the Public Works Director amending the Traffic Code, Schedule B, One-Way Streets and Alleys, Section 3, by removing South Bound Traffic Only on John Avenue – from Winter Street to North 28th Street.

Business by Councilors

10.12 a) Councilor Sutherland requesting council authorize the City Attorney to seek an advisory opinion from the Wisconsin Ethics Commission related to ethical concerns regarding the marriage of Mayor Jim Paine and Councilor Jenny Van Sickle as outlined in the attached letter.

b) Response from Councilor Van Sickle to Councilor Sutherland’s Request of the Council, including summary of events and communications.

11. BUSINESS BY PUBLIC
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Fax to: Daily Telegram, Public Library****
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Faxed to: Daily Telegram, Public Library****
PROCEDINGS OF THE REGULAR COMMON COUNCIL MEETING
SUPERIOR, WISCONSIN
Tuesday, January 19, 2021
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1. PLEDGE OF ALLEGIANCE

2. ROLL CALL
   Present: Nick Ledin, Jenny Van Sickle, Warren Bender, Jack Sweeney, Brent Fennessey, Tylor Elm, Ruth Ludwig, Esther Dalbec – 8
   Excused: Keith Kern, Craig Sutherland – 2
   Also Present: Mayor Paine, City Attorney Prell, City Clerk Kalan

3. APPROVAL OF MINUTES January 5, 2021 - Regular Council Meeting.
   MOTION by Councilor Bender, seconded by Dalbec and carried, to approve.

4. PRESENTATIONS AND PUBLIC HEARINGS

5. CORRESPONDENCE TO BE FILED (No action)
   5.1 Golf Course Committee, January 11, 2021.
   5.2 Duluth-Superior Metropolitan Interstate Council, December 9, 2020.
   5.3 Biographies for the Comprehensive Plan Steering Committee.

6. MAYOR'S REPORT
   6.1 The Mayor's Report.

7. STANDING COMMITTEE REPORTS

8. SPECIAL COMMITTEE REPORTS
   7.3 Parks & Recreation Commission, December 17, 2020
   Report from the Chair.

9. OLD BUSINESS

10. NEW BUSINESS
10.1 City Clerk Kalan recommending approval of miscellaneous licenses.
MOTION by Councilor Dalbec, seconded by Bender and carried, to approve.

10.2 City Clerk Kalan recommending referral of Claim # 21-01 and 21-02 to the Liability Claims Committee.
MOTION by Councilor Dalbec, seconded by Bender and carried, to approve.

10.3 Director of Environmental Services Roberts and Facilities Planning Coordinator Unger recommending approval to waive the bidding requirements and contract with Adritz, the manufacturer of the wastewater solids filter press, to refurbish the 30-year old press in the amount of $386,438.
MOTION by Councilor Elm, seconded by Sweeney and carried, to approve.

10.4 Stormwater and Administrative Manager Kittelson recommending approval of the All Hazard Mitigation Plan 2020 update.
MOTION by Councilor Dalbec, seconded by Bender and carried, to approve.

Business by Councilors

11. BUSINESS BY PUBLIC

Meeting adjourned at 6:36 p.m.

Respectfully submitted,
Terri Kalan, City Clerk
Superior, Wisconsin

Approved this 2\textsuperscript{nd} day of February, 2021.

Attest: ________________________________

Mayor

______________________________

City Clerk
MINUTES
POLICE AND FIRE COMMISSION
Superior, Wisconsin

1. The regular meeting of the Board of the Police and Fire Commission for the City of Superior was called to order Wednesday, January 13, 2021 at 6:00p.m. Participants joined the meeting via Google Meet.

2. ROLL CALL

Commissioners present: Howard Hendrickson, Ephraim Nikoi, Arthur Gil de Lamadrid, ChaQuana McEntyre

Also present: Chief Alexander, Chief Gordon, HR Director Koneczny, Shelley Nelson, Telegram

There being a quorum present, the meeting was in order.

3. RECOGNITION OF NOTICE TO THE PUBLIC

The recording secretary mailed and/or delivered agendas and agenda packets to persons or organizations listed, and the meeting was legally noticed in accordance with Wisconsin State Statutes open meeting law.

4. Approval of minutes: December 9, 2020

Motion by Commissioner Hendrickson, seconded by Commissioner Gil de Lamadrid and carried to approve the minutes from the December 9, 2020 meeting.

5. Police & Fire department updates

Chief Alexander said as usual we have been busy the past few months. Calls for service were up from 2019, which was surprising considering COVID 19 closed some businesses and people were staying at home more. New Year’s Eve went smoothly, calls were up during the primary bar hours, but nothing with any significance violence. Chief Alexander said we have been doing some extra patrols around Centerfolds and Lady Vi’s, because we have had some increased violence near these establishments. The club ownership and management have been receptive and are open to our suggestions to help keep the area safer. Hiring for 2021: This week Bethany Kemi resigned. She didn’t feel that she had a passion for police work, so she voluntarily resigned. Officer Brad Esler retired this month as well, and there are possibly three others planning to retire this year. So we are in need of this new hiring process to move along as quickly as possible. Chief Alexander also mentioned the presidential inauguration next week. He said he has been in contact with the FBI and an analyst from Duluth PD, and so far no one expects there to be demonstrations in our area.

Chief Gordon said department members received the first COVID vaccinations last week. Chief Gordon was pleased that all but three of the firefighters elected to receive the vaccine. Chief Gordon also said he was happy to report that there were no significant side effects from the vaccine. The second doses are scheduled for February 1st & 3rd. Chief Gordon said that Austin Elliot is back on duty after being on light duty. He’s doing great and should finish his probation in April. Hiring: Four new firefighters are ready to go. Those four individuals were able to get their COVID vaccinations also. They’ll do a 40 hour academy and begin on shift the first week in February. The crews have now started their 48/96 shifts. Everyone has two days on and four days off. A learning process, but so far so good. Chief Gordon said scheduling meetings and training will be a bigger challenge with this schedule. It is a six month trial period, and if all goes well, it can be the permanent schedule beginning next year with the new contract. Chief Gordon said he believes so far the response has been very positive and it will be a positive recruitment tool. Last year closed out with 4044 runs last year. More than the
department has ever had before, and 14 out of the last 15 years we’ve set a record in run volume. Currently we are focusing on our new firefighters and training in the coming months.

**No Action**

6. Letter from Chief Gordon; Completion of probationary period, Zimmerman

Motion by Commissioner Gil de Lamadrid, seconded by Commissioner McEntyre and carried to approve the completion of probationary period, Zimmerman.

7. Letter from Chief Gordon; Completion of probationary period, Lorenz

Motion by Commissioner Hendrickson, seconded by Commissioner Gil de Lamadrid and carried to approve the completion of probationary period, Lorenz.

8. Letter from Chief Gordon; Completion of probationary period, Baker

Motion by Commissioner McEntyre, seconded by Commissioner Hendrickson and carried to approve the completion of probationary period, Baker.

9. Letter from Chief Gordon; Extension of probationary period; Melcher

Motion by Commissioner Gil de Lamadrid, seconded by Commissioner McEntyre and carried to approve the extension of probationary period, Melcher.

Motion by Commissioner Gil de Lamadrid seconded by Commissioner McEntyre to withdraw the previous motion. Motion carried.

10. Discuss and approve changes to Article VI – Examination Rules and Certified Hiring Lists, to add language to allow for Lateral Transfer Applicants

Motion by Commissioner Hendrickson, seconded by Commissioner McEntyre and carried to approve the changes to Article VI.

11. Discuss and approve changes to Article VII – Disciplinary Procedures, to add clarifying language to Formal Discipline and Informal Complaint processes

Motion by Commissioner Hendrickson, seconded by Commissioner Gil de Lamadrid and carried to approve the changes to Article VII.

12. Update on Police Officer hiring process

No action

Motion by Commissioner Gil de Lamadrid, seconded by Commissioner Hendrickson and carried to adjourn at 6:55 p.m.

Submitted by: Donna Swanson

Recording Secretary
PARKS AND RECREATION COMMISSION
December 17, 2020
Virtual Meeting via Zoom

Members Present: Keith Kern, Gene Rosburg, Brittany Berrens-Markgren, and Elizabeth Norén

Members Absent: Jemal Broussard, Mike Almond, and Nick Ledin

Also Present: Linda Cadotte (Director of Parks, Recreation & Forestry), Russ Behlings (Parks, Recreation & Forestry Superintendent), Shelley Nelson (Superior Telegram), Todd Janigo (Director of Public Works), Jarod Meyer (UWS), and Jim Paine (Mayor)

Councilor Kern called the meeting to order at 5:08 p.m.

1. Approve the minutes of the November 19, 2020 meeting.

No Action.

2. Reservation Software Update
   a. Request Approval to Hold Opening Reservations for 2021 until March

The software proposal went to the Finance Committee and then to the Communications, Information & Technology (CIT) Committee. The CIT Committee saw a demo of the software and gave their recommendation to move forward with the software. Since that time, the CIP projects were put together. As part of that, the Mayor thought it would be beneficial to leave the fees at the current rate and not factor in an increase. There is a line item in the CIP to help cover the software cost. We would like to hold off on opening the reservations for 2021 until March. This will allow us to start off the reservations with the software versus starting with paper and then moving them to the software. We are hearing that surrounding cities are not taking reservations for 2021 until later as well due to COVID. Typically we take reservations starting in January, which are most often major outings being scheduled. Ballfields reservations do not typically kick off until April/May when teams are starting to look at their season and what the fields are looking like condition and weather wise. After some discussion, it was decided that an on-going list of people as they call in could be started, and then those people contacted in that order once the software is live. This would allow reservations to start in January, but also keep from having paper forms that need to be digitally entered.

The Mayor recommended that fees not be increased partially due to Finance exploring all of the fees across the City. There are some policies all over the place and not uniform. The end goal would be to create one uniform policy on how all fee structures work. The Mayor thinks that if we are going to change how the reservations system is used, mainly through the reservation software, that may result in an increase or decrease in reservations and it would be good to get some of that data in before we make changes to the fees. He also believes that it is good to keep the costs as low as we can for residents. He would like to see all of the work being done by Finance completed before a change to fees is made.

1 Park and Recreation Commission Meeting
December 17, 2020
MOTION by Rosburg, second by Berrens-Markgren and carried to approve opening reservations until March while taking a list of call-ins starting in January.

3. Review and Approve 2021 CIP Projects – held from November 19th meeting.

Director Cadotte looked at the CORP Plan Prioritization of the specialty projects and then considered an overlay of the size of the parks, the locations (spread out the projects around the City), if a project was a community park versus a neighborhood park, if it was multi-use, if it hosted a playground program, and if it hosted rentals. Projects that would leverage grants came out as higher priority. Those grants were applied for based on projects that have been outlined as priorities as well. Then the general overall vision and community input that was received was considered in creating the CIP project list for 2021.

The amount of $300,000 has been allocated for general park improvements moving forward in 2021. At the end of projects all being paid out through 2020, there is roughly $700,000 carried forward. This leaves room for larger projects.

A grant that was received through NOAA for the Pokegama Bay Launch access for $65,000 covers vault toilets, garbage and recycling bins, and supplies for equipment and prep. The plans for those were reviewed with an internal team, only to find that some of the changes that Public Works would have liked to see in the plans, did not make it in during the time the plans were developed. Public works stepped up and did an awesome job of instead of changing some of those plans, doing some of that work in the past week including ditching and culvert work. Unfortunately, we may not be reimbursed for that work through the grant as it is a federal grant. A little extra money was added on with our match to help cover the supplies for that.

Phase I for the Coastal Management Grant for the Woodstock Bay Access project was submitted. It does not include a lot of the overlooks or the trails, it is just the parking area, restroom and launch access. We will need to wait to see if this grant is approved. If not approved, there are some additional dollars that will be opened up to look at other projects or carry forward for future projects.

We had a lot of positive feedback from people, at least a dozen or more calls and comments on Facebook, regarding the consolidation of courts and expansion of use of the courts at Central Park. Being that Heritage Park is one of our more popular Parks due to the traffic the skate park receives, and the fact that there are two tennis courts and one basketball courts that are in the worst condition out of all in town, the thought is to consolidate them into a similar court like in Central Park and then it would open up a little more green space or area for a pump track or expansion of the skate park down the road.

The Sustain our Great Lakes Project (SOGL) at the Barker’s Island Boat Launch Parking Lot is the green space between the Inn and the Marina and connecting the walking trail down around and through the Marina and then down to where the Barker’s Island beach project is. As part of this, we are redesigning the Barker’s Island Boat Launch Parking lot as well. This is not part of the grant, but as we started to look at elevations and how the tie in from Barker’s Island was really going to affect that parking lot, as well as the condition of the lot, it made sense to put
them forward as one congruent project. This is closer to $600,000 so part of it would be using $50,000 from the Boat Launch fund. The ending balance of the boat launch fund, or dedicated account, has just roughly over an $8,000 buffer to make sure we have enough room for the expenses that we typically have as well as a decent carry forward. We have been talking about adding parking/automated pass parking structures to the launches so the carryover could help cover that as part of a future project.

The Children’s Memorial Garden, the fire pit at stone circle and the bench areas there were all finished in the last couple of years. The parking lot there is in pretty run down condition, so the thought was to repave the parking lot so the whole area is revitalized. Engineering techs looked at all of the trail conditions a few years back, and the trail going out to Girl Scout Point was slated as being one of the worst conditions. If work is already being done in the area, it makes sense to include that trail. There will be some more design work and discussion as to how that trail would go out there. The width of it will be wider, but maintain the natural integration to that space.

Part of the CDBG funds that we will be receiving for 2021 is $90,000 to do a pour in place surfacing at the Veteran’s Park. This would be in lieu of investing $10,000 or so into wood chips. The structure there is one of the oldest in the worst condition and so it makes sense to replace that tower at the same time.

The software and equipment for the Asset Management includes iPads and the first year of the reservations software, Davey Tree.

The budget for ongoing vegetation management and invasive species treatment could probably increase this number at any given time as is becoming a greater priority, but wanted to show we can put some money towards it. The main focus for this would be on WI Point and the shoreline work that was done through FEMA and the WI Point project. This area ended up having a decent amount of invasive plants in it. Also working on the ongoing establishment of vegetation out there.

The final main project for 2021 is electrical upgrades at Barker’s Island Festival Park. When the larger events that are not on the state take place, they need to have temporary panels installed for access to electricity. We did transfer that cost for insulation to the festival organizer. This would create permanent connections down there right off of the parking lot by the electrical poles. This would help to expand for the uses of the larger festivals in the park.

There are a variety of projects we are still working on from 2020 due to delays with COVID and other things.

In the CDBG there are funds to connect the Makwa Ziibii Makana (Bear Creek Trail) from Wisconsin Point Road to Lot #1. We are starting the permitting process and hoping not to have any delays to that.

We have had great success with our skating rinks and so would like to do resurfacing at Wade Bowl. This allows for the water to stay, the ice to set up nicely and to last longer. The goal would
be to work on some rinks every year – starting with the 4 priority rinks: Billings Park, Wade Bowl, South End and Allouez.

Projects we hope to be completed in 2020 include:

- Vault toilet that has been installed at Bear Creek Park as well as the parking lot resurfacing, swing and a few other smaller things.
- Looking to get a signage trailhead for the trail.

Projects that may carryover to 2021 include:

- Install of the plumbed toilet at Hammond Park
- Councilor Ludwig requested to add a permanent sign at Hammond Park. When larger projects are occurring, we add some of those smaller amenities that go a long way – such as new benches, garbage and recycle bins and etc.
- The concrete tee-pads will be installed at the disc-golf course as well as the kiosk. We do have enough funding to do both the short and long tee pads.
- It was discovered that we do not have baby or infant changing stations in our restrooms so looking at installing those in at least one of the restrooms at our locations.
- We did not get to the tobacco free receptacles due to the partnership with that we were looking at with Northwestern School being disrupted due to COVID. We plan to implement these in 2021.
- There are two stones being created for the Children’s Memorial garden. We have hired and secured a contractor to do the walk path up to the bench in the garden. It will be a brick pathway that allows for donors to recognize lost loved ones.
- For the trail to Girl Scout Point, the recommendation would be to pave the trail. This would make it accessible as well as make it easier to get out there for maintenance and delivering wood. The idea would also be to match the other trails in the park that are paved. Would like to add some curves and some landscaping to make it pleasing aesthetically. Mayor Paine stated that on the Capital Projects, this might be one that would be a lower priority. We could give it most of, or the whole season, to look at usage and what the actual need is. Accessibility is a concern and should be a higher priority. There is time to talk about the design and ultimate functionality of Girl Scout Point. With the reservation software, this will be listed as a place that can be reserved. A cover is being created to go over the fire pit might which may open it up to more events such as weddings. The CIP projects don’t go away at the end of the year, the money is still there so we can look at the usage and decide from there how to proceed.
- The section of the Osaugie Trail from Loon’s Foot Landing to 44th Avenue East will be paved in 2021. Right now that is an eight foot paved and four foot gravel path. It would be proposed to redo that section.

MOTION by Berrens-Markgren, second by Rosburg and carried to approve the 2021 CIP Projects.

4. Boat Launch Recap 2020

There was a total of $24,300.30 in total revenue and $11,232.13 in total expenses. There were 2,710 passes sold with 553 being to Superior residents, 86 to non-residents and 2071 day passes. The total number of passes sold was the highest amount in the last five years. Kwik Trip is the
most popular location for sales. In 2018, bubblers were purchased and installed and electrically outfitted at Arrowhead Pier. In 2019 we did some electrical work but did not put the bubblers back in. In 2020 the bubblers were put back in and electric was hooked up in-house.

5. Review and Approve Bench Sponsorship Program

Our Summer Volunteer Coordinator for 2020 did a good amount of research on what other communities have in place and looking at how we could standardize a bench sponsorship. As part of the naming policy that is in place, the first priority would be to recommend a Tribute Tree program and the use of the bench sponsorships would be at the discretion of the Commission, however they should be used sparingly.

When looking at the variety of benches, there are a number of different benches in different parks. Doing a standardized cost and bench program really doesn’t fit. The range of what they would cost is $800 – $1,500 depending on the park location, the plaque/engraving and what that park would look like. The thought is that when someone is looking at doing a bench sponsorship, the type and cost of benches already in the park location would be looked at and then given to the Commission for final approval. Worth noting is that the sponsorship would not be forever but for the life of the bench. The golf course is likely to be slightly different, however the suggestion to them would be to pick a standard bench for sponsorship.

The question arose that if a bench were to get vandalized, who is responsible to repair the bench? We do not tend to get vandalism on benches and the styles we have chosen are easier to repair or paint and less likely to be vandalized easily. Manufacturer’s warranty would depend on the bench but would not cover vandalism. The idea of guaranteeing the bench for 5 to 10 years was entertained with the City replacing it within that time frame if needed.

MOTION by Kern, second by Norén and carried to hold in committee for one month to work out some of the minor details.

6. 2021 Commission Dates

We have July and August scheduled so Director Cadotte suggested using one of those to do some onsite visits of current projects.

7. Director’s Report/Update
   a. The City Council changed around the Parks Commission official naming of the trail to have the Ojibwe name first and then the English in parenthesis - Makwa Ziibii Makana (Bear Creek Trail).

   b. Superior Youth Organization went to the Finance Committee and they are requesting additional information. The Finance Committee is also looking at standardizing and looking at how all of the organizations in town are funded. It is not yet approved, but the hope it to be approved in January and then sent to Council for final approval before April or May. SYO has been attending the meetings. The Finance Department
is trying to standardize grants and make sure companies receiving money are being vetted.

c. The recreational grant letters were sent out. We did ask that if grant recipients did not fully use their funding in 2020 due to COVID, to explain how they will use that funding. Those are due at the end of February. The March 11th meeting will be used to discuss those grants and then they will be brought to the regular March 25th meeting. Through the grant program, there is going to be $25K allocated from the hotel/motel tax that is usually earmarked for SAHA that will now be dropped into our grant program. SAHA will now be completing a grant application going forward and they may not get that amount going forward. That means we now have $80K instead of the $55K in the grant fund. We will want to consider organizations that contribute to Hotel/Motel tax dollars when looking at grants.

d. Behlings gave an update on skating and ski trails. Our roller was delivered so that when we get an initial snow, we can use that to get packing done more quickly. It also has grooming and track setting abilities. Increases the ability to get the trails done more quickly. We are dropping to 6-day staffing out there instead of the 7-day staffing based on the traffic numbers. The ski shack will be open seven days once the ski season kicks off, utilizing the Ice Rink staff as well. For Ice Rinks it has been a great year so far. We need a little bit of snow to help with berms and capacity. Shaping up that all of the rinks could be opened before Christmas. South End had one last heavy flooding. The other rinks are catching up quite well this year.

Our new Winter Programming Coordinator, Cyndi, ran a couple of rinks last year. She did an excellent job of putting together COVID protocol. People won’t be allowed to eat inside, skaters will be encouraged to bring their own water bottles, masks will be available, and people will be limited to how long they can stay inside. The benches have tape across them for spacing out the seating and the fire chief reviewed the protocol and felt comfortable with it. If we find they are wildly popular, then we will revisit if we need to set capacity limits.

e. The Streets and Public Works crew are working together on a few things. The ditching project at Pokegama Bay will likely last until the end of next week.

8. Next Meeting January 28, 2021

Councilor Kern announced the meeting adjourned at 6:24 p.m.

Capital Projects – 2021

Parks, Recreation & Forestry

Recommendations are based using the following: CORP Plan Prioritization of specialty projects, anecdotal usage (size of park, location, community vs neighborhood, multi-use, playground program, rentals, etc), leverage of grants, and following the general vision and community input.

Capital Improvement Projects Planned for 2021

$300,000  $700,000 - carry forward after committed expenditures

$65,000  Pokegama Bay Launch City Match for NOAA grant (vault toilet, garbage, recycling bins and PW supplies/equip for prep)
$165,000  Woodstock Bay Access Project (IF Wis Coastal Grant is approved)
$90,000  Heritage Park Court Consolidation - green space and multiuse court
$525,000  Barker’s Island Boat Launch Parking Lot completed simultaneously as Sustain Our Great Lakes Project
        $50,000 from Boat Launch Fund
$85,000  Osaugie Trail paving from Loon’s Foot Landing to 44th Avenue East
$15,000  paving of lot near the garage/Children’s Memorial Garden in Billings Park path out to stone circle 10’ wide paved path right down the middle of the point to stone circle avoids all the trees, probably safer than having it on the edge of the ravine and being wider, it would allow a truck to be driven out to the end to deliver wood or any other type of service needed. That option would run about $20k for materials including removing the old trail and restoring that area.
$20,000  Equipment upgrades at Veteran’s Park (correlate with CDBG funding)
$15,000  Davey Tree Software, hardware and reservation software
$20,000  Invasive species treatment and vegetation (Wis Point and other areas if funding available)
$25,000  Electrical upgrades at Barker’s Festival Park

$1,045,000

CDBG 2021

$95,000  Connect Bear Creek Trail from Wis Point Road to Lot #1
$15,000  Wade Bowl skating rink repairs/surface
$90,000  Pour in place surfacing at Veteran’s Park
**Carry over projects from 2020**

- Complete install of vault toilet, swing, and parking lot resurface at Bear Creek Park
- Signage trailhead for Makwa Ziibii (Bear Creek) Trail
- Complete install of plumbed toilet at Hammond Park - add stone permanent signage, new benches & garbage/recycling bins
- Complete stone circle bench on South side
- Concrete tee-pads and kiosk at disc golf course
- Garbage/recycle bins and bench installations (Disc Golf, Kelly, Bear Creek and Webster Dream Parks)
- Install baby changing stations in restrooms
- Tabaco free receptacles, tobacco free signage and updated dog signage in parks

- Children's Memorial Garden Signage, pathway with sponsorship bricks and re-planting (Garden budget)
- Clean Marina Grant Project (Costal Grant)
- Webster Dream Park Sensory Garden - (South End Days Fund)
2020 BOAT LAUNCH RECAP

2020 Overview

- $24,300.30 Total Revenue
- $11,232.13 Total Expenses
- 2,710 Total Passes Sold

- Resident 553
- Non-Resident 86
- Day Passes 2071
Fund 232 - Parks and Recreation Boat Launches 2016 - 2020
January 22, 2021

Todd Janigo
City of Superior
1316 N. 14th Street
Superior WI, 54880

Dear Todd Janigo:

Re: Invitation to Become Participating Agency on the Blatnik Bridge Project

The Federal Highway Administration (FHWA), in cooperation with the Minnesota Department of Transportation (MnDOT) and the Wisconsin Department of Transportation (WisDOT) are initiating an Environmental Assessment for improvements to the Blatnik Bridge. MnDOT is the lead state agency for this border project between Minnesota and Wisconsin.

The Blatnik Bridge (Minnesota Bridge 9030, Wisconsin Bridge B-16-5) on Interstate 535 (I-535) connects the two communities of Duluth, Minnesota, and Superior, Wisconsin across the St. Louis Bay (see Figure 1 below). An exact letting date has not yet been determined, however construction is anticipated to begin in 2028.

The purpose of the Blatnik Bridge project is to improve the condition of the Interstate highway connection across the St. Louis Bay and address the movements of local, regional, and international freight through Duluth, MN, and Superior, WI. The project will evaluate the bridge condition, vehicle and freight mobility, traffic operations, safety, and multimodal facilities. Due to the potential impacts, confluence of jurisdictional boundaries, anticipated need for permits/approvals, and expected interest in the project, the FHWA and MnDOT are requesting the City of Superior to lend its expertise and become a Participating Agency in the National Environmental Policy Act (NEPA) and state Minnesota Environmental Policy Act (MEPA) processes for the Blatnik Bridge Project. Participating Agencies are defined as those with an interest in the project.

As a Participating Agency, your role in the project development will be to:

- Provide input related to your agency’s area of expertise
- Identify issues of concern to your agency
- Provide comment determinations at key project decision points
- Identify measures to avoid, minimize, or mitigate potential impacts to resources (if any) under your agency’s jurisdiction

Your agency will not be expected to draft any portions of the Environmental Assessment. However, we do expect notification if your agency’s needs are not being met at any point in the environmental review process. Please provide a written response accepting or declining the invitation to become a Participating Agency.
Later than 30 days of receipt of this letter. If your agency elects to be Participating Agency, please send us the name(s) and contact information of staff from your agency who should be involved in this project. If your agency elects not to be a Participating Agency, please state the rationale for declining the invitation as part of your response letter.

Your letter or email response may be sent to:

John Krysiak  
Project Manager  
Minnesota Department of Transportation  
1123 Mesaba Ave  
Duluth, MN 55811  
218-341-7595  
john.krysiak@state.mn.us

An agency meeting is planned for January 27, 2021 to review the draft project materials. FHWA has provided informal concurrence on the draft purpose and need statement, draft evaluation criteria, and has reviewed the schedule. These materials are enclosed for your information and will be discussed in the agency meeting on January 27th. A list of project documents that each agency will be expected to review and the timeframe in which we expect to receive agency comments will be discussed at this January meeting.

If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this Environmental Assessment, please contact me. Thank you for your cooperation and interest in this project.

Sincerely,

John Krysiak  
Minnesota Department of Transportation  
1123 Mesaba Ave  
Duluth, MN 55811  
218-341-7595  
john.krysiak@state.mn.us

Enclosures:

- Project Area Map  
- Draft Purpose and Need  
- Draft Evaluation Criteria  
- Draft Schedule

e-cc: MnDOT- Pat Huston, e-copy, patrick.huston@state.mn.us  
MnDOT- Lisa Elliott, e-copy, lisa.elliott@state.mn.us  
WisDOT-Jessica Felix, e-copy, Jessica.Felix@dot.wi.gov  
WisDOT-Marc Bowker, e-copy, Marc.Bowker@dot.wi.gov  
FHWA- Jason Spilak, e-copy, jason.spilak@dot.gov  
FHWA- Phil Forst, e-copy, phil.forst@dot.gov
Figure 1: Blatnik Bridge Project Location
RESOLUTION #R21-13536

RESOLUTION RELATING TO DECLARING A HEALTH EMERGENCY RESPONSE TO THE COVID-19 CORONAVIRUS AND MANDATING THE USE OF FACE COVERINGS.

The City Council of the City of Superior, Douglas County, Wisconsin, by this resolution, adopted by a majority of the common council with a quorum present and voting and proper notice having been given, resolves and orders as follows:

WHEREAS, in December, 2019 a novel strain of the coronavirus was detected, now named COVID-19, and has spread throughout numerous countries including the United States;

WHEREAS, international organizations, the federal government, state government, and local governments are all working together to contain the further spread of the disease and treat existing cases;

WHEREAS, the World Health Organization has declared a Public Health Emergency of International Concern, and the United States Department of Health and Human Services has declared a Public Health Emergency;

WHEREAS, many individuals with COVID-19 are asymptomatic, yet contagious; and

WHEREAS, wearing a face covering greatly reduces risk of community spread; and

WHEREAS, Essentia Health, St. Luke’s, the Mayo Clinic, Douglas County Public Health, Wisconsin Department of Health Services (WDHS), Center for Disease Control and Prevention (CDC), and most other public and private health organizations support the wearing of cloth face coverings in public settings because the proper use of face masks or face coverings helps to reduce the spread of COVID-19 to vulnerable populations; and

WHEREAS, reducing the rate of community spread will prevent the overburdening of our local medical personnel, facilities, equipment and end the pandemic faster than reliance on vaccines alone; and

WHEREAS, on July 8, 2020, the WDHS recommended that individuals where a cloth face covering when possible in situations where physical distancing is difficult; and

WHEREAS, on June 28, 2020, the CDC issued the following guidance on mask use:

1. CDC recommends that people wear cloth face coverings in public settings and when around people who do not live in your household, especially when other social distancing measures are difficult to maintain.
2. Cloth face coverings may help prevent people who have COVID-19 from spreading the virus to others.
3. Cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings.
4. Cloth face coverings should NOT be worn by children under the age of 2 or
anyone who has trouble breathing, is unconscious, incapacitated, or otherwise
unable to remove the mask without assistance.

WHEREAS, the Wisconsin Economic Development Corporation has encouraged all businesses
and facilities to enact and enforce policies to help reduce the spread of COVID-19, including
policies to require cloth face coverings; and

WHEREAS, the Retail Industry Leaders Association has asked public leaders to enact mask
requirements in retail spaces; and

WHEREAS, the common council recognizes the risk that no statewide or federal face covering
requirement may protect the citizens of the City of Superior for the remaining duration of the
COVID-19 pandemic; and

WHEREAS, the City of Superior has authority to declare an emergency within its local unit of
government under Wis. Stat. sec. 323.11 and is provided with emergency powers and authority
under Wis. Stat. sec. 324.14(4) to order, by ordinance or resolution, whatever is necessary and
expedient for the health, safety, protection, and welfare of persons within the local unit of
government in the emergency; and

WHEREAS, on March 17, 2020, Mayor Paine declared a local emergency under Wis. Stat.
323.11 and 323.14(4) based on the existence and spread of the dangerous and unpredictable
coronavirus within the City of Superior, which was adopted by the common council; and

WHEREAS, on May 19, 2020, Mayor Paine extended the declaration of emergency through
December 31, 2020 based on the continued existence and spread of the coronavirus within the
City of Superior, which was adopted by the common council; and

WHEREAS, on December 15th, 2020, the common council extended the declaration of
emergency to February 28th, 2022 based on the continued existence and spread of the coronavirus
within the City of Superior; and

NOW, THEREFORE, the common council declares an emergency existing within the City of
Superior, Douglas County, Wisconsin, under s. 323.11 Wis. stats.

The period of emergency shall be limited to the time during which the emergency
conditions exist or are likely to exist in the City of Superior through April 30, 2021.

The common council recognizes the authority of certain state and county officers
and hereby commits to the enforcement of all orders lawfully issued by the Governor,
Director of Health Services or County Public Health Officer during the period of emergency
and any extensions thereto.

The common council, or its designated agents, has the authority to order whatever is
necessary and expedient for the health, safety, welfare, and good order of the City of Superior
during the emergency, including without limitation the power to bar, restrict, and remove all
unnecessary traffic, vehicular or pedestrian, from the local highways.
BE IT FURTHER RESOLVED, that beginning on Monday, February 8th, 2020 and continuing until the sooner of the expiration of the City of Superior’s existing State of Emergency or action by the Common Council to rescind this resolution, all individuals shall wear a face covering in indoor areas accessible to the public and while riding in any public bus or taxicab, unless exempted, as follows:

1. **Restaurants and Taverns:** All employees must wear a face covering while working in areas open to the public or handling food, beverage, utensils, or equipment, and all customers except when actively eating or drinking unless otherwise exempted below.

2. **Retail Businesses:** Employees and customers must wear a face covering at all times unless exempted below.

3. **Public Transportation:** Riders must wear a face covering before boarding a bus and until the rider disembarks.

4. **Gyms, Fitness Centers, and Sports Facilities:** Participants, staff, and spectators are required to wear a face covering at all times when the individual is within six feet of another person.

5. **Entertainment Venue:** Users, guests, customers, and spectators are required to wear a face covering at all times when the individual is within six feet of another person.

BE IT FURTHER RESOLVED, that the following individuals, places, and circumstances shall be exempt from this resolution:

1. Government facilities not operated or controlled by the City of Superior
2. Medical or personal care services that require access to the face or mouth
3. Children 5 years of age or younger
4. Individuals actively eating or drinking
5. Individuals temporarily removing their face covering for identification purposes
6. Individuals unable to wear a face covering due to legitimate medical, disability, developmental, or psychological reasons
7. Individuals speaking to an audience, in person or through broadcast, as long as the speaker remains six feet or more from other individuals
8. Individuals speaking to someone who is deaf or hard of hearing
9. Participants in a sports or performance events, during a period of practice, performance, or competition
10. Religious activities
11. Institutions of higher education, public and private kindergarten through twelfth grade schools, and licensed childcare or youth facilities that are following Wisconsin Economic Development Corporation or Wisconsin Department of Children and Families guidelines as applicable

BE IT FURTHER RESOLVED, that the definition of a “face covering” shall mean a manufactured or homemade cloth that fully covers an individual’s nose and mouth. The terms “mask” and “face covering” are synonymous.
BE IT FURTHER RESOLVED, to provide consistent language, the City of Superior will make available signage to be posted on the public entrance of interested businesses.

