



\*\*\* All present are expected to conduct themselves in accordance with our City's Core Values \*\*\*

## OFFICIAL NOTICE AND AGENDA

of a meeting of a City Board, Commission, Department, Committee, Agency, Corporation, Quasi-Municipal Corporation, or sub-unit thereof.

Meeting of: **COMMITTEE OF THE WHOLE**  
Date/Time: **Wednesday, January 13, 2016 at 6:00 pm**  
Location: **Council Chambers, City Hall 407 Grant Street, Wausau**  
Members: Bill Nagle, Romey Wagner, David Nutting, Tom Neal, Gary Gisselman, Keene Winters, Lisa Rasmussen, Karen Kellbach, Dave Oberbeck, Sherry Abitz, Robert Mielke (C), and Mayor James Tipple

**\*\*\*REVISED\*\*\***

### AGENDA ITEMS FOR CONSIDERATION / ACTION

- 1 Discussion of Factual Background Report presented to Committee at January 6, 2016 Committee of the Whole meeting based on incident report filed by City Employee - Transit Director
- 2 Possible action to convene into CLOSED SESSION pursuant to Section 19.85(1)(g) of the Wisconsin Statutes for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to pending or potential litigation in which it is or is likely to become involved, including discussion regarding possible employment claims.
- 3 Reconvene into OPEN SESSION to take any action deemed necessary on closed session item.
- 4 Discussion and Possible Action based on the outcome of the Review of Factual Background Report Related to City Employee(s) Working Environment.

Robert Mielke  
Council President

This notice was posted at City Hall and faxed to the Wausau Daily Herald newsroom on 1/11/16 at 12:15 Pm

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For information or to request this service, contact the Clerk's Office at 715-261-6620, Wausau City Hall, Wausau, WI 54403

Other Distribution: Media, Alderpersons, Mayor, Department Heads

# **Overview of Facts**

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## **Working Environment Review**

MetroRide Incident Report

# **SECTION I: OVERVIEW and SUMMARY**



**Prepared for:**

**Robert Mielke, Council President**  
James E. Tipple, Mayor

## Overview of Facts and Summary

### SECTION I - A - OVERVIEW

The City of Wausau and its subdivision Metro Ride is an Equal Employment Opportunity Employer who complies with the provision of Title VII of the federal Civil Rights law and the Wisconsin Fair Employment Act. The City of Wausau has the overall goal of maintaining, among other things, a healthy work environment in which employees are treated with courtesy and respect consistent with the City of Wausau's Core Values of Professionalism, Accountability, Integrity and Respect (See Section I - Attachment A).

On Friday, November 20, 2015 Transit Director Greg Seubert sent an e-mail to City Human Resources Director Myla Hite, Mayor Jim Tipple, City Attorney Anne Jacobsen and two Alderpersons who are also Transit Commission Members, Sherry Abitz and Robert Mielke who is also current Common Council President. See **Figure 1** – Initiating e-mail with the incident report attached. (Attachment I-B).

In summary, the incident report (Provided at Section I – Enclosure B) documented a telephone encounter he experienced when Alderman Keene Winters called him at his office at 4:00 pm on Thursday, November 19, 2015 after abruptly departing the

Transit Commission meeting earlier in the day (Transit meeting started at 1:30). During the telephone call, Alderman Winters allegedly said, ***“Well you got what you wanted you lazy piece of shit. You worked behind the scenes to kill my proposal, It was a setup. You’re a typical bureaucrat and you don’t deserve to keep your job”***. The incident also documented Alderman Winters allegedly threatening him by telling Director Seubert that he intended to turn all stakeholders against Metro Ride and work to shut down the transit system. It also documented Alderman Winters as telling him he would work to get him fired. In Director Seubert's comments he provided the following commentary:

Staff should not be afraid to lend the very expertise they were hired to provide. Mr. Winters' comments are threat(en)ing to me and every Metro Ride employee and his conduct is completely unacceptable. If the City is indeed committed to providing a safe workplace and has a zero tolerance policy for intimidating and threatening behavior, then Mr. Winter's bullying and intimidation must be stopped.

Council President Mielke read Transit Director Seubert's e-mail on Friday, November 20, 2015. In reaction, he called the Mayor and told him he wanted an emergency meeting on the afternoon of Monday November 23, 2015 to discuss an Incident Report he had received concerning a Council member's conduct. The Mayor and Council President agreed to meet at 3:30 p.m. on Monday, November 23, 2015. Council President Mielke stated that they would discuss the details, At that time and during the telephone conversation with the Mayor he did not reveal the names of the involved parties. The Council President then attempted to contact both the City Attorney and the Human Resources Director (who was on vacation in Florida). He left voice mail messages for both

**From:** Greg Seubert  
**Sent:** Friday, November 20, 2015 3:21 PM  
**To:** Myla Hite; Anne Jacobson; Jim Tipple; Robert Mielke; Sherry Abitz  
**Subject:** Incident Report

FYI -

Attached is an incident report regarding a threatening encounter I had with Alderman Winters.

Greg Seubert, Transit Director  
City of Wausau/Metro Ride  
420 Plumer Street, Wausau, WI 54403  
Phone: 715-842-9287, Fax: 715-842-1541

*Figure 1*

## Overview of Facts and Summary

Metro Ride Incident Report Fact-finding

January 2016

of them advising them that he had scheduled an emergency meeting for Monday afternoon, November 23, 2015 at 3:30 p.m., without leaving any details.

The Council President responded to Transit Director Seubert's e-mail on Sunday, November 22, 2015. At that time the Council President assured Director Seubert that appropriate action would be taken [See Attachment at Section I – Enclosure C-(2)]. His response informed Transit Director Seubert that an emergency meeting with the Mayor, City Human Resources (HR) Director, City Attorney and himself had been scheduled for Monday, November 23 at 3:30 pm. He also invited Mr. Seubert to attend the meeting, which he did in order to provide supporting detail.

Upon her return from vacation and unaware of the Council President's actions(s) when HR Director Myla Hite read the e-mail, her immediate reply on Sunday, November 22 at 12:12 PM stated that she had a previously scheduled meeting with the Mayor on Monday and that she would place Transit Director Seubert's report on the agenda. She also provided reassurances about the working environment and apologized to the Transit Director for being subjected (to that type of treatment). [See Attachment at Section I – Enclosure C-(1)]

At the Monday, November 23 meeting it was evident in Director Seubert's demeanor that he was shaken. He described feeling threatened by the incident and went so far as to describe the feelings of "dis ease" he experienced when the Transit Department's front counter staff were unavailable and he was working alone in his office. He described being frightened at the thought of Alderman Winters entering the building and concerned about what action he would need to take. His concern as stated was that because, in his opinion, Alderman Winters' reaction to Transit Director Seubert producing staff work for the Transit Commission was so "overblown" it was not something he would have predicted. Because it was unpredictable and overblown, the logic was wondering if a physical encounter were to occur as it would also be illogical and unpredictable, and if so, to what end? Prior to Transit Director Seubert leaving the meeting, HR Director Hite reminded him that the City of Wausau has an Employee Assistance Program to assist employees through stressful situations and that while she knew he was generally the person making the referral to line staff, it was available for his use as well. He responded that he already felt very supported through the meeting that was occurring and that he would keep it in mind. Also prior to his departure, the Mayor and the Council President assured him that they would find the facts and take appropriate action. They also advised him that they would take action to minimize the business related contact between him and Alderman Winters during the conduct of the fact-finding and that, as always, in the event he or his staff should feel threatened in a physical way he was to immediately call 9-1-1.

The Zero Tolerance policy referenced by Transit Director Seubert's comments on the incident report is contained within the City Handbook at Section 9.04, Violence in the Workplace (Attachment at Section I – Enclosure 1-A-3-(a)). The zero tolerance policy is for any intimidating, threatening or violent behavior in the workplace. It requires Managers to maintain a written record that documents the incident "...until such time as that information is turned over to the Director of Human Resources." By this reference, it infers it is the responsibility of the Human Resources Director to facilitate the process to take prompt, effective action to intervene and stop incidents in which employees feel threatened in the workplace, find the facts and to facilitate the process of the employer taking action designed to prevent recurrences.

While the methods used to conduct an internal administrative investigative process is largely up to the discretion of the HR Director, the City does outline one method for addressing employee complaints within the Harassment and Discrimination in the Workplace Policy (Attachment at Section I – Enclosure 1-A-(5)). This policy makes it an employee responsibility to report acts of

## Overview of Facts and Summary

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harassment to a supervisor (Policy Section D-1-b, attached at Section 1 – Enclosure 1-A-(5)]. The policy also outlines in Policy Section E-2 the Complaint Procedure providing employees an avenue to have harassment they are not able to terminate addressed by reporting the incident as soon as possible to their supervisor, Human Resources Department the City Attorney or the Mayor. Again according to the policy (Policy Section E-2-a), anyone receiving the complaint is to meet with the employee, document the incident(s) complained of and provide supporting details. The policy then provides for an internal investigation authority (Policy Section E-4) , protects the complainant from retaliation for making a complaint (Policy Section E-5) and commits to maintaining the complaining party's confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstance (Policy Section E-6). This policy also specifically includes elected officials by reference at subpart III. PROCEDURES B. Covered Individuals.

After Transit Director Seubert departed, the Mayor and Council President clearly determined that action needed to be taken to gather the facts to evaluate whether or not the City has provided involved staff with an appropriate and safe working environment conducive to productivity and free from harassment, hostility, intimidation and/or coercion. The Council President, with concurrence from the Mayor, designated HR Director Hite to gather the facts on his behalf. Council President Mielke emphasized he wanted the facts gathered and the process concluded as quickly as possible, prior to the end of the year if circumstances would allow. As a result, calendars were coordinated and an initial date to meet with Alderman Winters to obtain his input was tentatively identified as 1:00 pm on December 11, 2016. To create immediate intervention and to preserve the integrity of the fact-finding process, Council President Mielke issued a letter to Alderman Winters (Attachment at Section I – Enclosure D) in order to:

- 1) Inform Alderman Winters that a fact-finding is underway;
- 2) Provide Alderman Winters an opportunity to participate by way of a meeting with the Council President on December 11; also providing an alternative opportunity to submit written information due by December 9, 2015.
- 3) Preserve confidentiality during the fact-finding;
- 4) Prevent retaliation against anyone involved with the fact-finding;
- 5) Prohibit Alderman Winters from entering Transit Facilities during the fact-finding for his own, as well as other employees', safety;
- 6) Provide a point of contact during the fact-finding.

