

SPECIAL COMMON COUNCIL MEETING

**City Conference Room
1515 Strongs Avenue**

**January 6, 2011
5:00 P.M.**

Due to citizen interest, the meeting was moved to the Council Chambers.

Mayor Andrew Halverson, Presiding

Roll Call: Alderpersons Mallison, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Molski, R. Stroik, Brooks and Moore.

Excused: Alderperson Suomi.

Also

Present: City Clerk Moe; Comptroller/Treasurer Schlice; City Attorney Molepske; Director Ostrowski; Andrew Logan Beverage; Jeff Prosley; Berence Sevenich; Bill Yudchitz Rich Sommer; Bernard Coerper; David Plaisance; Joshua Garbe.

2. Consideration and possible action on Resolution Directing a Spring Primary Election for the Office of Mayor.

Mayor Halverson stated that this meeting was called by five of the Alderpersons. He said that one Councilperson is absent and with five members requesting this meeting a person could extrapolate the potential of a five – five tie vote. In the event of a tie, he will not vote to break the tie. He feels that either way he may vote, as a candidate for Mayor, it would distort that vote in the eyes of the public.

Ald. R. Stroik asked what the history is regarding mayoral primaries in the City.

Clerk Moe noted that in 1987 there were three candidates for Mayor and a primary election was held while in 1995 there were also three candidates for Mayor and a Primary election was not held. In 2007 there were five mayoral candidates with a Primary election held for the office.

Ald. R. Stroik asked about aldermanic primaries.

Clerk Moe said for other city-wide races was in 1997, an open seat for Clerk had three candidates and the Council decided to go to April and not have a primary. As for aldermanic races, going back to 2000, the city had four candidates in the Fourth District and all four went to the April election. In 2001, there were three candidates in the Ninth District and there too they all went to the April election. In 2003, there were four candidates in the Ninth District and again the Council sent them directly to the April election.

Ald. R. Stroik said the precedent is that we would not hold a primary election. He feels that the City should create an ordinance to address this situation as having the Council decide whether or not to have a primary makes the issue politically charged. He asked the City Attorney to discuss the process of creating a Charter Ordinance.

City Attorney Molepske said a Charter Ordinance would have to be adopted by the Council. If adopted, the general electorate would then be noticed of their right to hold a referendum on the Charter Ordinance or the Council could send it to referendum themselves.

Ald. R. Stroik feels that if they were to have a primary along with the referendum, the vote on the bonding referendum would not be about the issue of bonding but instead turned into a vote on whose plan for the downtown is better.

Ald. R. Stroik **moved**, Ald. Brooks seconded, to deny the Resolution Directing a Spring Primary Election for the Office of Mayor.

Ald. Brooks noted that Ald. Wiza initiated the petition to hold this meeting. He said that during the discussion about the referendum Ald. Wiza had said the referendum was important enough for people to turnout. He asked Ald. Wiza why he changed his mind.

Ald. Wiza said that he did not change his mind. All three candidates for the most part have expressed support towards the general concept and the referendum is solely on the issue of borrowing. He said that since the City is already having a referendum, the expense for the primary is already on the table. A primary for the position of Mayor is not going to cost anything extra. He feels that it is in the best interest of the City to elect a Mayor with more than 33.4 percent of the vote.

Ald. Brooks feels that it has already been proven that some of the voters are already confused about the referendum and believes people will vote for Mayor based on this issue alone. He also feels a primary puts one of the three candidates at a disadvantage because he has not been in the public eye as the other two have been.

Ald. Moore said that he was one of the members that asked for this meeting because he felt that it was important enough to have a discussion about having a primary. He asked what else will be on the February ballot besides the referendum.

Clerk Moe said that there will be a primary for State Supreme Court Judge.

Ald. Slowinski said that he also asked for the meeting. He feels that the voters should be able to go out in April and have the opportunity to vote between two people and ensure the winner is elected with over 50 percent of the vote. He also believes the more items on the February ballot will encourage higher voter turnout.