BE IT FINALLY RESOLVED, that violation of this resolution is not a criminal offense, however;

i. Any individual who fails to comply with this resolution must be asked to leave by an authorized representative of the business or organization. If the individual refuses to leave, this resolution authorizes the enforcement of trespassing statutes and any other ordinances and statutes the individual may violate.

ii. Compliance with this resolution is a mandatory requirement for any license or economic incentive from the City of Superior and failure to comply shall be grounds for denial, revocation, or rejection of licensure, grants, awards, or other incentives for up to one year from the expiration of this resolution.

Adopted this 2nd day of February, 2021.

_____________________________________
Mayor

Attest: __________________________________
City Clerk
January 27, 2021

TO: City Councilors

FROM: Mayor Jim Paine

RE: Confirmation of Terry Johnson as the City Assessor

Recommendation: Confirm Terry Johnson to the Assessor position effective May 1, 2021.

Per City Ordinance, Section 42-21(5)*, we are recommending your confirmation of Terry Johnson to the Assessor position effective May 1, 2021.

We recently completed a recruitment process to fill the Assessor position and Terry Johnson is the top candidate. The job posting was advertised for three weeks with two candidates submitting applications, and Terry was the most qualified candidate to fill the vacancy.

Terry is certified by the State of Wisconsin at the Certified Assessor 2 level through the Department of Revenue Assessor Certification Program. He is currently the Deputy Assessor for the City of Superior, and previously worked as the Assistant County Assessor for St. Louis County and in the City of Duluth Assessor office as a Commercial Appraiser. Terry has more than 21 years of relevant assessment and appraisal experience with the last 7 years supervising property appraisal work, including commercial and residential. He also is extremely familiar with the City of Superior’s Assessor Office and will carry out the duties of this position with the highest integrity. We feel extremely fortunate to have an applicant with Terry’s experience and qualifications.

I am requesting this appointment be effective May 1, 2021 to allow our current Assessor, Brad Theien, to stay on staff to assist with the transition within the department. If you confirm this appointment, we will need to post, recruit, hire, and train a Property Appraiser to fill the consequential vacancy.

If you would like to discuss Terry’s qualifications further, please contact Cammi Koneczny or Brad Theien prior to the February 2nd Council meeting and we can provide you with more details.
*City Ordinance, Section 42-21(5): (5) Appointment or promotion of employees. ... the
appointment or promotion of city officers and of the regular full-time department heads and
supervisory nonunion employees shall not become effective without confirmation by the
common council.

I support and recommend confirming Terry Johnson’s appointment to the Assessor position
effective May 1, 2021:

Jim Paine, Mayor

Date
Finance Committee Proceedings
City of Superior
January 14, 2021

Members Present: Tylor Elm, Jack Sweeney, Keith Kern and Ruth Ludwig
Staff Present: Ashley Puetz, Jean Dotterwick, Deborah Kamunen, Nick Raverty, Linda Cadotte and Todd Janigo
Others Present: Shelly Nelson, Jenny Van Sickle, Tim Gilbertson, Brad Scott and Nick Ledin

Members Excused:

Jack Sweeney called the meeting to order at 4:30 pm with a quorum present. Attendance was done by sign in and virtual meeting.

1. Approval of the December 10, 2020 Finance Committee meeting minutes.

   **Motion** was made by Tylor Elm, seconded by Keith Kern and carried to approve the December 10, 2020 Finance Committee meeting minutes.

2. Tabled from the December 10, 2020 Finance Committee meeting and the November 30, 2020 Special Finance Committee meeting – Request from Director Cadotte for approval of a five (5) year Professional Services Agreement Hayes Court Ballfield Complex Management with Superior Youth Organization (SYO), LL commencing on January 1, 2021 along with a related budget adjustment to cover the increased annual fees.

   Councilor Sweeney indicated the Committee is not ready to approve the agreement yet as the lease still needs to be interpreted. In addition, SYO is still gathering information.

   **Motion** was made by Tylor Elm, seconded by Jack Sweeney and carried to hold in committee until the February 11, 2021 Finance Committee meeting.

3. Garbage Fee Refund Request from Mr. Scott of 6206 Ogden Avenue.

   Mr. Scott, who resides at 6206 Ogden Avenue in Superior, filed a claim form indicating the City has been charging him for two garbage containers since January 01, 2017, when he has only had one container. He requested a refund of $245.25. A discussion ensued with Public Works Director, Todd Janigo detailing the information available from the City records. Mr. Scott received a refund of $43.50 – six months refund for the 2nd container in October of 2020. It was noted that the policy has been to only refund to a maximum of one year.

   **Motion** was made by Keith Kern, seconded by Tylor Elm and carried to approve an additional refund of $43.50 to Brad Scott of 6206 Ogden Avenue.

   A request was made by the Committee to place on a future agenda the creation of a written policy for garbage fee refunds.

4. Tabled from December 10, 2020 – Request from Councilor Van Sickle and Councilor Elm to discuss a process of streamlining the application processes of city grants.

   Councilor Elm requested a broader wording of the process of streamlining to include: leases, facility use permits, contracts and agreements.

   **Motion** was made by Tylor Elm, seconded by Keith Kern and approved to amend the process of streamlining the application processes to include leases, facility use permits, contracts and agreements.
Motion was made by Tylor Elm, seconded by Keith Kern and approved to proceed with the process of streamlining city grant applications.


Director Puetz reviewed the letter from Ehlers and the potential refunding of existing bonds.

Motion was made by Tylor Elm, seconded by Keith Kern and approved to receive and file the bond refunding analysis.

6. Assistant Finance Director Deb Kamunen to provide an update of the city’s Fee Schedule – receive and file.

Assistant Finance Director, Kamunen, provided a draft of the City fee schedule for the Committee to review.

Motion was made by Keith Kern, seconded by Tylor Elm and carried to receive and file the City Fee Schedule draft.


Motion was made by Tylor Elm, seconded by Keith Kern and carried to receive and file the Golf Course Financials.


Motion was made by Keith Kern, seconded by Tylor Elm and carried to receive and file the December, 2020 check register.


Director Puetz indicated the elections and mass transit are over budget, yet there should not be a deficit in the budget for 2020.

Motion was made by Keith Kern, seconded by Tylor Elm and carried to receive and file the General Fund Financial Statements – 2020 Expenditure vs. Budget Analysis.

10. General Financial Overview
    a. Update on top 3 financial concerns or updates.
       *Puetz indicated the new payroll software is moving forward.
       *Puetz indicated audit preparation is under way.

11. Other financial matters.

Having no other business, the Finance Committee Meeting adjourned at 5:24 p.m.

Minutes respectfully submitted by Jean Dotterwick
January 21, 2021

TO: Members of the Common Council

FROM: Human Resources Committee

At the January 18, 2021 Human Resources Committee meeting the committee acted on the following:

3) **Approve reclassification of Building Inspection positions and addition of an annual certification allowance.**
   
   A) **Approve revised job descriptions:**
      
      i) **Code Compliance Officer I & II**

      Motion by Van Sickie, seconded by Sweeney, to approve the revised Code Compliance Officer I & II job description. APPROVED

      ii) **Building Inspector-UDC I & II/Building Inspector-Commercial (formerly Certified Inspector I, II, III)**

      Motion by Sweeney, seconded by Van Sickie, to approve the revised Building Inspector-UDC I & II/Building Inspector-Commercial job description. APPROVED

   B) **Approve pay grade changes for building inspection positions as outlined in attachment**

   Motion by Van Sickie, seconded by Sweeney, to approve the pay grade changes for building inspection positions as outlined in the attachment. APPROVED

   C) **Approve new Annual Certification Allowance for building inspection positions as outlined in attachment**

   Motion by Van Sickie, seconded by Sweeney, to approve the new Annual Certification Allowance for building inspection position as outlined in the attachment. APPROVED

6) **Receive and File:**
   
   A) **Monthly Personnel Report for December 2020**

   Motion by Van Sickie, seconded by Sweeney, to receive and file the Monthly Personnel Report for December 2020. APPROVED
MEMBERS PRESENT: Ruth Ludwig, Jack Sweeney, Jenny Van Sickle

OTHERS PRESENT: Debbie Bergstrom, Chris Carlson, Cammi Koneczny, Pete Kruit, Shelley Nelson, Mayor Paine, Heather Peterson, Frog Prell, Nick Raverty

The HRC meeting was called to order at 5:00 pm.

1) Approve the December 21, 2020 HRC Meeting Minutes.

Motion by Sweeney, seconded by Van Sickle, to approve the December 21, 2020 HRC Meeting Minutes. APPROVED

2) Approve request to fill positions:
   A) Police Officer (3 positions)

Motion by Van Sickle, seconded by Sweeney, to approve the request to fill 3 Police Officer positions. APPROVED

3) Approve reclassification of Building Inspection positions and addition of an annual certification allowance.
   A) Approve revised job descriptions:
      i) Code Compliance Officer I & II

Motion by Van Sickle, seconded by Sweeney, to approve the revised Code Compliance Officer I & II job description. APPROVED

      ii) Building Inspector-UDC I & II/Building Inspector-Commercial (formerly Certified Inspector I, II, III)

Motion by Sweeney, seconded by Van Sickle, to approve the revised Building Inspector-UDC I & II/Building Inspector-Commercial job description. APPROVED

   B) Approve pay grade changes for building inspection positions as outlined in attachment

Motion by Van Sickle, seconded by Sweeney, to approve the pay grade changes for building inspection positions as outlined in the attachment. APPROVED

   C) Approve new Annual Certification Allowance for building inspection positions as outlined in attachment

Motion by Van Sickle, seconded by Sweeney, to approve the new Annual Certification Allowance for building inspection position as outlined in the attachment. APPROVED
4) Approve updated job description:
   A) City Attorney

   Motion by Van Sickle, seconded by Sweeney, to change #3 under Typical Tasks of the City Attorney job
description to strike the word Bonds. APPROVED

   Motion by Van Sickle, seconded by Sweeney, to change #5 under Typical Tasks of the City Attorney job
description to say Negotiates and drafts, and proactively works with the Contract Analyst and other staff, to
monitor and enforce contracts, leases, MOU's, and other agreements that affect the City. APPROVED

   Motion by Sweeney, seconded by Van Sickle, to approve the updated City Attorney job description.
   APPROVED

5) Discuss City Attorney Survey Results (RW Group Recommendation #9 – City Attorney
Staff/Outsourcing legal matters).

   Motion by Sweeney, seconded by Van Sickle, to go back to the benchmark cities and ask them 1) what are the
top 3 areas they are outsourcing, 2) how long have they been outsourcing those things, 3) what is the reason for
outsourcing those things. APPROVED

   Motion by Van Sickle, seconded by Sweeney, to review the RW Group Report at the next HRC meeting
for a status update, and address any items needing to be addressed. APPROVED

   Sweeney requested that HRC, as a committee, write a synopsis of what the committee has done with the
RW Group Report and why they did it.

   Mayor Paine offered to write the report for the next HRC meeting.

6) Receive and File:
   A) Monthly Personnel Report for December 2020

   Motion by Van Sickle, seconded by Sweeney, to receive and file the Monthly Personnel Report for
December 2020. APPROVED

7) Human Resources Updates.

   No action required.

The meeting adjourned at 6:18 p.m.
January 15, 2021

MEMORANDUM

TO: Cammi Koneczny, Human Resources Director
FR: Patrick Glynn, Senior Consultant
RE: Job Classification Review

As we have the good fortune to travel around the great state of Wisconsin, as well as the upper Midwest, we have the opportunity to see many challenges and/or opportunities before they land on an individual client’s doorstep. This is especially true as it relates to occupations that are either emerging, or are difficult to fill.

We are all aware of talent gaps in the nursing and engineering occupations, as well as others, but the shortage of qualified building inspectors is plaguing many communities across the Midwest.

As construction activity remains high, and the collective ranks of building inspectors continues to get older, the demand for these positions continues to increase. Two relatively recent articles illustrate this point better than we ever could. The first article—by Bloomberg—talks about the aging workforce of building inspectors, the lack of “glamour” in the profession, and the challenges replacing the talent that’s exiting the profession. The second article—by SHRM—illustrates the challenges with attracting new workers to the blue-collar trades. Regardless of the source, the story is relatively the same, recruitment and retention in the skilled trades continues to be challenging.

We have seen employers increase the rates of pay for these classifications, create incentives for obtaining additional certifications, outsource part of the inspection function, or outsource the entire function altogether. As organizations have responded to this growing challenge, we have seen salaries for this classification grow from roughly $55,000 per year to $65,000 per year in a relatively short period of time. Further, we have seen evidence of organizations paying even more in highly competitive environments (e.g. southeast Wisconsin).

Please let me know if you any questions.

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Memorandum of Recommendation

DATE: January 11th 2021

TO: Human Resources Committee

FROM: Chris Carlson, Assistant Public Works Director

RE: Recommendation of Adjustment to Building Inspection Position Salary Classifications

1. **Introduction**: Efforts to fill an open inspector position in our Building Inspection Division have been unsuccessful. It is believed that a barrier to attracting qualified candidates is the current salary range of the Certified Inspector position.

2. **Background/Analysis/Discussion**: The salary ranges for all Building Inspection positions were set in 2014 as part of the city-wide Carlson-Dettman wage study analysis. The ranges were set based on comparisons with comparable cities with similar positions.

   In recent years the field of building and construction inspection has become increasingly competitive due to a shortage of qualified workers. The International Code Council (ICC) released a study in 2014 titled 'The Future of Code Officials: Results and Recommendations'. The study found an alarming trend in the building inspection industry. Workers are overwhelmingly older in age and many are close to retirement. From the study:

   *Nearly 85 percent of the respondents are currently over the age of 45. More importantly, more than 80 percent of the existing code professional workforce is planning on retiring in the next 15 years, with more than 30 percent in the next five years. The impact of such retirements may be exacerbated by the small size of most code departments—a third of which have one to four members and more than half have nine or fewer members.*

   The trends outlined in the study are becoming increasingly evident within our own Building Inspection Division. Three out of four of our current inspectors are at or nearing retirement age. With a mass exit of workers and their experience from the industry there becomes a crisis of who will fill their shoes. After the recent retirement of our Assistant Chief Building Inspector, we have struggled to recruit a candidate with building inspection experience or certifications. The city has advertised the position three times and has failed to make a hire.

   At the same time as the supply of building inspectors dwindle, there remains a high demand for qualified building inspectors. Building inspectors play a critical role of protecting the public’s safety. Building inspectors are an essential link in ensuring that homes, offices, and factories are safe for people to live and work. The decreasing supply and increasing demand for inspectors translates directly to an increase in salaries. The ICC study addressed this salary issue and the importance of salaries in attracting and retaining building inspection employees. Again from the study:

   *The median salary for these code officials polled was between $50,000 and $74,999 per year. This range remained consistent across the age of the respondents and their number of years of experience as a code professional (thus alleviating any concern that the salary numbers are artificially high due to the seniority of the current workforce).*
also appears to be a sizable opportunity for salary growth, as one fifth of the respondents earn between $75,000 and $99,999 annually. Compared to the median household income of $51,017 reported by the U.S. Census Bureau for 2012, code officials can earn a respectable living. This point should be highlighted as one of the reasons to consider a career as a code professional. In fact, many of the respondents cited salary/benefits (43.7%) just behind job security (48.2%) as one of the main reasons they pursued a career as a code professional. (https://www.iccsafe.org/wp-content/uploads/membership_councils/2014-ICC-NIBS-Study-The-Future-of-Code-Officials.pdf)

In an industry with a shortage of workers it is important for employers to offer competitive salaries that will attract and retain qualified employees. As was previously noted, in our recent recruitment efforts we have struggled to find qualified candidates. In our last round of recruitment we did make a job offer to one candidate. However that offer was regretfully turned down. The candidate cited the salary as the reason.

Human Resources has researched this issue and came to the same conclusion as the ICC study regarding the low supply and high demand for building inspectors. In speaking with other cities as well as with Carlson-Dettman, it was also concluded that our salary range for the position has fallen below the industry average.

If we hope to maintain our Building Inspection Division into the future and staff it with competent and qualified employees then we need to look at adjusting the compensation.

An example of what is believed to be an appropriate adjustment is included as an attachment. The attachment includes the current salary ranges for Building Inspection positions. Below it is the proposed increase. Below that is the resulting increase per hour. Lastly the percent increase for each position is provided.

3. Budget Source/Fiscal Impact: The impact to Building Inspection General Fund salary expenditures to realize the increase proposed in the attachment for all current employees is approximately $20,000 annually.

4. Conclusion: The city has struggled to attract and hire a candidate to fill an open building inspector position. This struggle is indicative of what is occurring across the building inspection industry. As aging workers retire there aren't younger workers to replace them. This creates a supply shortage of qualified inspectors and a high demand for the inspectors that are available. We are seeing this trend today in our own Building Inspection Division. Our Building Inspection Division is currently having a challenge filling positions. That challenge will turn into a crisis in coming years unless we work to remain competitive and attractive to new hires. Making adjustments to our salary levels will help to avoid that crisis.

Recommendation Approved: [Signature]

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January 11, 2021

TO: Human Resources Committee

FROM: Cammi Koneczny, HR Director

RE: Building Inspection Department Reclassifications & Addition of an Annual Certification Allowance

Recommendation: Approve pay grade changes for the Building Inspection classifications as identified in attachment, along with attached proposed Annual Certification Allowance.

You have a separate memo from Public Works regarding the issues we have encountered with recruitment of building inspectors, and the need to make a change, so my memo will focus more on the actual proposed compensation changes.

After our most recent recruitment for a building inspector was unsuccessful in securing a qualified candidate, I informally reached out to Patrick Glynn at Carlson-Dettmann Consulting (a management consulting firm that specializes in compensation strategies, and completed the City’s non-union compensation study in 2014) to find out if other municipalities were having similar recruitment issues. He verified that the building inspector market had “gone crazy” in the last few years, and that the average rate for a Building Inspector had increased to $32.00/hour. He said that many municipalities have had to increase their inspector pay rates, and come up with additional incentives outside of the pay rate so as to not cause difficulties in the interrelationship between internal classifications (you will also receive a memo from Carlson Dettmann prior to your meeting). At Mr. Glynn’s suggestion, I contacted another City who had recently made such changes and got some ideas on a solution to alter our compensation.

The proposed wage adjustments to the building inspection positions started with moving the Certified Inspector II level (proposed to be Building Inspector-UDC II) position from Grade F to Grade H, which would result in the mid-point/Step 6 pay rate for that position being $31.99/hour. The other positions’ pay grades were adjusted accordingly (Chief Building Inspector, Assistant Chief Building Inspector, Building Inspector-Commercial, Building Inspector-UDC I, and Code Compliance Officer I and II). The proposed Grade placements result in the positions aligning with City positions of similar responsibility and requirements. The annual wage cost to implement these changes for the current staff would be approximately $20,000.
We are also proposing to add an Annual Certification Allowance to be paid to our staff for state certifications. The Certification Allowance would compensate employees for holding state certifications beyond what is minimally required for their position. This additional compensation will incentivize staff to obtain additional certifications and grow within their position. Additional certifications within the Building Inspection Division will allow Building Inspection to better serve the public through having more capacity to meet their needs. The cost for this benefit with our current inspection staff would be $4,000/year. The concept of an annual incentive allowance is not a new one within the City. Similarly, the Environmental Services Division currently provide incentives to wastewater employees for achieving higher levels of DNR Operator certification.

In addition, we thought it made sense to differentiate the Commercial Inspectors in title (formerly Certified Inspector III), from the lower level of UDC Inspectors (formerly Certified Inspector I and II). These changes are reflected in the proposed job description changes.

Please do not hesitate to reach out to me if you have any questions about this information that you would like answered prior to your meeting. Thank you for your consideration.

Attachments
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       | PLANNING, ECON DEVELOPMENT & PORT DIRECTOR  
       | PUBLIC WORKS DIRECTOR |
| Q     | CITY ASSESSOR  
       | FIRE CHIEF  
       | HUMAN RESOURCES DIRECTOR  
       | PARKS, REC & FORESTRY DIRECTOR  
       | POLICE CHIEF |
| P     | INFORMATION TECHNOLOGY DIRECTOR |
| O     | ASST PUBLIC WORKS DIRECTOR |
| N     | ASST POLICE CHIEF  
       | ENVIRONMENTAL SERVICES DIRECTOR |
| M     | POLICE CAPTAIN  
       | CHIEF BUILDING INSPECTOR |
| L     | CITY CLERK  
       | DEPUTY ASSESSOR  
       | POLICE LIEUTENANT  
       | FIRE BATTALION CHIEF (adjusted for 2912 annual hours) |
| K     | CHIEF BUILDING INSPECTOR  
       | POLICE SERGEANT  
       | PUBLIC WORKS SUPERINTENDENT  
       | ASST CHIEF BUILDING INSPECTOR |
| J     | ASST FINANCE DIRECTOR  
       | ESD COLL SYSTEM ENGINEER & OPS MGR  
       | ESD STORMWATER & ADMIN SERVICES MGR  
       | ESD WASTEWATER ENGINEER & OPS MGR  
       | ENVIRONMENTAL REGULATORY MANAGER  
       | PARKS, REC & FORESTRY SUPERINTENDENT |
| I     | ACCOUNTANT  
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City of Superior Non-Union Pay Plan
Effective January 1, 2021 - 1.6% increase to Midpoint

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City of Superior Non-Union Pay Plan
Effective January 1, 2021 - 1.6% increase to Midpoint

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<td>CIVIL ENGINEERING TECHNICIAN I</td>
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<tr>
<td>D</td>
<td>COMMUNITY SERVICES OFFICER II</td>
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<tr>
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<td></td>
<td>ESD ENVIRONMENTAL ENGINEER TECHNICIAN I</td>
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<td>LIGHT EQUIPMENT OPERATOR</td>
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<td>SR POLICE RECORDS CLERK</td>
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<td>STAFF ASSISTANT</td>
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<td>COMMUNITY SERVICES OFFICER I</td>
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<td>POLICE RECORDS CLERK</td>
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<tr>
<td></td>
<td>TYPIST CLERK II</td>
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Language to be placed in Non-Union Handbook, Section 21-Reimbursements and Allowances:

Building Inspector Annual Certification Allowance Eligibility - to be paid annually before the end of January each year

<table>
<thead>
<tr>
<th>Wisconsin Certifications:</th>
<th>Chief Building Inspector</th>
<th>Asst Chief Building Inspector (requires 1 Comm cert)</th>
<th>Commercial Building Inspector</th>
<th>Commercial Electrical Inspector</th>
<th>Commercial Plumbing Inspector</th>
<th>Building Inspector-UDC (requires 2 UDC certs)</th>
<th>Code Compliance Officer</th>
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<tr>
<td>(Current position certification requirements for information purposes only, will not be included in Handbook)</td>
<td>requires Commercial Bldg Cert</td>
<td>requires 1 Commercial Cert</td>
<td>requires Commercial Bldg Cert</td>
<td>requires Commercial Electric Cert</td>
<td>requires Commercial Plumb Cert</td>
<td>requires 2 UDC Certs</td>
<td>requires UDC Code Cert</td>
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<td>$500</td>
<td>$500 as for up to two beyond required certs</td>
<td>$500</td>
</tr>
</tbody>
</table>

*If have commercial certification, would not also receive corresponding UDC certification allowance
City of Superior
CODE COMPLIANCE OFFICER I & II

Class Code: 29895; 29896
Grade: I-FG; II-FG
Reports To: Chief Building Inspector
Assistant Chief Building Inspector

Date Originated: 5/97
Date Revised: 3/19/01
10/2004; 2/18/08;
7/20/09; 3/13/17; 1/18/21

DEFINITION:

The Code Compliance Officer works under general supervision to perform technical, administrative, office, and field work associated with the enforcement of municipal and other related codes (including zoning, land use, housing, property maintenance, garbage and trash, junk vehicles, litter, sanitation, and other public nuisance code provisions) and does other related work as assigned.

Work in this class is distinguished from that of a Certified Building Inspector-UDC or Commercial Inspector in that the latter's main purpose is to enforce permitted building, plumbing, HVAC, or electrical code requirements.

DISTINGUISHING CHARACTERISTICS:

Code Compliance Officer I
This is an entry level position which requires one year of comparable work experience and does not require state certification. This is a one-year entry-level position, where the individual at this level would be required to obtain the Wisconsin UDC (Uniform Dwelling Code) construction certification within twelve months of appointment. The individual who has acquired this UDC construction certification must also have satisfactory work performance to be promoted to the Code Compliance Officer II level.

Code Compliance Officer II
This is a senior level position which requires prior municipal code enforcement or comparable work experience and requires Wisconsin UDC (Uniform Dwelling Code) construction certification to provide a basis for sound judgments when evaluating property maintenance violations.

TYPICAL TASKS:

Code Enforcement Officer I:
1. Works in coordination with Chief Building Inspector or his/her designee through investigation and inspection processes to ensure compliance with City codes and ordinances pertaining to property maintenance, substandard housing, zoning, weed control, snow removal, public nuisance, abatement, garbage, and junk vehicle abatement.

2. Receives and investigates complaints; surveys the City for possible code or ordinance
violations.

3. Explains ordinances to citizens; works with citizens to gain voluntary compliance to applicable codes and ordinances.

4. Inspects the exterior premises of dwellings, businesses, commercial properties, and vacant lots, for violations of applicable City ordinances and codes.

5. Prepares NOTICES TO CORRECT, letters, and reports regarding ordinance and code violations to offending parties describing steps for compliance.


7. Reviews maps to determine locations and zoning regulations governing specific locations; searches administrative and public records to obtain property ownership information.

8. Maintains logs and applicable records.

9. Requests assistance from other departments and outside agencies as necessary and with supervisor's approval.

10. Enforces administrative abatement for nuisances; arranges for and oversees contracted abatement work.

**Code Enforcement Officer II (in addition to those tasks listed above):**

11. Ensures compliance and enforcement of City codes and ordinances through investigation and inspection processes regarding property maintenance, substandard housing, dangerous buildings, health and sanitation, zoning, weed control, snow removal, public nuisance abatement, garbage, and junk vehicle abatement.

12. Assists the City Attorney to seek prosecution through the Court system; assists with complaint preparation and provides court testimony as needed.

**REQUIREMENTS:**

**Code Enforcement Officer I**

Possesses some knowledge of:

- Nuisance abatement, housing, building and related codes and ordinances
- Techniques of investigation, including interviewing and fact finding
- English grammar and methods of writing reports
- Map reading and legal descriptions of real property
- Photography for documentation of code and ordinance violations
Code Enforcement Officer II (in addition to the requirements listed above):
Possesses a working knowledge of:
- Wisconsin “Rules of Evidence” and related standards and legal procedures

Possesses a thorough knowledge of:
- Land use, zoning, health, sanitation and nuisance abatement, housing, building and related codes and ordinances
- Techniques of investigation, including interviewing and fact finding
- English grammar and methods of writing reports
- Map reading and legal descriptions of real property
- Photography for documentation of code and ordinance violations

Code Enforcement Officer I
Possesses an ability to:
- Understand and apply City codes and ordinances
- Assure that due process is applied in all enforcement activities
- Deal tactfully with the public in person and on the phone in seeking compliance with applicable codes
- Maintain records and prepare reports
- Communicate effectively in oral and written form
- Establish and maintain effective working relationships with staff, contractors, governmental agencies, and the public
- Research, extract, and retrieve appropriate data from other departments and outside agencies as required

Code Enforcement Officer II (in addition to the abilities listed above):
Possesses a refined ability to:
- Understand and apply City codes and ordinances
- Analyze and compile technical information related to City land use and zoning ordinances
- Conduct effective and efficient investigations
- Assure that due process is applied in all enforcement activities
- Maintain records and prepare reports
- Communicate effectively in oral and written form
- Establish and maintain effective working relationships with staff, contractors, governmental agencies, and the public
- Research, extract, and retrieve appropriate data from other departments and outside agencies as required
- Appear at various committee and Council meetings as required

EXPERIENCE:
Code Compliance Officer I/II
Page 4

Code Enforcement Officer I
Training and experience: Any combination of training and experience which would provide the required knowledge and ability is qualifying. A typical way to obtain this knowledge and ability would be:

- Two years of construction work with additional experience in records, finance, or similar work
- Any work experience with moderate responsibility, contact with the general public, attention to details, and ability to make discerning judgments

Code Enforcement Officer II
Training and experience: Any combination of training and experience which would provide the required knowledge and ability is qualifying. A typical way to obtain this knowledge and ability would be:

- Two years of responsible public contact work for a governmental agency with primary experience in complaint investigations and enforcement of public laws, or regulations
- College level course work in planning, building administration, administration of justice or a related field
- Possession of the Wisconsin UDC construction certification.

SPECIAL REQUIREMENTS:

Oath of Office Requirement: Will be required to take an oath of office.
Driver License Requirement: Must possess and maintain valid driver's license at the time of hire.
License/Certification Requirement: Must obtain and maintain Wisconsin Uniform Dwelling Code Construction Inspector certification is required within 12 months of hire for Code Enforcement Officer II. An American Associations of Code Enforcement Officer certification is desirable.
Residency Requirement: No Residency Requirement.
Background Investigation Requirement: Must pass a background investigation prior to hire.
Post Job Offer Medical Examination Requirement: Must pass the medical examination requirements established for the specified occupational grouping prior to hire.

Bargaining Unit: Non-Union/FLSA Non-exempt
EEOC Job Category: Officials/Administrator
Occupational Grouping: Financial/Administration
Worker's Comp Code: Operations

PAJOBDESC#235|Code Compliance Officer I-II.4721
City of Superior

CERTIFIED INSPECTOR I, II, & III
BUILDING INSPECTOR-UDC I & II
BUILDING INSPECTOR-COMMERCIAL

Class Code: 29680; 29675; 29676 Date Originated: 10/78
Pay Grade: UDC I-BG; UDC II-F-H; III-GCommercial-I Date Revised: 12/16/96; 11/97;
Reports To: Chief Building Inspector 1/98; 10/00; 5/03; 11/28/05;
Assistant Chief Building Inspector 2/18/08; 7/20/09; 8/17/09; 11/21/11;
1/16/17; 1/18/21

DEFINITION:

Certified-Building Inspector-UDC I: Under close supervision of the Chief Building Inspector,
this employee performs semi-skilled plan review and assists with inspection work to enforce
compliance with national, state, and local building, electrical, HVAC, or plumbing codes relating to
one- and two-family dwellings; enforces zoning ordinances and related codes and ordinances;
does related work as assigned. Certified-Inspector ITThis is an entry level position hired with the
expectation to obtain at least two Wisconsin UDC certifications within the first year after hire.
Individuals demonstrating ability for higher level work may be given higher level assignments for
advancement to the Certified-Building Inspector-UDC II classification based upon satisfactory
performance.

Certified-Building Inspector-UDC II: Under general supervision of the Chief Building Inspector,
this employee performs skilled plan review and inspection work relating to enforcement of
national, state, and local building, electrical, HVAC, or plumbing codes for one- and two-family
dwellings; enforces zoning ordinances and related codes and ordinances; does related work as
assigned.

Certified-Commercial Inspector-III: Under general supervision of the Chief Building Inspector,
this employee performs skilled inspection work related to enforcement of national, state and
local building, electrical, HVAC, or plumbing codes for commercial buildings in addition to one-
and two-family dwellings; enforces zoning ordinance and related codes and ordinances; does
related work as assigned.

DISTINGUISHING CHARACTERISTICS:

Certified-Building Inspector-UDC I:
Under close supervision, an employee in this class is responsible for assisting senior inspectors
with ensuring that plans, specifications, and buildings in the process of construction, remodeling,
or alteration, and existing building, electrical, HVAC, and plumbing installations meet national,
state, and city code and ordinance requirements. This is a one-year entry-level position, where
the individual would be required to obtain two designated State certifications (construction, HVAC, electrical or plumbing) within twelve months of appointment. The individual who has acquired a minimum of two State certifications must also have satisfactory work performance to be promoted to the Certified-Building Inspector-UDC Level II.

**Certified-Building Inspector-UDC II:**
An employee in this class is responsible for ensuring that plans, specifications, and construction components relating to one- or two-family dwellings are in compliance with applicable national, state, and local code and ordinance requirements. Plans reviewed and work inspected may include new construction as well as remodeling or alterations. Disciplines inspected include building, electrical, plumbing and HVAC in accordance with employee certifications. Required UDC certifications(s) shall be specified at the time of employment. Additional certification(s) may be requested after hire based on department needs. An employee in this class is responsible for enforcing various codes, ordinances, and regulations. Such enforcement results from the employee’s ability to exercise technical judgement and discretion based on proficiency and comprehension of the various codes, ordinances and regulations. The Certified-Building Inspector-UDC II works under the general supervision of the Chief Building Inspector and Assistant Chief Building Inspector. The individual who has acquired a Commercial State certification and has satisfactory work performance may be promoted to the Certified Commercial Inspector Level III depending on department needs.

**Certified-Commercial Inspector-III:**
An employee in this class is responsible for ensuring that plans, specifications, and construction components relating to commercial buildings in addition to one- and two-family dwellings are in compliance with applicable national, state, and local code and ordinance requirements. Plans reviewed and work inspected may include new construction, remodeling, or alterations. Disciplines inspected include building, electrical, plumbing, and HVAC in accord with the employee’s certifications. Required Commercial certifications(s) shall be specified at the time of employment. Additional certification(s) may be requested after hire based on department needs. An employee in this class is responsible for enforcing various codes, ordinances, and regulations. Such enforcement results from the employee’s ability to exercise technical judgement and discretion based on proficiency and comprehension of the various codes, ordinances and regulations. The Certified Commercial Inspector works under the general supervision of the Chief Building Inspector and the Assistant Chief Building Inspector.