Council President Mielke informed the parties that he planned to send a notification out to the Common Council to make a general advisement as to the investigation as well as to remind them of their responsibility towards maintaining the confidentiality of an investigation involving a City employee. He sent this notice on Tuesday, November 24, 2015 (Attachment at Section I – Enclosure 1-C-(2)].

Mayor Tipple relayed to Council President Mielke that his monthly staff meeting is scheduled for the following day, Tuesday, November 24, 2015. (Attachment at Section I – Enclosure F) and that his plan was to talk with his staff to have them identify any instances in which they, or a staff member, have been the recipient of or witness to treatment from an elected official, including himself, that did not comply with the City's core values. (Attachment at Section I – Enclosure G

Prior to concluding the meeting, Council President Mielke also suggested HR Director Hite contact Alderman Tom Neal to obtain facts related to an encounter with Alderman Winters that Alderman Neal had reported to Council President Mielke earlier in the year.

## Overview of Facts and Summary

At the staff meeting the following day, the Mayor made the assignment to his direct reports. He established a dead-line of December 1, 2015 designed to facilitate the prompt gathering of evidence to facilitate being prepared for the December 11 meeting offered and referenced to Alderman Winters in the Council President's letter.

After the staff meeting, the Mayor met with HR Director Hite to discuss next steps. To protect the City Attorney from being placed in the midst of a conflict created by virtue of the situation involving 3 separate elected officials (Mielke, Winters and Tipple) – all of whom are clients of the City Attorney, the Mayor approved hiring outside legal counsel for any legal advice and support necessary for the situation.

In the Mayor's presence, the HR Director contacted Dean Dietrich from Ruder Ware advising that his assistance would be needed. The legally adopted budget for 2015 contained monies to procure legal services. This action was taken consistent with the City's procurement policy and the City Attorney's prior direction on the appropriate method for HR to use in order to access external legal services. Consistent with her experience, Attorney Dietrich advised HR Director Hite that the Incident Report was placing the City on notice and as a result, the City had a duty to act. HR Director Hite informed Attorney Dietrich of the steps taken to date, sent a copy of the Council President's letter to him, and confirmed that appropriate next steps were to find the facts.

### SECTION I - B - SUMMARY

This investigative report is focused on whether or not the City of Wausau has fulfilled its commitments to City employees to provide an appropriate working environment. It provides the data to consider whether the City may be subject to liability for failure to provide a proper workplace environment. As can be found in the References attachments to Section I of this investigative report, the City of Wausau has committed to provide a working environment that:

- 1) Complies with the **Core Values** of **Respect, Professionalism, Accountability and Integrity**; (Attachment I-A)
- 2) Complies with the provision of the **Ethics Code**; (Attachment I-A-4)
- 3) Is **free from harassment and discrimination** based upon a protected factor; (Attachment I-A-5)
- 4) **Is Safe**. The City makes a commitment to staff that workplace safety in the first priority and that protecting it will take precedence over expediency or shortcuts. This is reflected in the Employee Handbook at Chapter 9.01 as follows: (Attachment I-A-3-(a) and (b))

The City of Wausau intends and expects that, at a minimum, the City comply with all applicable local, state and federal health and safety standards, guidelines, and best practices. The safety of City employees and the public, and the protection of City assets are the first priorities in all City operations. These will take precedence over expediency or shortcuts. Every attempt will be made to

## Overview of Facts and Summary

eliminate or at least reduce the possibility of loss and potential loss due to employee injury, fleet operations, third party liability, and property damage/loss. Loss prevention is to be an integral part of operations. Preventing loss within the scope of this policy requires looking at both actual losses, and “near misses”. Investigating accidents and incidents to determine “root cause” prior to taking corrective action is essential. Identifying potential loss exposures and taking preventive action is standard operating procedure. The City will support the Risk Management Policy with appropriate funding and will hold all employees accountable for fulfilling their loss prevention responsibilities.

5) Has “**Zero Tolerance**” for any aspect of **Workplace Violence**, to include the following reflected in 9.04 of the Employee Handbook, as follows: [Attachment I-A-3-(a)]

...**any intimidating, threatening or violent behavior at the workplace**. This policy applies to any form of workplace violence occurring on the worksite, or involving City employees engaged in the performance of their work duties whether on or off the worksite.

This investigation was precipitated by one employee, Transit Director Greg Seubert, complying with the City of Wausau’s requirement to document and report any incident that has the potential for violating any of the commitments made to staff regarding the workplace. The evidence shows a precipitating incident occurred in the aftermath of a Transit Commission meeting when Alderman Keene Winters, in a premeditated manner, took it upon himself to threaten and intimidate Transit Director Seubert by the nature and content of a telephone call. Winters, in a letter dated December 21, 2015, self-admits to making the call and defends his behavior as “his passion”. The evidence contained within this report shows that what Winters excuses as “passion” certainly violates commitments made to City employees to have a safe workplace that complies with the Core Values.

The evidence contained herein also documents separate instances of similar conduct that would make it difficult for a reasonable person to conclude anything other than that Alderman Winters was aware of what his role is as an Alderman, that he is aware of the City’s obligations towards it’s employees, that he knowingly exceeds his authority and that he is aware of the impact of his conduct on the work environment. He apparently submits that as an elected official his documented inappropriate, abusive and violent behavior towards others should be forgiven because – all in the name of his “passion”. (See Attachment II-M)

The evidence gathered during this investigation shows that since 2013 the City has made attempts to secure compliance from Alderman Winters to preserve the workplace commitments made to the City’s workforce of nearly 350 people. Highlights of what the evidence shows are provided as follows:

In June of 2013, (then) Council President Rasmussen interpreted interactions Alderman Winters had with Police Chief Hardel as “violating the core values on a couple of levels”. In July 2013, Alderwoman Rasmussen spearheaded a retreat that outlined the role of Council and staff and educated participants on the “10 habits of Highly Effective Councils” (Attachment II-B and II-C).

In August of 2013, Mayor Tipple discovered Alderman Winters was violating the core values of accountability; Alderman Winters ignored the Mayor’s direction to staff for accomplishing work

## Overview of Facts and Summary

and went so far as to solicit funds from the Alexander Foundation for a City project. The Mayor issued a letter and went so far as to inform Alderman Winters of the lack of immunity under Wisconsin law for individual Council Member actions.

In February 2014 (then) Council President Lisa Rasmussen admonished Winters publicly during a Public Health and Safety Meeting for ignoring the City's Core Values. From the record, it is apparent that Alderwoman Rasmussen interpreted the manner in which Winters was interacting with Assistant City Attorney Tara Alfonso inappropriate. Rasmussen also apologized to staff and spoke with Winters one-on-one about engaging in conduct she perceived as violating the City's Core Values. Winters in follow-up then contacted (then) HR Director Michael Loy to ask if he "will be getting a letter of reprimand". Loy told Winters that "as an agent of this organization (City) he is liable for his behavior to a certain extent." Loy also asked Winters going forward to be more respectful in his interactions with staff. He described the behavior displayed by Winters as "accosting staff verbally in public meetings", as "unprofessional" and as it not being consistent with the work environment the City was trying to create. (Attachment II-L).

In November 2014 a City staff person attending a neighborhood meeting felt she was being harassed and intimidated by Winters, who lodged a complaint against her for what was later determined to be properly performing her assigned job duties. The staff member interpreted Winters complaint, as well as a subsequent Open Records Request he filed for information related to her job, as an act of intimidation against her and as violating the City's Core Values. (Then) Council President Wagner sent a closure letter to Winters informing him he had reviewed the facts and determined that staff person he was accusing had been appropriately performing her assigned job duties. The staff member departed City employment shortly thereafter, citing Winters' disrespectful and unprofessional behavior towards her as a precipitating factor. (Attachment II-G).

In July 2015, newly elected Council President Robert Mielke scheduled a presentation before the Common Council to ensure they were aware of their obligations under the City's Core Values, Ethics Code and in relationship to Workplace Violence. He even secured the affirmation of each individual Council Member that they will take the lead in setting the example for City employees. (Attachment I-A with attachments).

The facts show that in August 2015, a relatively new staff member was the target for a threat made by Winters. Less than one month after signing his name to a public affirmation to set an example for staff, Winters violated the Core Values when he threatened a relatively new City staff member by stating "....if he were Mayor, he would have him fired". When Council President Mielke attempted to intervene at the lowest possible level, Winters refused to meet with him. The involved staff member later described Alderman Winters as giving the impression "he even relishes his role as intimidator" He described Alderman Winters as giving the impression his role is to "intimidate....question, threaten, confront, dress down and chew out", which violates the Core Values of extending professionalism and respect in all situations. (Attachment II-F).

Another example of violating the core values was described by the staff member who had previously been threatened by Winters in August. The facts show that in September 2015, Winters

## Overview of Facts and Summary

Metro Ride Incident Report Fact-finding

January 2016

publicly stated, without showing foundation for his statement, that the staff member he had threatened in August 2015 gave the Council “bad advice”. (Attachment II-F).

In November 2015, Transit Director Greg Seubert forwarded an Incident Report to the Mayor, copied to the Council President, the HR Director and the City Attorney documenting Winters violating the Core Values and the City’s Zero Tolerance Policy for Workplace Violence. The facts show that Winters telephoned Transit Director Greg Seubert, in a premeditated act that Transit Director Seubert described as while displaying anger and calling Transit Director Seubert a “lazy piece of shit” and threatening both Transit Director Seubert’s job as well as the future of the Transit System by threatening to do everything within his power to shut it down. (Attachment II-D).

The evidence also shows that Alderman Winters violated his authority as an individual Alderman by directing staff to secure grants (Police Chief and Transit Director). (Attachments II-C: Lisa Rasmussen e-mail, II-D: Seubert statement. Letter from Mayor to Winters)

When efforts to secure an appropriate working environment for City staff continued to fail to secure appropriate conduct on the part of Alderman Winters, an investigation that the Mayor would consider to be “long overdue” was finally requested by Council President Mielke. Since Mielke’s prior efforts to secure voluntary compliance failed, and because Winters’ behavior has continued to the point where City employees are being threatened and intimidated, Mielke asked for an investigation. The Mayor concurred and assigned the Human Resources Director to find facts.

