

VILLAGE BOARD MINUTES DECEMBER 9, 2019 –8:00pm

PRESENT: Meeting called to order at the Auditorium by President Darrell Kyle. The following answered to roll call: Trustees Rocky Nelson, Jake Fuller, Jim Jonasen, Jim Smith, Jeff Buhr, Patti Coughlin and President Darrell Kyle. Village Administrator Amy K. Huber, Village Clerk Daisha Nolan, and Village Attorney Kyle Torvinen were also present.

POSTING: The agenda was posted at the Auditorium, Post Office, Midland Market Place and on the Village webpage.

REVIEW OF AGENDA: No changes

MINUTES: A motion was made by Smith to approve the Regular Session Minutes, as presented, from December 5, 2019, seconded by Fuller. MCU A motion was made by Smith to approve the Closed Session Minutes, as presented, from December 5, 2019, seconded by Fuller. MCU

PUBLIC INPUT: The following residents participated in public input, with the Village's public input policy of 2 minutes allowed to each individual enforced.

- Dennis Paulson - Commented on the strong points he witnesses while working with Jim Dawson and how the conditions of Lake Nebagamon's roads were better in comparison to Superior and Duluth roads following the large snowstorm.
- Nancy Paulson - Expressed her thanks to the Lake Nebagamon public works department and the time that they put in for plowing. Questioned the reason for the motion to terminate Jim Dawson.
- Gerald Bridge - Commented that the plowing this year thus far has not been great, that the roads are open, but not widened, that they don't allow for passing.
- Brenda Meyer - Commented that input can not be given when the reason for termination is unknown, commented on the priority of plowing in regards to bus routes, that there is a lack of community and that one member should not be attacked.
- David Meyer - No comment without information on termination reason, requested that that information be shared and criticized Trustee Fuller, with Trustee Nelson addressing misconceptions.

A motion was made by Jonasen to discuss the reasons for Jim Dawson's termination, seconded by Coughlin. MCU

A motion was made by Nelson to terminate Jim Dawson's employment with the Village of Lake Nebagamon based on the information brought forward on past and current events, seconded by Fuller.

Trustees Nelson, Fuller and Coughlin provided the following information

- 2017 fraudulent fire inspection reports - indicated by the Wisconsin Department of Safety & Public Services
- Fraudulent and/or incomplete fire inspection reports for years other than 2017
- Jim Dawson, employed at the time as Fire Chief, received compensation for these inspections
- As Fire Chief, Jim Dawson allowed someone to live at the fire hall without informing our insurance company
- Inadequate maintenance of the Fire Hall building and Fire vehicles under Jim Dawson's pervue has started to cost the Village considerable amounts of money
- Jim Dawson used the one ton to ram the LNVFD rescue in an attempt to get it unstuck, resulting in damage to the rescue in 2016
- In a similar incident last month, the one ton was used plow to plow with the big truck to push it out of it's mired position
- Plow trucks have been put away before diesel tanks were refilled creating a tank condensation risk
- Several complaints about plowing at the fire hall, the most recent delaying responders to a call involving a 10 month old child
- Plowing procedures indicated by Jim Dawson at a recent Public Works meeting have not been followed this winter
- Several complaints regarding plowing have been given to the Village office
- Communication with the office and the LNVFD is problematic, in one case resulting in an unnecessary expense for tree removal during a storm this spring

- Timely maintenance has been called into question, examples include the removal of culverts, the mens bathroom door, and an incident involving a teen stuck in the swim raft after an inadequate repair job
- Project Management and Time Management have been questioned. Equipment such as chainsaws and plow trucks are being put away without being made ready for use, creating delays during time critical events
- Skills involving communication, risk management, project management, time management and quality control have not improved significantly with increased supervision
- Legal counsel has confirmed that Mr. Dawson is an employee at will, with this being a legitimate business decision for multiple reasons

Trustee Jonasen began discussion. Management made changes 6 months ago and performance reviews were completed for public works and administrative positions. Jonasen felt as though Jim Dawson's objectives were met and stands to keep him employed.

A motion was made by Fuller to return to public comment, seconded by Nelson. MCU

The following residents continued the public input portion of the meeting:

- Ron Waterhouse - Commented on Jim Dawson being a solid guy who worked for the LNVFD, criticized Trustee Fuller.
- Sherri Fuller - There was a lack of encouragement for training under Jim Dawson while employed as fire chief.
- Pat Harman - Simply wants road plowed well.
- Jim Harman - Not familiar with Jim Dawson, has resided on Honeymoon Point for 2 years and the plowing has never been good, no way an emergency vehicle would be able to travel the road.
- Tim Sauter- Not familiar with Jim Dawson's fire department employment, does not feel plowing is done properly.
- Jane Dickenson - Questioned whether the amount of plowing was too much for 2 people.
- Gerald Bridge - In the past, one person did it with part time help. This included the installation of culverts.

With public input complete, trustees gave the following comments:

- Trustee Buhr commented that Jim Dawson has done a good job in the past and that he just recently became aware of the negative points.
- Jonasen commented that Jim Dawson is generally not the employee responsible for plowing the smaller roads, such as Honeymoon Point, but that Dennis Paulson is.

A motion was made Nelson to return to Public Input, to allow for questions, seconded by Smith. MCU Several questions were asked and comments were made relating to the cohesiveness of the community, communication between public works and the Village office, and the reporting chain for Public Works employees.

President Darrell Kyle asked Village Attorney Kyle Tovinen to clarify the definition of an at-will employee.

President Darrell Kyle allowed Jim Dawson the opportunity to speak. Jim Dawson stated he would make no comment without a lawyer present.

Prior to the roll call vote, Village Attorney Kyle Torvinen clarified the fiduciary responsibility set forth to the members of the Village Board.

With no further discussion, a roll call vote was conducted, Aye being in favor of termination, Nay against termination, in the following order:

Rocky Nelson - Aye, Jake Fuller -Aye, Jim Smith - Nay, Patti Coughlin - Aye, Jim Jonasen - Nay, Jeff Buhr - Nay, Darrell Kyle - Nay Motion failed.

A motion was made by Smith to place Jim Dawson on 3 months probation, seconded by Fuller. MCU

Jonasen requested that measurables for a 90 day period be set by the Public Works Committee and then forwarded to the Village Board.

INFORMATION FROM PRESIDENT: The next regularly scheduled meeting will be January 7, 2020 at 7:00pm.

ADJOURNMENT: A motion was made by Fuller to adjourn, seconded by Buhr. MCU 9:09pm

Respectfully submitted,

Daisha Nolan

Daisha Nolan, Clerk

Village of Lake Nebagamon