**TYPICAL TASKS:**

In a Certified-Building Inspector-UDC I capacity, and under close supervision:

1. Assist senior inspectors with inspection and enforcement of national, state, and city building, electrical, HVAC, plumbing, and zoning codes for one- and two-family dwellings.
2. Assist senior inspectors with review of applications and/or plans and specifications for building, electrical, HVAC or plumbing permits for compliance with codes and regulations.

3. Performs all the duties of the code compliance officer when assigned.

4. Performs administrative tasks relative to inspections.

5. Presents oral or written notices of violations of codes to contractors and owners.

6. Prepares and maintains records of plans, inspections, letters, and reports prepared or used in connection with Divisional activities.

7. Coordinates work with other departments and agencies.

8. Answers telephone questions, investigates complaints of code violations, including housing code violations, issuing warnings or citations as appropriate.

9. Does related work as assigned.

In a Certified Building Inspector-UDC II capacity, all the responsibilities of a Certified Building Inspector-UDC I position, in addition to the following:

10. Inspects and enforces national, state, and city building, electrical, HVAC, plumbing, and zoning codes for one- and two-family dwellings according to the certification of the individual inspector.

11. Reviews one- and two-family dwelling permit applications and/or plans and specifications for building, electrical, HVAC, and plumbing for compliance with codes and regulations.

12. Issues detailed correction orders for housing code violations in accord with the certifications of the individual inspector in coordination with the Code Compliance Officers.

13. Issues "Raze Orders" or "Raze or Repair Orders" in coordination with the Code Compliance Officers.


15. Participates in public forums regarding inspections and code enforcement.

16. Consults with and advises builders, contractors, owners and members of the public pertaining to city codes and ordinances.
In a Certified-Commercial Inspector III-capacity, all the responsibilities of a Certified-Building Inspector-UDC I and II position in addition to the following:

17. Performs all aspects of inspections of commercial building construction, remodeling, and alterations to include construction, HVAC, plumbing, electrical, and zoning inspections enforcing the Wisconsin commercial codes in accord with the individual's commercial certification(s).

18. Reviews commercial permit applications, plans and specifications for building, electrical, HVAC, and plumbing in accord with the certifications of the individual inspector.

19. Performs timely annual licensing inspections of hotels, motels, rooming houses, and manufactured home communities and submits written reports of inspections performed.

EMPLOYMENT STANDARDS:

**Certified-Building Inspector-UDC I**

Knowledge:
Possess some knowledge of:
- Building, electrical, HVAC, and plumbing construction materials, methods and practices
- Building, electrical, HVAC, and plumbing codes
- Blueprints and plan specifications
- City code of ordinances related to assignment
- Computer operation and software including word processing and spreadsheets

**Certified-Building Inspector-UDC II (in addition to the knowledges listed above)**

Knowledge:
Possess a working knowledge of:
- Computer operation and software including word processing and spreadsheets
- City zoning ordinances, property maintenance and housing codes, and public nuisance codes

Possess a thorough knowledge of:
- Applicable building, electrical, HVAC, and plumbing construction materials, methods and practices in accordance with employee certification(s)
- Applicable federal, state, and local building, electrical, HVAC, and plumbing codes in accordance with employee certification(s)
- Field Inspection procedures and practices including inspection, documentation, and recordkeeping

**Certified-Commercial Inspector-III (in addition to the knowledges listed above)**

Knowledge:
Possess a working knowledge of:
Computer operation and software including word processing and spreadsheets
- City zoning ordinances, property maintenance, housing, and public nuisance codes

Possess a thorough knowledge of:
- Applicable building, electrical, HVAC, and plumbing construction materials, methods, and practices in accordance with employee certification(s)
- Applicable federal, state, and local building, electrical, HVAC, and plumbing codes in accord with employee certification(s)
- Field inspection procedures and practices including inspection documentation and recordkeeping

**Certified Building Inspector-UDC I**

**Ability to:**
- Read and interpret plans, specifications, and blueprints for one- and two-family dwellings. Detect deficiencies and violations in plans and construction, interpret technical drawings, and interpret codes and ordinances relevant to desired certification(s)
- Communicate effectively verbally and in written format
- Follow oral and written instructions
- Establish and maintain effective working relationships with supervisors, employees and members of the public
- Work under adverse weather conditions
- Perform the physical requirements of the position in conducting inspections
- Keep neat, accurate, and legible records
- Perform mathematical computations
- Obtain State of Wisconsin inspector certifications in a variety of disciplines to enhance inspection abilities
- Work with computer hardware and software including word processing and spreadsheets

**Certified Building Inspector-UDC II**

**Ability to (in addition to the abilities listed above):**
- Read and interpret plans, specifications, and blueprints for one- and two-family dwellings. Detect deficiencies and violations in plans and construction, interpret technical drawings, and interpret codes and ordinances relevant to obtained certifications(s)
- Perform inspections in a thorough, efficient, and timely manner
- Explain technical information tactfully and courteously to contractors and general public
- Enforce and interpret regulations firmly and tactfully
- Establish and maintain effective working relationships with contractors, architects, property owners, employees, and the public
- Train other employees in work performed
- Draw plan sketches and locate facilities

**Certified Commercial Inspector-III**

**Ability to (in addition to the abilities listed above):**
- Read and interpret plans, specifications and blueprints for commercial buildings and one-
and two-family dwellings. Detect deficiencies and violations in plans and construction, interpret technical drawings, and interpret codes and ordinances relevant to all disciplines

- Conduct research and produce technical writing

REQUIREMENTS:

**Certified-Building Inspector-UDC I:**
Training and experience: Any combination of training and experience which would provide the required knowledge and ability to obtain the required certifications is qualifying. A typical way to obtain this knowledge and ability would be:

- One year experience performing building inspections at a similar level for a state or local jurisdiction
- Qualifying experience may be demonstrated by completion of an apprenticeship with work experience within the relative UDC discipline (construction, plumbing, electrical, HVAC)
- Extensive and varied work experience within the construction trades
- College level work in a technical or engineering field
- Technical school level work in relevant construction trades

**Certified-Building Inspector-UDC II:**
Certification from the State of Wisconsin in at least two of the following four certifications upon hire or promotion:

- Uniform Dwelling Code (UDC) construction including erosion control
- UDC Plumbing
- UDC Electrical
- UDC HVAC

One years’ experience performing building inspections for a state or local jurisdiction is desirable.

**Certified-Commercial Inspector-III:**
At time of recruitment, the job posting and advertisement will specify which of the following commercial certification(s) is/are being sought:

A. **Commercial Building Inspector:** Must possess a State of Wisconsin Commercial Building Inspector certification.

B. **Commercial Plumbing Inspector:** Must possess a State of Wisconsin Commercial Plumbing Inspector certification.

C. **Commercial Electrical Inspector:** Must possess a State of Wisconsin Commercial Electrical Inspector certification.

Two years’ experience performing building inspections for a state or local jurisdiction is desirable.
SPECIAL REQUIREMENTS:

License Requirement: Must possess and maintain state certifications as described above.
Oath of Office Requirement: Will be required to take an oath of office.
Driver License Requirement: Must possess and maintain a valid driver's license.
Residency Requirement: No residency requirement.
Background Investigation Requirement: Must pass a background investigation prior to hire.
Post Job Offer Medical Examination Requirement: Must pass a medical examination for the occupational group and drug screen prior to hire.

Bargaining Unit: Non-Union/FLSA Exempt
Occupational Grouping: Inspection

EEOC Job Category: 01
Worker's Comp Code: Ops

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<th>Effective Date</th>
<th>Employee Name, Position</th>
<th>Department</th>
<th>Description</th>
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<td>Patrick Fisher, Mechanic</td>
<td>Central Equip</td>
<td>Wage step increase</td>
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<td>12/04/20</td>
<td>Neil Fairbanks, Seasonal Laborer</td>
<td>Landfill</td>
<td>End of seasonal employment</td>
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<td>12/07/20</td>
<td>Adam Johnson, Investigator</td>
<td>SPD</td>
<td>Completed promotional probation</td>
</tr>
<tr>
<td>12/09/20</td>
<td>Riley Busse, Light Equipment Operator</td>
<td>ESD</td>
<td>Completed probation and wage step increase</td>
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<td>12/11/20</td>
<td>Jeff Slagen, Seasonal Laborer</td>
<td>Parks</td>
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<td>12/11/20</td>
<td>Jaycie Paulson, Asst Bldg Permit Tech</td>
<td>Bldg Insp</td>
<td>Resigned for other employment</td>
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<td>12/12/20</td>
<td>Carter Carpenter, Civil Eng Tech II</td>
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<td>12/13/20</td>
<td>Ashleigh Seabrook, Ice Rink Att</td>
<td>Parks &amp; Rec</td>
<td>Rehired</td>
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<tr>
<td>12/14/20</td>
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<td>Parks &amp; Rec</td>
<td>Rehired</td>
</tr>
<tr>
<td>12/14/20</td>
<td>Brittany Mac Donell, Ice Rink Att</td>
<td>Parks &amp; Rec</td>
<td>Rehired</td>
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<tr>
<td>12/14/20</td>
<td>Gordon Prell, Ice Rink Att</td>
<td>Parks &amp; Rec</td>
<td>Rehired</td>
</tr>
<tr>
<td>12/14/20</td>
<td>Maxwell Peterson, Ice Rink Att</td>
<td>Parks &amp; Rec</td>
<td>Rehired</td>
</tr>
<tr>
<td>12/14/20</td>
<td>David Dennis, Ice Rink Att</td>
<td>Parks &amp; Rec</td>
<td>Rehired</td>
</tr>
<tr>
<td>12/14/20</td>
<td>Brandon Conklin, Ice Rink Att</td>
<td>Parks &amp; Rec</td>
<td>Hired</td>
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<tr>
<td>12/14/20</td>
<td>Jacqueline Fontaine, Ice Rink Att</td>
<td>Parks &amp; Rec</td>
<td>Hired</td>
</tr>
<tr>
<td>12/14/20</td>
<td>Zander Sislo, Ice Rink Att</td>
<td>Parks &amp; Rec</td>
<td>Hired</td>
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<tr>
<td>12/17/20</td>
<td>Michael Krick, Water Resources Specialist</td>
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<td>Wage step increase</td>
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<tr>
<td>12/17/20</td>
<td>David Dalbec, Police Officer</td>
<td>SPD</td>
<td>Wage step increase</td>
</tr>
<tr>
<td>12/17/20</td>
<td>William Lear, Sergeant</td>
<td>SPD</td>
<td>15 year longevity</td>
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<td>Michael Zukowski, Ice Rink Att</td>
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<td>Rehired</td>
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<td>12/27/20</td>
<td>Terry Johnson, Deputy Assessor</td>
<td>Assessor</td>
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<td>12/30/20</td>
<td>Mary Lindberg, Accountant</td>
<td>Finance</td>
<td>Wage step increase</td>
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<td>12/31/20</td>
<td>Adam Staples, Firefighter</td>
<td>SFD</td>
<td>Non-promotion job change</td>
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<tr>
<td>12/31/20</td>
<td>Jonah Anderson, Student Intern</td>
<td>GIS</td>
<td>End of employment</td>
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PUBLIC WORKS COMMITTEE MEETING
January 20, 2021
VIRTUAL MEETING VIA GOOGLE MEETS

Members Present: Esther Dalbec, Jenny Van Sickle, Ruth Ludwig, Craig Sutherland (left the call at 5:02pm)

Also Present: Todd Janigo, Chris Carlson, Jodi Saylor, Shelley Nelson, Thor Trone

Councilor Van Sickle called the meeting to order at 5:00 pm.

1. Approval of the December 16, 2020 meeting minutes.

   Motion by Dalbec, second by Ludwig, and carried to approve the minutes of the December 16, 2020 meeting.

2. Councilor Fennessey: Discussion regarding the pros/cons of a permanent electronic speed sign on Highway 2 near Fairlawn Mansion. Held in Committee from the December 16, 2020 meeting.

   Lieutenant Trone presented the data he collected over several weeks. Week one the smallest, less obtrusive sign was put at 10th Avenue East with no speed displayed. A bigger sign, displaying the speed, was placed at 14th Avenue East. Everything worked as it should. Week two the signs were not displaying speeds, but continued to collect data. Week three, Lt. Trone really began testing to see how effective the speed signs were. The biggest speed sign, with the reflective topper on it, was placed at 10th Avenue East and a small sign, just collecting data, was placed at 14th Avenue East. Those two signs remained for two weeks.

   From the data collected, the percentage of vehicles that slowed, with the blank speed sign at 10th Avenue East, was 37-42% and at 14th Avenue East, it was 63-71%. The following week, with blank signs, 39-45% of vehicles slowed at 10th Avenue East, and roughly 60% slowed at 14th Avenue East. During week three and beyond, the number of drivers that slowed fell in the 50 to mid-50s percentage wise at both locations. Unforeseen, was the fact that on week 4, 7,300 cars disappeared from the data between 10th Avenue East and 14th Avenue East – so just 4 blocks. The speed signs are based off of radar, similar to what squad cars use. They send out a signal that then gets reflected back, however, the signs do not know if the target is one car or a compact group of cars so it is counted as one “target”. Every week, there is a fairly significant difference in the number of cars between 10th Avenue East and 14th Avenue East. In looking at numbers of people that were compliant, the signs are actually having an effect and traffic was compacting or getting closer together. This means the signs, again, are not detecting if there are single cars or compact groups of cars. The sign is alerting people of their speed, so some are slowing down by choice and others are being slowed down as traffic gets more jammed up. In the last 3 weeks of having the signs out, the number of medium to high risk drivers
at 14th Avenue East was higher. Those drivers are still speeding through and because of that, they are separating from the pack and are easier for the signs to read. The percentages are lower in the later weeks. That shows that the longer a sign is in place, it kind of fades into the background and eventually people start to ignore it. Lt. Trone does not believe that a permanent sign in that location would be effective. Additional temporary signs that could be moved around would be a better solution.

The compliant and low risk drivers were the largest majority of people. The average speed in that area is about 40-42 miles per hour. Compliant drivers actually end up sometimes going below the speed limit when they go by the sign. Regarding the truck traffic, Chief Alexander made some inroads with the State Patrol and they are going to work on an enforcement campaign. The data that was collected can help with enforcement campaigns. It also shows that when infrastructure and visual cues are looked at, that area should be one focus.

Motion by Van Sickle, second by Ludwig and carried to decline installing a permanent electronic sign on Highway 2 near the Fairlawn Mansion.

3. Director Janigo: Recommend removal of stop sign at 23rd Street and Hughitt Avenue to make that intersection a 2-way.

At the last meeting, there was talk about making 23rd and Hughitt a 2-way stop. At that meeting, a 2-way stop was approved at 22nd and Hughitt and so removing the one at 23rd would be consistent with having stops every 2 blocks in any direction rather than having a 4-way. Director Janigo believes that either a 2-way or 4-way stop at 23rd would be fine.

Motion by Dalbec, second by Ludwig and carried to deny the removal of the stop sign at 23rd Street and Hughitt.


In the memo included with the agenda there is a pretty extensive list of vehicles and equipment from multiple departments that were sent to auction. The list shows anything that was sent to auction when old and dilapidated and that was not traded in on newer equipment. Anything that could have received a bid over $5,000, which is the criteria set forth in the ordinance, was brought to the Public Works Committee and then to the City Council for approval prior to going to auction. The memo provided is the annual report, as requested by the City Council, on what was sold in 2020. It also includes a request to follow the same procedures in 2021.

Motion by Dalbec, second by Ludwig and carried to approve the advising of 2020 fleet vehicle auction removals and the request to sell surplus vehicles and equipment by auction in 2021.
5. **Director Janigo**: Recommendation to approve resolution dedicating Spartan Circle for public use and transfer of ownership of infrastructure to the City.

It is not a very prominent thing for the City to take land and convert it into developments for building houses. This project started in 2014 with the developer creating a preliminary plat. That process takes a parcel of land that is described in town range and section and not platted already, or taking an already platted land and doing a re-plat. When this is done, the land is divided up and lots and dedicated areas for public use are created. As an example, in a larger development, you might see a large area set aside for a school or Police Department. This process also sets aside space for roads and streets for public use. This preliminary plat then goes through the Planning Commission for approval. Once approved, the preliminary plat is reviewed to ensure that the criteria of the City ordinances are fulfilled, such as roadways, widths, and size of the lots and any necessary corrections are made. It then goes back to the Planning Commission for approval as the final plat. The final plat for this project was approved by the Planning Commission in 2014. The Council approved it shortly thereafter. That establishes where City lots, City streets, public infrastructure, such as the streets, sanitary sewers, storm sewers, and storm water ponds would be located. When the space is being dedicated, there are two ways it can be done. The first is that the developer puts forth a bond or amount of money and sets it aside and then City can hire a contractor to do the final design and make the improvements. The other is that the developer will make the improvements to the public way. In this case it is a street with curb and gutter and as required by ordinance a storm sewer, sanitary sewer and two storm water ponds and all of the features as required by DNR and post-construction storm water statutes. It took the developer about 6 years to put it all together and have it all accepted by the City. There were some struggles with making some of the storm water pipes and if there were issues with them, getting them fixed. It was a long drawn out process but all the approvals have now been completed. The final documents include a 3-page recommendation from the engineer of record with a stamped drawing and all of the pieces needed. The last step is to bring a Resolution to the City Council and after they approve the resolution, the City will take over those streets and they become the City’s responsibility.

**Motion by Ludwig, second by Dalbec and carried to approve the resolution dedicating Spartan Circle for public use and transfer of ownership of infrastructure to the City.**

6. **ESD Director’s Report**

Noted as received and filed.

7. **Public Works Director’s Report**

a. First, a big credit was given to the Public Works Crews. ESD has been helping Parks and Streets as well as the mechanics working on equipment. The plowing and the job they have been doing has gone really well this year. They stepped up some timing on some things and have been fortunate with the light snow and warmer temps. Crews have done a fantastic job with taking care of any snow and snow removal.
b. GPS has been installed in the 4 sander trucks. Director Janigo, Asst. Director Carlson and a few others have the software and are working on figuring it all out. They planned to test it on a storm that was forecast to come last week but never came. There is a public facing account set up as well as some information introducing it to the public. The Mayor will likely do a press release when the system it is ready to go.

c. The Sustain Our Great Lakes Barker’s Island project should be at 95 percent plan around February 5th. There are some upcoming meetings to lay out the project for the owners at Barker’s Island and Barker’s Island Inn. Public Works will also lay it all out for the Mayor with all of the budgets and improvements before the project is finalized.

d. The East 2nd Street mill and overlay was bid last week. Chippewa Concrete Services is the apparent low bidder. They are the contractors that did the first segment. There were three bidders this time instead of one bidder. The City was able to get a price that is roughly $600,000 to $700,000 under the engineer’s original estimate.

e. The Tower Avenue signal had been in a delay due to coming in about 24% over budget, however that has now been bid, reviewed and awarded by the DOT.

f. On the East 2nd Street project, some improvements were discussed for the 50th Avenue East intersection. Those were sent to the DOT, as well as some improvements to signage coming into town between Moccasin Mike and 53rd Street.

g. Ryan Gundstrom is working on the Sidewalk Elimination Checklist that the committee talked about. He is putting together criteria using the Active Transportation Plan, the Safe Routes Plan, ADA Compliance and all of the other criteria needed. Director Janigo hopes to have something to bring to the committee soon.

h. Councilor Ludwig has noticed a lot easier time walking this season. She would like to ask that where flashing pedestrian lights are, the median is cleared out as well as the sidewalks so pedestrians to have a nice clear path in which to walk.

i. Councilor Van Sickle said that based on a refund request in Finance the other day, her suggestion would be that garbage trucks are the next to receive the GPS.

Councilor Van Sickle adjourned the meeting at 5:37 p.m.

The next Public Works Committee meeting will be held February 17, 2021 at 5 p.m. with the location to be determined based on current COVID-19 guidelines.

Minutes submitted to the Council Meeting of February 2, 2021.
Speed Sign Effectiveness

**Location of signs:** 10th Ave E and 14th Ave E: E 2nd Street (South bound traffic)

**Equipment:** All Traffic Solutions: Shield12 & SpeedAlert18

**Dates:** 12/21/2020 – 01/18/2021

**Synopsis by week:**

**Week 1:** On 12/21/20 to 12/26/20 the Shield12 (smallest sign) without the “Your Speed” reflective sign was placed at 10th Ave E. The SpeedAlert18 was placed at 14th Ave E. This was a reliability test of the signs after a “tune up” from All Traffic Solutions. The shield 12 was put into a collection mode (no display) and the SpeedAlert18 was in speed display mode and had the “Your Speed” portion attached. The signs reported back data without any outages.

**Week 2:** On 12/29/20 to 01/03/2021 the signs were left in the same location both were in collection mode. This was just to confirm reliability and establish a “base line” of data with the least of amount of impact created by the speed sign.
Week 3: 01/06/21 to 01/10/21 the signs were switched. The SpeedAlert18 was placed at 10th Ave E and the sign was activated to display speeds. The Shield 12 was now at 14th Ave E and in a passive collection mode. Purpose of this test was to see how much people slow down because of the sign and do they stay slowed down.

Week 4: 01/12/2021 to 01/18/2021 is a continuation of week 3 with no sign changes and further collection of data.

Data:

Key:

<table>
<thead>
<tr>
<th>Compliant</th>
<th>Low</th>
<th>Medium</th>
<th>High</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;= 35 MPH</td>
<td>+1-10 MPH</td>
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<td>+15 MPH</td>
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12/21-12/26

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<th>Medium</th>
<th>High</th>
<th>Total</th>
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<td>3777</td>
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<tr>
<td>14th Ave E</td>
<td>16693</td>
<td>25404</td>
<td>2869</td>
<td>625</td>
<td>45591</td>
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Percent of Vehicles that slowed:

10th Ave E: 37%-42.3%

14th Ave E: 63.1%-71.3%

12/29 -01/03

<table>
<thead>
<tr>
<th>location</th>
<th>Compliant</th>
<th>Low</th>
<th>Medium</th>
<th>High</th>
<th>Total</th>
</tr>
</thead>
<tbody>
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<td>10th Ave E</td>
<td>9621</td>
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<td>14th Ave E</td>
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<td>33478</td>
<td>5317</td>
<td>1247</td>
<td>48558</td>
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</table>

Percent of Vehicles that slowed:

10th Ave E: 39.0%-45.3%

14th Ave E: 60.6%-63.7%
01/06 - 01/10

<table>
<thead>
<tr>
<th>location</th>
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<th>Low</th>
<th>Medium</th>
<th>High</th>
<th>Total</th>
</tr>
</thead>
<tbody>
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<td>10th Ave E</td>
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<td>524</td>
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<td>14th Ave E</td>
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<td>3471</td>
<td>669</td>
<td>42621</td>
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Percent of Vehicles that slowed:

10th Ave E: 51.0% - 57.6%

14th Ave E: 56.1% - 58.2%

01/12 - 01/18

<table>
<thead>
<tr>
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<th>High</th>
<th>Total</th>
</tr>
</thead>
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<td>14th Ave E</td>
<td>10438</td>
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<td>4819</td>
<td>892</td>
<td>59053</td>
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Percent of Vehicles that slowed:

10th Ave E: 51.3% - 56.7%

14th Ave E: 52.9% - 56.9%

Items of Note:

**Missing Cars:** Every week there is a difference in the counts between the sign at 10th and the sign at 14th. 11th Ave E is the only street that vehicles could exit the area and it is unlikely 2000-7000 cars use 11th Ave E. I believe this to be the result system restriction based on how these signs work and the traffic densities on E. 2nd St. These signs use K band Radar which is similar to a radar in a squad car. The radar signal is not capable of telling the difference between a large vehicles and or tight grouping vehicles. The signal is just sent out and reflected back from a vehicle or group of vehicles and the counting unit calculates the speed and counts it. Based on that, I theorize that the signs are having an effect on driver behavior as the percentages show and that effect is causing traffic to bunch up and the sign is unable to accurately count the number of vehicles. A specific counting system would be needed to prove that theory.

**Medium and High Risk Drivers:** The signs appear to have the most effect on those drivers that are compliant or in the low risk category. Those in the Medium and High risk categories are the least affected by the signs. Weeks 2-4 based on a daily reports show that the count for medium and high risk categories is higher at the 2nd sign though we “lost cars”.
## Compliance & Risk Report

### 1000 Blk of E 2nd St, SB

**Medium Risk Threshold:** Speed Limit + 10  
**High Risk Threshold:** Speed Limit + 15  
**Speed Range:** 1 to 100  
**Time View:** By Date (Total Volumes)

<table>
<thead>
<tr>
<th>Date</th>
<th>Speed Limit</th>
<th>Mode</th>
<th>Compliant</th>
<th>Low Risk</th>
<th>Medium Risk</th>
<th>High Risk</th>
<th>Total Num Vehicles</th>
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<tbody>
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<td>2704</td>
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<td>2021-01-07</td>
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<td>2021-01-08</td>
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<td>Speed Display</td>
<td>2738</td>
<td>7032</td>
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<td>113</td>
<td>10481</td>
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<td>2021-01-09</td>
<td>35</td>
<td>Speed Display</td>
<td>2328</td>
<td>6088</td>
<td>669</td>
<td>116</td>
<td>9201</td>
</tr>
<tr>
<td>2021-01-10</td>
<td>35</td>
<td>Speed Display</td>
<td>2005</td>
<td>5256</td>
<td>503</td>
<td>99</td>
<td>7863</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>12545</strong></td>
<td><strong>32631</strong></td>
<td><strong>2916</strong></td>
<td><strong>524</strong></td>
<td></td>
<td></td>
<td><strong>48616</strong></td>
</tr>
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</table>

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# Speed Effectiveness Report

1000 Blk of E 2nd St, SB

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Date (Avg Volumes)

<table>
<thead>
<tr>
<th>Date</th>
<th>Speed Limit</th>
<th>Sign Mode</th>
<th>Compliant Avg Final Speed</th>
<th>Compliant Change in Speed</th>
<th>Low Risk Avg Final Speed</th>
<th>Low Risk Change in Speed</th>
<th>Medium Risk Avg Final Speed</th>
<th>Medium Risk Change in Speed</th>
<th>High Risk Avg Final Speed</th>
<th>High Risk Change in Speed</th>
<th>% of Vehicles Slowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-06</td>
<td>35</td>
<td>Speed Display</td>
<td>32.1</td>
<td>-0.3</td>
<td>39.6</td>
<td>-0.7</td>
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<td>52.8</td>
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<tr>
<td>01-07</td>
<td>35</td>
<td>Speed Display</td>
<td>32.2</td>
<td>-0.5</td>
<td>39.5</td>
<td>-0.7</td>
<td>47.2</td>
<td>-0.4</td>
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<td>52.9%</td>
</tr>
<tr>
<td>01-08</td>
<td>35</td>
<td>Speed Display</td>
<td>32.2</td>
<td>-0.5</td>
<td>39.7</td>
<td>-0.7</td>
<td>47.2</td>
<td>-0.3</td>
<td>53.8</td>
<td>0.4</td>
<td>52.5%</td>
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<tr>
<td>01-09</td>
<td>35</td>
<td>Speed Display</td>
<td>32.0</td>
<td>-0.7</td>
<td>39.7</td>
<td>-0.9</td>
<td>47.2</td>
<td>-0.5</td>
<td>54.0</td>
<td>-0.3</td>
<td>57.6%</td>
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<tr>
<td>01-10</td>
<td>35</td>
<td>Speed Display</td>
<td>32.2</td>
<td>-0.8</td>
<td>39.8</td>
<td>-1.0</td>
<td>47.1</td>
<td>-0.6</td>
<td>53.4</td>
<td>-0.7</td>
<td>56.6%</td>
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Speed Effectiveness Report
1000 Blk of E 2nd St, SB

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Date (Avg Volumes)

Changes in Speed by Risk Threshold

Volume by Date

Generated by Thor Trone on Jan 20, 2021 at 10:51:40 AM
## Compliance & Risk Report

**1000 Blk of E 2nd St, SB**

- **Medium Risk Threshold:** Speed Limit + 10
- **High Risk Threshold:** Speed Limit + 15
- **Speed Range:** 1 to 100
- **Time View:** By Hour (Avg Volumes)

<table>
<thead>
<tr>
<th>Time</th>
<th>Speed Limit</th>
<th>Mode</th>
<th>Compliant</th>
<th>Low Risk</th>
<th>Medium Risk</th>
<th>High Risk</th>
<th>Total Num Vehicles</th>
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</thead>
<tbody>
<tr>
<td>0:00</td>
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<td>64</td>
<td>116</td>
<td>5</td>
<td>1</td>
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<tr>
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<td>43</td>
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<td>1</td>
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<tr>
<td>2:00</td>
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<td>3</td>
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<td>565</td>
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<td>22:00</td>
<td>35</td>
<td>Speed Display</td>
<td>79</td>
<td>188</td>
<td>11</td>
<td>1</td>
<td>279</td>
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<tr>
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<td>35</td>
<td>Speed Display</td>
<td>77</td>
<td>165</td>
<td>9</td>
<td>2</td>
<td>254</td>
</tr>
</tbody>
</table>

**Average**

<table>
<thead>
<tr>
<th>Compliant</th>
<th>Low Risk</th>
<th>Medium Risk</th>
<th>High Risk</th>
<th>Total Num Vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>105</td>
<td>272</td>
<td>24</td>
<td>4</td>
<td>405</td>
</tr>
</tbody>
</table>

Generated by Thor Trone on Jan 20, 2021 at 10:48:48 AM
# Speed Effectiveness Report

**1000 Blk of E 2nd St, SB**

- **Medium Risk Threshold:** Speed Limit + 10
- **High Risk Threshold:** Speed Limit + 15
- **Speed Range:** 1 to 100
- **Time View:** By Hour (Avg Volumes)

<table>
<thead>
<tr>
<th>Time</th>
<th>Speed Limit</th>
<th>Sign Mode</th>
<th>Compliant Avg Final Speed</th>
<th>Compliant Change in Speed</th>
<th>Low Risk Avg Final Speed</th>
<th>Low Risk Change in Speed</th>
<th>Medium Risk Avg Final Speed</th>
<th>Medium Risk Change in Speed</th>
<th>High Risk Avg Final Speed</th>
<th>High Risk Change in Speed</th>
<th>% of Vehicles Slowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>0:00</td>
<td>35</td>
<td>Speed Display</td>
<td>31.9</td>
<td>-1.0</td>
<td>39.6</td>
<td>-0.7</td>
<td>47.7</td>
<td>-0.4</td>
<td>54.7</td>
<td>-0.6</td>
<td>49.5%</td>
</tr>
<tr>
<td>1:00</td>
<td>35</td>
<td>Speed Display</td>
<td>32.3</td>
<td>0.0</td>
<td>39.5</td>
<td>-0.2</td>
<td>47.9</td>
<td>-0.3</td>
<td>52.9</td>
<td>0.1</td>
<td>43.0%</td>
</tr>
<tr>
<td>2:00</td>
<td>35</td>
<td>Speed Display</td>
<td>31.4</td>
<td>-0.5</td>
<td>39.3</td>
<td>0.0</td>
<td>47.2</td>
<td>0.6</td>
<td>58.3</td>
<td>0.3</td>
<td>37.9%</td>
</tr>
<tr>
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<td>31.9</td>
<td>0.2</td>
<td>39.4</td>
<td>-0.1</td>
<td>47.0</td>
<td>-3.0</td>
<td>52.0</td>
<td>-1.0</td>
<td>37.5%</td>
</tr>
<tr>
<td>4:00</td>
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<td>32.2</td>
<td>0.1</td>
<td>39.1</td>
<td>0.0</td>
<td>47.3</td>
<td>-0.2</td>
<td>53.1</td>
<td>0.7</td>
<td>36.9%</td>
</tr>
<tr>
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<td>39.4</td>
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<td>47.4</td>
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<td>45.5%</td>
</tr>
<tr>
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<td>39.3</td>
<td>-0.8</td>
<td>47.7</td>
<td>-0.5</td>
<td>52.9</td>
<td>-0.2</td>
<td>48.0%</td>
</tr>
<tr>
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<td>0.2</td>
<td>39.6</td>
<td>-0.4</td>
<td>47.5</td>
<td>-0.1</td>
<td>53.6</td>
<td>0.4</td>
<td>46.0%</td>
</tr>
<tr>
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<td>-0.5</td>
<td>47.0</td>
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<td>53.6</td>
<td>0.4</td>
<td>40.1%</td>
</tr>
<tr>
<td>9:00</td>
<td>35</td>
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<td>31.7</td>
<td>-0.3</td>
<td>40.0</td>
<td>-0.9</td>
<td>47.3</td>
<td>-0.3</td>
<td>53.0</td>
<td>0.5</td>
<td>52.1%</td>
</tr>
<tr>
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<td>31.2</td>
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<td>47.6</td>
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<td>52.5</td>
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<td>53.0%</td>
</tr>
<tr>
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<td>39.9</td>
<td>-0.9</td>
<td>47.1</td>
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<td>-0.6</td>
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</tr>
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<td>39.8</td>
<td>-1.1</td>
<td>47.2</td>
<td>-0.3</td>
<td>54.2</td>
<td>0.1</td>
<td>59.1%</td>
</tr>
<tr>
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<td>-0.7</td>
<td>39.8</td>
<td>-1.2</td>
<td>47.0</td>
<td>-0.6</td>
<td>53.6</td>
<td>-0.5</td>
<td>59.9%</td>
</tr>
<tr>
<td>14:00</td>
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<td>40.0</td>
<td>-1.0</td>
<td>47.2</td>
<td>-0.5</td>
<td>54.2</td>
<td>-0.8</td>
<td>60.3%</td>
</tr>
<tr>
<td>15:00</td>
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<td>39.8</td>
<td>-0.9</td>
<td>47.2</td>
<td>-0.8</td>
<td>53.4</td>
<td>0.6</td>
<td>60.8%</td>
</tr>
<tr>
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<td>39.9</td>
<td>-1.0</td>
<td>47.0</td>
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<tr>
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<td>39.5</td>
<td>-1.0</td>
<td>47.0</td>
<td>-0.2</td>
<td>52.3</td>
<td>-0.4</td>
<td>59.7%</td>
</tr>
<tr>
<td>18:00</td>
<td>35</td>
<td>Speed Display</td>
<td>32.6</td>
<td>-1.0</td>
<td>39.4</td>
<td>-0.9</td>
<td>47.0</td>
<td>-0.1</td>
<td>52.7</td>
<td>0.2</td>
<td>57.8%</td>
</tr>
<tr>
<td>19:00</td>
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<td>Speed Display</td>
<td>32.4</td>
<td>-1.0</td>
<td>39.5</td>
<td>-0.8</td>
<td>47.0</td>
<td>-0.2</td>
<td>53.1</td>
<td>0.3</td>
<td>56.6%</td>
</tr>
<tr>
<td>20:00</td>
<td>35</td>
<td>Speed Display</td>
<td>32.3</td>
<td>-0.9</td>
<td>39.1</td>
<td>-0.8</td>
<td>47.4</td>
<td>-0.6</td>
<td>52.0</td>
<td>0.7</td>
<td>52.9%</td>
</tr>
<tr>
<td>21:00</td>
<td>35</td>
<td>Speed Display</td>
<td>32.6</td>
<td>-0.4</td>
<td>39.2</td>
<td>-0.5</td>
<td>47.5</td>
<td>-0.4</td>
<td>53.9</td>
<td>1.3</td>
<td>49.0%</td>
</tr>
<tr>
<td>22:00</td>
<td>35</td>
<td>Speed Display</td>
<td>32.2</td>
<td>-1.1</td>
<td>38.4</td>
<td>-0.8</td>
<td>46.8</td>
<td>0.0</td>
<td>56.0</td>
<td>-0.9</td>
<td>52.9%</td>
</tr>
<tr>
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<td>35</td>
<td>Speed Display</td>
<td>32.3</td>
<td>-0.4</td>
<td>39.4</td>
<td>-0.8</td>
<td>47.3</td>
<td>0.2</td>
<td>57.6</td>
<td>-2.0</td>
<td>52.8%</td>
</tr>
</tbody>
</table>