The facts show that instead of complying at every level, whether it be correspondence from the Mayor or discussions with staff or Council Presidents, Winters behavior continues to escalate. When the City’s reasonable attempts at intervention failed, faced with a documented Incident Report, the City took further action. The evidence reveals that Winters’ tactics are to make excuses and to wage an attack on the staff who are entrusted by City of Wausau and citizens to fulfill obligations to City staff to provide an appropriate working environment consistent with the City’s commitments. The evidence also reveals that despite the fact that the City has an anti-retaliation obligation towards its employees; Winter prematurely released information and posted it on his website.

Winters has published statements that would have the Common Council of the City of Wausau believe that President Mielke and the Mayor have no authority to act, either by initiating an investigation or by retaining outside legal Counsel to advise. The Council needs to consider these assertions in light of the long history the City has of investigating whether its fulfilling obligations towards staff. The Council also needs to note the long history of Department Directors budgeting for and retaining the services of outside Legal Counsel. As a relatively new Department Director, HR Director Hite obtained written clarification from City Attorney Anne Jacobson on her authority for retaining legal counsel. The Common Council also needs to safeguard the reputation of City staff performing work they are hired and assigned to perform – otherwise it could be the basis for a future cause of action against the City.

Sections II and III of this report contain the background and evidence gathered.

**Respectfully submitted by: Myla D. Hite, City of Wausau Human Resources Director, January 6, 2015**

## Overview of Facts and Summary

### SECTION I - EVIDENTIARY DOCUMENTS

The attached evidentiary documents are cited in this report and are provided herein as follows:

<b>Type</b>	<b>Document</b>	<b>Date</b>	<b>No.</b>
Various	Core Values	July 8, 2008	I-A
References	Presentation and Reference Materials		
Agenda	- Council Agenda	July 21, 2015	I-A-(1)
	- Presentation to Council		I-A-(2)
	- Employee Handbook Section 9.04 Workplace Violence		I-A-(3)-(a)
	- City Workplace Violence Policy		I-A-(3)-(b)
	- Code of Ethics		I-A-(4)
	- Harassment & Discrimination Policy		I-A-(5)
E-mail and Incident Report	Transit Director Seubert Initial Report of Incident and transmittal	November 20, 2015	I-B
E-mail	HR Director Hite Email to Transit Director Seubert Informing of Incident	November 22, 2015	I-C-(1)
E-mail	Council President Mielke advising of a Monday at 3:30 pm meeting	November 22, 2015	I-C-(2)
Letter	Letter from Council President Mielke to Keene Winters	November 23, 2015	I-D
E-mail	Council President Informing Council	November 24, 2015	I-E
Agenda	Mayor Tipple Staff Meeting	November 24, 2015	I-F
E-mail	Mayor Tipple Assignment Reminder	December 1, 2015	I-G

Attachment I-A  
City of Wausau Core Values

City of Wausau Core Values

<http://www.ci.wausau.wi.us/Home/AboutWausau/MissionCoreValues.aspx>

**Our Core Values**

**Professionalism**

We choose to take pride in our work, communicate effectively, project a positive image, and deliver service at the highest standards every time, in every situation.

**Accountability**

We accept responsibility and take ownership for our actions.

**Integrity**

We act ethically, honestly, and lead by example by having our actions reflect our word.

**Respect**

We choose to treat everyone the way we would like to be treated.

*Adopted July 8, 2008*

# Overview of Facts and Summary

## Attachment-I-A-(1) Council Agenda



\*\*\* All present are expected to conduct themselves in accordance with our City's Core Values \*\*\*

### OFFICIAL NOTICE AND AGENDA

of a meeting of a City Board, Commission, Department, Committee, Agency, Corporation, Quasi-Municipal Corporation, or sub-unit thereof.

\*\*\*REVISED\*\*\*

Meeting of:	<b>COMMITTEE OF THE WHOLE</b>
Members	Bill Nagle, Romey Wagner, David Nutting, Tom Neal, Gary Gisselman, Keene Winters, Lisa Rasmussen, Karen Kellbach, Dave Oberbeck, Sherry Abitz, Robert Mielke (C) and Mayor Tipple, ex-officio
Date/Time:	<b>Tuesday, July 21, 2015 at 6:00 PM</b>
Location:	<b>City Hall 407 Grant Street - Council Chambers</b>

**Presentation(s):** Hite - Overview of City's Policies: Violence in the Workplace, Core Values/Behaviors and Code of Ethics for Public Officials/Employees

- 1) Discussion of and possible action regarding the results of the advisory referendum and the establishment of the position of city administrator
  - 2) Discussion of and possible action of Standing Committee structure and frequency of meetings.
- Adjourn

Robert Mielke  
City Council President

**This notice was posted at City Hall and faxed to the Wausau Daily Herald on 07/14/2015 at 4:30 pm**

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For information or to request this service, contact the Clerk's Office at 715-261-6620, Wausau City Hall, Wausau, WI 54403

## Overview of Facts and Summary

Metro Ride Incident Report Fact-finding

January 2016



Myla Hite Human Resources Director  
Human Resources Department  
407 Grant Street - Wausau WI 54403  
Phone 715-261-6630  
email: [Myla.Hite@ci.wausau.wi.us](mailto:Myla.Hite@ci.wausau.wi.us)

### AFFIRMATION

I acknowledge that I have received, that I have read, the following:

- City of Wausau Core Values
- Violence in the Workplace Policy
- Ethics Policy

I also affirm that I understand the provisions of the policy and I am committed to taking the lead and setting the example for City employees by the commitment of my signature herein.

Keene T. Winters

Printed Name

A handwritten signature in black ink, appearing to read 'Keene T. Winters'.

Signature

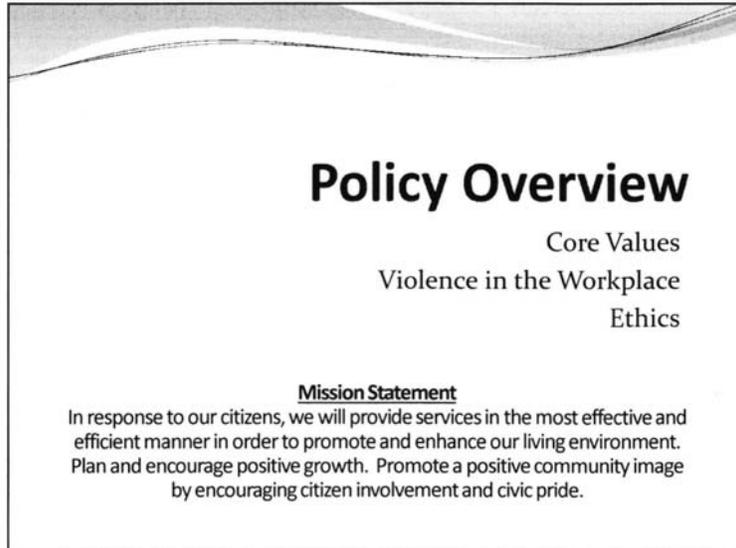
Date

7/24/2015

Copy for Personnel File

Attachment-I-A-(2)  
Presentation to Council

12/30/2015



**Policy Overview**

Core Values  
Violence in the Workplace  
Ethics

**Mission Statement**  
In response to our citizens, we will provide services in the most effective and efficient manner in order to promote and enhance our living environment. Plan and encourage positive growth. Promote a positive community image by encouraging citizen involvement and civic pride.



**PURPOSE**

Lead by Example

Create and Maintain a Positive, Vibrant Workforce

Affirm Support & Intent to Comply (by signature)

Mitigate Risk



12/30/2015

**Core Values**



**Professionalism**  
We choose to take pride in our work, communicate effectively, project a positive image, and deliver service at the highest standards every time, in every situation.

**Accountability**  
We accept responsibility and take ownership for our actions.

**Integrity**  
We act ethically, honestly, and lead by example by having our actions reflect our word.

**Respect**  
We choose to treat everyone the way we would like to be treated.

**Workplace Violence**

**Zero Tolerance**  
Intimidating, threatening or violent behavior

**Accountability**  
Everyone is responsible and accountable

**Prevention Techniques**

- Early Warning Signs
- Sequence of Workplace Violence

**Responsibilities and Reporting**

- Employee – Know and Report
- Manager – Know, Inform, Report, Act, Document

**Retaliation**

- Prohibited Conduct (unlawful)
- Monitored by Department Head, HR and supervisory chain

12/30/2015

**Prevention: Early Warning Signs**

- History
- Ignored or rejected obsession
- Chemical dependence
- Severe depression
- Pathological blaming
- High frustration
- Fascinated with weapons and/or violence
- Can't accept criticism
- Social isolation
- Chronic disputes
- Intolerance
- Paranoia – "it's unfair!"
- Intimidating behavior
- Mood swings
- Refuses responsibility for actions

Workplace Violence

**Prevention: Perpetrator Sequence**

**Trigger**  
Something creates extreme trauma or anxiety

**Perception**

- Not resolvable
- Blame
- Egocentric

**Sole Objective**

- Self-preservation and self-protection
- Violence is the only resolve

**Violence**  
An act is attempted or committed

Workplace Violence

12/30/2015

**Definitions**

**Intimidation or Threat**

- Implication, expression, verbal or non (includes stalking)
- Physical or mental harm to person or property
- Eye of the Beholder – reasonable person
- Anytime it affects interests of the City

**Violence**

- Anything reasonably designed to create fear
- Includes vandalism and property destruction

**Prohibitions**

- Weapons
- Firearms

Workplace Violence

**Code of Ethics**



**Policy Purpose**

- Essential to representative government
- Establishes a code of conduct
- Builds public trust
- Avoids conflict between personal and public responsibilities
- Distinguish between unavoidable, minor and inconsequential conflicts and those that are substantial and material

**Not designed to prevent -**  
 Seeking other opportunities to make \$\$\$  
 Performing job duties  
 Reimbursement for actual expenses

**That do not conflict with the ethics code**

12/30/2015

**Standards of Conduct**

Cannot use ones position or office for:

- Financial gain or anything of value
- For private self, family or associated organization
- Representing others for pay within the City

- Cannot trade: *(illustrative)*
  - Votes
  - Information
  - Unlawful benefits
  - Contracts
  - Access
  - Testimony
  - Use of City property