Ald. Trzebiatowski said he also signed the petition to hold the meeting and believes their should be more on the February ballot to insure more people come out and vote. He also wants the next Mayor to win with over 50 percent.

Ald. Wiza said that some have said that six weeks is not enough time for candidates to get their name out, but at the last meeting they felt that was enough time to get the word out about the referendum. He believes it is not a valid argument to say that there is not enough time. He feels that it is a good referendum and, that regardless of what else is on the ballot, it would not be a vote on the Mayor's plan but just on borrowing.

Ald. Mallison said with the possibility of write-in candidates having a primary does not guarantee that the final winner will get over 50 percent of the vote. He also wants a clear vote just on the referendum. After the public has made up their mind on the referendum, he wants all the candidates to express their plans.

Ald. Molski agrees with Ald. Mallison. She wants the referendum first and then have the candidates layout their plans. She asked Ald. Wiza to abstain from voting because she feels he has the potential to gain financially from this.

Ald. Brooks said that with three candidates on the April ballot people will get to choose from three different plans for the downtown. The more candidates will allow residents more options to look at before selecting who they think is best.

Ad. O'Meara asked for clarification of the motion.

Mayor Halverson said that a "yes" vote means you are in favor of denial. A "no" vote means you are not in favor of denying the resolution.

Roll Call: Ayes: Alderpersons Mallison, O'Meara, Molski, R. Stroik and Brooks.
Nays: Alderperson, Wiza, M. Stroik, Slowinski, Trzebiatowski and Moore. Tie vote, Mayor Halverson did not vote. Motion fails.

Ald. Wiza asked for clarification from the City Attorney, said the motion was to deny, the motion tied, therefore it failed.

City Attorney Molepske said the problem is there was no affirmative action to pass the motion. The next motion in order is to approve the resolution permitting a primary.

Ald. Wiza asked if there was anything in state statues to allow us to bring this back once Alderperson Suomi is back in town.

City Attorney Molepske said the statutes provides that action must be taken on or before this Friday. So if Ald. Suomi will be back tomorrow you could move to postpone action until tomorrow.

Ald. Wiza **moved**, Ald. Trzebiatowski seconded, to approve the Resolution Directing a Spring Primary Election for the Office of Mayor.

Ald. Molski asked the City Attorney if Ald. Wiza should be voting on this motion.

City Attorney Molepske said each interested party has to determine whether they feel they are receiving an individual benefit to themselves as a result of the actions they are taking through

voting for, in this case, a primary election. Since there was no request for an ethics opinion prior to this, those individuals are on their own with respect to what he feels the result of his voting as it relates to whether or not he is benefiting from his particular action.

Ald. O'Meara feels Ald. Wiza has a right to vote but each will have to judge on their own.

Ald. Trzebiatowski asked that some of his fellow members reconsider their vote. He feels by holding a primary it will get more people engaged in the process and participate on February 15.

Roll Call: Ayes: Alderperson, Wiza, M. Stroik, Slowinski, Trzebiatowski, and Moore.
Nays: Alderpersons Mallison, O'Meara, Molski, R. Stroik and Brooks. Tie vote, Mayor Halverson did not vote. Motion fails.

Mayor Halverson said that as there have been two votes on the issue without either being able to move forward, the City will not be having a Spring Primary for the office of Mayor.

3. Consideration and possible action on Resolution Directing a Spring Primary Election for the Office of Alderperson in District 1 if there are three (3) or more qualified candidates.

Ald. O'Meara **moved**, Ald. Wiza seconded, to accept the Resolution Directing a Spring Primary Election for the Office of Alderperson in District 1 if there are three (3) or more qualified candidates.

Ald. Trzebiatowski feels it would be hypocritical for someone that voted against a primary for Mayor to vote for a primary for an aldermanic seat.

Roll Call: Ayes: Alderpersons Wiza, M. Stroik, Slowinski.
Nays: Alderpersons Mallison, O'Meara, Trzebiatowski, Molski, R. Stroik Brooks and Moore. Motion fails.

4. Adjourned at 5:41 p.m.