Generated by Thor Trone on Jan 20, 2021 at 10:52:24 AM
Speed Effectiveness Report
1000 Blk of E 2nd St, SB

Start: 2021-01-06
End: 2021-01-10
Times: 0:00-23:59

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Hour (Avg Volumes)

Changes in Speed by Risk Threshold

Compliant Change  Low Change  Medium Change  High Change

Volume by Time (Average)

Volume

Generated by Thor Trone on Jan 20, 2021 at 10:52:24 AM
# Compliance & Risk Report

14th Ave E. and E 2nd St, NB

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Date (Total Volumes)

<table>
<thead>
<tr>
<th>Date</th>
<th>Speed Limit</th>
<th>Mode</th>
<th>Compliant</th>
<th>Low Risk</th>
<th>Medium Risk</th>
<th>High Risk</th>
<th>Total Num Vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021-01-06</td>
<td>35</td>
<td>Display Off</td>
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<td>6378</td>
<td>648</td>
<td>146</td>
<td>8736</td>
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<tr>
<td>2021-01-07</td>
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<td>1550</td>
<td>6655</td>
<td>700</td>
<td>119</td>
<td>9024</td>
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<tr>
<td>2021-01-08</td>
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<td>681</td>
<td>131</td>
<td>9236</td>
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<tr>
<td>2021-01-09</td>
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<td>752</td>
<td>140</td>
<td>8324</td>
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<td>2021-01-10</td>
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<td>1193</td>
<td>5285</td>
<td>690</td>
<td>133</td>
<td>7301</td>
</tr>
<tr>
<td><strong>Total</strong></td>
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<td><strong>31134</strong></td>
<td><strong>3471</strong></td>
<td><strong>669</strong></td>
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</tr>
</tbody>
</table>

Generated by Thor Trone on Jan 20, 2021 at 10:47:39 AM
### Speed Effectiveness Report

**14th Ave E. and E 2nd St, NB**

- **Medium Risk Threshold:** Speed Limit + 10
- **High Risk Threshold:** Speed Limit + 15
- **Speed Range:** 1 to 100
- **Time View:** By Date (Avg Volumes)

**Start:** 2021-01-06  
**End:** 2021-01-10  
**Times:** 0:00-23:59

<table>
<thead>
<tr>
<th>Date</th>
<th>Speed Limit</th>
<th>Sign Mode</th>
<th>Compliant Final Speed</th>
<th>Compliant Change in Speed</th>
<th>Low Risk Avg Final Speed</th>
<th>Low Risk Change in Speed</th>
<th>Medium Risk Avg Final Speed</th>
<th>Medium Risk Change in Speed</th>
<th>High Risk Avg Final Speed</th>
<th>High Risk Change in Speed</th>
<th>% of Vehicles Slowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-06</td>
<td>35</td>
<td>Display Off</td>
<td>31.2</td>
<td>-1.9</td>
<td>39.8</td>
<td>-0.9</td>
<td>47.3</td>
<td>-0.3</td>
<td>53.0</td>
<td>-0.2</td>
<td>56.2%</td>
</tr>
<tr>
<td>01-07</td>
<td>35</td>
<td>Display Off</td>
<td>31.7</td>
<td>-1.8</td>
<td>39.8</td>
<td>-0.9</td>
<td>47.4</td>
<td>-0.4</td>
<td>53.4</td>
<td>-0.1</td>
<td>56.9%</td>
</tr>
<tr>
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<td>31.2</td>
<td>-1.8</td>
<td>39.8</td>
<td>-0.9</td>
<td>47.4</td>
<td>-0.4</td>
<td>53.0</td>
<td>-0.4</td>
<td>58.2%</td>
</tr>
<tr>
<td>01-09</td>
<td>35</td>
<td>Display Off</td>
<td>31.0</td>
<td>-1.6</td>
<td>40.0</td>
<td>-0.9</td>
<td>47.5</td>
<td>-0.6</td>
<td>53.5</td>
<td>0.0</td>
<td>58.6%</td>
</tr>
<tr>
<td>01-10</td>
<td>35</td>
<td>Display Off</td>
<td>31.4</td>
<td>-1.6</td>
<td>40.0</td>
<td>-0.9</td>
<td>47.4</td>
<td>-0.4</td>
<td>53.3</td>
<td>-0.2</td>
<td>56.1%</td>
</tr>
</tbody>
</table>

Generated by Thor Trone on Jan 20, 2021 at 10:54:59 AM
Speed Effectiveness Report
14th Ave E. and E 2nd St, NB

Start: 2021-01-06
End: 2021-01-10
Times: 0:00-23:59

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Date (Avg Volumes)

Changes in Speed by Risk Threshold

Compliant Change  Low Change  Medium Change  High Change

Volume by Date

10,350
9,660
8,970
8,280
7,590
6,900
6,210
5,520
4,830
4,140
3,450
2,760
2,070
1,380
690
0

01-06 01-07 01-08 01-09 01-10

Volume

Generated by Thor Trone on Jan 20, 2021 at 10:54:59 AM
## Compliance & Risk Report

**14th Ave E. and E 2nd St, NB**

Medium Risk Threshold: Speed Limit + 10  
High Risk Threshold: Speed Limit + 15  
Speed Range: 1 to 100  
Time View: By Hour (Avg Volumes)

<table>
<thead>
<tr>
<th>Time</th>
<th>Speed Limit</th>
<th>Mode</th>
<th>Compliant</th>
<th>Low Risk</th>
<th>Medium Risk</th>
<th>High Risk</th>
<th>Total Num Vehicles</th>
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<td>35</td>
<td>Display Off</td>
<td>31</td>
<td>93</td>
<td>6</td>
<td>2</td>
<td>132</td>
</tr>
<tr>
<td>1:00</td>
<td>35</td>
<td>Display Off</td>
<td>21</td>
<td>65</td>
<td>7</td>
<td>2</td>
<td>95</td>
</tr>
<tr>
<td>2:00</td>
<td>35</td>
<td>Display Off</td>
<td>20</td>
<td>71</td>
<td>4</td>
<td>3</td>
<td>98</td>
</tr>
<tr>
<td>3:00</td>
<td>35</td>
<td>Display Off</td>
<td>18</td>
<td>70</td>
<td>3</td>
<td>1</td>
<td>92</td>
</tr>
<tr>
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<td>28</td>
<td>92</td>
<td>5</td>
<td>2</td>
<td>127</td>
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<tr>
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<td>159</td>
<td>14</td>
<td>4</td>
<td>207</td>
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<tr>
<td>6:00</td>
<td>35</td>
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<td>3</td>
<td>282</td>
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<td>363</td>
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<td>33</td>
<td>9</td>
<td>383</td>
</tr>
<tr>
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<td>432</td>
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<td>49</td>
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<td>508</td>
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<td>544</td>
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<td>401</td>
<td>54</td>
<td>13</td>
<td>551</td>
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<tr>
<td>14:00</td>
<td>35</td>
<td>Display Off</td>
<td>78</td>
<td>403</td>
<td>57</td>
<td>8</td>
<td>546</td>
</tr>
<tr>
<td>15:00</td>
<td>35</td>
<td>Display Off</td>
<td>93</td>
<td>410</td>
<td>59</td>
<td>12</td>
<td>574</td>
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<tr>
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<td>594</td>
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<tr>
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<td>121</td>
<td>393</td>
<td>37</td>
<td>4</td>
<td>555</td>
</tr>
<tr>
<td>18:00</td>
<td>35</td>
<td>Display Off</td>
<td>102</td>
<td>373</td>
<td>29</td>
<td>3</td>
<td>507</td>
</tr>
<tr>
<td>19:00</td>
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<td>309</td>
<td>24</td>
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<td>425</td>
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<td>16</td>
<td>1</td>
<td>348</td>
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Compliance & Risk Report
14th Ave E. and E 2nd St, NB

Start: 2021-01-06
End: 2021-01-10
Times: 0:00-23:59

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Hour (Avg Volumes)

Compliance % by Hour (Avg)

Compliance by Hour (Avg)

Speeds

Mean
50% Speed
85% Speed
Speed Limit

Generated by Thor Trone on Jan 20, 2021 at 10:48:27 AM
### Speed Effectiveness Report
14th Ave E. and E 2nd St, NB

- **Medium Risk Threshold:** Speed Limit + 10
- **High Risk Threshold:** Speed Limit + 15
- **Speed Range:** 1 to 100
- **Time View:** By Hour (Avg Volumes)

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<tr>
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<th>Compliant Change in Speed</th>
<th>Low Risk Avg Final Speed</th>
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## Compliance & Risk Report

**1000 Blk of E 2nd St, SB**

- **Medium Risk Threshold:** Speed Limit + 10
- **High Risk Threshold:** Speed Limit + 15
- **Speed Range:** 1 to 100
- **Time View:** By Date (Total Volumes)

### Table

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<tr>
<th>Date</th>
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<th>Mode</th>
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<th>Low Risk</th>
<th>Medium Risk</th>
<th>High Risk</th>
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Generated by Thor Trone on Jan 19, 2021 at 1:59:37 PM
### Speed Effectiveness Report

**1000 Blk of E 2nd St, SB**

**Start:** 2021-01-12  
**End:** 2021-01-18  
**Times:** 0:00-23:59

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<th>Compliant Change in Speed</th>
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<th>Medium Risk Avg Final Speed</th>
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<th>High Risk Avg Final Speed</th>
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<th>% of Vehicles Slowed</th>
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**Medium Risk Threshold:** Speed Limit + 10  
**High Risk Threshold:** Speed Limit + 15  
**Speed Range:** 1 to 100  
**Time View:** By Date (Avg Volumes)

Generated by Thor Trone on Jan 20, 2021 at 11:14:42 AM
Speed Effectiveness Report
1000 Blk of E 2nd St, SB

Start: 2021-01-12
End: 2021-01-18
Times: 0:00-23:59

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Date (Avg Volumes)

Changes in Speed by Risk Threshold

Volume by Date

Generated by Thor Trone on Jan 20, 2021 at 11:14:42 AM
## Compliance & Risk Report

**1000 Blk of E 2nd St, SB**

- **Medium Risk Threshold:** Speed Limit + 10
- **High Risk Threshold:** Speed Limit + 15
- **Speed Range:** 1 to 100
- **Time View:** By Hour (Avg Volumes)

<table>
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<td>270</td>
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Generated by Thor Trone on Jan 19, 2021 at 2:28:08 PM
# Speed Effectiveness Report

**1000 Blk of E 2nd St, SB**

- **Medium Risk Threshold:** Speed Limit + 10
- **High Risk Threshold:** Speed Limit + 15
- **Speed Range:** 1 to 100
- **Time View:** By Hour (Avg Volumes)

<table>
<thead>
<tr>
<th>Time</th>
<th>Speed Limit</th>
<th>Sign Mode</th>
<th>Compliant Avg Final Speed</th>
<th>Compliant Change in Speed</th>
<th>Low Risk Avg Final Speed</th>
<th>Low Risk Change in Speed</th>
<th>Medium Risk Avg Final Speed</th>
<th>Medium Risk Change in Speed</th>
<th>High Risk Avg Final Speed</th>
<th>High Risk Change in Speed</th>
<th>% of Vehicles Slowed</th>
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</thead>
<tbody>
<tr>
<td>0:00</td>
<td>35</td>
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<td>32.3</td>
<td>-0.7</td>
<td>39.6</td>
<td>-0.7</td>
<td>47.0</td>
<td>-0.2</td>
<td>51.0</td>
<td>-3.0</td>
<td>49.6%</td>
</tr>
<tr>
<td>1:00</td>
<td>35</td>
<td>Speed Display</td>
<td>31.4</td>
<td>-0.6</td>
<td>39.5</td>
<td>-0.6</td>
<td>47.0</td>
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<td>0.0</td>
<td>48.1%</td>
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<tr>
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<tr>
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<td>39.2</td>
<td>-0.1</td>
<td>47.2</td>
<td>0.1</td>
<td>52.3</td>
<td>0.0</td>
<td>35.5%</td>
</tr>
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<td>39.3</td>
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<td>47.0</td>
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<td>52.5</td>
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<td>47.3</td>
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<td>52.9</td>
<td>-0.1</td>
<td>55.9%</td>
</tr>
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<tr>
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<td>47.2</td>
<td>-0.7</td>
<td>53.2</td>
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<td>47.4</td>
<td>-0.8</td>
<td>52.6</td>
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<td>59.6%</td>
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<tr>
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<td>47.2</td>
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<td>52.4</td>
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<td>61.1%</td>
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<td>47.1</td>
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<tr>
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<td>39.5</td>
<td>-0.9</td>
<td>47.1</td>
<td>-0.3</td>
<td>53.8</td>
<td>0.0</td>
<td>55.4%</td>
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<tr>
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<td>54.0%</td>
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<tr>
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<td>Speed Display</td>
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<td>-0.6</td>
<td>39.4</td>
<td>-0.8</td>
<td>47.0</td>
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<td>52.7</td>
<td>-0.8</td>
<td>51.9%</td>
</tr>
<tr>
<td>21:00</td>
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<td>Speed Display</td>
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<td>39.4</td>
<td>-0.7</td>
<td>47.3</td>
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<td>52.6</td>
<td>-0.3</td>
<td>52.3%</td>
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<tr>
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<td>Speed Display</td>
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<td>-0.9</td>
<td>39.3</td>
<td>-0.8</td>
<td>47.3</td>
<td>-0.4</td>
<td>56.7</td>
<td>-1.9</td>
<td>53.4%</td>
</tr>
<tr>
<td>23:00</td>
<td>35</td>
<td>Speed Display</td>
<td>31.8</td>
<td>-0.7</td>
<td>39.5</td>
<td>-0.8</td>
<td>47.2</td>
<td>-0.1</td>
<td>58.0</td>
<td>0.9</td>
<td>50.0%</td>
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</tbody>
</table>

Generated by Thor Trone on Jan 20, 2021 at 11:14:11 AM
Speed Effectiveness Report
1000 Blk of E 2nd St, SB

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Hour (Avg Volumes)

Changes in Speed by Risk Threshold

Volume by Time (Average)

Generated by Thor Trone on Jan 20, 2021 at 11:14:11 AM
## Compliance & Risk Report
14th Ave E. and E 2nd St, NB

Medium Risk Threshold: Speed Limit + 10  
High Risk Threshold: Speed Limit + 15  
Speed Range: 1 to 100  
Time View: By Date (Total Volumes)

<table>
<thead>
<tr>
<th>Date</th>
<th>Speed Limit</th>
<th>Mode</th>
<th>Compliant</th>
<th>Low Risk</th>
<th>Medium Risk</th>
<th>High Risk</th>
<th>Total Num Vehicles</th>
</tr>
</thead>
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<td>718</td>
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<td><strong>4819</strong></td>
<td><strong>892</strong></td>
<td><strong>59053</strong></td>
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Generated by Thor Trone on Jan 19, 2021 at 1:58:32 PM
Compliance & Risk Report
14th Ave E. and E 2nd St, NB

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Date (Total Volumes)

Compliance % by Date (Totals)

Compliance by Date (Totals)

Speeds

Generated by Thor Trone on Jan 19, 2021 at 1:58:32 PM
# Speed Effectiveness Report

**14th Ave E. and E 2nd St, NB**

- **Start:** 2021-01-12
- **End:** 2021-01-18
- **Times:** 0:00-23:59

<table>
<thead>
<tr>
<th>Date</th>
<th>Speed Limit</th>
<th>Sign Mode</th>
<th>Compliant Avg Final Speed</th>
<th>Compliant Change in Speed</th>
<th>Low Risk Avg Final Speed</th>
<th>Low Risk Change in Speed</th>
<th>Medium Risk Avg Final Speed</th>
<th>Medium Risk Change in Speed</th>
<th>High Risk Avg Final Speed</th>
<th>High Risk Change in Speed</th>
<th>% of Vehicles Slowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-12</td>
<td>35</td>
<td>Display Off</td>
<td>31.0</td>
<td>-1.8</td>
<td>39.8</td>
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<td>47.2</td>
<td>-0.5</td>
<td>53.1</td>
<td>0.2</td>
<td>55.8%</td>
</tr>
<tr>
<td>01-13</td>
<td>35</td>
<td>Display Off</td>
<td>31.3</td>
<td>-1.7</td>
<td>39.9</td>
<td>-0.9</td>
<td>47.2</td>
<td>-0.2</td>
<td>53.5</td>
<td>-0.4</td>
<td>55.3%</td>
</tr>
<tr>
<td>01-14</td>
<td>35</td>
<td>Display Off</td>
<td>31.1</td>
<td>-1.8</td>
<td>39.8</td>
<td>-0.8</td>
<td>47.3</td>
<td>-0.2</td>
<td>53.1</td>
<td>0.1</td>
<td>52.9%</td>
</tr>
<tr>
<td>01-15</td>
<td>35</td>
<td>Display Off</td>
<td>30.8</td>
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<td>39.8</td>
<td>-0.8</td>
<td>47.3</td>
<td>-0.2</td>
<td>53.2</td>
<td>-0.4</td>
<td>55.9%</td>
</tr>
<tr>
<td>01-16</td>
<td>35</td>
<td>Display Off</td>
<td>31.1</td>
<td>-1.7</td>
<td>39.9</td>
<td>-0.8</td>
<td>47.5</td>
<td>-0.3</td>
<td>53.0</td>
<td>-0.2</td>
<td>56.9%</td>
</tr>
<tr>
<td>01-17</td>
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<td>Display Off</td>
<td>30.7</td>
<td>-1.9</td>
<td>40.0</td>
<td>-0.9</td>
<td>47.4</td>
<td>-0.3</td>
<td>52.9</td>
<td>-0.5</td>
<td>56.4%</td>
</tr>
<tr>
<td>01-18</td>
<td>35</td>
<td>Display Off</td>
<td>29.3</td>
<td>-1.7</td>
<td>39.9</td>
<td>-0.9</td>
<td>47.1</td>
<td>-0.4</td>
<td>53.0</td>
<td>-0.6</td>
<td>56.1%</td>
</tr>
</tbody>
</table>

- **Medium Risk Threshold:** Speed Limit + 10
- **High Risk Threshold:** Speed Limit + 15
- **Speed Range:** 1 to 100
- **Time View:** By Date (Avg Volumes)

Generated by Thor Trone on Jan 20, 2021 at 11:13:39 AM
Speed Effectiveness Report
14th Ave E. and E 2nd St, NB

Start: 2021-01-12
End: 2021-01-18
Times: 0:00-23:59

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Date (Avg Volumes)

Changes in Speed by Risk Threshold

Volume by Date

Generated by Thor Trone on Jan 20, 2021 at 11:13:39 AM
## Compliance & Risk Report
14th Ave E. and E 2nd St, NB

- **Medium Risk Threshold:** Speed Limit + 10
- **High Risk Threshold:** Speed Limit + 15
- **Speed Range:** 1 to 100
- **Time View:** By Hour (Avg Volumes)

### Table

<table>
<thead>
<tr>
<th>Time</th>
<th>Speed Limit</th>
<th>Mode</th>
<th>Compliant</th>
<th>Low Risk</th>
<th>Medium Risk</th>
<th>High Risk</th>
<th>Total Num Vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>0:00</td>
<td>35</td>
<td>Display Off</td>
<td>29</td>
<td>99</td>
<td>10</td>
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<td>140</td>
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<td>87</td>
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<tr>
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<td>239</td>
<td>28</td>
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<td>334</td>
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<tr>
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**Average**

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<tr>
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<th>Medium Risk</th>
<th>High Risk</th>
<th>Total Num Vehicles</th>
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<tr>
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</table>

Generated by Thor Trone on Jan 19, 2021 at 2:27:41 PM
# Speed Effectiveness Report

**14th Ave E. and E 2nd St, NB**

Start: 2021-01-12  
End: 2021-01-18  
Times: 0:00-23:59  
Medium Risk Threshold: Speed Limit + 10  
High Risk Threshold: Speed Limit + 15  
Speed Range: 1 to 100  
Time View: By Hour (Avg Volumes)  

<table>
<thead>
<tr>
<th>Time</th>
<th>Speed Limit</th>
<th>Sign Mode</th>
<th>Compliant Avg Final Speed</th>
<th>Compliant Change in Speed</th>
<th>Low Risk Avg Final Speed</th>
<th>Low Risk Change in Speed</th>
<th>Medium Risk Avg Final Speed</th>
<th>Medium Risk Change in Speed</th>
<th>High Risk Avg Final Speed</th>
<th>High Risk Change in Speed</th>
<th>% of Vehicles Slowed</th>
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</thead>
<tbody>
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<td>39.6</td>
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<td>-0.3</td>
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<td>47.6</td>
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<td>47.0</td>
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<td>52.6</td>
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<td>52.8</td>
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<td>53.8</td>
<td>-1.0</td>
<td>58.4%</td>
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<tr>
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<tr>
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<tr>
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Generated by Thor Trone on Jan 20, 2021 at 11:11:25 AM
Speed Effectiveness Report
14th Ave E. and E 2nd St, NB

Start: 2021-01-12
End: 2021-01-18
Times: 0:00-23:59

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Hour (Avg Volumes)

Changes in Speed by Risk Threshold

Volume by Time (Average)

Generated by Thor Trone on Jan 20, 2021 at 11:11:25 AM
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<tr>
<th>Date</th>
<th>Speed Limit</th>
<th>Mode</th>
<th>Compliant</th>
<th>Low Risk</th>
<th>Medium Risk</th>
<th>High Risk</th>
<th>Total Num Vehicles</th>
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<td><strong>762</strong></td>
<td><strong>49296</strong></td>
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## Speed Effectiveness Report
### 1000 Blk of E 2nd St, SB

**Start:** 2020-12-21  
**End:** 2020-12-26  
**Times:** 0:00-23:59

<table>
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<tr>
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<th>Sign Mode</th>
<th>Compliant Avg Final Speed</th>
<th>Compliant Change in Speed</th>
<th>Low Risk Avg Final Speed</th>
<th>Low Risk Change in Speed</th>
<th>Medium Risk Avg Final Speed</th>
<th>Medium Risk Change in Speed</th>
<th>High Risk Avg Final Speed</th>
<th>High Risk Change in Speed</th>
<th>% of Vehicles Slowed</th>
</tr>
</thead>
<tbody>
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<td>12-21</td>
<td>35</td>
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<td>31.2</td>
<td>-0.2</td>
<td>40.1</td>
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<td>52.9</td>
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<td>37.0%</td>
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<td>0.0</td>
<td>53.3</td>
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<td>42.3%</td>
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<tr>
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<td>0.1</td>
<td>40.1</td>
<td>0.0</td>
<td>47.4</td>
<td>0.0</td>
<td>53.1</td>
<td>-0.1</td>
<td>40.1%</td>
</tr>
</tbody>
</table>

Medium Risk Threshold: Speed Limit + 10  
High Risk Threshold: Speed Limit + 15  
Speed Range: 1 to 100  
Time View: By Date (Avg Volumes)

Generated by Thor Trone on Dec 29, 2020 at 10:04:27 AM
**Speed Effectiveness Report**

1000 Blk of E 2nd St, SB

Start: 2020-12-21
End: 2020-12-26
Times: 0:00-23:59

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Date (Avg Volumes)

### Changes in Speed by Risk Threshold

- **Compliant Change**
- **Low Change**
- **Medium Change**
- **High Change**

### Volume by Date

- **Volume**

Generated by Thor Trone on Dec 29, 2020 at 10:04:27 AM
## Compliance & Risk Report

1000 Blk of E 2nd St, SB

- **Medium Risk Threshold:** Speed Limit + 10
- **High Risk Threshold:** Speed Limit + 15
- **Speed Range:** 1 to 100
- **Time View:** By Hour (Avg Volumes)

<table>
<thead>
<tr>
<th>Time</th>
<th>Speed Limit</th>
<th>Mode</th>
<th>Compliant</th>
<th>Low Risk</th>
<th>Medium Risk</th>
<th>High Risk</th>
<th>Total Num Vehicles</th>
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<td>124</td>
</tr>
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<td>12:00</td>
<td>35</td>
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<td>94</td>
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<tr>
<td>13:00</td>
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</tr>
</tbody>
</table>

**Average**
- **Compliant:** 103
- **Low Risk:** 230
- **Medium Risk:** 29
- **High Risk:** 6
- **Total Num Vehicles:** 368

Generated by Thor Trone on Dec 29, 2020 at 9:47:07 AM
Compliance & Risk Report
1000 Blk of E 2nd St, SB

Start: 2020-12-21
End: 2020-12-26
Times: 0:00-23:59

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Hour (Avg Volumes)

Compliance % by Hour (Avg)

Compliance by Hour (Avg)

Speeds

Generated by Thor Trone on Dec 29, 2020 at 9:47:07 AM
# Speed Effectiveness Report

**1000 Blk of E 2nd St, SB**

**Medium Risk Threshold:** Speed Limit + 10  
**High Risk Threshold:** Speed Limit + 15  
**Speed Range:** 1 to 100  
**Time View:** By Hour (Avg Volumes)

<table>
<thead>
<tr>
<th>Time</th>
<th>Speed Limit</th>
<th>Sign Mode</th>
<th>Compliant Avg Final Speed</th>
<th>Compliant Change in Speed</th>
<th>Low Risk Avg Final Speed</th>
<th>Low Risk Change in Speed</th>
<th>Medium Risk Avg Final Speed</th>
<th>Medium Risk Change in Speed</th>
<th>High Risk Avg Final Speed</th>
<th>High Risk Change in Speed</th>
<th>% of Vehicles Slowed</th>
</tr>
</thead>
<tbody>
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<tr>
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<td>39.5</td>
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<td>47.3</td>
<td>-0.7</td>
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<td>35.1%</td>
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<tr>
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<td>-0.1</td>
<td>52.9</td>
<td>0.2</td>
<td>39.6%</td>
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<tr>
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<td>40.3</td>
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<td>47.0</td>
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<td>52.5</td>
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<td>47.5</td>
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<td>53.5</td>
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<td>40.2%</td>
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<tr>
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<td>40.5</td>
<td>-0.2</td>
<td>47.2</td>
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<td>52.6</td>
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<tr>
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<td>39.6</td>
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<td>53.6</td>
<td>-0.6</td>
<td>42.0%</td>
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<tr>
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<td>39.6</td>
<td>-0.1</td>
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<td>52.9</td>
<td>0.8</td>
<td>42.9%</td>
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<tr>
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<td>-0.1</td>
<td>47.3</td>
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<td>53.6</td>
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<td>43.8%</td>
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<tr>
<td>21:00</td>
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<td>39.5</td>
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<td>47.5</td>
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<td>54.2</td>
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<td>42.8%</td>
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<tr>
<td>22:00</td>
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<td>Display Off</td>
<td>18.7</td>
<td>-0.9</td>
<td>39.9</td>
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Generated by Thor Trone on Dec 29, 2020 at 9:59:43 AM
Speed Effectiveness Report
1000 Blk of E 2nd St, SB

Start: 2020-12-21
End: 2020-12-26
Times: 0:00-23:59

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Hour (Avg Volumes)

Changes in Speed by Risk Threshold

Volume by Time (Average)

Generated by Thor Trone on Dec 29, 2020 at 9:59:43 AM
# Compliance & Risk Report

14th Ave E. and E 2nd St, NB

Start: 2020-12-21  
End: 2020-12-26  
Times: 0:00-23:59

Medium Risk Threshold: Speed Limit + 10  
High Risk Threshold: Speed Limit + 15  
Speed Range: 1 to 100  
Time View: By Date (Total Volumes)

<table>
<thead>
<tr>
<th>Date</th>
<th>Speed Limit</th>
<th>Mode</th>
<th>Compliant</th>
<th>Low Risk</th>
<th>Medium Risk</th>
<th>High Risk</th>
<th>Total Num Vehicles</th>
</tr>
</thead>
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<td>4628</td>
<td>623</td>
<td>173</td>
<td>7325</td>
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<td><strong>2869</strong></td>
<td><strong>625</strong></td>
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</tbody>
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Generated by Thor Trone on Dec 29, 2020 at 9:38:28 AM
Compliance & Risk Report
14th Ave E. and E 2nd St, NB

Start: 2020-12-21
End: 2020-12-28
Times: 0:00-23:59

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Date (Total Volumes)

Compliance % by Date (Totals)

Compliance by Date (Totals)

Speeds

Generated by Thor Trone on Dec 29, 2020 at 9:38:28 AM
## Speed Effectiveness Report

**14th Ave E. and E 2nd St, NB**

**Start:** 2020-12-21  
**End:** 2020-12-26  
**Times:** 0:00-23:59

Medium Risk Threshold: Speed Limit + 10  
High Risk Threshold: Speed Limit + 15  
Speed Range: 1 to 100  
Time View: By Date (Avg Volumes)

<table>
<thead>
<tr>
<th>Date</th>
<th>Speed Limit</th>
<th>Sign Mode</th>
<th>Compliant Avg Final Speed</th>
<th>Compliant Change in Speed</th>
<th>Low Risk Avg Final Speed</th>
<th>Low Risk Change in Speed</th>
<th>Medium Risk Avg Final Speed</th>
<th>Medium Risk Change in Speed</th>
<th>High Risk Avg Final Speed</th>
<th>High Risk Change in Speed</th>
<th>% of Vehicles Slowed</th>
</tr>
</thead>
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<td>12-21</td>
<td>35</td>
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<td>39.6</td>
<td>-1.6</td>
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<td>-0.9</td>
<td>53.3</td>
<td>-0.6</td>
<td>71.1%</td>
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<tr>
<td>12-22</td>
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<td>31.6</td>
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<td>39.6</td>
<td>-1.5</td>
<td>47.5</td>
<td>-0.7</td>
<td>53.6</td>
<td>-0.4</td>
<td>67.1%</td>
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<td>39.5</td>
<td>-1.5</td>
<td>47.3</td>
<td>-1.0</td>
<td>53.5</td>
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<td>64.2%</td>
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<td>39.8</td>
<td>-1.3</td>
<td>47.1</td>
<td>-0.7</td>
<td>53.0</td>
<td>-0.2</td>
<td>63.1%</td>
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<tr>
<td>12-25</td>
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<td>-2.5</td>
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<td>-1.8</td>
<td>47.4</td>
<td>-1.0</td>
<td>53.5</td>
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<td>69.4%</td>
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<tr>
<td>12-26</td>
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<td>-1.9</td>
<td>47.4</td>
<td>-1.0</td>
<td>53.2</td>
<td>-0.6</td>
<td>71.3%</td>
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</table>
Speed Effectiveness Report
14th Ave E. and E 2nd St, NB

Start: 2020-12-21
End: 2020-12-26
Times: 0:00-23:59

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Date (Avg Volumes)

Changes in Speed by Risk Threshold

Compliant Change
Low Change
Medium Change
High Change

Volume by Date

Generated by Thor Trone on Dec 29, 2020 at 10:02:35 AM
# Compliance & Risk Report

14th Ave E. and E 2nd St, NB

- Medium Risk Threshold: Speed Limit + 10
- High Risk Threshold: Speed Limit + 15
- Speed Range: 1 to 100
- Time View: By Hour (Avg Volumes)

<table>
<thead>
<tr>
<th>Time</th>
<th>Speed Limit</th>
<th>Mode</th>
<th>Compliant</th>
<th>Low Risk</th>
<th>Medium Risk</th>
<th>High Risk</th>
<th>Total Num Vehicles</th>
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<td>65</td>
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<tr>
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<td>46</td>
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<td>83</td>
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<td>235</td>
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<td>7:00</td>
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| Average | 125 | 196 | 22 | 5 | 349 |

Generated by Thor Trone on Dec 29, 2020 at 9:45:43 AM
# Speed Effectiveness Report

**14th Ave. E. and E 2nd St, NB**

**Medium Risk Threshold:** Speed Limit + 10  
**High Risk Threshold:** Speed Limit + 15  
**Speed Range:** 1 to 100  
**Time View:** By Hour (Avg Volumes)