**For something of value**

Code of Ethics

**Standards of Conduct**

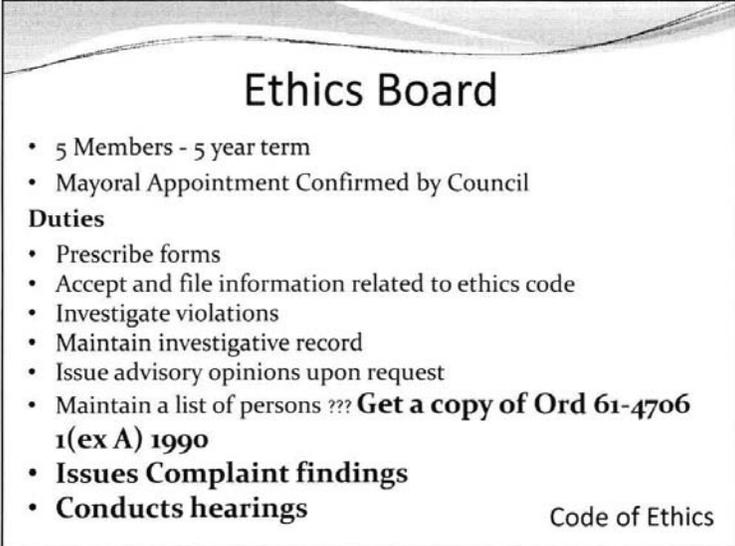


**Prohibitions**

- Cannot use or disclose information gained through position for personal value;
- Cannot be part of an organization that contracts with the City for more than \$3,000 per year without first disclosing it and entering it into the minutes of the appropriate government body.
- Personally participate in (quasi)judicial proceedings for \$\$\$ if prior official capacity participation
- Act in excess of lawful authority
- Twelve month waiting period after office/employment

Code of Ethics

12/30/2015



**Ethics Board**

- 5 Members - 5 year term
- Mayoral Appointment Confirmed by Council

**Duties**

- Prescribe forms
- Accept and file information related to ethics code
- Investigate violations
- Maintain investigative record
- Issue advisory opinions upon request
- Maintain a list of persons ??? **Get a copy of Ord 61-4706 1(ex A) 1990**
- **Issues Complaint findings**
- **Conducts hearings**

Code of Ethics

### Attachment-I-A-(3)-(a) City Handbook Section 9.04

#### 9.04 – Violence in the Workplace

The City of Wausau is committed to providing a safe workplace for its employees and a safe environment for the citizens of the community, and has a zero tolerance policy toward any intimidating, threatening or violent behavior at the workplace. This policy applies to any form of workplace violence occurring on the worksite, or involving City employees engaged in the performance of their work duties whether on or off the worksite.

In addition, this section applies to domestic violence situations when physical harm, threat of harm or fear of harm creates a safety issue for any employee while performing their job. Domestic violence threats at work must be met with the same level of response as any other kind of threat. Managers will work to the extent reasonably possible to ensure that employees are free from intimidating, threatening and violent behavior while at work.

Employees who display intimidating, threatening and/or violent behavior will be held accountable under City policy and work rules, as well as local, state and federal law. An employee who harasses, threatens, bullies, humiliates, coerces, calls names, makes offensive jokes/comments, disrespects, isolates, ignores, attempts to or inflicts bodily harm to co-workers, representatives of other agencies, or members of the general public; or damages/messes with another's property/personal items, is in violation of this policy. All City employees are responsible for committing to and becoming involved in the prevention of workplace violence and promotion of a safe work environment.

All City employees have a responsibility to notify their immediate supervisor, or in the absence of their supervisor, another supervisor, of any intimidating, threatening or violent behavior that they witness, receive or have been told that another person has witnessed or received. In addition to notifying a supervisor, the appropriate authorities should be contacted, which include, but are not limited to: as appropriate, the City police department, fire department or emergency ambulance services.

Employee involvement entails understanding and complying with the prevention program and security measures; making suggestions for improving safety and security issues; participating in problem solving sessions; conducting inspections and making recommendations for corrective strategies; and participating in training and education programs that cover techniques to recognize escalating agitation, assaultive behavior or criminal intent, and discussing appropriate responses. Retaliation against any employee for filing a complaint of workplace violence, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by the City and by federal laws.

All managers have a responsibility to review this section with new employees and periodically review with all employees within their department. Additionally, they are responsible for maintaining a working environment that is as safe as reasonably possible for City employees. Supervisors can help prevent workplace violence and threats by: knowing the early behavior pattern warning signs, knowing the sequence of workplace violence, and reducing the risk of violence. Periodic employee surveys should be conducted for ideas on the potential for violence, holes in security and other risk factors. If information received determines there may be potential for a threatening or violent situation, it is the manager's responsibility to immediately notify the Department Head and the City Attorney or Director of Human Resources, in addition to advising the employee what authorities to contact, and to notify the appropriate authorities if the

## Overview of Facts and Summary

Metro Ride Incident Report Fact-finding

January 2016

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employee involved in the incident cannot. Managers are required to maintain a written record that documents the incident until such time as that information is turned over to the Director of Human Resources.

The City prohibits employees from entering City buildings carrying a firearm or weapon of any kind regardless of whether that person is licensed to carry the weapon or not. Further, the City prohibits employees from carrying a weapon in City-owned vehicles. Weapon means any device which is designed, used, or intended to be used in a manner that is calculated or likely to produce property damage, personal injury, or death. Weapons are further defined in 939.22(10), "dangerous weapon", Wisconsin State Statutes. The only exception is for sworn law enforcement officers, or other persons who act in the interest of the City and have written consent by the Police Chief to carry a weapon in City buildings and in City-owned vehicles. Nothing in this policy prohibits an individual from keeping a weapon in his/her vehicle to the extent required by law.

## Overview of Facts and Summary

### Attachment-I-A-(3)-(b) City Work Place Violence Policy



Human Resources Department  
407 Grant Street - Wausau, WI 54403  
Phone 715-261-6630  
email: [Myla.Hite@ci.wausau.wi.us](mailto:Myla.Hite@ci.wausau.wi.us)  
Myla Hite  
Human Resources Director

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#### POLICY

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DATE: 10/28/2011  
EFFECTIVE DATE: Immediately  
TITLE: Violence in the Workplace Policy  
ISSUER: Human Resources  
COVERAGE: All employees  
AUTHORITY: Common Council, Resolution File Number 08-0719  
DURATION: Indefinite  
SYNOPSIS: Provides updated language necessitated by Wisconsin's new concealed carry law effective November 1<sup>st</sup>, 2011.

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**Special Instructions:** Initial implementation is to be conducted by the respective manager, who is to review the changes to this policy with all their staff, on or before November 1<sup>st</sup>, 2011. Managers are to review this policy with all new employees at the time of new employee orientation. Managers are responsible for annual review of this policy with all employees.

#### I. PURPOSE

The City of Wausau is committed to providing a safe workplace for its employees and a safe environment for the citizens of the community, and has a zero tolerance policy toward any intimidating, threatening or violent behavior at the workplace. This policy applies to any form of workplace violence occurring on the worksite, or involving City employees engaged in the performance of their work duties whether on or off the worksite. Violence occurring at other locations involving City employees will come under this policy if it adversely affects the interests of the City. In addition, this policy applies to domestic violence situations when physical harm, threat of harm or fear of harm creates a safety issue for any employee while performing their job. Domestic violence threats at work must be met with the same level of response as any other kind of threat. Managers will work to the extent reasonably possible to ensure that employees are free from intimidating, threatening and violent behavior while at work.

#### II. POLICY

Employees who display intimidating, threatening and/or violent behavior will be held accountable under City policy and work rules, as well as local, state and federal law. An employee who harasses, threatens, bullies, humiliates, coerces, calls names, makes offensive jokes/comments, disrespects, isolates, ignores, attempts to or inflicts bodily harm to co-workers, representatives of other agencies, or members of the general public; or damages/messes with another's property/personal items, is in violation of this policy. All City employees are responsible for committing to and becoming involved in the prevention of workplace violence and promotion of a safe work environment. This policy must be followed as minimum by all employees. However, departments may implement a more strict policy, provided that department puts the policy in writing and adds it as an appendix to this document.

### A. Prevention Techniques

Often violence occurs in the workplace after a series of unheeded warning signs. A troubled employee may make overt threats, exhibit personality changes, or show signs of severe depression. If an employee feels these signs are being ignored, they may feel justified in moving to the next level. Prevention starts with these early warning signs and making those in authority aware of employee behavior which could signal a potentially violent act.

#### 1. Early Warning Signs

There is not one single profile that identifies a potentially violent individual. However, based on historical incidents in the United States, the following identifying factors have been recognized:

- History of violence;
- Romantic obsession that is ignored or rejected;
- Chemical dependence;
- Severe depression due to personal problems;
- Pathological blaming of others;
- High frustration with an individual's work or personal environment;
- Fascination with guns or other weapons;
- Fascination with violence or terrorism;
- Substitution of work for family or friends;
- Paranoia or belief that the system is unfair;
- Inability to accept criticism;
- Does not accept responsibility for their actions;
- Intimidating, harassing or threatening behavior;
- Uneven job performance and large mood swings;
- Moral or political intolerance;
- Social isolation to low self-esteem;
- Chronic disputes with co-workers or supervisors.

#### 2. Sequence of Workplace Violence

Acts of violence are often preceded by the following sequence of events:

- a. The perpetrator suffers some type of trauma that creates extreme tension or anxiety. This may result from a single major event (actual or perceived) or a series of cumulative minor events.
- b. The perpetrator perceives that their problems cannot be resolved.
- c. The perpetrator blames someone else (i.e. supervisor, co-worker, spouse, etc.) for the situation or problem.
- d. The perpetrator's frame of reference becomes increasingly egocentric.
- e. Self-preservation and self-protection gradually become the person's sole objective.
- f. A violent act is perceived as the only way to resolve the situation.
- g. A violent act is attempted or committed.

### B. Responsibilities and Reporting Procedures

#### 1. Employee Responsibilities

- a. All City employees have a responsibility to notify their immediate supervisor, or in the absence of their supervisor, another supervisor, of any intimidating, threatening or violent behavior that they witness, receive or have been told that another person has witnessed or received. In addition to notifying a supervisor, the appropriate authorities should be contacted, which include, but are not limited to: the appropriate City police department, fire department or emergency ambulance services.
- b. Employee involvement entails understanding and complying with the prevention program and security measures; making suggestions for improving safety and security issues;

## Overview of Facts and Summary

participating in problem solving sessions; conducting inspections and making recommendations for corrective strategies; and participating in training and education programs that cover techniques to recognize escalating agitation, assaultive behavior or criminal intent, and discussing appropriate responses.

2. **Management Responsibilities**
  - a. All managers have a responsibility to review this policy with new employees and periodically review this policy with all employees within their department. Additionally, they are responsible for maintaining a working environment that is as safe as reasonably possible for City employees. Supervisors can help prevent workplace violence and threats by: knowing the early behavior pattern warning signs, knowing the sequence of workplace violence, and reducing the risk of violence. Periodic employee surveys should be conducted for ideas on the potential for violence, holes in security and other risk factors.
  - b. If information received determines there may be potential for a threatening or violent situation, it is the manager's responsibility to immediately notify the Department Head and the City Attorney/Human Resources Director, in addition to advising the employee what authorities to contact, and to notify the appropriate authorities if the employee involved in the incident cannot. Managers are required to maintain a written record that documents the incident until such time as that information is turned over to the Human Resources Director.

### C. Retaliation

1. Retaliation against any employee for filing a complaint of workplace violence, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by the City and by federal laws.
2. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for workplace violence complaints.
3. Monitoring to ensure that retaliation does not occur is the responsibility of the Department Head, Human Resources Director, manager, and supervisors.

### D. Restraining Orders

1. Individuals who apply for and obtain a protective or restraining order must provide to their manager:
  - a. A copy of the petition and declaration used to seek the order.
  - b. A copy of any temporary protective restraining order and/or
  - c. A copy of a protective restraining order that is made permanent.
2. In cases of potential discrimination and/or sexual harassment allegations or charges, managers are obligated to notify Human Resources and to begin the investigatory process.

## III. DEFINITIONS

### A. Intimidation or Threat

1. Implication or expression of intent to inflict physical or emotional harm and/or actions that a reasonable person would perceive as a threat to personal safety or property.
2. Words or actions which cause a person to avoid social contact or to do or refrain from doing an act, including supervisory discipline, by inducing fear.
3. Threatening behaviors include, but are not limited to:
  - a. Non-verbal threats (i.e. glaring, staring with the intent to intimidate, or insulting gestures).

## Overview of Facts and Summary

- b. Mail, facsimile, messages, phone calls, e-mail or any correspondence deemed by a reasonable person to be intimidating, threatening or coercing.
- c. Intimidating, stalking or coercing fellow employees on or off premises at any time, for any purpose, that in the employer's judgment affects the interest of the City.

### B. Violence

1. Any direct, conditional or implied threat, intentional act or other conduct which reasonably arouses fear, hostility, intimidation or the apprehension of harm in its target or witnesses, regardless of the location of such acts.
2. Workplace violence: Includes vandalism or the destruction of property at the worksite belonging to an employee, citizen, vendor or the City. The City property includes all items owned or leased.
3. Prohibitions: the City prohibits employees from entering City buildings carrying a firearm or weapon of any kind regardless of whether that person is licensed to carry the weapon or not. Further, the City prohibits employees from carrying a weapon in City-owned vehicles. The only exception to this policy is for sworn law enforcement officers, or other persons who act in the interest of the City and have written consent by the Police Chief to carry a weapon in City buildings. Nothing in this policy prohibits an individual from keeping a weapon in his/her vehicle to the extent required by law.

### C. Weapon

Weapon means any device which is designed, used, or intended to be used in a manner that is calculated or likely to produce property damage, personal injury, or death. Weapons are further defined in 939.22(10), "dangerous weapon", Wisconsin State Statutes.

### D. Workplace/Worksite

Any location where employees are carrying out their job duties or are contacted for reasons related to their job duties.

## Overview of Facts and Summary

### ASSAULT/THREAT REPORT

<b>EMPLOYEE</b>	
Name	Telephone Number: Work: _____ Home: _____
Work Office Address (street, city, state, zip)	Employee Classification
Manager's Name	Manager's Telephone Number;
<b>INCIDENT</b>	
Name of Assaulter/Threatener:	Are they an employee? <i>Yes No</i>
Date of Assault/Threat:	Location:
Assault/Threat was from: Personal Confrontation Telephone Conversation Other Please Explain:	
Were there witnesses? <i>Y N</i> If yes, how many? _____. Provide information below and attach their statements. Determine if witnesses prefer to remain anonymous due to the concern of retaliation by the aggressor.	
<b>WITNESSES</b> <i>(If additional witnesses, provide information on attached sheet of paper.)</i>	
Witness 1 – Name	Telephone Number Work: _____ Home: _____
Address (street, city, state, zip)	Witness Role (employee, customer)
Witness 2 – Name	Telephone Number: Work: _____ Home: _____
Address (street, city, state, zip)	Witness Role (employee, customer)
<b>IF ASSAULTED</b> , answer the following questions:	
1. What started the assault?	
2. What did the person say when you were assaulted?	
3. What was used to hit/strike/injure you?	
4. What injuries did you sustain? Was medical treatment necessary?	
5. How did the assault end?	
6. How did you leave the assault site?	

## Overview of Facts and Summary

<b>IF THREATENED, answer the following questions:</b>		
1. As closely as possible, what were the exact words used?		
2. Was the person in a position to carry out the threat immediately?		
3. How serious do you believe the threat was, and why?		
<b>EMPLOYEE RELATED ACTIONS</b> <i>(Employee must complete)</i>		
1. What actions did the employee take? <i>(i.e. filed worker's compensation, obtained medical treatment, used sick leave, vacation, etc.)</i>		
2. What specific actions from the City does the employee request related to assault/threat? If none, so indicate.		
<b>LAW ENFORCEMENT INFORMATION</b> <i>(Attach copy of police report when possible)</i>		
Law Enforcement Agency Contacted Name of Person/Officer	Date Contacted	Telephone Number
Was a written report completed? <i>YES NO</i> What action was taken/promised?		
<b>MANAGER ACTIONS</b>		
Directions given to employee <i>(i.e. go home, go to hospital, etc.)</i>		
Manager Recommendations: Prosecution Restraining Order Letter to Threatener Other <i>(specify):</i>		
<b>NOTIFICATION DATES</b>		
Date report was received:	Was employee notified of chosen action? <i>YES NO</i>	Was the Safety Coordinator notified of the incident? <i>YES NO</i>
Was management notified? <i>YES NO</i>	Was the EAP Officer notified? <i>YES NO</i>	Was the employee/management notified of other options that can be pursued personally? <i>YES NO</i>

**Overview of Facts and Summary**

**CITY OF WAUSAU  
VIOLENCE IN THE WORKPLACE POLICY  
EMPLOYEE ACKNOWLEDGEMENT NOTICE**

I acknowledge that I have received, that I have read, that I understand, and that I have been afforded an opportunity to ask questions regarding the City of Wausau's VIOLENCE IN THE WORKPLACE POLICY. I also acknowledge that I have read and that I understand this notice.

\_\_\_\_\_  
PRINT EMPLOYEE NAME

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Supervisor

\_\_\_\_\_  
Date

*Copy for Employee's Personnel File*

Attachment-I-A-(4)  
Code of Ethics

*Code of  
Ethics  
for  
Public  
Officials  
and  
Employees*



Chapter 2.03

CODE OF ETHICS FOR PUBLIC OFFICIALS AND EMPLOYEES

Sections:

- 2.03.010 Declaration of policy.
- 2.03.020 Definitions.
- 2.03.030 Standards of conduct.
- 2.03.040 Organization and composition of the board.
- 2.03.050 Duties of the board.
- 2.03.060 Investigation of complaints.
- 2.03.070 Probable cause of violation.
- 2.03.080 Hearing procedure.
- 2.03.090 Findings of fact and conclusions Orders and recommendations.
- 2.03.100 Removal, suspension and censure.
- 2.03.110 Costs.

2.03.010 Declaration of policy. (a) Moral and ethical standards among city public officials and employees are essential to the conduct of representative government; and, the common council believes that a code of ethics, to establish standards of conduct for government officials and employees by setting forth those acts or actions that are incompatible with the impartial and responsible exercise of the public trust and avoid conflicts between personal interests and public responsibilities, will improve the quality and integrity of public service and promote, strengthen and nurture the faith and confidence of the citizens of this community in their public officials and employees.

(b) This code does not prevent any official/employee from accepting other employment or following any pursuit, which in no way interferes with the full and faithful discharge of his or her public duties. The common council recognizes that citizens who serve the city as public officials/employees retain their rights as citizens to interest of a personal or economic nature; that standards of ethical conduct for public officials/employees of the city need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society and those conflicts which are substantial and material; and, that city officials/employee may need to engage in employment, professional or business activities, other than official duties, in order to support themselves and/or their families, to maintain a continuity of professional or business activity or may need to maintain investments, when activities or investments do not conflict with the specific provisions of this section. (Ord. 61-4706 '1(Exh. A)(part), 1990.)