<table>
<thead>
<tr>
<th>Time</th>
<th>Speed Limit</th>
<th>Sign Mode</th>
<th>Compliant Avg Final Speed</th>
<th>Compliant Change in Speed</th>
<th>Low Risk Avg Final Speed</th>
<th>Low Risk Change in Speed</th>
<th>Medium Risk Avg Final Speed</th>
<th>Medium Risk Change in Speed</th>
<th>High Risk Avg Final Speed</th>
<th>High Risk Change in Speed</th>
<th>% of Vehicles Slowed</th>
</tr>
</thead>
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<td>39.4</td>
<td>-1.2</td>
<td>47.9</td>
<td>-0.9</td>
<td>53.0</td>
<td>1.3</td>
<td>61.3%</td>
</tr>
<tr>
<td>1:00</td>
<td>35</td>
<td>Speed Display</td>
<td>30.6</td>
<td>-1.8</td>
<td>39.2</td>
<td>-1.0</td>
<td>47.2</td>
<td>0.5</td>
<td>53.6</td>
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<td>62.9%</td>
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<td>-0.9</td>
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<td>58.0%</td>
</tr>
<tr>
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<td>-1.3</td>
<td>39.2</td>
<td>-1.0</td>
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<td>53.0</td>
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<td>71.8%</td>
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<td>-1.8</td>
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<td>52.5</td>
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<tr>
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<td>-1.5</td>
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<td>53.7</td>
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<td>47.3</td>
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<td>58.7</td>
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<tr>
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<td>54.5</td>
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<td>64.4%</td>
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<tr>
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<td>Speed Display</td>
<td>23.9</td>
<td>-2.1</td>
<td>39.2</td>
<td>-1.3</td>
<td>47.7</td>
<td>-0.3</td>
<td>53.0</td>
<td>-1.2</td>
<td>65.7%</td>
</tr>
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</table>

Generated by Thor Trone on Dec 29, 2020 at 10:00:29 AM
Speed Effectiveness Report
14th Ave E. and E 2nd St, NB

Start: 2020-12-21
End: 2020-12-26
Times: 0:00-23:59

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Hour (Avg Volumes)

Changes in Speed by Risk Threshold

Volume by Time (Average)

Generated by Thor Trone on Dec 29, 2020 at 10:00:29 AM
## Compliance & Risk Report

1000 Blk of E 2nd St, SB

- **Start:** 2020-12-29
- **End:** 2021-01-03
- **Times:** 0:00-23:59

**Medium Risk Threshold:** Speed Limit + 10

**High Risk Threshold:** Speed Limit + 15

**Speed Range:** 1 to 100

**Time View:** By Date (Total Volumes)

<table>
<thead>
<tr>
<th>Date</th>
<th>Speed Limit</th>
<th>Mode</th>
<th>Compliant</th>
<th>Low Risk</th>
<th>Medium Risk</th>
<th>High Risk</th>
<th>Total Num Vehicles</th>
</tr>
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<td>728</td>
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Generated by Thor Trone on Jan 4, 2021 at 8:38:17 AM
## Speed Effectiveness Report

**1000 Blk of E 2nd St, SB**

- **Start:** 2020-12-29
- **End:** 2021-01-03
- **Times:** 0:00-23:59

### Medium Risk Threshold: Speed Limit + 10
### High Risk Threshold: Speed Limit + 15
### Speed Range: 1 to 100
### Time View: By Date (Avg Volumes)

<table>
<thead>
<tr>
<th>Date</th>
<th>Speed Limit</th>
<th>Sign Mode</th>
<th>Compliant Avg Final Speed</th>
<th>Compliant Change in Speed</th>
<th>Low Risk Avg Final Speed</th>
<th>Low Risk Change in Speed</th>
<th>Medium Risk Avg Final Speed</th>
<th>Medium Risk Change in Speed</th>
<th>High Risk Avg Final Speed</th>
<th>High Risk Change in Speed</th>
<th>% of Vehicles Slowed</th>
</tr>
</thead>
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<td>30.7</td>
<td>0.3</td>
<td>39.9</td>
<td>-0.1</td>
<td>47.3</td>
<td>0.0</td>
<td>52.7</td>
<td>-0.1</td>
<td>39.0%</td>
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<td>47.3</td>
<td>-0.1</td>
<td>52.9</td>
<td>-0.2</td>
<td>45.3%</td>
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<td>42.4%</td>
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Generated by Thor Trone on Jan 4, 2021 at 8:48:41 AM
## Compliance & Risk Report

**1000 Blk of E 2nd St, SB**

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Hour (Avg Volumes)

<table>
<thead>
<tr>
<th>Time</th>
<th>Speed Limit</th>
<th>Mode</th>
<th>Compliant</th>
<th>Low Risk</th>
<th>Medium Risk</th>
<th>High Risk</th>
<th>Total Num Vehicles</th>
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</thead>
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<td>91</td>
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<td>60</td>
<td>5</td>
<td>1</td>
<td>91</td>
</tr>
<tr>
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<td>39</td>
<td>73</td>
<td>6</td>
<td>1</td>
<td>119</td>
</tr>
<tr>
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<td>116</td>
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<td>150</td>
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<tr>
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<td>201</td>
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<tr>
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<td>Display Off</td>
<td>73</td>
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<td>16</td>
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<td>295</td>
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Generated by Thor Trone on Jan 4, 2021 at 8:35:30 AM
Compliance & Risk Report
1000 Blk of E 2nd St, SB

Start: 2020-12-29
End: 2021-01-03
Times: 0:00-23:59

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Hour (Avg Volumes)

Compliance % by Hour (Avg)

Compliance by Hour (Avg)

Speeds

Generated by Thor Trone on Jan 4, 2021 at 8:35:30 AM
# Speed Effectiveness Report

**1000 Blk of E 2nd St, SB**

Medium Risk Threshold: Speed Limit + 10  
High Risk Threshold: Speed Limit + 15  
Speed Range: 1 to 100  
Time View: By Hour (Avg Volumes)

<table>
<thead>
<tr>
<th>Time</th>
<th>Speed Limit</th>
<th>Sign Mode</th>
<th>Compliant Avg Final Speed</th>
<th>Compliant Change in Speed</th>
<th>Low Risk Avg Final Speed</th>
<th>Low Risk Change in Speed</th>
<th>Medium Risk Avg Final Speed</th>
<th>Medium Risk Change in Speed</th>
<th>High Risk Avg Final Speed</th>
<th>High Risk Change in Speed</th>
<th>% of Vehicles Slowed</th>
</tr>
</thead>
<tbody>
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<td>0:00</td>
<td>35</td>
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<td>39.3</td>
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<td>53.8</td>
<td>-0.9</td>
<td>42.6%</td>
</tr>
<tr>
<td>1:00</td>
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<td>Display Off</td>
<td>31.1</td>
<td>0.7</td>
<td>39.4</td>
<td>-0.4</td>
<td>47.6</td>
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<td>55.4</td>
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<tr>
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<td>0.0</td>
<td>47.7</td>
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<tr>
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<tr>
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<td>47.7</td>
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<td>47.0</td>
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<td>63.0</td>
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<td>42.1%</td>
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<td>47.3</td>
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<td>-0.5</td>
<td>47.3</td>
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<td>45.7%</td>
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<td>-0.3</td>
<td>47.1</td>
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<td>45.8%</td>
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<tr>
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<td>39.8</td>
<td>-0.1</td>
<td>47.5</td>
<td>0.0</td>
<td>52.9</td>
<td>0.4</td>
<td>40.8%</td>
</tr>
<tr>
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<td>-0.3</td>
<td>39.4</td>
<td>-0.1</td>
<td>47.3</td>
<td>0.1</td>
<td>54.2</td>
<td>-0.1</td>
<td>43.7%</td>
</tr>
<tr>
<td>19:00</td>
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<td>52.2</td>
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<tr>
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<td>39.5</td>
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<td>53.0</td>
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<td>47.3</td>
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<td>43.5%</td>
</tr>
<tr>
<td>22:00</td>
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<td>-0.4</td>
<td>39.5</td>
<td>-0.1</td>
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<td>43.5%</td>
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<tr>
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<td>39.6</td>
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Generated by Thor Trone on Jan 4, 2021 at 8:52:08 AM
Speed Effectiveness Report
1000 Blk of E 2nd St, SB

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Hour (Avg Volumes)

Start: 2020-12-29
End: 2021-01-03
Times: 0:00-23:59

Changes in Speed by Risk Threshold

Volume by Time (Average)

Generated by Thor Trone on Jan 4, 2021 at 8:52:08 AM
## Compliance & Risk Report

**14th Ave E. and E 2nd St, NB**

- **Start:** 2020-12-29
- **End:** 2021-01-03
- **Times:** 0:00-23:59

**Medium Risk Threshold:** Speed Limit + 10

**High Risk Threshold:** Speed Limit + 15

**Speed Range:** 1 to 100

**Time View:** By Date (Total Volumes)

<table>
<thead>
<tr>
<th>Date</th>
<th>Speed Limit</th>
<th>Mode</th>
<th>Compliant</th>
<th>Low Risk</th>
<th>Medium Risk</th>
<th>High Risk</th>
<th>Total Num Vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020-12-29</td>
<td>35</td>
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<td>2072</td>
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<td>805</td>
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<td>8811</td>
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<tr>
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<td>6449</td>
<td>918</td>
<td>188</td>
<td>9038</td>
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<tr>
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<td>1155</td>
<td>4916</td>
<td>805</td>
<td>198</td>
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<tr>
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<td>1213</td>
<td>5408</td>
<td>949</td>
<td>191</td>
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Generated by Thor Trone on Jan 4, 2021 at 8:37:54 AM
# Speed Effectiveness Report

**14th Ave E. and E 2nd St, NB**

- **Start:** 2020-12-29
- **End:** 2021-01-03
- **Times:** 0:00-23:59

**Medium Risk Threshold:** Speed Limit + 10

**High Risk Threshold:** Speed Limit + 15

**Speed Range:** 1 to 100

**Time View:** By Date (Avg Volumes)

<table>
<thead>
<tr>
<th>Date</th>
<th>Speed Limit</th>
<th>Sign Mode</th>
<th>Compliant Avg Final Speed</th>
<th>Compliant Change in Speed</th>
<th>Low Risk Avg Final Speed</th>
<th>Low Risk Change in Speed</th>
<th>Medium Risk Avg Final Speed</th>
<th>Medium Risk Change in Speed</th>
<th>High Risk Avg Final Speed</th>
<th>High Risk Change in Speed</th>
<th>% of Vehicles Slowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>12-29</td>
<td>35</td>
<td>Display Off, Speed Display</td>
<td>30.8</td>
<td>-1.8</td>
<td>39.9</td>
<td>-1.3</td>
<td>47.3</td>
<td>-0.9</td>
<td>52.7</td>
<td>-0.4</td>
<td>63.6%</td>
</tr>
<tr>
<td>12-30</td>
<td>35</td>
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<td>30.3</td>
<td>-1.7</td>
<td>40.2</td>
<td>-1.1</td>
<td>47.6</td>
<td>-0.8</td>
<td>52.6</td>
<td>-0.6</td>
<td>60.8%</td>
</tr>
<tr>
<td>12-31</td>
<td>35</td>
<td>Display Off</td>
<td>30.9</td>
<td>-1.8</td>
<td>40.1</td>
<td>-1.2</td>
<td>47.4</td>
<td>-0.8</td>
<td>53.3</td>
<td>-0.6</td>
<td>62.8%</td>
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<tr>
<td>01-01</td>
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<td>40.2</td>
<td>-1.3</td>
<td>47.6</td>
<td>-0.7</td>
<td>53.4</td>
<td>-0.7</td>
<td>63.7%</td>
</tr>
<tr>
<td>01-02</td>
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<td>30.9</td>
<td>-1.7</td>
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<td>-1.4</td>
<td>47.4</td>
<td>-0.8</td>
<td>53.1</td>
<td>-0.5</td>
<td>63.2%</td>
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<tr>
<td>01-03</td>
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<td>40.3</td>
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<td>47.6</td>
<td>-0.8</td>
<td>53.6</td>
<td>-0.7</td>
<td>60.6%</td>
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</tbody>
</table>

Generated by Thor Trone on Jan 4, 2021 at 8:55:06 AM
## Compliance & Risk Report

**14th Ave E. and E 2nd St, NB**

Medium Risk Threshold: Speed Limit + 10  
High Risk Threshold: Speed Limit + 15  
Speed Range: 1 to 100  
Time View: By Hour (Avg Volumes)

<table>
<thead>
<tr>
<th>Time</th>
<th>Speed Limit</th>
<th>Mode</th>
<th>Compliant</th>
<th>Low Risk</th>
<th>Medium Risk</th>
<th>High Risk</th>
<th>Total Num Vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>0:00</td>
<td>35</td>
<td>Speed Display, Display Off</td>
<td>43</td>
<td>83</td>
<td>4</td>
<td>2</td>
<td>132</td>
</tr>
<tr>
<td>1:00</td>
<td>35</td>
<td>Speed Display, Display Off</td>
<td>21</td>
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<td>78</td>
</tr>
<tr>
<td>2:00</td>
<td>35</td>
<td>Speed Display, Display Off</td>
<td>27</td>
<td>64</td>
<td>5</td>
<td>2</td>
<td>98</td>
</tr>
<tr>
<td>3:00</td>
<td>35</td>
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<td>51</td>
<td>4</td>
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<tr>
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<tr>
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<td>301</td>
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<td>16</td>
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<tr>
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<td>48</td>
<td>283</td>
<td>57</td>
<td>16</td>
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<td>84</td>
<td>19</td>
<td>539</td>
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<td>529</td>
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<td>14</td>
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<td>54</td>
<td>123</td>
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**Average**  

<table>
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<tr>
<th>Compliant</th>
<th>Low Risk</th>
<th>Medium Risk</th>
<th>High Risk</th>
<th>Total Num Vehicles</th>
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<tr>
<td>59</td>
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<td>37</td>
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<td>335</td>
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</table>

Generated by Thor Trone on Jan 4, 2021 at 8:36:06 AM
## Speed Effectiveness Report

**14th Ave E. and E 2nd St, NB**

Start: 2020-12-29  
End: 2021-01-03  
Times: 0:00-23:59

Medium Risk Threshold: Speed Limit + 10  
High Risk Threshold: Speed Limit + 15  
Speed Range: 1 to 100  
Time View: By Hour (Avg Volumes)

<table>
<thead>
<tr>
<th>Time</th>
<th>Speed Limit</th>
<th>Sign Mode</th>
<th>Compliant Avg Final Speed</th>
<th>Compliant Change in Speed</th>
<th>Low Risk Avg Final Speed</th>
<th>Low Risk Change in Speed</th>
<th>Medium Risk Avg Final Speed</th>
<th>Medium Risk Change in Speed</th>
<th>High Risk Avg Final Speed</th>
<th>High Risk Change in Speed</th>
<th>% of Vehicles Slowed</th>
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<tbody>
<tr>
<td>0:00</td>
<td>35</td>
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<td>30.4</td>
<td>-1.7</td>
<td>39.3</td>
<td>-1.0</td>
<td>47.4</td>
<td>-0.5</td>
<td>54.9</td>
<td>-0.7</td>
<td>58.5%</td>
</tr>
<tr>
<td>1:00</td>
<td>35</td>
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<td>31.1</td>
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<td>39.7</td>
<td>-1.0</td>
<td>47.2</td>
<td>-0.3</td>
<td>55.6</td>
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<td>55.2%</td>
</tr>
<tr>
<td>2:00</td>
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<td>47.3</td>
<td>-0.3</td>
<td>56.2</td>
<td>-1.4</td>
<td>55.5%</td>
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<tr>
<td>3:00</td>
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<tr>
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</tr>
<tr>
<td>5:00</td>
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<td>39.9</td>
<td>-0.9</td>
<td>47.6</td>
<td>-0.4</td>
<td>54.6</td>
<td>-0.5</td>
<td>53.6%</td>
</tr>
<tr>
<td>6:00</td>
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<td>39.7</td>
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<tr>
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<tr>
<td>9:00</td>
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<td>Display Off, Speed Display</td>
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<td>48.0</td>
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<td>52.6</td>
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<td>Display Off, Speed Display</td>
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<td>40.6</td>
<td>-1.3</td>
<td>47.4</td>
<td>-0.5</td>
<td>53.0</td>
<td>-0.7</td>
<td>63.2%</td>
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<tr>
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<td>29.4</td>
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<td>40.6</td>
<td>-1.3</td>
<td>47.9</td>
<td>-0.9</td>
<td>52.9</td>
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<tr>
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<td>40.5</td>
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<td>52.7</td>
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<td>47.4</td>
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<td>53.3</td>
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<tr>
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<td>54.2</td>
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<tr>
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<td>47.6</td>
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<td>52.8</td>
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<td>60.5%</td>
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Generated by Thor Trone on Jan 4, 2021 at 8:53:44 AM
Speed Effectiveness Report
14th Ave E. and E 2nd St, NB

Start: 2020-12-29
End: 2021-01-03
Times: 0:00-23:59

Medium Risk Threshold: Speed Limit + 10
High Risk Threshold: Speed Limit + 15
Speed Range: 1 to 100
Time View: By Hour (Avg Volumes)

Changes in Speed by Risk Threshold

Volume by Time (Average)

Generated by Thor Trone on Jan 4, 2021 at 8:53:44 AM
January 8, 2021

TO: Public Works Committee

FROM: Todd Janigo, Public Works Director

RE: FYI – Fleet Vehicle Auction Removals

1. Introduction
As per Council direction at the February 4, 2020 meeting, the following listed items were sold via auction service/bid sale in 2020:

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<thead>
<tr>
<th>Dept/Div</th>
<th>Unit #</th>
<th>Description</th>
<th>Sale Price</th>
<th>Net</th>
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<td>$1,600.00</td>
<td>$1,408.00</td>
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<td>Fire</td>
<td>223</td>
<td>2004 Chevrolet Tahoe</td>
<td>$3,000.00</td>
<td>$2,715.00</td>
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<tr>
<td>Fire</td>
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<td>2004 Chevrolet Tahoe</td>
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<td>$2,081.50</td>
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<td>TIDD Trail Groomers</td>
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<td>Terra Greens Brooms</td>
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<tr>
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<td>Landa Parts Washer</td>
<td>$624.30</td>
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<td>$1.00</td>
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<td>Hein Werner Trans Jack</td>
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<td>A433</td>
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<td>PW/Landfill</td>
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<td>2002 GMC 2500</td>
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<td>$1,320.00</td>
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<tr>
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<td>White Push Mower</td>
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<tr>
<td>PW/Landfill</td>
<td>5110</td>
<td>Jonsered Weed Trimmer</td>
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<td>Efco Weed Trimmer</td>
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<td>297</td>
<td>1981 John Deere Flail Mower</td>
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<td>John Deere Rotary Mower</td>
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<td>1990 Alamo Rotary Mower</td>
<td>$485.43</td>
<td>$409.00</td>
</tr>
<tr>
<td>PW/Parks</td>
<td>605/P605</td>
<td>2005 Chevrolet 1500 w/ Boss Plow</td>
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<td>$4,550.00</td>
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<tr>
<td>PW/Parks</td>
<td>606/P606</td>
<td>2005 Chevrolet 1500 w/ Boss Plow</td>
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<td>$2,680.00</td>
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</tr>
<tr>
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<td>1998 John Deere Gator</td>
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<tr>
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<td>2007 Sterling Tandem</td>
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<td>PW/Street</td>
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<td>2006 Monroe Wing</td>
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<tr>
<td>PW/Street</td>
<td>W301</td>
<td>2006 Monroe Wing</td>
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</table>
2. **Background**

As per the Regular Council Meeting of February 4, 2020 the use of public auction and/or public sale to dispose of excess fleet vehicles and equipment was approved with the understanding that the Council be provided a list of items removed.

The Public Works Department is recommending that surplus City property to be disposed of in 2021 be sold via a public auction, online auction and/or by public sale per City of Superior, Code of Ordinances, Ch. 2, Article X. As we have done in the past, once removals are made a list will be provided to the Mayor and Common Council for their information.

Surplus property to be disposed of will typically consist of:
- Miscellaneous obsolete surplus vehicle replacement parts and equipment no longer used/owned.
- Miscellaneous obsolete golf course equipment.
- Miscellaneous fleet vehicles/equipment replaced in 2021 not specifically traded to supplying vendor of replacement vehicle/equipment.

3. **Fiscal Impact**

Proceeds from the sale will provide revenue for the fund the purchase originated from (General, Enterprise and CIP).

4. **Conclusion**

This information has been established to notify the Common Council of necessary fleet and equipment removals and reassignments.

TJ/cn

c: Chris Carlson, Asst. PW Director
Len Moen, Fleet Manager
Date: January 13, 2021

Council Date: February 2, 2021

MEMORANDUM

TO: Mayor Jim Paine and Members of the Common Council

FROM: Todd Janigo, Public Works Director

RE: Resolution Accepting Spartan Circle

The Spartan Circle plat was presented to and approved by the City of Superior City Council on June 3, 2014. Since that time, the street, sanitary sewers and storm sewers have been constructed to the satisfaction of the design engineer and according to the approved plans and specifications. (letter attached)

As the improvements have met these requirements, it is my recommendation that the Council approve the Resolution dedicating Spartan Circle for public use and the City should take over maintenance of the roadway, sanitary sewer and storm sewer.

Recommended: __________________________

Jim Paine, Mayor
RESOLUTION #R21-XXX

RESOLUTION INTRODUCED BY THE PUBLIC WORKS DIRECTOR DEDICATING STREETS FOR PUBLIC USE AND OPEN FOR TRAVEL.

WHEREAS, the final plat for the Spartan Circle Development was accepted and approved by the Superior City Council on June 3, 2014, and

WHEREAS, the improvements required under City of Superior Ordinance Section 110-45 have been made to the satisfaction of the supervising design engineer regarding the roadway, sanitary and storm, and

WHEREAS, the City of Superior Public Works Department will immediately take over ownership and maintenance of Spartan Circle,

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Superior that Spartan Circle is hereby dedicated for and open to public use.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the Wisconsin Department of Transportation, Highway Division Office.

Passed and adopted this 2nd day of February, 2021.

Approved this 2nd day of February, 2021.

__________________________
Mayor

Attest: __________________________
City Clerk
DATE: January 14, 2021
TO: Members of the Public Works Committee
FROM: Steve Roberts
RE: ESD Director’s Report for January 2021 PWC
Wastewater Treatment and Collection System Compliance Summary for 2020

This document is intended to provide a general update to the Public Works Committee on Wastewater Utility flow volumes and wastewater discharge permit compliance for 2020. A Compliance Maintenance Annual Report (CMAR) will be submitted in June according to DNR requirements.

QUANTITY TREATED

- The City of Superior’s wastewater facilities discharged a total of 1.558 billion gallons of treated effluent in 2020. This is approximately 16% less than the 10-year annual average of 1.863 billion gallons. Volume discharged in 2020 from the main Wastewater Treatment Plant (WWTP) and Combined Sewer Treatment Plants (CSTP) were:
  - 1.487 Billion Gallons @ WWTP
  - 57 Million Gallons @ CSTP 2
  - 6 Million Gallons @ CSTP 5 (South Superior)
  - 7 Million Gallons @ CSTP 6 (Billings Park)

- Recent and ongoing projects allow greater use of the most robust treatment capacity available and a corresponding decrease in discharge from less robust facilities. The highest quality effluent (and most restrictive limits) occur with discharges from the main WWTP outfall that includes physical, chemical, and biological treatment with ultraviolet disinfection of effluent. Discharges from CSTP 2 outfall receive physical, chemical, and biological treatment with chlorine-based disinfection. CSTPs 5 and 6 each provide two stages of primary treatment and three stages of screening of effluent prior to discharge. Annual discharge volume for each facility in 2020 may be compared to the previous 10 year period as follows:
  - Typical discharge volume from the WWTP: 83% decrease in volume from CSTP 5 (within 1% of the 10-year average)
  - 81% decrease in volume from CSTP 2

Although these statistics reflect ongoing efforts to reduce discharges from CSTPs, please note that the overall lack of both overall rainfall and of severe storms were significant factors in the magnitude of reduction in those discharges in 2020.
COMPLIANCE WITH PERMIT LIMITS

Compliance was maintained with effluent limits for all treatment facility discharges in 2020, marking the first calendar year without an effluent violation (2019 and 2007 each had a single effluent violation).

- **Biological Oxygen Demand**
  Permit compliance has been maintained for biological oxygen demand limits at the WWTP and auxiliary treatment facilities from August 2014 to present.

- **Ammonia and pH Control Facilities**
  Additional effluent limitations for ammonia became effective with the effective date of the new 5-year discharge permit (4/1/2019). Effluent compliance has been maintained for ammonia limits at the WWTP and auxiliary treatment facilities since February 2015.

- **Phosphorus**
  Permit compliance has been maintained for phosphorus limits at the WWTP and auxiliary treatment facilities from February 2017 to present.

- **Total Suspended Solids**
  Effluent has been discharged in compliance with permit limits for total suspended solids from July 2017 to present. Permit compliance has been maintained since October 2018 (when a sampling anomaly occurred at CSTP 5 that did not reflect actual effluent quality but is nonetheless considered an effluent violation).

- **Disinfection**
  - **WWTP Disinfection**
    Bacteria limit for the WWTP has been maintained since the 3rd week of November, 2019. This remains the only permit violation for WWTP disinfection the UV system replaced chlorine disinfection system in 2012.
  - **CSTP 2 Disinfection**
    Permit compliance has been maintained for discharges from CSTP 2 since October 2018.
  - **CSTP 5 & 6 Disinfection**
    Disinfection is not required for discharges from these facilities.

TREATMENT FACILITY OVERFLOW

- There was 1 treatment facility overflow (TFO) in 2020. The TFO occurred in October during an effort to service equipment associated with heating sludge in the anaerobic digester. During the TFO approximately 10 gallons of sludge spilled onto a grassy area on the WWTP site, with prompt cleanup performed by ESD staff.

SANITARY SEWER OVERFLOWS

- There was 1 sanitary sewer overflow (SSO) in 2020. This equates to a 77% reduction compared to the 5-year average of 4.4 SSOs per year (2015-2019).
- The SSO occurred in late April as a result of several factors: a partial obstruction in a sanitary sewer due to an accumulation of concrete, accumulation other debris on the obstruction blocking the pipe, and a section of sanitary sewer downstream of the obstruction that was significantly offset that did not allow adequate flow of the accumulated sewage. Approximately 225 gallons of sewage overflowed from the manhole upstream of the blockage. ESD sewer maintenance staff were able to clear the
blockage and remove sewage from the ground surface with the Vactor truck. The section of pipe that had become offset was removed and replaced to improve flow in the sewer. The obstruction was able to be partially removed by ESD sewer maintenance staff; complete removal will be attempted in the near future by a contractor that has the appropriate equipment and experience in this type of work.

- Infrastructure improvements continue to reduce the likelihood, frequency, and severity of wet weather overflows and the potential of surcharged (overfilled) sewer mains contributing to risk of flooded basements. There were zero wet weather overflows or flooded basements attributable to surcharged sewer mains in 2020. Variability in intensity and total volume of severe storm events significantly impact this performance and further improvements to mitigate these risks remain a high priority.

**COMBINED SEWER OVERFLOWs**

- There were zero combined sewer overflows in 2020 or in the current permit term (beginning April 2019).
- There were 3 CSOs in the previous permit cycle (April 2013 to March 2019) with the most recent having occurred in June of 2018. The average of 0.5 CSOs per year occurring in the previous permit term compares favorably to the long term (20 year) average of 1.8 CSOs per year.
- Wet weather overflows from CSTP 5 and 6 that receive a minimum of primary clarification (settling) and removal of floatables before discharge are classified as “Treated Combined Sewer Overflows”. All CSOs in the previous permit cycle met this standard and are not permit violations.

**LOOK AHEAD FOR 2021**

- Reinvestment in the CSTP infrastructure in South Superior is intended to provide greater ability to convey volume stored after a storm to the collection system to be treated at the WWTP, reduce the risk of CSOs, and replace deteriorated asphalt in the storage basin. This project has scored sufficiently high to qualify for 30% principal forgiveness from the Clean Water State Revolving Fund.
- Continued improvement to solids handling and processing are planned for 2021. Efforts planned include an overhaul of the 30 year old filter press by the manufacturer, intensive cleaning within digester tankage by ESD maintenance staff (2021 or 2022, depending upon the date of completion of some of the other solids handling projects), improvements to the heating and recirculation system for the digestion process, and improvements to the system that conveys solids from the primary clarifiers to the digester complex.
- Alternatives analysis and preliminary design for replacement / rehabilitation of the lift station and force main in Billings Park south of Belknap will be initiated in 2021. Although it has held up reasonably well and continues to function, this infrastructure has exceeded its anticipated useful life (originally constructed in the 1930s) and will benefit greatly from reinvestment.

**OVERALL CMAR SCORE FOR 2020**

- A “report card” style grade is calculated by the DNR in the annual CMAR. It is anticipated that 2020 will score a 4.00 on a 4.00 scale. This is the 4th grade of 4.00 in the past 5 years.

SR/sr

C: Jodi Saylor, Todd Janigo, Chris Carlson, ESD Managers
RESOLUTION #R21-13537

RESOLUTION INTRODUCED BY THE PUBLIC WORKS DIRECTOR DEDICATING STREETS FOR PUBLIC USE AND OPEN FOR TRAVEL.

WHEREAS, the final plat for the Spartan Circle Development was accepted and approved by the Superior City Council on June 3, 2014, and

WHEREAS, the improvements required under City of Superior Ordinance Section 110-45 have been made to the satisfaction of the supervising design engineer regarding the roadway, sanitary and storm, and

WHEREAS, the City of Superior Public Works Department will immediately take over ownership and maintenance of Spartan Circle,

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Superior that Spartan Circle is hereby dedicated for and open to public use.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the Wisconsin Department of Transportation, Highway Division Office.

Passed and adopted this 2nd day of February, 2021.

Approved this 2nd day of February, 2021.

____________________________
Mayor

Attest: ______________________________
City Clerk
| 2021 Secondhand Article Dealer             |                                      |
|                                          | Antiques on Belknap                  |
| 2021 Secondhand Jewelry Dealer           |                                      |
|                                          | Antiques on Belknap                  |
| 2021 Towing/Wrecker Service              |                                      |
|                                          | Stadium Towing                       |
**Original Alcohol Beverage Retail License Application**

(Submit to municipal clerk.)

For the license period beginning: **02/03/2021** ending: **06/30/2021**

To the Governing Body of the:  
- Town of  
- Village of  
- City of  
  
- Superior  

County of **Douglas County**  
Aldermanic Dist. No.  
(if required by ordinance)

Check one:  
- Individual  
- Limited Liability Company  
- Partnership  
- Corporation/Nonprofit Organization

---

**Name (Individual / partners give last name, first, middle; corporations / limited liability companies give registered name)**

**DOLCE VITA LLC**

---

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, or by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

<table>
<thead>
<tr>
<th>President / Member Last Name</th>
<th>(First)</th>
<th>(Middle Name)</th>
<th>Home Address (Street, City or Post Office, &amp; Zip Code)</th>
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<td>(First)</td>
<td>(Middle Name)</td>
<td>Home Address (Street, City or Post Office, &amp; Zip Code)</td>
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<tr>
<td>Secretary / Member Last Name</td>
<td>(First)</td>
<td>(Middle Name)</td>
<td>Home Address (Street, City or Post Office, &amp; Zip Code)</td>
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<tr>
<td>Treasurer / Member Last Name</td>
<td>(First)</td>
<td>(Middle Name)</td>
<td>Home Address (Street, City or Post Office, &amp; Zip Code)</td>
</tr>
<tr>
<td>Agent Last Name</td>
<td><strong>Marszewski Zofia</strong></td>
<td>(First)</td>
<td>(Middle Name)</td>
</tr>
<tr>
<td>Directors / Managers Last Name</td>
<td>(First)</td>
<td>(Middle Name)</td>
<td>Home Address (Street, City or Post Office, &amp; Zip Code)</td>
</tr>
</tbody>
</table>

---

1. **Trade Name**: **DOLCE VITA Restaurant**  
   **Business Phone Number**: **715-216-6434**

2. **Address of Premises**: **5802 Tower Ave**  
   **Post Office & Zip Code**: **54408-00**

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

   **Behind at the BAR & IN FRIDGE**

---

4. Legal description (omt ifstreet address is given above):

---

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year?  
   - Yes  
   - No

   (b) If yes, under what name was license issued? **La Tequila Restaurant**
6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? If yes, explain ........................................................................................................ No

7. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? If yes, explain. ........................................................................................................................................ No

8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? If yes, explain ........................................................................................................ No

9. (a) Corporate/limited liability company applicants only: Insert state and date of registration. 

(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? If yes, explain ........................................................................................................ No

(c) Does the corporation, or any officer, director, stockholder or agent of any limited liability company, hold any interest in any other alcohol beverage license or permit in Wisconsin? If yes, explain. ........................................................................................................ No

10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] ........................................................................................................ No

11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 296-2776] ........................................................................................................ No

12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ........................................................................................................ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than $1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person: Name (Last, First, M.I.)
Zubi Malubski
Title/Membership
Owner
Date 1/14/2021
Signature

Phone Number 715-216-6434
Email Address mcalubski@gmail.com

TO BE COMPLETED BY CLERK
Date received and filed with municipal clerk 1-22-21
Date reported to council/board 2-2-20
Date provisional license issued
Date license granted 2-2-21
Date license issued 2-3-20
License number issued

Signature of Clerk/Deputy Clerk

AT-105 (R. 3-19)
Original Alcohol Beverage Retail License Application
(Submit to municipal clerk.)

For the license period beginning: __02-03-2021__ ending: __01-31-2022__

To the Governing Body of the: ☑ Superior ___
□ Town of ___
□ Village of ___
□ City of ___

County of ___
Aldermanic Dist. No. ___ (if required by ordinance)

Check one: ☐ Individual ☑ Limited Liability Company ☐ Partnership ☐ Corporation/Nonprofit Organization

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)

**Ride or Die Pizzeria LLC**

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization; and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

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<th>Home Address (Street, City or Post Office &amp; Zip Code)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Johnson</strong></td>
<td>Terry</td>
<td>James</td>
<td>3505 Belknap st Lot # 41</td>
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<thead>
<tr>
<th>Vice President / Member Last Name</th>
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<th>(Middle)</th>
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</tbody>
</table>

1. Trade Name **Ride or Die Pizzeria** Business Phone Number **218-348-7464**

2. Address of Premises **1623 Broadway st** Post Office & Zip Code **54880**

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

   **Dine in area. Bar area. Lounge room area will be where sold. Alcohol will be stored in basement, walk in cooler, and upstairs storage area.**

4. Legal description (omit if street address is given above):

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☑ Yes ☐ No

   (b) If yes, under what name was license issued? ___

AT-106 (R. 3-10) Wisconsin Department of Revenue
6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? If yes, explain .................................................. □ Yes □ No

7. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? If yes, explain. ................................................................. □ Yes □ No

8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? If yes, explain ................................................................. □ Yes □ No

9. (a) Corporate/limited liability company applicants only: Insert state  _________ end date _________ of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? If yes, explain ................................................................. □ Yes □ No
(c) Does the corporation, or any officer, director, stockholder or agent of limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? If yes, explain. ................................................................. □ Yes □ No

10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5830.5d) before beginning business? [phone 1-877-882-3277] .................................................. □ Yes □ No

11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] .................................................. □ Yes □ No

12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? .................................................. □ Yes □ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signee. Any person who knowingly provides materially false information on this application may be required to forfeit not more than $1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.L.)

Johnson, Terry J

Signature

Title/Member

Owner

Date

JAN-25-21

Phone Number

218-348-7464

Email Address

a1lpro@ymail.com

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk

01-21-0-21

Date reported to council/board

02-2-21

Date provisional license issued

Signature of Clerk/Deputy Clerk

License number issued
DATE SUBMITTED: 1/22/2021

CITY OF SUPERIOR NOTICE OF CLAIM FORM

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

NAME: Brenda Herrick
ADDRESS: 901 Weeks Ave Superior WI 54880


INCIDENT: DATE AND TIME: 1-2-21 around 10:00 AM
LOCATION: Stop light Banks Ave x Belknap

WAS POLICE REPORT FILED? YES  INJURED?(name) N/A
WHERE TREATED? TYPE OF INJURY? N/A

(TYPE OF DAMAGE - circle one below)
Vehicle-Property-Personal-Injury(specify) CRACK in FRONT BUMPER

ESTIMATE OF DAMAGE: $ 937.16

PROPERTY OWNER NAME:
ADDRESS:

STATE BRIEFLY WHAT HAPPENED: A Kwik Trip tanker truck was turning onto Banks Ave from Belknap Street. The truck looked like it was going to hit the officer's vehicle. The officer backed up and hit the front of my vehicle.

SIGNATURE: Brenda Herrick  DATE: 1-19-21

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

Council 2/2/2021
January 26, 2021

TO: Mayor Jim Paine and Members of the City Council
FROM: Ashley Puetz, Finance Director
RE: 2021 General Fund Budget Update Related to Building Inspections Salary Classification Adjustment

Introduction: The Human Resource Committee approved changes to salary classifications for various positions in the Building Inspection Division at their January 18, 2021 meeting. These changes require additional funding above the initial 2021 budget for the Building Inspection Department.

Budget Source/Fiscal Impact: The salary classification adjustments result in an increase of spending by $26,221 which can be covered by the general fund contingency. The attached budget adjustments include this increase in cost to the Building Inspections Division and resulting reduction to the Contingency.

Recommendation
I am requesting that City Council approve the attached budget updates for the 2021 General Fund Budget affecting the Building Inspections Department and the Contingency.

Recommended: Jim Paine, Mayor

Date: 1/26/21
## Building Inspection

<table>
<thead>
<tr>
<th>Description</th>
<th>Original Proposed Budget 2021</th>
<th>Updated Proposed Budget 2021</th>
<th>Change from Orig. Budget</th>
</tr>
</thead>
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<tr>
<td><strong>Public Safety-Building Inspection</strong></td>
<td>$548,076.00</td>
<td>$574,297.00</td>
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<td>101-5240-524.11-10/Salaries / Salaries-Permanent-Regular</td>
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## Transfer to Other Funds

<table>
<thead>
<tr>
<th>Description</th>
<th>Original Proposed Budget 2021</th>
<th>Updated Proposed Budget 2021</th>
<th>Change from Orig. Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Other Financing Uses-Transfer to Other Funds</strong></td>
<td>$46,808.40</td>
<td>$20,587.40</td>
<td>($26,221.00)</td>
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<td>101-5920-592.90-95/Other Financing Uses / Contingency</td>
<td>$46,808.40</td>
<td>$20,587.40</td>
<td>($26,221.00)</td>
</tr>
</tbody>
</table>
January 26, 2021

TO: Mayor Jim Paine and Members of the City Council
FROM: Ashley Puettz, Finance Director
RE: Post-Issuance Debt Compliance Policy and Procedures

Introduction/Background
In October of 2012, the City Council adopted a formal Post-Issuance Debt Compliance Policy and Procedures. The procedures dictate the steps the Finance Director will perform to be in compliance with the policy and the policy outlines the city bonds, notes, loans, lease purchase contracts, lines of credit, commercial paper and all other forms of debt that are subject to compliance under the Internal Revenue Code and enforced by the Internal Revenue Service.

Since this time, there has been two significant changes that the City should update its policy for. First, the Municipalities Continuing Disclosure Cooperative initiative regarding disclosure practices encourage adding additional procedures that help monitor compliance with each unique continuing disclosure agreement. Secondly, the Securities and Exchange Commission amended Rule 15c2-12 of the Securities Exchange Act to include two additional reportable events as follows:

- Incurrence of a financial obligation of the issuer or obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the issuer or obligated person, any of which affect security holders, if material; and,
- Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of the financial obligation of the issuer or obligated person, any of which reflect financial difficulties.

Ehlers, our municipal bonding advisor is encouraging the City to update our Policies and procedures document to ensure we comply with the updated disclosure obligations. Their recommended language is attached.

Recommendation
I am requesting that City Council approve the updated Post-Issuance Debt Compliance Policy and Procedures.

Recommended: ___________________________  Date: 1/27/2021

Jim Paine, Mayor
City of Superior, Wisconsin

Resolution #R21-13542

Adopting Post-Issuance Debt Compliance Policy for Tax-exempt and Tax-advantaged Governmental Bonds

WHEREAS, the City of Superior, Wisconsin (the “City”) from time to time will issue tax-exempt and tax-advantaged governmental bonds; and

WHEREAS, under the Internal Revenue Code of 1986, as amended and related regulations (the “Code”), and Securities and Exchange Commission (the “SEC”) the City is required to take certain actions after bond issuance to ensure that interest on those bonds remains in compliance with the Code and SEC; and

WHEREAS, the City has determined to adopt a policy regarding how the City will carry out its compliance responsibilities via written procedures, and to that end, has caused to be prepared documents titled Post-Issuance Debt Compliance Policy and Post-Issuance Debt Compliance Procedures; and

WHEREAS, The City Council (the “Council”) of the City has reviewed the Post-Issuance Debt Compliance Policy in connection with the Post-Issuance Debt Compliance Procedures and has determined that it is in the best interest of the City to adopt the Policy.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF SUPERIOR, WISCONSIN;
the Council approves the Policy as shown in the form attached; and

BE IT FURTHER RESOLVED: the City staff is authorized to take all actions necessary to carry out the Post-Issuance Debt Compliance Policy and Post-Issuance Debt Compliance Procedures.

Adopted by the City of Superior, Wisconsin this 2\textsuperscript{nd} day of February, 2021.

Attest: 

__________________________________
Jim Paine, Mayor

__________________________________
Terri Kalan, City Clerk
City of Superior, Wisconsin
Post-Issuance Debt Compliance Policy

The City Council (the "Council") of the City of Superior, Wisconsin (the "City") has chosen, by policy, to take steps to help ensure that all obligations will be in compliance with all applicable federal regulations. This policy may be amended, as necessary, in the future.

**IRS Background**

The Internal Revenue Service (IRS) is responsible for enforcing compliance with the Internal Revenue Code (the "Code") and regulations promulgated thereunder ("Treasury Regulations") governing certain obligations (for example: tax-exempt obligations, Build America Bonds, Recovery Zone Development Bonds and various "Tax Credit" Bonds). The IRS encourages issuers and beneficiaries of these obligations to adopt and implement a post-issuance debt compliance policy and procedures to safeguard against post-issuance violations.

**SEC Background**

The Securities and Exchange Commission (SEC) is responsible for enforcing compliance with the SEC Rule 15c2-12 (the "Rule"). Governments or governmental entities issuing obligations generally have a requirement to meet specific continuing disclosure standards set forth in continuing disclosure agreements ("CDA"). Unless the issuer, obligated person, or a specific obligation is exempt from compliance with CDAs, these agreements are entered into at the time of obligation issuance to enable underwriter(s) to comply with the Rule. The Rule sets forth certain obligations of (i) underwriters to receive, review and disseminate official statements prepared by issuers of most primary offerings of municipal securities, (ii) underwriters to obtain CDAs from issuers and other obligated persons to provide material event disclosure and annual financial information on a continuing basis, and (iii) broker-dealers to have access to such continuing disclosure in order to make recommendations of municipal securities transactions in the secondary market. The SEC encourages issuers and beneficiaries adopt and implement a post-issuance debt compliance policy and procedures to safeguard against Rule violations.

When obligations are issued, the CDA commits the issuer or obligated person to provide certain annual financial information and material event notices to the public. Issuers and other obligated persons may also choose to provide periodic, voluntary financial information and filings to investors in addition to fulfilling the specific responsibilities delineated in their CDA. It is important to note that issuers and other obligated persons should not give any one investor certain information that is not readily available to all market participants by disseminating information to the marketplace, at large. Issuers and other obligated persons should be aware that any disclosure activities determined to be "communicating to the market" can be subject to regulatory scrutiny.

**Post-Issuance Debt Compliance Policy Objective**

The City desires to monitor these obligations to ensure compliance with the IRS Code, Treasury Regulations and the SEC Rule. To help ensure compliance, the City has developed the following policy (the "Post-Issuance Debt Compliance Policy"). The Post-
Issuance Debt Compliance Policy shall apply to the obligations mentioned above, including bonds, notes, loans, lease purchase contracts, lines of credit, commercial paper or any other form of debt that is subject to compliance.

**Post-Issuance Debt Compliance Policy**
The Finance Director of the City is designated as the City's agent who is responsible for post-issuance compliance of these obligations.

The Finance Director shall assemble all relevant documentation, records and activities required to ensure post-issuance debt compliance as further detailed in corresponding procedures (the “Post-Issuance Debt Compliance Procedures”). At a minimum, the Post-Issuance Debt Compliance Procedures for each qualifying obligation will address the following:

1. General Post-Issuance Compliance
2. General Recordkeeping
3. Arbitrage Yield Restriction and Rebate Recordkeeping
4. Expenditure and Asset Documentation to be Assembled and Retained
5. Miscellaneous Documentation to be Assembled and Retained
6. Additional Undertakings and Activities that Support Sections 1 through 5 above
7. Continuing Disclosure Obligations
8. Compliance with Future Requirements

The Finance Director shall apply the Post-Issuance Debt Compliance Procedures to each qualifying obligation and maintain a record of the results. Further, the Finance Director will ensure that the Post-Issuance Debt Compliance Policy and Procedures are updated on a regular and as needed basis.

The Finance Director or any other individuals responsible for assisting the Finance Director in maintaining records needed to ensure post-issuance debt compliance, are authorized to expend funds as needed to attend training or secure use of other educational resources for ensuring compliance such as consulting, publications, and compliance assistance.

Most of the provisions of this Post-Issuance Debt Compliance Policy are not applicable to taxable governmental obligations unless there is a reasonable possibility that the City may refund their taxable governmental obligation, in whole or in part, with the proceeds of a tax-exempt governmental obligation. If this refunding possibility exists, then the Finance Director shall treat the taxable governmental obligation as if such issue were an issue of tax-exempt governmental obligations and comply with the requirements of this Post-Issuance Debt Compliance Policy.

**Private Activity Bonds**
The City may issue tax-exempt obligations that are “private activity” bonds because either (1) the bonds finance a facility that is owned by the City but used by one or more qualified 501(c)(3) organizations, or (2) the bonds are so-called “conduit bonds”, where the proceeds are loaned to a qualified 501(c)(3) organization or another private entity that finances activities eligible for tax-exempt financing under federal law (such as certain manufacturing projects and certain affordable housing projects). Prior to the issuance of
either of these types of bonds, the Finance Director shall take steps necessary to ensure that such obligations will remain in compliance with the requirements of this Post-Issuance Debt Compliance Policy.

In a case where compliance activities are reasonably within the control of a private party (i.e., a 501(c)(3) organization or conduit borrower), the Finance Director may determine that all or some portion of compliance responsibilities described in this Post-Issuance Debt Compliance Policy shall be assigned to the relevant party. In the case of conduit bonds, the conduit borrower will be assigned all compliance responsibilities other than those required to be undertaken by the City under federal law. In a case where the Finance Director is concerned about the compliance ability of a private party, the Finance Director may require that a trustee or other independent third party be retained to assist with record keeping for the obligation and/or that the trustee or such third party be responsible for all or some portion of the compliance responsibilities.

The Finance Director is additionally authorized to seek the advice, as necessary, of bond counsel and/or its financial advisor to ensure the City is in compliance with this Post-Issuance Debt Compliance Policy.

Adopted this date by the City of Superior, Wisconsin
City of Superior, Wisconsin
Post-Issuance Debt Compliance Procedures

The City Council (the "Council") of the City of Superior, Wisconsin (the "City") has adopted the attached Post-Issuance Debt Compliance Policy dated [Date]. The Post-Issuance Debt Compliance Policy applies to qualifying debt obligations issued by the City. As directed by the adoption of the Post-Issuance Debt Compliance Policy, the Finance Director of the City will perform the following Post-Issuance Debt Compliance Procedures for all of the City's outstanding debt.

1) General Post-Issuance Compliance
   a) Ensure written procedures and/or guidelines have been put in place for individuals to follow when more than one person is responsible for ensuring compliance with Post-Issuance Debt Compliance Procedures.
   b) Ensure training and/or educational resources for post-issuance compliance have been approved and obtained.
   c) The Finance Director understands that there are options for voluntarily correcting failures to comply with post-issuance compliance requirements (e.g. as remedial actions under Section 1.141-12 of the Treasury Regulations and the ability to enter into a closing agreement under the Tax-Exempt Bonds Voluntary Closing Agreement Program described in Notice 2008-31 (the "VCAP Program").

2) General Recordkeeping
   a) Retain records and documents for the obligation and all obligations issued to refund the obligation for a period of at least seven years following the final payment of the obligation. If an obligation is refunded, then the final payment of the refunding obligation becomes the beginning of the period unless otherwise directed by the City's bond counsel.
   b) Retain both electronic (preferred) and/or paper versions of records and documents for the obligation.
   c) General records and documentation to be assembled and retained:
      i) Description of the purpose of the obligation (i.e. the project or projects) and the state statute authorizing the project.
      ii) Record of tax-exempt status or revocation of tax-exempt status, if applicable.
      iii) Any correspondence between the City and the IRS.
      iv) Audited financial statements.
      v) All accounting audits of property financed by the obligation.
      vi) Obligation transcripts, official statements, and other offering documents of the obligation.
      vii) Minutes and resolutions authorizing the issuance of the obligation.
      viii) Certifications of the issue price of the obligation.
ix) Any formal elections for the obligation (i.e. an election to employ an accounting methodology other than the specific tracing method).

x) Appraisals, demand surveys, or feasibility studies for property financed by the obligation.

xi) All information reports filed for the obligations.

xii) All management contracts and other service agreements, research contracts, and naming rights contracts.

xiii) Documents related to governmental grants associated with construction, renovation or purchase of property financed by the obligation.

xiv) Reports of any prior IRS examinations of the City or the City's obligation.

xv) All correspondence related to the above (faxes, emails, or letters).

3) Arbitrage Yield Restriction and Rebate Recordkeeping

a) Investment and arbitrage documentation to be assembled and retained:
   i) An accounting of all deposits, expenditures, interest income and asset balances associated with each fund established in connection with the obligation. This includes an accounting of all monies deposited to the debt service fund to make debt service payments on the obligation, regardless of the source derived. Accounting for expenditures and assets is described in further detail in Section 4.
   ii) Statements prepared by Trustee and/or Investment Provider.
   iii) Documentation of at least quarterly allocations of investments and investment earnings to each obligation.
   iv) Documentation for investments made with obligation proceeds such as:
       1) investment contracts (i.e. guaranteed investment contracts),
       2) credit enhancement transactions (i.e. obligation insurance contracts),
       3) financial derivatives (e.g. swaps, caps, and collars), and
       4) bidding of financial products:
          a) Investments acquired with obligation proceeds are purchased at fair market value (e.g. three bid safe harbor rule for open market securities needed in advance refunding escrows).

b) Computations of the arbitrage yield.

c) Computations of yield restriction and rebate amounts including but not limited to:
   i) Compliance in meeting the "Temporary Period from Yield Restriction Exception" and limiting the investment of funds after the temporary period expires.
   ii) Compliance in meeting the "Rebate Exception."
       1) qualifying for the "Small Issuer Exception,"
       2) qualifying for a "Spending Exception,"
          a) 6-Month Spending Exception
          b) 18-Month Spending Exception
          c) 24-Month Spending Exception
       3) qualifying for the "Bona Fide Debt Service Fund Exception," and
(4) quantifying arbitrage on all funds established in connection with the obligation in lieu of satisfying arbitrage exceptions including reserve funds and debt service funds.

d) Computations of yield restriction and rebate payments.

e) Timely Tax Form 8038-T filing, if applicable.
   i) Remit any arbitrage liability associated with the obligation to the IRS at each five-year anniversary date of the obligation, and the date in which the obligation is no longer outstanding (redemption or maturity date), whichever comes sooner, within 60 days of said date.

f) Timely Tax Form 8038-R filing, if applicable.
   i) Remit the form after the date in which the obligation is no longer outstanding (redemption or maturity date), whichever comes sooner, within 2 years of said date.

g) Procedures or guidelines for monitoring instances where compliance with applicable yield restriction requirements depends on subsequent reinvestment of obligation proceeds in lower yielding investments (e.g. reinvestment in zero coupon SLGS).

4) Expenditure and Asset Documentation to be Assembled and Retained

   a) Documentation of allocations of obligation proceeds to expenditures (e.g. allocation of proceeds to expenditures for the construction, renovation or purchase of facilities owned and used in the performance of exempt purposes).
      i) Such allocation will be done not later than the earlier of:
         (1) eighteen (18) months after the later of the date the expenditure is paid, or the date the project, if any, that is financed by the obligation is placed in service; or
         (2) the date sixty (60) days after the earlier of the fifth anniversary of the issue date of the obligation, or the date sixty (60) days after the retirement of the obligation.

   b) Documentation of allocations of obligation proceeds to issuance costs.

   c) Copies of requisitions, draw schedules, draw requests, invoices, bills, and cancelled checks related to obligation proceed expenditures during the construction period.

   d) Copies of all contracts entered into for the construction, renovation or purchase of facilities financed with obligation proceeds.

   e) Records of expenditure reimbursements incurred prior to issuing obligations for projects financed with obligation proceeds (declaration of official intent/reimbursement resolutions including all modifications).

   f) List of all facilities and equipment financed with obligation proceeds.

   g) Depreciation schedules for depreciable property financed with obligation proceeds.
h) Documentation that tracks the purchase and sale of assets financed with obligation proceeds.

i) Documentation of timely payment of principal and interest payments on the obligation.

j) Tracking of all issue proceeds and the transfer of proceeds into the debt service fund as appropriate.

k) Documentation that excess earnings from a Reserve Fund are transferred to the Debt Service Fund on an annual basis. Excess earnings are balances in a Reserve Fund that exceed the Reserve Fund requirement.

5) Miscellaneous Documentation to be Assembled and Retained

a) Ensure that the project, while the obligation is outstanding, will avoid IRS private activity concerns.

b) The Finance Director shall monitor the use of all obligation-financed facilities in order to:

i) Determine whether private business uses of obligation-financed facilities have exceeded the de minimus limits set forth in Section 141(b) of the Code as a result of:
   (1) sale of the facilities;
   (2) sale of City capacity rights;
   (3) leases and subleases of facilities including easements or use arrangements for areas outside the four walls (e.g. hosting of cell phone towers);
   (4) leasehold improvement contracts, licenses, management contracts in which the City authorizes a third party to operate a facility (e.g. cafeteria);
   (5) research contracts;
   (6) preference arrangements in which the City permits a third-party preference (e.g. parking in a public parking lot, joint ventures, limited liability companies or partnership arrangements);
   (7) output contracts or other contracts for use of utility facilities including contracts with large utility users;
   (8) development agreements which provide for guaranteed payments or property values from a developer;
   (9) grants or loans made to private entities including special assessment agreements;
   (10) naming rights agreements; and
   (11) any other arrangements that provide special legal entitlements to nongovernmental persons.

ii) Determine whether private security or payments that exceed the de minimus limits set forth in Section 141(b) of the Code have been provided by nongovernmental persons with respect to such obligation-financed facilities.
c) The Finance Director shall provide training and educational resources to any City staff that have the primary responsibility for the operation, maintenance, or inspection of obligation-financed facilities with regard to the limitations on the private business use of obligation-financed facilities and as to the limitations on the private security or payments with respect to obligation-financed facilities.

d) The City shall undertake the following with respect to the obligations:
   i) An annual review of the books and records maintained by the City with respect to such obligations.
   ii) An annual physical inspection of the facilities financed with the proceeds of such obligations, conducted by the Finance Director with the assistance of any City staff who have the primary responsibility for the operation, maintenance, or inspection of such obligation-financed facilities.

e) Changes in the project that impact the terms or commitments of the obligation are properly documented and necessary certificates or opinions are on file.

6) Additional Undertakings and Activities that Support Sections 1 through 5 above:

a) The Finance Director will notify the City's bond counsel, financial advisor and arbitrage provider of any survey or inquiry by the IRS immediately upon receipt. Usually responses to IRS inquiries are due within 21 days of receipt. Such IRS responses require the review of the above-mentioned data and must be in writing. As much time as possible is helpful in preparing the response.

b) The Finance Director will consult with the City's bond counsel, financial advisor and arbitrage provider before engaging in post-issuance credit enhancement transactions (e.g. obligation insurance, letter of credit, or hedging transaction).

c) The Finance Director will monitor all "qualified tax-exempt debt obligations" (often referred to as "bank qualified" obligations) within the first calendar year to determine if the limit is exceeded, and if exceeded, will address accordingly. For obligations issued during years 2009 and 2010 the limit was $30,000,000. During this period, the limit also applied to pooled financings of the governing body and provides a separate $30,000,000 for each 501 (c)(3) conduit borrower. In 2011 and thereafter it is $10,000,000 unless changed by Congress.

d) Comply with Continuing-Disclosure Requirements
   (i) If applicable, the timely filing of annual information agreed to in the Continuing-Disclosure Certificate.
   (ii) Give notice of any Material Event.

e) Identify any post-issuance change to terms of obligations which could be treated as a current refunding of "old" obligations by "new" obligations, often referred to as a "reissuance."
f) The Finance Director will consult with the City’s bond counsel prior to any sale, transfer, change in use or change in users of obligation-financed property which may require "remedial action" under applicable Treasury Regulations or resolution pursuant to the VCAP Program.

i) A remedial action has the effect of curing a deliberate action taken by the City which results in satisfaction of the private business test or private loan test. Remedial actions under Section 1.141-12(d)(e) and (f) include the redemption of non-qualified obligations and/or the alternative uses of proceeds or the facility (i.e. to be used for another qualified purpose).

g) The Finance Director will ensure that the appropriate tax form for federal subsidy payments is prepared and filed in a timely fashion for applicable obligations (e.g. Build America Bonds).

7) Continuing Disclosure Obligations

a) Identify a position at the City to be responsible for compliance with continuing disclosure obligations as defined by the Rule and any policies of the City.

b) The position responsible for compliance may have the ability to assign responsibilities, delegate where appropriate or engage a dissemination agent or third-party service providers to perform all or some of the duties described in this section. The City cannot delegate its compliance responsibilities.

c) The City should specify how providers or delegated authorities will be monitored and supervised.

d) The City should identify the documents that set forth the respective requirements being monitored at the time of closing for each obligation.

e) The City should catalog all outstanding Continuing Disclosure Agreements and establish consolidated filing requirements based on the outstanding CDAs.

f) The City should identify the frequency of the actions to be undertaken to ensure compliance, establish a system or filing alerts or reminders to administer the filing requirements.

g) The Finance Director for compliance must be made aware of any new outstanding debt, changes to obligation or loan covenants, events of acceleration or default that would materially affect investors.

h) The City should review a compliance checklist to verify compliance with CDA requirements, at least annually, although it may be advisable to provide more frequent reviews in connection to specific material events.

i) The City should monitor mandatory material events specifically identified in accordance with the Rule and file required notices within 10 days of occurrence.

i) Principal and interest payment delinquencies.

ii) Non-payment related defaults, if material.

iii) Unscheduled draws on debt service reserves reflecting financial difficulties.
iv) Unscheduled draws on credit enhancements reflecting financial difficulties.
v) Substitution of credit or liquidity providers or their failure to perform.
vi) Adverse tax opinion, IRS notices or material events affecting the tax status of the obligation.
vii) Modifications to rights of security holders, if material.
viii) Obligation calls, if material.
ix) Defeasances.
x) Release, substitution or sale of property securing repayment of the obligations, if material.
xi) Rating Changes.
xii) Bankruptcy, insolvency, receivership, or similar event of the obligated person(s).
xiii) Merger, consolidation, or acquisition of the obligated person, if material.
xiv) Appointment of a successor or additional trustee, or change of name of a trustee, if material.
xv) Incurrence of financial obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the City, any of which affect security holders, if material.
xvi) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of the financial obligation of the City, any of which reflect financial difficulties.

j) In addition to the mandatory material events, the City should review and file any additional or voluntary event notices.
k) The City should maintain a catalog of all outstanding obligations whether publicly offered or privately placed, and the terms and conditions that govern default or acceleration provisions.
l) Any missed filing requirement should be remedied with a failure to file notice as soon as possible once the late filing is identified and the required information is available to file.
m) Sensitive information such as bank accounts and wire information should be redacted from documents prior to posting on EMMA.
n) The City needs to monitor for changes in law and regulations that effect continuing disclosure obligations and review disclosure policies and procedures periodically to ensure compliance and consistency with regulation and market expectations.

8) Compliance with Future Requirements
a) Take measures to comply with any future requirements issued beyond the date of these Post-Issuance Debt Compliance Procedures which are essential to ensuring compliance with the applicable state and federal regulations.
RESOLUTION NO. R21-13538

INITIAL RESOLUTION OF THE CITY OF SUPERIOR, WISCONSIN RELATING TO THE ISSUANCE OF GENERAL OBLIGATION STREET IMPROVEMENT BONDS IN AN AMOUNT NOT TO EXCEED $2,760,000 FOR THE 2021 STREET IMPROVEMENT PROGRAM

BE IT RESOLVED, that the City of Superior, Douglas County, Wisconsin, borrow an amount not to exceed $2,760,000 by issuing its general obligation street improvement bonds pursuant to Chapter 67, Wisconsin Statutes, for the public purpose of financing the City’s 2021 street improvement program, including but not limited to East 2nd Street-mill and overlay, Hammond Avenue Reconstruction-Phase I, general street improvements and related sidewalk improvements (the “Street Improvement Project”).

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to cause a notice to the electors of the adoption of the Initial Resolution to be published as a Class 1 Notice under Wisconsin Statutes, Chapter 985, one time in the official newspaper of the City within 15 days of the adoption of such Initial Resolution. The notice shall be in substantially the form attached as Exhibit A.

BE IT FURTHER RESOLVED, that this resolution constitutes a declaration of official intent under Treasury Regulations Section 1.150-2. The City of Superior reasonably expects to reimburse expenditures incurred with respect to such Street Improvement Project.

Adopted: February 2, 2021

Mayor

Attest:

City Clerk
EXHIBIT A

NOTICE TO ELECTORS OF THE CITY OF SUPERIOR, WISCONSIN

NOTICE IS HEREBY GIVEN that the following Initial Resolution has been adopted at the meeting of the Common Council of the City of Superior, Wisconsin, held on February 2, 2021:

RESOLUTION NO. R21-

INITIAL RESOLUTION OF THE CITY OF SUPERIOR, WISCONSIN RELATING TO THE ISSUANCE OF GENERAL OBLIGATION STREET IMPROVEMENT BONDS IN AN AMOUNT NOT TO EXCEED $2,760,000 FOR THE 2021 STREET IMPROVEMENT PROGRAM

BE IT RESOLVED, that the City of Superior, Douglas County, Wisconsin, borrow an amount not to exceed $2,760,000 by issuing its general obligation street improvement bonds pursuant to Chapter 67, Wisconsin Statutes, for the public purpose of financing the City’s 2021 street improvement program, including, but not limited to, East 2nd Street-mill and overlay, Hammond Avenue Reconstruction - Phase I, general street improvements and related sidewalk improvements.

Wisconsin Statutes, Section 67.05(7)(h), provides that the Initial Resolution need not be submitted to the electors unless, within 30 days after adoption and recording of the Initial Resolution, a petition conforming to the requirements of Section 8.40 is filed in the City Clerk’s office requesting a referendum. This petition must be signed by electors numbering at least 10% of the votes cast for governor in the City at the last general election.


BY ORDER OF THE COMMON COUNCIL

/s/ Terri Kalan, City Clerk
RESOLUTION NO. R21-13539

INITIAL RESOLUTION OF THE CITY OF SUPERIOR, WISCONSIN
RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS IN AN
AMOUNT NOT TO EXCEED $330,000 FOR PARK AND PUBLIC GROUNDS
IMPROVEMENTS

BE IT RESOLVED, that the City of Superior, Douglas County, Wisconsin, borrow an amount
not to exceed $330,000 by issuing its general obligation bonds pursuant to Chapter 67, Wisconsin
Statutes, for the public purpose of financing park and other public grounds improvements, including but
not limited to, improvements to Heritage Park, Billings Park, Veteran’s Park, Barker’s Festival Park,
Pokegama Bay Launch and Osaugie Trail (the “Project”).

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to cause a notice to the
electors of the adoption of the Initial Resolution to be published as a Class 1 Notice under Wisconsin
Statutes, Chapter 985, one time in the official newspaper of the City within 15 days of the adoption of
such Initial Resolution. The notice shall be in substantially the form attached as Exhibit A.

BE IT FURTHER RESOLVED, that this resolution constitutes a declaration of official intent
under Treasury Regulations Section 1.150-2. The City of Superior reasonably expects to reimburse
expenditures incurred with respect to such Project.


__________________________________________
Mayor

Attest:

__________________________________________
City Clerk
EXHIBIT A

NOTICE TO ELECTORS OF THE CITY OF SUPERIOR, WISCONSIN

NOTICE IS HEREBY GIVEN that the following Initial Resolution has been adopted at the meeting of the Common Council of the City of Superior, Wisconsin, held on February 2, 2021:

RESOLUTION NO. R21-

INITIAL RESOLUTION OF THE CITY OF SUPERIOR, WISCONSIN RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED $330,000 FOR PARK AND PUBLIC GROUNDS IMPROVEMENTS

BE IT RESOLVED, that the City of Superior, Douglas County, Wisconsin, borrow an amount not to exceed $330,000 by issuing its general obligation bonds pursuant to Chapter 67, Wisconsin Statutes, for the public purpose of financing park improvements and public grounds, including, but not limited to, improvements to Heritage Park, Billings Park, Veteran’s Park, Barker’s Festival Park, Pokegama Bay Launch and Osaugie Trail.

Wisconsin Statutes, Section 67.05(7)(b), provides that the Initial Resolution need not be submitted to the electors unless, within 30 days after adoption and recording of the Initial Resolution, a petition conforming to the requirements of Section 8.40 is filed in the City Clerk’s office requesting a referendum. This petition must be signed by electors numbering at least 10% of the votes cast for governor in the City at the last general election.


BY ORDER OF THE COMMON COUNCIL

/s/ Terri Kalan, City Clerk
RESOLUTION NO. R21-13540

RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2021A, OF THE CITY OF SUPERIOR, WISCONSIN

BE IT RESOLVED, by the Common Council of the City of Superior, Douglas County, Wisconsin (the “City”), as follows:

Section 1. Under and pursuant to the provisions of Wisconsin Statutes, Chapter 67 (the “Act”), the Common Council of the City has adopted on February 2, 2021, initial resolutions pursuant to Section 67.05 (the “Initial Resolutions”), for the purpose of (i) financing the City’s 2021 street improvement program in an amount not to exceed $2,760,000; and (ii) the financing of the City’s park and public grounds improvements, in an amount not to exceed $330,000.

Section 2. The Common Council of the City does hereby direct the issuance and sale of General Obligation Corporate Purpose Bonds, Series 2021A, in an amount not to exceed $3,090,000 (the “Bonds”), for the purpose of financing the City’s 2021 street improvement program and the City’s park and public grounds improvement program, each as described in the Initial Resolutions, together with amounts necessary to pay for costs of issuance and underwriter’s discount.

Section 3. The City’s administrative staff is hereby authorized and directed to work with Ehlers & Associates, Inc., municipal advisor to the City, and Fryberger, Buchanan, Smith & Frederick, P.A., bond counsel, to solicit bids and arrange for the sale of the Bonds in substantial compliance with the Pre-Sale Report for the Bonds provided by the municipal advisor. Notice of sale of the Bonds shall be published in the competitive bid sale calendar of the Bond Buyer once prior to the bid opening. If no valid petition for referendum is received on the Initial Resolutions, the bids shall be received by Ehlers & Associates, Inc. on March 16, 2021, as set forth in the Pre-Sale Report, and consideration for the award of the Bonds will be by the Common Council of the City at 6:30 p.m. central time on the same date.