2.03.020 Definitions. For the purpose of this chapter, the words set out in this section shall have the following meanings:

- (a) Anything of value@:

## Overview of Facts and Summary

- (1) Means any money, property, favor, service, payment, advance, forbearance, loan, guarantee of loan or promise of future employment;
  - (2) Includes, without restriction by enumeration, tickets, passes, admission offered and provided by sponsors or organizations doing business with the city;
  - (3) Shall not preclude an official/employee from attending programs or events sponsored by an agency of city government to which an official/employee shall attend or participate in the course of official/employee duty, and it shall not include political contributions which are reported under Chapter 111 of the Wisconsin Statutes, or hospitality extended for a purpose unrelated to city business by a person other than an organization;
  - (4) Shall not include fees, honorariums, compensation or reimbursement of expenses, provided reimbursement does not exceed one hundred dollars for a published work, meeting, presentation of a paper, talk or demonstration. If the value of the above exceeds one hundred dollars, the official/employee shall report such receipt to the board, with a brief report of the event concerned. The report shall be made within sixty days of its receipt.
- (b) *Associated*, when used with reference to an organization, means any organization in which an individual or a member of his or her immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, at least ten percent of the outstanding equity, voting rights or indebtedness, whether individually or in the aggregate.
- (c) *Board* means the ethics board.
- (d) *City* means the city of Wausau.
- (e) *Employee* means any person excluded from the definition of an official who is employed by the city.
- (f) *Financial interest* means any interest, which yields a monetary or other material benefit to the official/employee or to any person employing or retaining the services of the official/employee.
- (g) *Gift* means the payment or receipt of anything of value without valuable consideration.
- (h) *Immediate family* means:

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- (1) An individual's spouse;
  - (2) An individual's relative by marriage, lineal descent or adoption, who receives, directly or indirectly, more than fifty percent of his or her support from such individual or from whom such individual receives, directly or indirectly, more than fifty percent of his or her support.
- (i) **Income** has the meaning given under Section 61 of the Federal Internal Revenue Code.
  - (j) **Internal Revenue Code** has the meaning given under Section 71.02(1) (a) and (2) (b) of the Wisconsin Statutes.
  - (k) **Ministerial action** means an action performed in a prescribed manner in obedience to the mandate of legal authority without regard to the exercise of judgment as to the propriety of the action being taken.
  - (l) **Official** means any official holding an elected city office, any candidate for elected city office and all members of boards, commissions or committees appointed by the mayor or common council.
  - (m) **Organization** means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, unincorporated association, receivership, trust or any legal entity organized for profit, other than an individual or government entity.
  - (n) **Payor** means any person providing anything of value to the official/employee, and his or her spouse.
  - (o) **Person** means any individual, person or organization. (Ord. 61-4706 '1(Exh. A) (part), 1990.)

**2.03.030 Standards of conduct.** (a) No official/employee shall use his or her public position or office to obtain financial gain or anything of value for the private benefit of himself or herself or his or her immediate family, or for an organization with which the official/employee is associated.

(b) No official/employee shall solicit or accept from any person, directly or indirectly, anything of value, if it could reasonably be expected to influence the official's vote, official/employee actions or judgments, or could reasonably be considered as reward for any official/employee action or inaction on the part of the official/employee. This subsection does not prohibit an official/employee from engaging in outside employment or his or her normal course of business.

(c) No official/employee shall intentionally use or disclose information gained in the course of or by reason of his or her official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family or for any

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other person, if the information has not been communicated to the public or is not public information.

(d) No official/official shall use or attempt to use his or her public position to influence or gain unlawful benefits, advantages or privileges for himself, herself or other person.

(e) No official/employee and no organization in which an official/employee or a member of his or her immediate family is associated shall enter into a contract with the city, for more than three thousand dollars per year, without first disclosing it at and entering it into the minutes of the meeting of the appropriate governmental body. Any contract or lease entered into in violation of this subsection may be voided by the city in an action commenced within three years of the date on which the board or the department or official/employee acting for the city, in regard to the allocation of city funds from which payment is derived, knew or should have known that a violation of this subsection occurred. This subsection does not affect the application of Section 946.13 of the Wisconsin Statutes.

(f) An official/employee may appear on behalf of and may make inquiries for information for a person before any city employee, department, board, commission or other agency, only if the official/employee receives no compensation therefor beyond the salary and other compensation or other reimbursement due which the official/employee is entitled by law.

(g) No official/employee shall engage in or accept private employment or act in regard to any financial interest, direct or indirect, which is incompatible with the proper discharge of his or her official/employee duties, if it could reasonably be expected to influence the official's vote, official/employee actions or judgment or could reasonably be expected to influence the official's vote, official/employee actions or judgment or could reasonably be considered as a reward for any official/employee action or inaction on the part of the official/employee, unless otherwise permitted by law and unless disclosure is made, as hereinafter provided.

(h) No official/employee shall, for compensation, act on behalf of any person other than the city, in connection with any judicial or quasi-judicial proceeding or matter which might give rise to a judicial or quasi-judicial proceeding in which the official/employee has at any time participated personally in his official/employee capacity.

(i) No official shall vote on any matter when the official or the official's immediate family has a personal financial interest.

(j) No official/employee shall in his or her official capacity do any act which he or she knows is in excess of his or her lawful authority or which he or she knows he or she is forbidden by law to do in his or her official capacity.

(k) No official/employee, without common council authorization, shall use or permit the use of any city property for personal convenience, use or profit.

(l) No former official shall, for compensation, for twelve months following the date

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on which he or she ceases to be an official, act on behalf of any person other than the city in connection with any judicial or quasi-judicial proceeding or matter which might give rise to a judicial or quasi-judicial proceeding in which the former official participated personally and substantially as a city official.

(m) No official/employee shall grant special consideration, treatment or advantage to any person, beyond that which is available to every other person.

(n) This section does not prohibit an official/employee of the city from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual necessary expenses, or prohibit an official/employee from taking official action with respect to any proposal to modify city ordinances or resolutions. (Ord. 61-4706 ' 1(Exh. A)(part), 1990.)

2.03.040 Organization and composition of the board. (a) There is created a board with five members appointed by the mayor and subject to confirmation by the common council. Members should be from diverse segments of the community. Each board member shall be a resident of the city and shall serve without compensation. The term of office shall be five years. On the first appointment of the board, board members shall be appointed for terms of one, two, three, four, and five years respectively.

(b) The members of the board shall select their own chairperson annually and shall adopt such rules as may be necessary to carry out the duties and responsibilities of the board under this chapter. Any rules adopted shall be subject to the approval of the common council.

(c) The city attorney shall furnish the board whatever legal assistance is necessary and proper to carry out its functions. The board or the city attorney may request the common council to authorize special counsel for the board. The board shall be furnished with whatever staff assistance is required to fulfill its duties. (Ord. 61-4706 ' 1(Exh. A)(part) , 1990.)

2.03.050 Duties of the board. Duties of the board are set out as follows:

- (a) Prescribe and make available forms for use under this chapter;
- (b) Accept and file any information related to the purposes of or required by this chapter;
- (c) Investigate any violation of this chapter on its own motion or upon complaint properly filed with it;
- (d) Maintain a record of its investigation, inquiries and proceedings. The findings of the board shall be public records;
- (e) Any person who is involved or about to be involved in any matter than could involve conduct prohibited by this chapter, or could result in a material conflict of interest on his

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or her part, may apply to the board for an advisory opinion. The board will not issue any opinion on conduct which may, in the judgment of the board, involve a violation of state or federal law. Such person may be guided by the opinion rendered by the board and the board is prohibited from issuing any complaint against any such person who acts in accordance with the opinion. Such person shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of this chapter before the advisory opinion is rendered. A material conflict of interest on the part of any person is deemed to exist whenever the person's action or failure to act could reasonably be expected to produce or assist in producing a substantial benefit, directly or indirectly, for the person or his or her immediate family or an organization with which he or she is associated or the matter in question is one in which the official/employee, in his or her private capacity, or a member of his or her immediate family or an organization with which he or she is associated, has a substantial interest;

(f) Records obtained in connection with a request for an advisory opinion, other than summaries of advisory opinions that do not disclose the identity of individuals requesting such opinions, or organizations on whose behalf they are requested, are not open for public inspection. The board may, however, make such records public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested. A person who makes or reports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person is deemed to have waived the confidentiality of the request for an advisory opinion and any of the records obtained or prepared by the board, in connection with the request for an advisory opinion.

(g) Records obtained or prepared by the board, in connection with an investigation, are not open for public inspection, except that the board shall permit inspection of records that are made public in the course of hearing by the board to determine if a violation of this chapter has occurred. Whenever the board refers such investigation and hearing records to the city or a district attorney, they may be made public in the course of a prosecution;

(h) Maintain a current list of persons doing business in or engaged in transaction with or affecting the city for use by officials/employees. (Ord. 61-4706 '1(Exh. A)(part), 1990.)

2.03.060 Investigation of complaints. (a) The board shall accept from any individual, either personally or on behalf of an organization or governmental body, a verified complaint, in writing, signed and sworn to under oath, which states the name of any person alleged to have committed a violation of this chapter and which sets forth the particulars thereof. The board shall forward to the accused, within ten days, a copy of the complaint and a general statement of the applicable ordinances with respect to such verified complaint. If the board determines that

the verified complaint alleges facts sufficient to constitute a violation of this chapter, it may make an investigation with respect to any alleged violation. If the board determines that the verified complaint was brought for harassment purposes, the board shall so state.

(b) The board shall investigate any complaint properly filed with it. Pursuant to any investigation conducted under this section, the board has the power:

## Overview of Facts and Summary

- (1) To require any person to submit in writing such reports and answers to questions relevant to the proceedings conducted under this section, as the board may prescribe, such submission to be made within such period and under oath, or otherwise, as the board may determine;
- (2) To administer oaths and require, by subpoena issued by it, the attendance and testimony of witnesses and the production of any documentary evidence relating to the investigation or hearing being conducted;
- (3) To order testimony to be taken by deposition before any person, who is designated by the board, and has the power to administer oaths, and, in such instances, to compel testimony and the production of evidence in the same manner as authorized by subsection (b)(2) of this section;
- (4) To pay witnesses the same fees and mileage as are paid in like circumstances by the courts of Wisconsin.

(c) Following the receipt of a verified complaint or upon the receipt of other information, whether or not under oath, that provides a reasonable basis for the belief that a violation of this chapter has been committed, or that an investigation of a possible violation is warranted, the board may investigate the circumstances concerning the possible violation. No investigation of any person may be commenced until it has been authorized by the board, by a majority vote, and until the person, who is the subject of the investigation, has been notified of the investigation, pursuant to subsection (c)(3) of this section. During the course of an investigation, if the board finds probable cause to believe that a violation of this chapter has occurred, it may:

(1) If no verified complaint has been filed, upon its own motion, make a verified complaint, which shall be in writing, shall state the name of the person who is alleged to have committed a violation of this chapter and shall set forth the particulars thereof. Within ten days, the board shall forward to the accused a copy of the complaint and a specific statement enumerating the source or sources of information on which the complaint is based.

(2) If a verified complaint has been filed and the board finds probable cause to believe that a violation of this chapter, other than one contained in the complaint,

has occurred, it may amend the complaint upon its own motion, to include such violations. If the complaint is so amended by the board, a copy of the amendment shall be sent to the person complained of within forty-eight hours.