Section 4. The form, specifications and provisions for repayment of the Bonds shall be set forth in a subsequent resolution of the Common Council.

Section 5. The Common Council shall meet on March 16, 2021, in accordance with the notice of sale, to consider bids for the purchase of the Bonds and to take whatever actions are necessary for the acceptance or rejection of the bids.

__________________________
Mayor

__________________________
City Clerk
Pre-Sale Report for

City of Superior, Wisconsin

$3,090,000 General Obligation Corporate Purpose Bonds, Series 2021A

Prepared by:
Ehlers
3060 Centre Pointe Drive
Roseville, MN 55113

Advisors:
Sean Lentz, Senior Municipal Advisor
Brian Reilly, Senior Municipal Advisor
Josh Low, Financial Specialist

BUILDING COMMUNITIES. IT’S WHAT WE DO.
# Executive Summary of Proposed Debt

## Proposed Issue:

$3,090,000 General Obligation Corporate Purpose Bonds, Series 2021A

## Purposes:
The proposed issue includes financing for the following purposes:

Finance the City’s 2021 Street Improvements and Parks & Public Lands Projects

- Street Improvements ($2,760,000). Debt service will be paid from ad valorem property taxes.
- Parks & Public Lands ($330,000). Debt service will be paid from ad valorem property taxes.

## Authority:
The Bonds are being issued pursuant to Wisconsin Statute(s):

- 67.04

The Bonds will be general obligations of the City for which its full faith, credit and taxing powers are pledged.

The Bonds count against the City’s General Obligation Debt Capacity Limit of 5% of total City Equalized Valuation. Following issuance of the Bonds, the City’s total General Obligation debt principal outstanding will be $40,960,742, which is 44% of its limit. Remaining General Obligation Borrowing Capacity will be approximately $52,863,000.

## Term/Call Feature:
The Bonds are being issued for a term of 20 years. Principal on the Bonds will be due on October 1 in the years 2023 through 2040, with final payment on April 1, 2041. Interest is payable every six months beginning April 1, 2022.

The Bonds will be subject to prepayment at the discretion of the City on October 1, 2029 or any date thereafter.

## Bank Qualification:

Because the City is expecting to issue no more than $10,000,000 in tax exempt debt during the calendar year, the City will be able to designate the Bonds as "bank qualified" obligations.
Bank qualified status broadens the market for the Bonds, which can result in lower interest rates.

**Rating:**

The City's most recent bond issues were rated by Standard & Poor's. The current ratings on those bonds are "AA". The City will request a new rating for the Bonds.

If the winning bidder on the Bonds elects to purchase bond insurance, the rating for the issue may be higher than the City's bond rating in the event that the bond rating of the insurer is higher than that of the City.

**Basis for Recommendation:**

Based on our knowledge of your situation, your objectives communicated to us, our advisory relationship as well as characteristics of various municipal financing options, we are recommending the issuance of Bonds as a suitable option based on:

- The expectation this form of financing will provide the overall lowest cost of funds while also meeting the City's objectives for term, structure and optional redemption.

- The City having adequate General Obligation debt capacity to undertake this financing.

- The City's current Capital Improvements Plan which identified issuance of General Obligation Bonds to finance these projects.

**Method of Sale/Placement:**

We will solicit competitive bids for the purchase of the Bonds from underwriters and banks.

We will include an allowance for discount bidding in the terms of the issue. The discount is treated as an interest item and provides the underwriter with all or a portion of their compensation in the transaction.

If the Bonds are purchased at a price greater than the minimum bid amount (maximum discount), the unused allowance may be used to reduce your borrowing amount.

**Premium Pricing:**

In some cases, investors in municipal bonds prefer "premium" pricing structures. A premium is achieved when the coupon for any maturity (the interest rate paid by the issuer) exceeds the yield to the investor, resulting in a price paid that is greater than the face value of the bonds. The sum of the amounts paid in excess of face value is considered "reoffering premium." The underwriter of the bonds will retain a portion of this reoffering premium as their compensation (or "discount") but will pay the remainder of the premium to the City. The amount of the premium varies, but it is not uncommon to see premiums for new issues in the
range of 2.00% to 10.00% of the face amount of the issue. This means that an issuer with a $2,000,000 offering may receive bids that result in proceeds of $2,040,000 to $2,200,000.

The amount of premium can be restricted in the bid specifications. Restrictions on premium may result in fewer bids, but may also eliminate large adjustments on the day of sale and unintended impacts with respect to debt service payment. Ehlers will identify appropriate premium restrictions for the Bonds intended to achieve the City's objectives for this financing.

For this issue of Bonds, any premium amount received that is in excess of the underwriting discount and any capitalized interest amounts must be placed in the debt service fund and used to pay a portion of the interest payments due on the Bonds.

Other Considerations:

The Bonds will be offered with the option of the successful bidder utilizing a term bond structure. By offering underwriters the option to "term up" some of the maturities at the time of the sale, it gives them more flexibility in finding a market for your Bonds. This makes your issue more marketable, which can result in lower borrowing costs. If the successful bidder utilizes a term bond structure, we recommend the City retain a paying agent to handle responsibility for processing mandatory redemption/call notices associated with term bonds.

Review of Existing Debt:

We have reviewed all outstanding indebtedness for the City and the following issues deserve additional consideration:

1. The 2011B Bonds have a call date of October 1, 2021. The 2011 Bonds can be refinanced as a tax-exempt refunding 90 days before the call date. Based on current interest rates, this issue is a strong refunding candidate for this summer.
2. The 2014A Bonds have a call date of December 1, 2023. The 2014 Bonds can achieve savings being refunded with the issuance of taxable bonds.
3. The City has the option of refinancing the 2011B and 2014A Bonds at the same time to achieve savings through the issuance of taxable bonds. All factors equal, the City will achieve greater savings issuing tax-exempt within 90 days of the call dates.
4. The 2011A Bonds are paid with revenues from TID No. 9 & 11. The City anticipates prepaying the TID No. 9 portion in 2021 and the TID No. 11 portion in 2022.

We will continue to monitor the market and the call dates for the City's outstanding debt and will alert you to any additional future refunding opportunities.
Continuing Disclosure:
Because the City has more than $10,000,000 in outstanding debt (including this issue) and this issue is over $1,000,000, the City will be agreeing to provide certain updated Annual Financial Information and its Audited Financial Statement annually, as well as providing notices of the occurrence of certain reportable events to the Municipal Securities Rulemaking Board (the "MSRB"), as required by rules of the Securities and Exchange Commission (SEC). The City is already obligated to provide such reports for its existing bonds and has contracted with Ehlers to prepare and file the reports.

Arbitrage Monitoring:
The City must ensure compliance with certain sections of the Internal Revenue Code and Treasury Regulations ("Arbitrage Rules") throughout the life of the issue to maintain the tax-exempt status of the Bonds. These Arbitrage Rules apply to amounts held in construction, escrow, reserve, debt service account(s), etc., along with related investment income on each fund/account.

IRS audits will verify compliance with rebate, yield restriction and records retention requirements within the Arbitrage Rules. The City’s specific arbitrage responsibilities will be detailed in the Officers’ Certificate (the "Tax Compliance Document") prepared by your Bond Attorney and provided at closing.

The Bonds may qualify for one or more exception(s) to the Arbitrage Rules by meeting 1) small issuer exception, 2) spend down requirements, 3) bona fide debt service fund limits, 4) reasonable reserve requirements, 5) expenditure within an available period limitations, 6) investments yield restrictions, 7) de minimis rules, or; 8) borrower limited requirements.

We recommend that the City review its specific responsibilities related to the Bonds with an arbitrage expert to utilize one or more of the exceptions listed above.

Investment of Bond Proceeds:
Ehlers can assist the City in developing a strategy to invest your Bond proceeds until the funds are needed to pay project costs.

Other Service Providers:
This debt issuance will require the engagement of other public finance service providers. This section identifies those other service providers, so Ehlers can coordinate their engagement on your behalf. Where you have previously used a particular firm to provide a service, we have assumed that you will continue that relationship. For services you have not previously required, we have identified a service provider. Fees charged by these service providers will be paid from proceeds of the obligation, unless you notify us that you wish to pay them from other sources. Our pre-sale bond sizing includes a good faith estimate of these fees, but the final fees may vary. If you have any questions pertaining to the identified service providers or their
role, or if you would like to use a different service provider for any of the listed services please contact us.

**Bond Counsel:** Fryberger, Buchanan, Smith & Frederick, P.A.
**Paying Agent:** Bond Trust Services Corporation
**Rating Agency:** Standard & Poor's Global Ratings (S&P)
# Proposed Debt Issuance Schedule

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Sale Review by City Council</td>
<td>February 2, 2021</td>
</tr>
<tr>
<td>Due Diligence Call to review Official Statement</td>
<td>Week of March 1, 2021</td>
</tr>
<tr>
<td>Distribute Official Statement</td>
<td>Week of March 1, 2021</td>
</tr>
<tr>
<td>Conference with Rating Agency</td>
<td>Week of March 8, 2021</td>
</tr>
<tr>
<td>City Council Meeting to Award Sale of the Bonds</td>
<td>March 16, 2021</td>
</tr>
<tr>
<td>Estimated Closing Date</td>
<td>April 1, 2021</td>
</tr>
</tbody>
</table>

## Attachments
- Estimated Debt Service Schedule and Sources and Uses of Funds
- Estimated General Obligation Borrowing Capacity (Chart)
- Estimated General Obligation Debt Levy (Chart)

# Ehlers' Contacts

<table>
<thead>
<tr>
<th>Contact</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sean Lentz, Senior Municipal Advisor</td>
<td>(651) 697-8509</td>
</tr>
<tr>
<td>Brian Reilly, Senior Municipal Advisor</td>
<td>(651) 697-8541</td>
</tr>
<tr>
<td>Josh Low, Financial Specialist</td>
<td>(651) 697-8596</td>
</tr>
<tr>
<td>Jen Chapman, Senior Public Finance Analyst</td>
<td>(651) 697-8566</td>
</tr>
<tr>
<td>Beth Mueller, Financial Analyst</td>
<td>(651) 697-8553</td>
</tr>
</tbody>
</table>

The Preliminary Official Statement for this financing will be sent to the City Council at their home or email address for review prior to the sale date.
### Exhibit 1

**Estimated Debt Service and Capitalization Schedules**

$3,090,000 General Obligation Corporate Purpose Bonds, Series 2021A

<table>
<thead>
<tr>
<th>Year</th>
<th>Principal</th>
<th>Rate</th>
<th>Interest</th>
<th>Total P&amp;I</th>
</tr>
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<tbody>
<tr>
<td>2021</td>
<td>3,090,000</td>
<td>61,744</td>
<td>61,744</td>
<td>55,256</td>
</tr>
<tr>
<td>2022</td>
<td>10,000</td>
<td>0.50%</td>
<td>41,163</td>
<td>51,163</td>
</tr>
<tr>
<td>2023</td>
<td>65,000</td>
<td>0.56%</td>
<td>41,113</td>
<td>106,113</td>
</tr>
<tr>
<td>2024</td>
<td>160,000</td>
<td>0.55%</td>
<td>40,755</td>
<td>200,755</td>
</tr>
<tr>
<td>2025</td>
<td>60,000</td>
<td>0.65%</td>
<td>39,875</td>
<td>199,875</td>
</tr>
<tr>
<td>2026</td>
<td>165,000</td>
<td>0.75%</td>
<td>38,835</td>
<td>203,835</td>
</tr>
<tr>
<td>2027</td>
<td>165,000</td>
<td>0.85%</td>
<td>37,598</td>
<td>202,598</td>
</tr>
<tr>
<td>2028</td>
<td>165,000</td>
<td>0.95%</td>
<td>36,195</td>
<td>201,195</td>
</tr>
<tr>
<td>2029</td>
<td>165,000</td>
<td>1.05%</td>
<td>34,628</td>
<td>199,628</td>
</tr>
<tr>
<td>2030</td>
<td>170,000</td>
<td>1.15%</td>
<td>32,895</td>
<td>202,895</td>
</tr>
<tr>
<td>2031</td>
<td>175,000</td>
<td>1.25%</td>
<td>30,940</td>
<td>205,940</td>
</tr>
<tr>
<td>2032</td>
<td>180,000</td>
<td>1.35%</td>
<td>28,753</td>
<td>208,753</td>
</tr>
<tr>
<td>2033</td>
<td>180,000</td>
<td>1.45%</td>
<td>26,323</td>
<td>206,323</td>
</tr>
<tr>
<td>2034</td>
<td>180,000</td>
<td>1.55%</td>
<td>23,713</td>
<td>203,713</td>
</tr>
<tr>
<td>2035</td>
<td>185,000</td>
<td>1.65%</td>
<td>20,923</td>
<td>205,923</td>
</tr>
<tr>
<td>2036</td>
<td>185,000</td>
<td>1.75%</td>
<td>17,870</td>
<td>202,870</td>
</tr>
<tr>
<td>2037</td>
<td>190,000</td>
<td>1.80%</td>
<td>14,633</td>
<td>204,633</td>
</tr>
<tr>
<td>2038</td>
<td>195,000</td>
<td>1.85%</td>
<td>11,213</td>
<td>206,213</td>
</tr>
<tr>
<td>2039</td>
<td>195,000</td>
<td>1.90%</td>
<td>7,605</td>
<td>202,605</td>
</tr>
<tr>
<td>2040</td>
<td>200,000</td>
<td>1.95%</td>
<td>1,950</td>
<td>201,950</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>3,090,000</strong></td>
<td><strong>588,719</strong></td>
<td><strong>3,678,719</strong></td>
<td><strong>3,287,286</strong></td>
</tr>
</tbody>
</table>

### Issue Summary

**Key Dates**

- Dated Date: 4/1/2021
- First Interest Payment: 4/1/2022
- First Principal Payment: 10/1/2022

**Projected Interest Rates**

Assuming Current G.O. BQ "AA" Market Rates + 25 bpts

True Interest Cost (TIC): 1.61%
All Inclusive Cost (AIC): 1.76%

### Sources and Uses

<table>
<thead>
<tr>
<th>Total Amount</th>
<th>Street Improvements</th>
<th>Parks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per Amount of Bonds</td>
<td>3,090,000</td>
<td>2,760,000</td>
</tr>
<tr>
<td><strong>Total Sources</strong></td>
<td><strong>$3,090,000</strong></td>
<td><strong>$2,760,000</strong></td>
</tr>
<tr>
<td>Underwriter's Discount (1.200%)</td>
<td>37,080</td>
<td>33,120</td>
</tr>
<tr>
<td>Costs of Issuance</td>
<td>52,500</td>
<td>46,893</td>
</tr>
<tr>
<td>Deposit to Project Construction Fund</td>
<td>3,000,000</td>
<td>2,675,000</td>
</tr>
<tr>
<td>Rounding Amount</td>
<td>420</td>
<td>4,987</td>
</tr>
<tr>
<td><strong>Total Uses</strong></td>
<td><strong>$3,090,000</strong></td>
<td><strong>$2,760,000</strong></td>
</tr>
</tbody>
</table>

Prepared by Ehlers 1/25/2021
Exhibit 2: Projected General Obligation Borrowing Capacity

- Existing G.O. Debt Outstanding
- G.O. Borrowing Capacity

Prepared by Ehlers
1/25/2021
MEMORANDUM

TO: Mayor Paine and Members of the Common Council

FROM: Krista Y. Anderson, Community Development Manager

RE: Public Hearings to Request Comments on Community Development Needs and Fair Housing Choice

INTRODUCTION – The Community Development Division is holding public hearings to request comments on Community Development Needs and Fair Housing Choice.

*Housing and Community Development Needs:* The first public hearing will be for the purpose of receiving comments on the needs of Superior regarding housing and community development. Special consideration is given to the needs of persons with low and moderate incomes and those persons living in CDBG-eligible neighborhoods (Census tracts 203, 206, 210 and 211).

*Fair Housing Choice:* The second public hearing will be to take comments on fair housing choice from individuals, realtors, landlords, lenders, housing advocates, service providers and others concerned about or knowledgeable of fair housing practices in Superior. People are encouraged to testify regarding discriminatory housing practices and lack of opportunities for housing based on sex, color, disability, national origin, family status, lawful source of income, race, sexual orientation, religion, marital status, age and ancestry.

CONCLUSION – Please set public hearings for March 16, 2021.

Recommend ________________________________________

Jim Paine, Mayor
RESOLUTION #R21-13541

RESOLUTION INTRODUCED BY THE COMMUNITY DEVELOPMENT DIVISION TO SET PUBLIC HEARINGS TO REQUEST COMMENTS ON COMMUNITY DEVELOPMENT NEEDS AND FAIR HOUSING CHOICE.

WHEREAS, the City of Superior is designated by the U. S. Department of Housing and Urban Development (HUD) as an entitlement community for the receipt of direct funding under the Community Development Block Grant (CDBG) program;

WHEREAS, the US Department of Housing and Urban Development (HUD) requires local communities to hold public hearings to request comments on:

1. Community Development Needs
2. Fair Housing Choice

NOW, THEREFORE, BE IT RESOLVED that public hearings to request comments on community development needs and fair housing choice, be held by the Common Council of the City of Superior, at 6:30 p.m. on the 16th day of March, 2021, in Room 201 of the Government Center, 1316 North 14TH Street, and that notice of said hearings be given to all interested persons in the manner provided by law.

Passed and adopted this day of 2nd day of February, 2021.

Attest:  

--------------
Jim Paine, Mayor

--------------
Terri Kalan, City Clerk
ORDINANCE # O21-4232

AN ORDINANCE INTRODUCED BY THE PUBLIC WORKS DIRECTOR AMENDING THE TRAFFIC CODE, SCHEDULE B, ONE-WAY STREETS AND ALLEYS, SECTION 3.

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

SECTION 1. Schedule B, One-Way Streets and Alleys, Section 3, of the Traffic Code, is hereby amended by removing:

Section 3. South Bound Traffic Only

John Avenue - from Winter Street to North 28th Street

SECTION 2. Signs. The Department of Public Works is hereby authorized and directed to erect official traffic signs.

SECTION 3. All ordinance and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. 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 5. This ordinance shall take effect and be in force from and after its passage and publication, as provided by law.

Passed and adopted this 2nd day of February, 2021.

__________________________
Mayor

Attest:

__________________________
City Clerk
Terri

Looking for how to clean something up. I think it might be as easy as striking something in the next round of ordinance updates?
Anyway, 112 Traffic Code, Schedule B One Way Streets and Alleys, Section 3 south Bourd Traffic Only. John Ave is listed twice, once from Broadway Street to N 28th and a second time from Winter St to N 28th. I believe the Broadway St entry is correct as it is from 2017 as opposed to 1996 for the Winter St entry.

From the June 21, 2017 Public Works Committee
3. Referred from the Planning Department: Converting the north half of John Avenue, between Winter & Broadway Street, to two-way traffic (due to south half of John Avenue vacation). Mark Manion from Mac Sport & Marine was present and indicated that they would request that the conversion to two-way traffic, if approved by the committee, not take place until September 1st as another business owner has requested some additional time. The planning department is aware of this and helped to negotiate this timeline. MOTION by Dalbec, seconded by VanSickle, and carried to approve converting the north half of John Avenue, between Winter & Broadway Street, to two-way traffic (beginning September 1).

Is there anything that needs to be done other than removing the one line item from Section 3 of the Schedule? Thanks!

Todd Janigo
City of Superior
Public Works Director
(715) 395-7373
(715) 395-7346 fax
January 27, 2021

In accordance with Superior Code of Ordinances, Section 2-350, I am request the council authorize the City Attorney to seek an advisory opinion from the Wisconsin Ethics Commission related to ethical concerns regarding the marriage of Mayor Paine and Councilor Van Sickle as outlined in the attached letter.

Craig Sutherland
City Attorney Frog Prell,

I am writing to you regarding a few concerns I have within our local government. As you may be aware, recently our Mayor, Jim Paine married the 2nd District City Councilor, Jenny Van Sickle. It is not the issue of them being married that concerns me, it is the conflict of interest that is raising flags. According to the Wisconsin State Statute, there is significant legal and ethical concern regarding this situation.

**Wis. Stat. Sec 19.42(7) the definition of "Immediate family" means:**
(a) An individual's spouse; and
(b) An individual's relative by marriage, lineal descent, or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.

My biggest concern is that every year our council meets to discuss our budget for the upcoming year. Some may disagree, but I believe the budget is the most important item that we work and vote on. With the upcoming budget discussion beginning in a few short months, the conflict of interest concern is growing higher given the fact that the Mayor's salary is discussed and finalized within that budget. Allowing for Councilor Van Sickle to be a part of the approval process for the Mayor's salary it benefits her immediate family and herself financially. In addition to the Mayor's salary, the health insurance package is also discussed and voted on for our city employees. This is where it gets confusing; if Councilor Van Sickle's husband's health insurance policy is within the budget, should she recuse herself from voting? What if she is on the City of Superior's insurance policy?

**According to State Statute 19.59(1)**
(a) the first sentence reads “No local public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family.”

I strongly fear that this is exactly what may be happening. When it comes time to discuss and vote on agenda items that can benefit her immediate family, should Councilor Van Sickle recuse herself from any discussion and voting? When it comes to any conflicts of interest, we are advised to recuse ourselves from voting and participating in any discussions, which we see happen in the chambers often. I fear that if this is not addressed, we will lose the trust of our constituents, and we will lose the integrity of our organization. As an elected City Councilor for the 8th District, I am asking you for your professional opinion, and to review this important concern.

Sincerely,

Craig Sutherland
8th District City Councilor
City of Superior
ARTICLE VIII. - CODE OF ETHICS

Sec. 2-342. - Officers and employees defined.

For purposes of this article only, the phrase officers and employees shall include all officers and employees of the city, all members of commissions, committees and boards of the city of, and all consultants and advisors of the city.

(Code 1971, § 2-220)

Sec. 2-343. - Declaration of policy.

(a) The proper operation of democratic government requires that:

(1) Public officials and employees be independent, impartial and responsible to the people;
(2) Government decisions and policy be made in proper channels of the governmental structure;
(3) The public have confidence in the integrity of its government. In recognition of these goals, there is established a code of ethics for all city officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the city. The purpose of this article is to establish standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city. The provisions and purposes of this article and such rules and regulations as may be established are hereby declared to be in the best interests of the city.

(b) Public officials and employees are agents of the public and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the constitution of this state and carry out impartially the laws of the nation, state and municipality. Furthermore, they are to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern. Their conduct in both their official and private affairs should be above reproach so as to foster respect for all government.

(Code 1971, § 2-221)

Sec. 2-344. - Dedicated service.

All officials and employees of the city should be loyal to the objectives expressed by the electorate and the programs developed to attain these objectives. Appointive officials and employees shall adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

(Code 1971, § 2-222)

Sec. 2-345. - Cooperation with city officials.
Officials and employees shall not exceed their authority or breach the law or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from so doing by law or by official recognized confidentiality of their work.

(Code 1971, § 2-223)

Sec. 2-346. - Use of public property.

No official or employee shall use or permit the use of city owned vehicles, equipment, materials or property for personal use except when such vehicles, equipment, materials or property are generally available to the public-at-large. This section shall not apply to vehicles provided to certain personnel for the convenience of the city as approved in advance by the mayor and the common council.

(Code 1971, § 2-224)

Sec. 2-347. - Equal treatment.

Unless otherwise required or permitted by law or the public good, no official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

(Code 1971, § 2-225)

Sec. 2-348. - Conflict of interest.

No official or employee, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interests, direct or indirect, in a manner which is incompatible with the proper discharge of his or her official duties or which would tend to impair his or her independence of judgment or action.

1. **Incompatible employment.** No official or employee shall engage in or accept private employment or render service, for private interests, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law.

2. **Disclosure of confidential information.** No official or employee shall, without proper authorization, disclose confidential information nor use such information to advance the actual or anticipated financial or personal interest of any person.

3. **Gifts; kickbacks.** No person may directly or indirectly offer or give to any officer or employee, and no officer or employee may directly or indirectly solicit or accept from any person any gift, favor or other thing of value if it could reasonably be expected to influence the officer's
or the employee's vote, official actions or judgment or could reasonably be considered as a reward for any official action or inaction. No officer or employee shall directly or indirectly solicit or accept any kickbacks.

(4) Representing private interests before city agencies or courts. No officer or employee shall appear on behalf of any private person, other than himself or herself, his or her spouse or minor children, before any city agency. However, members of the common council may appear before city agencies on behalf of their constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations.

(5) Contracts with the city. No city officer or employee shall in his or her official capacity participate in the making of a contract in which he or she has a private pecuniary interest, direct or indirect, or perform in regard to that contract any function requiring the exercise of his or her discretion, or shall enter into any contract with the city unless, within the confines of Wis. Stats. § 946.13.

(6) Improper use of position. No officer or employee may use or attempt to use his or her public position to influence or gain unlawful benefits, advantages or privileges for himself or herself or others.

(7) Political activity. No employee is precluded from engaging in political activity provided that such activity does not interfere with normal work performance and is not conducted during normal working hours and does not involve the use of city equipment or property. Employees are specifically prohibited from directly or indirectly coercing any persons to contribute monetary or other types of assistance to any political candidate, party or purpose under provisions of the Federal Hatch Act, employees who are principally employed in an activity which is financed in whole or in part by federal loans or grants cannot become candidates in partisan elections.

(Code 1971, § 2-226)

Sec. 2-349. - Disclosure of interest in legislation.

(a) Any member of the common council who has a financial interest or personal interest in any proposed legislation before the common council shall disclose on the records of the common council the nature and extent of such interest.

(b) Any other official or employee who has a financial or personal interest in any proposed legislative action of the common council and who participates in discussion with or gives an official opinion or recommendation to the common council shall disclose on the records of the common council the nature and extent of such interest.

(Code 1971, § 2-227)

Sec. 2-350. - Applicability of article.
When an official or employee has doubt as to the applicability of a provision of this article to a particular situation or definition of terms used in this article, he or she should apply to the common council for an advisory opinion and will be guided by that opinion when given.

(Code 1971, § 2-228)

Sec. 2-351. - Penalty for violation.

Violations of any provision of this article constitutes cause for suspension, removal from office or employment or other disciplinary action. In addition, a penalty of up to $500.00 for each act shall be imposed upon conviction under this article.

(Code 1971, § 2-229)

Secs. 2-352—2-375. - Reserved.
Requests for Advice
Requesting advice from the Wisconsin Ethics Commission

Any individual, either personally or on behalf of an organization or governmental body, may request of the Ethics Commission an advisory opinion regarding the propriety under the ethics, lobbying, or campaign finance laws of any matter to which the person is or may become a party. Any appointing officer, with the consent of a prospective appointee, may request of the Ethics Commission an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party.

Confidentiality

Written requests for advice and the Commission's replies are confidential unless made public by the requestor. No member or employee of the Ethics Commission may make public the identity of anyone requesting an advisory opinion or of persons mentioned in an opinion. Periodically, the Commission publishes summaries of its opinions after making sufficient alterations to prevent the identification of the requestor and persons mentioned in the opinions.

How to request an advisory opinion

A request for an advisory opinion of the Commission may be made in writing or electronically. The request should state each question upon which an opinion is desired, present all relevant facts, be as specific as possible, identify the names of all parties that are pertinent to the question, and include references to pertinent law known to the requestor. Requests should be submitted to the Commission Administrator or addressed generally to the Commission. Please see the Contact Us (/Pages/AboutUs/ContactUs.aspx) page for current contact information.

A request posed by an attorney-at-law on a client's behalf should also set forth: a tentative conclusion upon each question presented, the reasoning upon which that conclusion is based, and all relevant statutory provisions, case law, opinions of the Attorney General, prior opinions of the Ethics Commission, and other authorities, whether or not they support the tentative conclusion concerning the questions presented.
A request requiring the resolution of questions of fact should not be submitted because the Ethics Commission cannot resolve factual issues in an opinion. A local public official may request an advisory opinion relating to the code of ethics for local government officials, Wis. Stat. § 19.59, from the attorney for the official's local unit of government. A local government attorney may seek advice from the Ethics Commission.

Requesting opinions - County, municipal and other local government attorneys

Pursuant to Wis. Stat. § 19.59(6), a county corporation counsel, an attorney for a local governmental unit, or a state-wide association of local governmental units may ask the Wisconsin Ethics Commission to issue an opinion concerning the interpretation of Wis. Stat. § 19.59, the Code of Ethics for local government officials, employees and candidates. Written requests for advice are confidential. No member or employee of the Ethics Commission may make public the identity of anyone requesting an advisory opinion or of persons mentioned in an opinion. Periodically, the Commission publishes summaries of its opinions after making sufficient alterations to prevent the identification of the requestor and persons mentioned in the opinions. The Statutes do not authorize the Commission to issue an opinion to an official or representative of a local government other than the local government's legal counsel.

A request from a county corporation counsel, an attorney for a local governmental unit, or a state-wide association of local governmental units should:

- State on whose behalf the opinion is requested.
- State each question upon which an opinion is desired.
- State all of the facts giving rise to each question presented.
- Set forth a tentative conclusion upon each question presented and the reasoning upon which that conclusion is based.
- Set forth and analyze all relevant statutory provisions, case law, prior opinions of the Ethics Commission, and the authorities whether or not they support the tentative conclusion concerning the questions presented.

A request requiring the resolution of questions of fact should not be submitted because the Ethics Commission has no authority to decide questions of fact. The Ethics Commission does not issue opinions on whether past conduct has violated the law. Although the foregoing criteria are subject to exception when the circumstances warrant, a request which does not meet these criteria may be returned and the requestor asked to resubmit the request in an appropriate form.

Advisory Opinion Request Process

Upon receipt of a valid opinion request, staff will confirm receipt with the person making the advisory opinion request. Staff will then prepare an analysis of the request and document relevant statutes, case law and constitutional law. For formal opinion requests, staff will also confirm with the requestor whether or not they wish to request a public hearing on the matter. Upon completion of the analysis of the request, staff will contact the Commission to schedule the opinion request for the next available Commission meeting. At the Commission's discretion, a special Commission meeting may be schedule to
address the request if the requestor can demonstrate the need for such urgency. Requestors may also wish to consider an informal advisory opinion for urgent matters. Please see the section below for additional information about informal advisory opinion requests.

Informal Advisory Opinions

At its March 7, 2017 meeting the Ethics Commission delegated the authority to issue informal advisory opinions. A copy of the adopted policy and the delegation of authority is available here: Ethics Commission Policy - Delegation of Authority for Informal Advisory Opinions.pdf. As required by Wisconsin Statutes, the Commission shall review each informal advisory opinion at its next scheduled meeting.

Evidence of intent to comply with law

It is prima facie evidence of intent to comply with the Ethics Code for State Public Officials (subch. III, ch. 19, Wisconsin Statutes) and the lobbying law (subch. III, ch. 13, Wisconsin Statutes) when a person refers a matter to the Ethics Commission and abides by the Commission's advisory opinion, if the material facts are as stated in the opinion request. Wis. Stat. § 19.46(2).

Wikipedia

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DATE: March 7, 2017

TO: Chief Clerk, Wisconsin State Senate
    Chief Clerk, Wisconsin State Assembly

CC: The Honorable Scott Walker, Governor of Wisconsin
    The Honorable Scott Fitzgerald, Senate Majority Leader
    The Honorable Jennifer Shilling, Senate Minority Leader
    The Honorable Robin Vos, Assembly Speaker
    The Honorable Peter Barca, Assembly Minority Leader

FROM: Members, Wisconsin Ethics Commission

SUBJECT: Delegation of Authority for Informal Opinions

The Ethics Commission is required by WIS. STAT. § 19.47(9)(a) to report adopted policies to the appropriate standing committees of the Legislature under WIS. STAT. § 13.172(3). At its March 7, 2017 meeting the Ethics Commission adopted a policy to authorize the Commission Administrator or his or her designee to issue an informal written advisory opinion, consistent with WIS. STAT. § 19.46(2)(b). That section of the statutes states the following:

(b)
1. The commission may authorize the commission administrator or his or her designee to issue an informal written advisory opinion or transmit an informal advisory opinion electronically on behalf of the commission, subject to such limitations as the commission deems appropriate. Every informal advisory opinion shall be consistent with applicable formal advisory opinions issued by the commission, statute or other law, and case law.

2. Any individual may request in writing, electronically, or by telephone an informal advisory opinion from the commission under this paragraph. The commission's designee shall provide a written response, a written reference to an applicable statute or law, or a written reference to a formal advisory opinion of the commission to the individual, or shall refer the request to the commission for review and the issuance of a formal advisory opinion.

3. Any person receiving an informal advisory opinion under this paragraph may, at any time, request a formal advisory opinion from the commission on the same matter.

Wisconsin Ethics Commissioners
Mae Davis | David R. Halbrooks | Peg Lautenschlager | Katie McCallum | Pat Strachota | Timothy Van Akkeren

Administrator
Brian M. Bell, MPA
Additionally, Wis. Stat. § 19.46(2)(a)4 requires the Administrator to report the issuance of informal opinions to the Commission and the options the Commission may exercise upon receiving such a report:

4. At each regular meeting of the commission, the commission administrator shall review informal advisory opinions requested of and issued by the administrator and that relate to recurring issues or issues of first impression for which no formal advisory opinion has been issued. The commission may determine to issue a formal advisory opinion adopting or modifying the informal advisory opinion. If the commission disagrees with a formal or informal advisory opinion that has been issued by or on behalf of the commission, the commission may withdraw the opinion, issue a revised formal or informal advisory opinion, or request an opinion from the attorney general. No person acting after the date of the withdrawal or issuance of the revised advisory opinion is exempted from prosecution under this subsection if the opinion upon which the person's action is based has been withdrawn or revised in relevant degree.

Adopted Policy Delegating Authority to Issue Informal Opinions

The Ethics Commission adopted the policy enumerated below at its March 7, 2017 meeting by a vote of 6-0.