(3) As soon as it becomes apparent to the board that there exists probable cause for the belief that a particular person has committed a violation of this chapter, the board shall notify the alleged violator, by mailing a copy of a notice

## Overview of Facts and Summary

informing the alleged violator that such person is the subject of the investigation authorized by the board, and a general statement of the applicable ordinances with respect to such investigation. Service of the notice is complete upon mailing.

- (4) No action may be taken on any complaint, which is filed later than three years after a violation of this chapter is alleged to have occurred.

(Ord. 61-4706 ' 1(Exh. A)(part), 1990.)

2.03.070 Probable cause of violation. At the conclusion of this investigation, the board shall, in preliminary written findings of fact and conclusions based thereof, make a determination of whether or not probable cause exists to believe that a violation of this chapter has occurred. If the board determines that no probable cause exists, it shall immediately send written notice of such determination to the accused and to the party who made the complaint. If the board determines that there is probable cause for believing that a violation of this chapter has been committed, the preliminary findings and fact and conclusions may contain:

(a) A recommendation for prosecution, which shall be referred to the city attorney or district attorney, as appropriate;

(b) An order setting a date for hearing before the board to determine whether a violation of this chapter occurred. Such order shall be served upon the accused. A hearing ordered under this subsection shall be commenced within thirty days of the date it is ordered, unless the accused petitions for and the board consents to a later date. (Ord. 61-4706 ' 1 (Exh. A)(part), 1990.)

2.03.080 Hearing procedure. During any investigation and during any hearing which is conducted to determine whether a violation of this chapter has occurred, the person under investigation or the accused may be represented by counsel of his or her choosing and the accused or his or her representative, if any, shall have an opportunity to challenge the sufficiency of any complaint, which has been filed against him or her, to examine all documents and records obtained or prepared by the board in connection with the matter heard, to bring witness, to establish all pertinent facts and circumstances, to question or refute testimony or evidence, including the opportunity to confront and cross examine adverse witnesses. During any hearing conducted by the board to determine whether a violation of this chapter has occurred, all evidence, including certified copies or records, which the board considers, shall be fully offered and made a part of the record in the proceedings. Upon request of the accused, the board shall issue subpoenas to compel the attendance of necessary witnesses. The standards of evidence and the burden of proof applicable to civil forfeiture actions shall apply to hearings under this section. A hearing shall not be held with less than four members in attendance for the entire hearing. The board shall make a determination upon such evidence submitted by an affirmative vote of at least three members present at the hearing. (Ord. 61-4759 ' 1(part), 1991; Ord. 61-4706 ' 1(Exh. A)(part), 1990.)

2.03.090 Findings of fact and conclusions Orders and recommendations. If the board determines that no violation of this chapter has occurred, it shall immediately send written notice

## Overview of Facts and Summary

of such determination to the accused and to the party who made the complaint. If the board determines that violation of this chapter has occurred, its findings of fact and conclusions may contain one or more of the following orders or recommendations:

(a) In the case of any appointed officer or employee, a recommendation that he or she be censured, suspended or removed from office or employment. Such recommendation shall be made to the appropriate authority which may censure, suspend or take action to remove the official/employee from office or employment;

(b) In the case of an elected city officer, a recommendation that the officer be censured, suspended or removed from office. Such recommendation shall be made to the common council;

(c) In the case of a municipal justice, a recommendation that the justice be reprimanded, censured, suspended or removed from office. Such recommendation shall be sent to the Wisconsin Supreme Court and to the city of Wausau common council;

(d) An order requiring the official/employee to conform his or her conduct to this chapter;

(e) An order requiring the official/employee to forfeit not less than one hundred dollars or more than one thousand dollars, for each violation of this chapter. The city attorney, when so requested by the board, shall institute proceedings to prosecute and recover any forfeiture incurred under this section, which is not paid by the person against whom it is assessed;

(f) Such other recommendation or order as may be necessary and appropriate and as consistent with the intent and purposes of this chapter. (Ord. 61-4759 '1(part), 1991; Ord. 61-4706 '1(Exh. A)(part), 1990.)

2.03.100 Removal, suspension and censure. Upon receipt of a recommendation from the board that an officer be censured, suspended or removed from office, the appropriate appointing authority or common council, as the case may be, may proceed in accordance with procedures outlined in the municipal code and/or state statutes; but no officer subject to a civil service or to a police and fire commission law, or whose removal is governed by such law, shall be censured, suspended or removed otherwise than as therein provided. (Ord. 61-4706 '1(Exh. A)(part), 1990.)

2.03.110 Costs. (a) If the board finds that a complaint filed under this chapter was wilful and malicious and without probable cause, the expenses of investigation and hearing of any such complaint by the board shall be paid by the person making the complaint. In all other cases such expenses shall be paid by the city.

(b) If any board proceedings are discontinued or dismissed or are determined favorably to an official/employee the city shall pay all reasonable expenses which the official/employee necessarily expended by reason of such proceedings. (Ord. 61-4706 '1(Exh. A)(part), 1990.)

**Overview of Facts and Summary**

***Code of Ethics for Public Officials and Employees***  
**Signature Form**

I acknowledge that I have received the *Code of Ethics for Public Officials and Employees* on the date indicated below. Terms described in this Policy may be altered, amended, or changed by the City of Wausau, with or without prior notice. I understand that any violation of the City of Wausau *Code of Ethics for Public Officials and Employees* may subject me to discipline, up to and including termination.

Print Employee Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

*Please return completed form to the Human Resources Department*

Attachment-I-A-(5)  
Harassment and Discrimination Policy



**HARASSMENT AND DISCRIMINATION  
IN THE WORKPLACE POLICY**

Revised: August 11, 2010

## Overview of Facts and Summary

### I. PURPOSE

The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of harassment and discrimination.

### II. POLICY

It is the policy of the City of Wausau that all employees have the right to work in an environment free of all forms of harassment. The City of Wausau will not tolerate, condone, or allow harassment by any employee or other non-employees who conduct business with the City of Wausau. The City of Wausau considers harassment and discrimination of others to be forms of serious employee misconduct. Therefore, the City of Wausau shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of this City of Wausau policy can lead to discipline up to and including termination, with repeated violations, even if "minor," resulting in greater levels of discipline as appropriate.

### III. PROCEDURES

#### A. Prohibited Activity (Sexual Harassment and Harassment)

1. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
  - a. Submission to such conduct is made either explicitly or implicitly a term of condition of employment; or
  - b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
  - c. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.
2. Harassment is any verbal, written, visual or physical act that creates a hostile, intimidating or offensive work environment or interferes with an individual's job performance.
  - a. No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person.
  - b. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, sex, religion, age, disability, sexual orientation, or national origin. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by the City of Wausau.

#### B. Covered Individuals

Individuals covered under this policy include employees and applicants for employment, volunteers, members of the public, elected officials and appointed boards and commissions.

#### C. Supervisory Responsibilities

1. Each supervisor shall be responsible for preventing prohibited activities as defined above.

## Overview of Facts and Summary

- a. Monitoring the work environment on a daily basis for signs that harassment may be occurring;
  - b. Training and counseling all employees on what constitutes harassment and sexual harassment, on the types of behavior prohibited by the City of Wausau's policy and procedures for reporting and resolving complaints of harassment.
  - c. Stopping any observation that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
  - d. Taking immediate action to prevent retaliation towards the complaining party or witnesses and to eliminate the hostile work environment where there has been a complaint of harassment, pending investigation. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.
2. Each supervisor has the responsibility to assist any employee of this agency who comes to that supervisor with a complaint of harassment in documenting and filing a complaint with the internal investigations authority as designated by this agency.
  3. Failing to carry out these responsibilities will be considered in any evaluation or promotional decisions and may be grounds for discipline.

### D. Employee Responsibilities

1. Each employee of this agency is responsible for assisting in the prevention of harassment through the following acts:
  - a. Refraining from participation in, or encouragement of actions that could be perceived as harassment;
  - b. Reporting acts of harassment to a supervisor; and
  - c. Encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.
2. Failure of any employee to carry out the above responsibilities will be considered in any performance evaluation or promotional decisions and may be grounds for discipline.

### E. Complaint Procedures

1. Any employee encountering harassment is encouraged but not required to inform the person that his or her actions are unwelcome and offensive. This initial contact can be either verbal or in writing. The employee is to document all incidents of harassment in order to provide the fullest basis for investigation.
2. Any employee who has unsuccessfully attempted to terminate the harassment by means of Section 1 and who believes that he or she is being harassed shall report the incident(s) as soon as possible to their supervisor so that steps may be taken to protect the employee from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead file a complaint with another supervisor, Human Resources, the City Attorney, or Mayor.

## Overview of Facts and Summary

- a. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment, any witnesses to the incident(s) and the date(s) on which it occurred.
3. An employee should utilize the city's internal reporting procedure first. However, if after utilizing this procedure the complainant does not feel the complaint has not been adequately addressed, the employee may file a complaint with either or both of the following:
  - a. State of Wisconsin Equal Rights Agency  
201 East Washington Avenue  
Madison, WI 53703  
Phone: (608) 266-6860
  - b. Equal Employment Opportunity Commission  
210 Martin Luther King Boulevard  
Madison, WI 53703  
Phone: (608) 266-4910

If the employee exercises the reporting options of (a) or (b) from above, they must file a copy of the complaint with the City Attorney within 24 hours of filing of the complaint.

4. The internal investigation authority shall be responsible for investigating any complaint alleging harassment or discrimination.
  - a. The internal investigative authority shall immediately notify the Mayor and the City Attorney if the complaint contains evidence of criminal activity, such as battery, rape or attempted rape.
  - b. The investigation shall include a determination as to whether other employees are being harassed by the person, and whether other City of Wausau employees participated in or encouraged the harassment.
  - c. The internal investigative authority shall inform the parties involved of the outcome of the investigation.
  - d. A file of harassment and discrimination complaints shall be maintained in a secure location. The Mayor shall be provided with an annual summary of these complaints.
5. There shall be no retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint.
6. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
7. Complaints or employees accused of harassment may file a grievance/appeal in accordance with City of Wausau procedures when they disagree with the investigation or disposition of a harassment claim.

### **F. Retaliation**

1. Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by the City of Wausau and by federal statutes.

## Overview of Facts and Summary

2. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.
3. Monitoring to ensure that retaliation does not occur is the responsibility of the Mayor, supervisors and the appropriate internal investigative authority.