1. The request for an informal opinion must be received in writing (e.g., email, or a typed or written letter).
2. The issuance of an informal opinion must be provided in writing (e.g., email, or a typed or written letter).
3. Every informal opinion issued shall be consistent with all applicable formal advisory opinions issued by the Commission, statute or other law, and case law as required by Wis. Stat. § 19.46(2)(b)1; as well as United States and Wisconsin constitutional law.
4. The Commission Administrator, or the Staff Counsel upon delegation by the Administrator, may issue an informal opinion consistent with the policy adopted by the Commission

How to Request an Informal Advisory Opinion

We recommend that requests for informal advisory opinions explicitly state than an informal opinion is requested. Requesters should also provide as much detail as possible regarding the facts and circumstances related to the request to ensure that the opinion provided sufficiently addresses the matter. Requests can be directed to the Administrator or Staff Counsel, directly, or to the agency in general. Contact information for the Administrator, Staff Counsel, and the agency is available on our website here: https://ethics.wi.gov/Pages/AboutUs/ContactUs.aspx.
Pettit, Shannon

From: Van Sickle, Jenny
Sent: Thursday, January 28, 2021 10:28 AM
To: Kalan, Terri; Pettit, Shannon
Cc: Paine, Jim; Prell, Frog; Raverty, Nick
Subject: Fwd: 1.28.2021
Attachments: 1.28.2021.pdf; 97_06_LocalCodeDisqualification.pdf; 05_05_ImproperUseOfOffice.pdf

Please include these three attachments with Councilor Sutherland’s agenda item.

Jenny
1.28.21
In Response to Councilor Sutherland’s Request of the Council
Mayor Paine and I recognize that people may have questions regarding the relation of our marriage to our work on the Superior City Council. Like any elected official, we expect conflicts to arise from time to time. With good judgement and sound legal advice, we intend to continue to take steps to minimize those conflicts. This is our professional, legal, and ethical liability and we take it very seriously. Listed below are the steps that we and others have taken to protect ourselves from legal liability and ethical conflict.
Councilor Sutherland is asking a State body, the WI Ethics Commission, to make a decision regarding a violation, perceived or potential, of a City ordinance. And further, asking a local body of government to deliberately create redundancy, bypass an already in-motion, already twice requested opinion, however unconnected or unaffected he stands to be.

Sec. 2-82. - Office of the mayor; duties; salary.
The salary for the office of mayor is fixed and provided as follows:
For the period commencing April 17, 2007, a total of $68,923.00. Commencing the third Tuesday of each April thereafter, the salary of the mayor shall increase by the same percentage as approved by the council for full-time non-union positions.

The Council does approve a modest, routine cost of living adjustment for hundreds of employees. The mayor's salary, set in ordinance, rises lawfully, separately, and equally by the same amount. This vote is insignificant to a budget's broad purpose and well-settled in Ethics opinions.
It's also widely known, City insurance benefits are an entirely separate allocation from the general fund budget, of which I am also not enrolled.

A Summary of Events & Communications

In the months leading up to our marriage, we reviewed the relevant state statutes, city ordinances, and League of Wisconsin Municipalities guides relating to ethics and conflicts of interest.

Our marriage was published in the November 6th, 2020 edition of the Superior Telegram, the paper of record which publishes council meeting agendas and notices of elections.

In the November 2020 Issue of The Municipality, the League of Wisconsin Municipalities legal briefs answered the question “Does the incompatibility of offices doctrine preclude a husband and wife from serving on the governing body at the same time?” They answered “No. The incompatibility doctrine comes into play when one person holds more than one office or holds a position of employment and an office. It does not prevent a husband and wife or members of the same family from simultaneously serving on the governing body.”
• Councilor Sutherland made a formal request to City Attorney Prell on January 15, 2021 with no timeframe directed.
  • Attorney Prell has not yet responded to the matter
  • Attorney Prell can request advice and an advisory opinion from the Wisconsin Ethics Commission should he deem it necessary to do so.
  • We consulted private legal counsel with expertise in municipal law on the questions posed by Councilor Sutherland. Legal Counsel confirmed our general impression that conflicts are likely to be rare, minor, and mitigated by recusal on certain votes but that recusal from voting on the budget at large is not necessary.

• I also made a request of the Wisconsin Ethics Commission in a series of emails and phone calls with Campaign Finance Advisor & Ethics Specialist, Adam Harvell, and later Staff Administration & Staff Counsel with regard to this issue.
  • Included in the correspondence were:
    • Councilor Sutherland’s formal request of Attorney Prell
    • A link to a local news story, including Councilor Sutherland’s formal letter, media interview, as well as the statement I provided.
    • State Statute 19.59
      ‘(d) ...does not prohibit a local public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a local public official from taking official action with respect to any proposal to modify a county or municipal ordinance.’

• The Ethics Commission confirmed the following:
  • City Attorney Prell can/will engage the Commission for advice on his response
  • I, as the relevant Councilor, can engage the Commission regarding this issue
  • I, as the relevant Councilor, can request a formal public opinion from the Commission after they have issued an informal opinion.
  • It is not common practice for a colleague to become the requestor on the behalf of another official. These systems are designed to be a resource, for municipal officers to directly seek guidance about potential private financial conflicts for the good of the order.
  • They will not consider the same question twice. The WI Ethics Commission will respect a “chain of command” and assist the City Attorney in the development of his formal opinion.
  • Our official request can be read in full in the email below. It is a response to a 6-minute phone call between Campaign Treasurer Rachel Forsyth, and Staff Counsel on 1.15.21 at 3:30pm.
Rachel Forsyth

Fri, Jan 15, 4:36 PM (12 days ago)

to ETH

HI -

Thanks so much for the call and the clarity.

In response to your two questions:

1. We do not know of any timeline given to or by the City Attorney in getting back to Councilor Sutherland and/or the greater Council.

2. We would like your opinion on Councilor Van Sickle’s ability to engage in any/all discussions and votes regarding the general fund budget.

We will wait upon any formal opinion from the Commission pending further need, should it arise.

Thanks again for your timely responses & enjoy the weekend and Happy MLK Day.

Rach

PS: Please see the attached referenced municipal ordinance for the City of Superior.

Sec. 2-82. - Office of the mayor; duties; salary.
Chief executive officer. The mayor shall be the chief executive officer. The mayor shall take care that city ordinances and state laws are observed and enforced and that all city officers and employees discharge their duties. The mayor shall from time to time give the council such information and recommend such measures as may be deemed advantageous to the city. When present, the mayor shall preside at the meetings of the council. The salary for the office of mayor is fixed and provided as follows:
For the period commencing April 17, 2007, a total of $68,923.00. Commencing the third Tuesday of each April thereafter, the salary of the mayor shall increase by the same percentage as approved by the council for full-time non-union positions.

Mayor’s duties. The mayor shall devote his or her full time to the discharge of their duties and shall engage in no other remunerative employment.
(Code 1971, § 2-69; Ord. No. 006-3593, § 1, 7-5-2006)

Similar Public Cases

- The WI Ethics Commission has considered substantially similar questions regarding the subject of an elected official’s ability to vote on a budget that funds salary and benefits for the spouse of the elected official. Those two opinions are attached.
The Ethics Board advises that a school board member whose spouse is employed as a teacher by the school district:

(1) not participate in negotiations, discussions, or votes on the teachers’ contract;
(2) may vote on the district’s budget if the school board has already entered into a contract that establishes teachers’ salaries and benefits for the period covered by the budget but may not vote on the budget if the budget will substantially affect teacher salaries or benefits;
(3) not participate in negotiations, discussions, or votes on the terms of another union’s contract if it will affect the terms of the teachers’ contract in other than an inconsequential manner;
(4) may participate in a disciplinary or similar matter affecting another teacher if the action does not result in a school board member’s spouse obtaining a substantial benefit or anything of substantial value from such decision;
(5) may participate in decisions affecting class size, teaching hours, other general school district policy decisions if the effect on the school board member’s spouse does not differ materially from the effect on other teachers.

The Ethics Board advises that a school board member who is covered by the school district’s health benefits plan not participate in consideration of the terms of that plan or the award of the district’s health benefits contract. (September 5, 1997)

Facts

¶1. This opinion is based upon these understandings:

a. You write on behalf of a public school district.

b. A member of the district’s school board is married to a teacher employed by the district.

c. Another member of the school board is covered by the district’s health benefits plan.
Questions

¶2. The Ethics Board understands your questions to be:

1. Consistent with statutes administered by the Ethics Board, may the school board member whose spouse is a teacher employed by the district participate, in an official capacity, in discussions, negotiations, or votes on the district’s contract with the teachers?

2. Consistent with statutes administered by the Ethics Board, may the school board member whose spouse is a teacher employed by the district participate, in an official capacity, in discussions and votes on the district’s annual budget?

3. Consistent with statutes administered by the Ethics Board, may the school board member whose spouse is a teacher employed by the district participate, in an official capacity, in discussions, negotiations, or votes on the district’s contracts with employees other than teachers?

4. Consistent with statutes administered by the Ethics Board, may the school board member whose spouse is a teacher employed by the district participate, in an official capacity, in disciplinary matters or matters affecting the employment status, benefits, or working conditions of teachers or other employees?

5. Consistent with statutes administered by the Ethics Board, may the school board member whose spouse is a teacher employed by the district participate, in an official capacity, in matters involving general district policy such as setting class size or teacher planning time?

6. Consistent with statutes administered by the Ethics Board, may the school board member who is covered by the district's health benefits plan participate, in an official capacity, in discussions, negotiations, and votes on labor contracts that include health benefits or participate in selecting the benefit provider or benefit plan design?
Discussion

¶3. Wisconsin’s Code of Ethics for Local Government Officials, Employees and Candidates provides that any county corporation counsel, attorney for a local governmental unit, or statewide association of local governmental units may request the Ethics Board to issue an opinion concerning the interpretation of section 19.59, Wisconsin Statutes. §19.59(6), Wisconsin Statutes.

¶4. Sections 19.59(1)(a) and (c), Wisconsin Statutes, apply to your questions. Reduced to their elements, §§19.59(1)(a) and (c)2., Wisconsin Statutes, provide:

No local public official
May use his or her office or position
To obtain anything of substantial value
For the official’s private benefit or that of his or her immediate family
Or to produce a substantial benefit for the official or his or her immediate family.¹

Reduced to its elements, §19.59(1)(c)1., Wisconsin Statutes, provides:

No local public official
May take any official action
Substantially affecting a matter
In which the official or the official’s immediate family
Has a substantial financial interest.²

¹ Section 19.59(1)(a), Wisconsin Statutes, provides:

19.59(1)(a) No local public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. A violation of this paragraph includes the acceptance of free or discounted admissions to a professional baseball game by a member of the district board of the local professional baseball park district created under subch. III of ch. 229. This paragraph does not prohibit a local public official from using the title or prestige of his or her office to obtain campaign contributions that are permitted and reported by ch. 11.

Section 19.59(1)(c)2., Wisconsin Statutes, provides:

19.59(1)(c) Except as otherwise provided in par. (d), no local public official may:
2. Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official’s immediate family either separately or together, or an organization with which the official is associated.
¶5. The first issue your letter raises is whether members of a school district’s board are local public officials to whom these provisions apply. Section 19.42(7x), Wisconsin Statutes, provides:

19.42(7x) “Local public official” means an individual holding a local public office.

Section 19.42(7w)(a), Wisconsin Statutes, provides:

19.42(7w) “Local public office” means any of the following offices, except an office specified in sub. (13):
(a) An elective office of a local governmental unit.

Section 19.42(7u), Wisconsin Statutes, provides:

19.42(7u) “Local governmental unit” means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing.

¶6. A member of a public school district board is a local public official under the Ethics Code. School board members hold elective office. Under the statutes, “[t]he school district is the territorial unit for school administration.” §115.01(3), Wisconsin Statutes (emphasis added). And a school board is in charge of the schools of a school district. §115.001(7), Wisconsin Statutes. “Special purpose district” is not defined in the Ethics Code. Wisconsin’s election law, §5.02(20g), Wisconsin Statutes, defines “special purpose district” as “any local governmental unit other than a county or municipality.” Elsewhere in the statutes, the term “special purpose district” appears, from context, to be a term of art generally used to refer to statutorily created government bodies other than state agencies and cities, villages, towns, and counties.3 There is nothing in the context of the

2 Section 19.59(1)(c)1., Wisconsin Statutes, provides:

19.59(1)(c) Except as otherwise provided in par. (d), no local public official may:
1. Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.

3 See §§16.97(7); 30.94(1)(c); 59.72(1)(c); 66.285(1)(c); 66.293(1)(d); 66.299(1)(a); 67.05(3)(f); 78.80(4); 106.115(3); 180.0103(10); 230.046(10); 281.51; 281.75(4)(b)4.; 289.333(3)(d); and 943.13(1e)(c), Wisconsin Statutes. However, in four instances, the term is used together with the term school district. §§66.042(7); 70.09(2)(a)5.; 71.78(10); 77.61(5)(fm), Wisconsin Statutes.
Ethics Code or its legislative history to indicate an intention to exclude school districts from coverage.


¶8. The ultimate question, then, is which, if any, of the various official actions by a school board member would substantially affect a matter in which the member or the member’s spouse has a substantial financial interest. In each case this is a question of fact. Worthy of consideration is whether the member or the member’s spouse has a measurable, demonstrable, not speculative, financial interest in the matter and the member’s action affects that interest in more than an insignificant way. We will address each of your questions in turn.

1. Consistent with statutes administered by the Ethics Board, may the school board member whose spouse is a teacher employed by the district participate, in an official capacity, in discussions, negotiations, or votes on the district’s contract with the teachers?

¶9. Patently, an individual’s salary and benefits are things of substantial value and of personal benefit. Therefore, a school board member, consistent with §19.59, should not participate in decisions concerning the contract that will establish the salary and benefits of the member’s spouse. Although the Ethics Board does not administer §946.13, Wisconsin Statutes, we note that

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4 Section 19.42(7)(a), Wisconsin Statutes, provides:

19.42 (7) “Immediate family” means:

(a) An individual’s spouse.

5 We note that §19.59(1)(d) provides that paragraph (1)(c) does not prohibit a local public official from taking any action concerning the lawful payment of salaries or employee benefits. This provision applies: (a) only to the payment, and not the establishment, of salary and benefits; and (b) only to paragraph (1)(c) and not to (1)(a). For these reasons, this provision is not applicable to the questions you have asked. 1996 Wis Eth Bd 10, n. 5.
this statute also appears to prohibit such action. See 76 Op. Att'y Gen. 15 (1987).

2. Consistent with statutes administered by the Ethics Board, may the school board member whose spouse is a teacher employed by the district participate, in an official capacity, in discussions and votes on the district’s annual budget?

¶10. Whether a school board’s vote on the school district’s budget will substantially affect teacher salaries and benefits is a question of fact. If, prior to acting on a budget, the school board has already entered into a contract that establishes teachers’ salaries and benefits for the period covered by the budget, then acting on a budget that merely appropriates moneys for costs already approved is unlikely to affect substantially the school board member’s financial interests. As a representative of the people, an individual holding a public office has an obligation to consider and vote on issues before the official. 1996 Wis Eth Bd 10 ¶9. Accounting for that obligation and the incidental effect on the member, we believe a school board member may, consistent with §§19.59(1)(a) and (c), Wisconsin Statutes, vote on the budget as a whole if the member does not participate in discussions or votes or any amendment to the budget specifically affecting the salary, benefits, or employment status of the member’s spouse.

¶11. On the other hand, if the school board has not entered into a contract that establishes teachers’ salaries and benefits for the period covered by the budget, then acting on a budget that sets parameters for collective bargaining is likely to substantially affect the school board member’s financial interests. In this instance, we advise that the board member not participate in discussions or vote on the budget. If other portions of the school district budget can be separated from portions affecting teacher salaries and benefits, the member may participate in discussions and votes on those aspects of the budget.

3. Consistent with statutes administered by the Ethics Board, may the school board member whose spouse is a teacher employed by the district participate,

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6 Section 946.13, Wisconsin Statutes, in relevant part, provides:

946.13 Private interest in public contract prohibited. (1) Any public officer or public employee who does any of the following is guilty of a Class E felony:

* * *

(b) In the officer’s or employee’s capacity as such officer or employee, participates in the making of a contract in which the officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the officer’s or employee’s part.
in an official capacity, in discussions, negotiations, or votes on the district's contracts with employees other than teachers?

¶12. You have indicated that salaries and benefits that are negotiated in contracts for non-teachers may serve as a precedent for the teachers' contract. If the terms of another union's contract will serve as precedent for the terms of the teachers' contract, then we advise that the school board member not participate in negotiations, discussions, or votes on any of those contracts. See 1994 Wis Eth Bd 6 ¶7; 1994 Wis Eth Bd 4 ¶5. Experience is one factor that might indicate whether another union's contract will have a precedential effect on the teachers' contract. On the other hand, if the effect of another contract's terms on the teachers' contract is merely conjectural, or if the other contract will have only an inconsequential influence, we believe the member may participate in decisions concerning that contract. See LeBow v. Optometry Examining Board, 52 Wis.2d 569, 574 (1971); 1996 Wis Eth Bd 3 ¶5; 1995 Wis Eth Bd 4 ¶7; 1993 Wis Eth Bd 11 ¶5.

4. Consistent with statutes administered by the Ethics Board, may the school board member whose spouse is a teacher employed by the district participate, in an official capacity, in disciplinary matters or matters affecting the employment status, benefits, or working conditions of teachers or other employees?

¶13. Matters affecting a particular teacher are quasi-judicial in nature. Section 19.59 prohibits an official only to act in a matter in which the official or the official's spouse has a substantial financial interest or to use the official's position to gain a substantial benefit or anything of substantial value for personal benefit or for the benefit of the official's spouse. Although the facts may vary, it seems unlikely that participation in a disciplinary or similar matter affecting another teacher would result in a school board member's spouse obtaining a substantial benefit or anything of substantial value from such decision. Although you have indicated that such decisions may affect future decisions involving other teachers or future interpretations of the teachers' contract, absent other facts, any effect on the member's spouse appears too remote and speculative for us to say that the member's participation in the decision is barred by the statute. It may be appropriate to address this question in light of specific circumstances.

5. Consistent with statutes administered by the Ethics Board, may the school board member whose spouse is a teacher employed by the district participate, in an official capacity, in matters involving general district policy such as setting class size or teacher planning time?

¶14. A decision affecting class size, teaching hours, and the like could result in a substantial benefit for the spouse of the school board member.
However, as we understand it, these issues usually arise as general policy decisions that are quasi-legislative in nature. The Ethics Board has consistently said that an official may participate in quasi-legislative matters, even if a decision may affect the official, if (1) the decision affects a broad class of individuals; (2) the official represents a small portion of the entire class; and (3) the official's interest is not affected to any greater or lesser extent than others' interests. *See, e.g.*, 1994 Wis Eth Bd 6 Supp. ¶7; 8 Op. Eth. Bd. 21 (1984); 5 Op. Eth. Bd. 65 (1981); 5 Op. Eth. Bd. 59 (1981). Thus, as long as a policy decision pertains to all or the substantial majority of teachers in the district and does not affect the member's spouse in a way that differs materially from the effect on other teachers, §19.59 does not bar the member's participation in such policy issues. If a decision affects the school board member's spouse in a way that does differ materially from the effect on most other teachers, then the member ought not to participate in the decision.

6. **Consistent with statutes administered by the Ethics Board, may the school board member who is covered by the district's health benefits plan participate, in an official capacity, in discussions, negotiations, and votes on labor contracts that include health benefits or participate in selecting the benefit provider or benefit plan design?**

¶15. The answer to your question is "no." We have previously opined that the terms of a health insurance contract can be something of substantial value and a substantial benefit to the insured. 1996 Wis Eth Bd 10 ¶7. The private interest of a school board member who is covered by the school district's insurance may directly conflict with the interest of the public whom the official serves. The statute requires that the school board member who is covered by the district's health benefits plan not participate in consideration of the terms or award of that contract.

Advice

¶16. The Ethics Board advises that a school board member whose spouse is employed as a teacher by the school district:

(1) not participate in negotiations, discussions, or votes on the teachers' contract;

(2) may vote on the district's budget if the school board has already entered into a contract that establishes teachers' salaries and benefits for the period covered by the budget but may not vote on the budget if the budget will substantially affect teacher salaries or benefits;
(3) not participate in negotiations, discussions, or votes on the terms of another union’s contract if it will affect the terms of the teachers’ contract in other than an inconsequential manner;
(4) may participate in a disciplinary or similar matter affecting another teacher if the action does not result in a school board member’s spouse obtaining a substantial benefit or anything of substantial value from such decision;
(5) may participate in decisions affecting class size, teaching hours, other general school district policy decisions if the effect on the school board member’s spouse does not differ materially from the effect on other teachers.

The Ethics Board advises that a school board member who is covered by the school district’s health benefits plan not participate in consideration of the terms of that plan or the award of the district’s health benefits contract.
The Ethics Board advises that a board member of an institution of higher education whose spouse is employed as a teacher by the institution:

(1) not participate in negotiations, discussions, or votes on the teachers' contract;
(2) may vote on the institution's budget if the board has already entered into a contract that establishes teachers' salaries and benefits for the period covered by the budget but may not vote on the budget if the budget will substantially affect teacher salaries or benefits;
(3) not participate in negotiations, discussions, or votes on the terms of another union's contract if it will affect the terms of the teachers' contract in other than an inconsequential manner;
(4) may participate in a disciplinary or similar matter affecting another teacher if the action does not result in a board member's spouse obtaining a substantial benefit or anything of substantial value from such decision;
(5) may participate in decisions affecting teaching load, teaching hours, and other general policy decisions if the effect on the board member's spouse does not differ materially from the effect on other teachers; and
(6) if the board member is covered by the institution's health benefits plan, not participate in consideration of the terms of that plan or the award of the institution's health benefits contract.

The Ethics Board further advises that abstention does not avoid a conflict, it simply mitigates it. If the above restrictions materially impede the board member's ability to fulfill his or her responsibilities as a public official, or conflicts are frequent and continuing, the member should consider withdrawing from the position so that another appointee may participate fully in the activities of the board.

Facts

1. This opinion is based upon these understandings:
   a. You write on behalf of the board of an institution of higher education.
   b. A member of the board is married to a teacher employed by the institution who is also a member of the faculty union.
Questions

¶12 You have asked generally about potential issues that may arise from the board member’s spousal relationship to a member of the institution’s faculty. The Ethics Board believes the most likely questions to arise are:

1. Consistent with statutes administered by the Ethics Board, may the board member whose spouse is a teacher employed by the institution participate, in an official capacity, in discussions, negotiations, or votes on the institution’s contract with the faculty?

2. Consistent with statutes administered by the Ethics Board, may the board member whose spouse is a teacher employed by the institution participate, in an official capacity, in discussions and votes on the institution’s annual budget?

3. Consistent with statutes administered by the Ethics Board, may the board member whose spouse is a teacher employed by the institution participate, in an official capacity, in discussions, negotiations, or votes on the institution’s contracts with employees other than teachers?

4. Consistent with statutes administered by the Ethics Board, may the board member whose spouse is a teacher employed by the institution participate, in an official capacity, in disciplinary matters or matters affecting the employment status, benefits, or working conditions of teachers or other employees?

5. Consistent with statutes administered by the Ethics Board, may the board member whose spouse is a teacher employed by the institution participate, in an official capacity, in matters involving general policy that affects teachers’ working conditions?

6. Consistent with statutes administered by the Ethics Board, may the board member, if covered by the institution’s health benefits plan participate, in an official capacity, in discussions, negotiations, and votes on labor contracts that include health benefits or participate in selecting the benefit provider or benefit plan design?¹

¹ See 1997 Wis Eth Bd 06 which addressed these issues under §19.59, Wisconsin Statutes, the Code of Ethics for Local Public Officials in the context of a local school board member.
Discussion

¶3 Wisconsin's Code of Ethics for State Public Officials and Employees provides that any individual, on behalf of a governmental body, may request the Ethics Board to issue an opinion regarding the propriety of any matter to which the body may become a party. §19.46 (2), Wisconsin Statutes.

¶4 Sections 19.45 (2) and 19.46 (1) (a) and (b), Wisconsin Statutes, apply to your questions. Reduced to their elements, §§19.45 (2) and 19.46 (1) (b), Wisconsin Statutes, provide:

No state public official
May use his or her office or position
To obtain anything of substantial value
For the official’s private benefit or that of his or her immediate family
Or to produce a substantial benefit for the official or his or her immediate family. ²

¶5 Reduced to its elements, §19.46 (1) (a), Wisconsin Statutes, provides:

No state public official
May take any official action
Substantially affecting a matter
In which the official or the official's immediate family
Has a substantial financial interest. ³

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² Section 19.45 (2), Wisconsin Statutes, provides:

19.45 (2) No state public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. This subsection does not prohibit a state public official from using the title or prestige of his or her office to obtain contributions permitted and reported as required by ch. 11.

Section 19.46 (1)(b), Wisconsin Statutes, provides:

19.46 (1) Except in accordance with the board’s advice under sub. (2) and except as otherwise provided in sub. (3), no state public official may:

(b) Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

³ Section 19.46 (1) (a), Wisconsin Statutes, provides:

19.46(1) Except in accordance with the board's advice under sub. (2) and except as otherwise provided in sub. (3), no state public official may:

(a) Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.
¶6 A member of the board of the institution of higher education on whose behalf you write is a state public official.

¶7 Participating, in an official capacity, in discussions, contract negotiations, and votes on issues before the board is taking official action. 1996 Wis Eth Bd 13 ¶4; 1995 Wis Eth Bd 6 ¶4; 1992 Wis Eth Bd 22 ¶10. A spouse is a member of an official's immediate family. 4 A financial interest is substantial if it is of more than token or inconsequential value. 1995 Wis Eth Bd 5 ¶6; 1993 Wis Eth Bd 8 ¶6; 7 Op. Eth. Bd. 1 (1983); 5 Op. Eth. Bd. 97 (1982).

¶8 The ultimate question, then, is which, if any, of the various official actions by a board member would substantially affect a matter in which the member or the member's spouse has a substantial financial interest. In each case this is a question of fact. Worthy of consideration is whether the member or the member's spouse has a measurable, demonstrable, not speculative, financial interest in the matter and the member's action affects that interest in more than an insignificant way. We will address each of the questions in turn.

1. Consistent with statutes administered by the Ethics Board, may the board member whose spouse is a teacher employed by the institution participate, in an official capacity, in discussions, negotiations, or votes on the institution's contract with the teachers?

¶9 Patently, an individual's salary and benefits are things of substantial value and of personal benefit. Therefore, a board member, consistent with §§19.45 and 19.46, should not participate in decisions concerning the contract that will establish the salary and benefits of the member's spouse. 5 Although the Ethics Board does not administer §946.13, Wisconsin Statutes, we note that this statute also appears to prohibit such action. 6 See 76 Op. Att'y Gen. 15 (1987).

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4 Section 19.42(7)(a), Wisconsin Statutes, provides:

19.42 (7) "Immediate family" means:

(a) An individual's spouse.

5 We note that §19.46 (3) provides that paragraph (1) does not prohibit a state public official from taking any action concerning the lawful payment of salaries or employee benefits. This provision applies only to the payment, and not the establishment, of salary and benefits; and (b) only to §19.46 not to §19.45. For these reasons, this provision is not applicable to the questions we are addressing. 1996 Wis Eth Bd 10, n. 5.

6 Section 946.13, Wisconsin Statutes, in relevant part, provides:

946.13 Private interest in public contract prohibited (1) Any public officer or public employee who does any of the following is guilty of a Class E felony:

* * *

(b) In the officer's or employee's capacity as such officer or employee, participates in the making of a contract in which the officer or employee has a private pecuniary interest, direct
2. Consistent with statutes administered by the Ethics Board, may the board member whose spouse is a teacher employed by the institution participate, in an official capacity, in discussions and votes on the institution's annual budget?

¶10 Whether a board's vote on the institution's budget will substantially affect teacher salaries and benefits is a question of fact. If, prior to acting on a budget, the board has already entered into a contract that establishes teachers' salaries and benefits for the period covered by the budget, then acting on a budget that merely appropriates moneys for costs already approved is unlikely to affect substantially the board member's financial interests. As a representative of the people, an individual holding a public office has an obligation to consider and vote on issues before the official. 1996 Wis Eth Bd 10 ¶9. Accounting for that obligation and the incidental effect on the member, we believe the board member may, consistent with §§19.45 and 19.46, Wisconsin Statutes, vote on the budget as a whole if the member does not participate in discussions or votes or any amendment to the budget specifically affecting the salary, benefits, or employment status of the member's spouse.

¶11 On the other hand, if the board has not entered into a contract that establishes teachers' salaries and benefits for the period covered by the budget, then acting on a budget that sets parameters for collective bargaining is likely to substantially affect the board member's financial interests. In this instance, we advise that the board member not participate in discussions or vote on the budget. If other portions of the institution's budget can be separated from portions affecting teacher salaries and benefits, the member may participate in discussions and votes on those aspects of the budget.

3. Consistent with statutes administered by the Ethics Board, may the board member whose spouse is a teacher employed by the institution participate, in an official capacity, in discussions, negotiations, or votes on the institution's contracts with employees other than teachers?

¶12 Salaries and benefits that are negotiated in contracts for non-teachers may serve as a precedent for the teachers' contract. If the terms of another union's contract will serve as precedent for the terms of the teachers' contract, then we advise that the board member not participate in negotiations, discussions, or votes on any of those contracts. See 1994 Wis Eth Bd 6 ¶7; 1994 Wis Eth Bd 4 ¶5. Experience is one factor that might indicate whether another union's contract will have a precedential effect on the teachers' contract. On the other hand, if the effect of another contract's terms on the teachers' contract is merely conjectural, or if the other contract will have only an inconsequential influence, we believe the member may participate in decisions concerning that contract. See LeBow v. Optometry Examining Board, 52 Wis.2d 569, 574 (1971); 1996 Wis Eth Bd 3 ¶5; 1995 Wis Eth Bd 4 ¶7; 1993 Wis Eth Bd 11 ¶5.

or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the officer's or employee's part.
4. Consistent with statutes administered by the Ethics Board, may the board member whose spouse is a teacher employed by the institution participate, in an official capacity, in disciplinary matters or matters affecting the employment status, benefits, or working conditions of teachers or other employees?

¶13 Matters affecting a particular teacher are quasi-judicial in nature. Sections 19.45 and 19.46 prohibit an official only to act in a matter in which the official or the official’s spouse has a substantial financial interest or to use the official’s position to gain a substantial benefit or anything of substantial value for personal benefit or for the benefit of the official’s spouse. Although the facts may vary, it seems unlikely that participation in a disciplinary or similar matter affecting another teacher would result in a board member’s spouse obtaining a substantial benefit or anything of substantial value from such decision. Although such decisions may affect future decisions involving other teachers or future interpretations of the teachers’ contract, absent other facts, any effect on the member’s spouse appears too remote and speculative for us to say that the member’s participation in the decision is barred by the statute. It may be appropriate to address this question in light of specific circumstances.

5. Consistent with statutes administered by the Ethics Board, may the board member whose spouse is a teacher employed by the institution participate, in an official capacity, in matters involving general policy affecting teachers’ working conditions?

¶14 A decision affecting teaching load, teaching hours, and the like could result in a substantial benefit for the spouse of the board member. However, as we understand it, these issues usually arise as general policy decisions that are quasi-legislative in nature. The Ethics Board has consistently said that an official may participate in quasi-legislative matters, even if a decision may affect the official, if (1) the decision affects a broad class of individuals; (2) the official represents a small portion of the entire class; and (3) the official’s interest is not affected to any greater or lesser extent than others’ interests. See, e.g., 1994 Wis Eth Bd 6 Supp. ¶7; 8 Op. Eth. Bd. 21 (1984); 5 Op. Eth. Bd. 65 (1981); 5 Op. Eth. Bd. 59 (1981). Thus, as long as a policy decision pertains to all or the substantial majority of teachers in the institution and does not affect the member’s spouse in a way that differs materially from the effect on other teachers, §19.59 does not bar the member’s participation in such policy issues. If a decision affects the board member’s spouse in a way that does differ materially from the effect on most other teachers, then the member ought not to participate in the decision.

6. Consistent with statutes administered by the Ethics Board, may the board member who is covered by the institution’s health benefits plan participate, in an official capacity, in discussions, negotiations, and votes on labor contracts that include health benefits or participate in selecting the benefit provider or benefit plan design?

¶15 The answer to this question is “no.” We have previously opined that the terms of a health insurance contract can be something of substantial value and a
substantial benefit to the insured. 1996 Wis Eth Bd 10 ¶7. The private interest of a board member who is covered by the institution’s insurance may directly conflict with the interest of the public whom the official serves. The statute requires that the board member who is covered by the institution’s health benefits plan not participate in consideration of the terms or award of that contract.

Advice

¶16 The Ethics Board advises that a board member of an institution of higher education whose spouse is employed as a teacher by the institution:

(1) not participate in negotiations, discussions, or votes on the teachers’ contract;
(2) may vote on the institution’s budget if the board has already entered into a contract that establishes teachers’ salaries and benefits for the period covered by the budget but may not vote on the budget if the budget will substantially affect teacher salaries or benefits;
(3) not participate in negotiations, discussions, or votes on the terms of another union’s contract if it will affect the terms of the teachers’ contract in other than an inconsequential manner;
(4) may participate in a disciplinary or similar matter affecting another teacher if the action does not result in a board member’s spouse obtaining a substantial benefit or anything of substantial value from such decision;
(5) may participate in decisions affecting teaching load, teaching hours, and other general policy decisions if the effect on the board member’s spouse does not differ materially from the effect on other teachers; and
(6) if the board member is covered by the institution’s health benefits plan, not participate in consideration of the terms of that plan or the award of the institution’s health benefits contract.

¶17 The Ethics Board further advises that abstention does not avoid a conflict, it simply mitigates it. If the above restrictions materially impede the board member’s ability to fulfill his or her responsibilities as a public official, or conflicts are frequent and continuing, the member should consider withdrawing from the position so that another appointee may participate fully in the activities of the board.

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