### IV. DEFINITIONS (Optional)

- A. *Verbal Harassment*: Sexual innuendoes, degrading or suggestive comments, repeated pressure for dates, jokes of a sexual nature, unwelcome sexual flirtations, degrading words used to describe an individual, obscene and/or graphic descriptions of an individual's body or threats that job, wages, assignments, promotions or working conditions could be affected if the individual does not agree to a suggested sexual relationship.
- B. *Non-Verbal*: Sexually suggestive or offensive objects or pictures, inappropriate usage of voicemail, e-mail, the internet or other such sources as a means to express or obtain sexual material, comments etc., printed or written materials including offensive cartoons, suggestive or offensive sounds, whistling, catcalls or obscene gestures. Any material which inappropriately raises the issues of sex or discrimination. Treating an employee differently than other employees when they have refused an offer of sexual relations.
- C. *Physical*: Unsolicited or unwelcome physical contact of a sexual nature, which may include touching, hugging, massages, kissing, pinching, patting, or regularly brushing against the body of another person.
- D. *Other Forms of Harassment*: Persistent and unwelcome conduct or actions on the basis of disability, sex, arrests or conviction record, marital status, sexual orientation, membership in the military reserve, or use or nonuse of lawful products away from work is prohibited under this policy and s.111.31-111.39, Wis. Stats.
- E. *Harassment on any basis (race, sex, age, disability etc.) exists whenever*: Submission to harassing conduct is made, either explicit or implicit, a term or condition of an individual's employment; submission to or rejection of such conduct is used as the basis for an employment decision affecting an individual; the conduct interferes with an employee's work or creates an intimidating, hostile, or offensive work environment. Such conduct is prohibited under this policy and §111.31-111.39 Wis. Stats.
- F. *Unwelcome*: Sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome. The conduct may be unwelcome even though the victim voluntarily engages in it to avoid adverse treatment.

**CITY OF WAUSAU  
HARASSMENT & DISCRIMINATION IN THE WORKPLACE POLICY  
EMPLOYEE ACKNOWLEDGEMENT NOTICE**

I acknowledge that I have received, that I have read, that I understand, and that I have been afforded an opportunity to ask questions regarding the City of Wausau's HARASSMENT & DISCRIMINATION IN THE WORKPLACE POLICY. I also acknowledge that I have read and that I understand this notice.

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Supervisor

\_\_\_\_\_  
Date

*Copy for Employee's Personnel File*

## Overview of Facts and Summary

Metro Ride Incident Report Fact-finding

January 2016

### Attachment I-B

#### Transit Director Seubert -- Incident Report



420 Plumer Street  
Wausau, WI 54403  
Phone: 715-842-9287

### Incident Report

**Background:** The Transit Commission met at 1:30 p.m. on 11-19-2015. I presented them with a memo (attached) detailing six issues that I thought they should discuss relating to the Transit Pilot Program and Cost Proposal Keene had submitted to the Wausau Community Foundation. After I explained my memo, Mr. Winters abruptly left the meeting saying "Let me know when you have a plan." After some discussion, with input from the City Attorney, the Transit Commission moved to rescind their action from last month's meeting, which effectively stopped the Pilot Project from moving forward at this time.

**Incident:** At 4 p.m. on 11-19-2015, I received a telephone call from Keene Winters. He said "Well you got what you wanted you lazy piece of shit. You worked behind the scenes to kill my proposal. It was a setup. You're a typical bureaucrat and you don't deserve to keep your job."

I said that I was disappointed by his reaction and told him that his proposal was not dead, just delayed. I said that the Mayor had some concerns about the proposal as did I and it was my obligation to present those concerns to the Transit Commission. I told him that we could build on the stakeholder dialogue that he initiated. He said that he intended to turn all the stakeholders against Metro Ride and work to shut down the transit system. He said that he would work to get me fired.

I asked him if he thought that my opinion and expertise were not valid and not to be shared. He said that he had addressed all of the issues in an email and none were insurmountable. He said it was my job to carry out directives. He said that this is the same thing I did to kill his sales tax proposal. He said he was tired of my scheduling meetings at my own convenience and that I was out of control. He said he was done with me and he would not lift a finger to help the transit system.

I told him that I was in an awkward position because I know that he and the Mayor don't get along. I told him that I informed the Mayor because he is my boss. I told him that it was difficult for me to raise these issues. He said "We are done."

**Comments:** Staff should not be afraid to lend the very expertise they were hired to provide. Mr. Winters' comments are threatening to me and every Metro Ride employee and his conduct is completely unacceptable. If the City is indeed committed to providing a safe workplace and has zero tolerance for intimidating and threatening behavior, then Mr. Winter's bullying and intimidation must be stopped.

Prepared by:

A handwritten signature in cursive script that reads "Greg Seubert".

\_\_\_\_\_  
Greg Seubert, Transit Director  
11/20/15

*Incident Report  
Spacing altered to fit on page -  
original text preserved*



420 Plumer Street  
Wausau, WI 54403  
Phone: 715-842-9287  
Fax: 715-842-1541  
<http://metroride@ci.wausau.wi.us>

## MEMO

**To:** Transit Commission Members  
**From:** Greg Seubert, Transit Director   
**Subject:** Transit Service Pilot Project  
**Date:** November 20, 2015

The following are issues that I would like the Transit Commission to consider before we move forward with the pilot project. If this project is to determine the future of an area-wide transit service, the last thing I want to do is carry it out poorly.

1. We do not currently have enough vehicles to expand service and I am uncomfortable moving forward without some certainty that vehicles will be acquired. I am hopeful that Duluth will help us out, but we have been disappointed several times in the past year in our pursuit of used buses.
2. If we delay the project until March 1<sup>st</sup> to give us time to acquire buses, the evaluation period will be shorter and we may not produce meaningful data – certainly not favorable data. I would expect ridership to be modest in the beginning and then build. When municipalities begin to assess their options midyear as they begin the budget process, low initial ridership may doom their continued participation in 2017.
3. Rothschild and Schofield have indicated that they cannot afford their entire share for 2016. Without a commitment from each of the parties for 2017, we may be stuck paying unemployment expenses in 2017.
4. The more we move away from a formulaic calculation to determine the cost for each of the municipalities, the greater the risk for City of Wausau taxpayers. If state/federal funds come in less than predicted or fuel or parts expenses spike, Rothschild, Schofield and Rib Mountain will pay their fixed amount and Wausau will have to make up the difference. WisDOT informed me last week that they have lowered their funding projection for 2016 (below mine). Ultimately, we won't know the actual funding totals until the end of first quarter next year.
5. We are seeking funds to reduce the cost of services for three surrounding municipalities. I fear that critics may assert that the City of Wausau has no business seeking funds on their behalf.
6. State statutes prohibit us from providing service across local boundaries without a cost sharing agreement in place and I have to demonstrate to WisDOT that we have commitments for the local share contribution. While I can point to budget documents for the municipalities, written commitments will have to be secured with the Rib Mountain businesses. I'm not sure how firm those commitments are at this point.

## Overview of Facts and Summary

Metro Ride Incident Report Fact-finding

January 2016

### Attachment I-C-(1) HR Director Hite E-Mail to Transit Director Seubert Informing Incident Report Would be Discussed at Meeting with the Mayor

**From:** Myla Hite  
**Sent:** Sunday, November 22, 2015 12:12 PM  
**To:** Greg Seubert  
**Cc:** Anne Jacobson; Jim Tipple  
**Subject:** Re: Incident Report

Greg;

I am so sorry that you had to be subjected to that. It is unacceptable and intolerable and ALL staff have the fundamental right to work in an environment conducive to productivity and consistent with the core values.

The Mayor and I have some previously scheduled time together on Monday and I will make certain, as HR Director, to have this as an agenda item.

Again, my apologies.

Sent from Myla's iPhone

On Nov 20, 2015, at 3:21 PM, Greg Seubert <[Greg.Seubert@ci.wausau.wi.us](mailto:Greg.Seubert@ci.wausau.wi.us)> wrote:  
FYI -

Attached is an incident report regarding a threatening encounter I had with Alderman Winters.

Greg Seubert, Transit Director  
City of Wausau/Metro Ride  
420 Plumer Street, Wausau, WI 54403  
<image005.png>Phone: 715-842-9287, Fax: 715-842-1541  
<Incident\_Winters.pdf

## Overview of Facts and Summary

Metro Ride Incident Report Fact-finding

January 2016

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### I-C-(2) Council President Mielke E-Mail Scheduling a Monday, 3:30 Meeting to Address Incident Report

-----Original Message-----

From: Robert Mielke

Sent: Sunday, November 22, 2015 2:48 PM

To: Greg Seubert; Myla Hite; Anne Jacobson; Jim Tipple; Sherry Abitz

Subject: RE: Incident Report

Hello Greg!

Just some thoughts and comments about what has happened....

First of all, as stated during our conversation on Friday morning, I am very sorry that this has happened to you...it is completely unacceptable and you did not deserve anything like this.

Please know that myself and the rest of us on the Council appreciate you, your dedication, professionalism and the job you do for the city.

As stated on Friday, I have scheduled an emergency meeting involving the Mayor, Human Resources Director, City Attorney and myself for Monday afternoon at 3:30 PM in Myla Hyte's office.

Please know that you are invited...even though there has been an incident report filed, you have every right to be there and tell us what has happened.

Also know, that I will be doing whatever I can (in a legal way) to have Mr. Winters held accountable for his inappropriate and shameful behavior.....I, along with the other members of the Council are tired of this type of misconduct and disrespect shown to city staff.

Thank you for all that you do for the Transit system and for the City of Wausau and please try to not let this incident affect you, you have done nothing wrong.

If you have any further comments or questions, I am always accessible...please call me on my personal cell phone at (715) 573-7094.

Sincerely,

Robert Mielke

District # 11 Alderperson/City Council President

## Overview of Facts and Summary

Metro Ride Incident Report Fact-finding

January 2016

### Attachment I-D Council President Letter to Alderman Winters

Robert Mielke  
Council President  
Alderman District 11



James E. Tipple  
Mayor

November 23, 2015

Alderman Keene Winters  
3824 Riverview Drive  
Wausau, WI 54403

Reference: Notification of Fact Finding

Dear Alderman Winters;

I am writing to inform you that a fact-finding investigation is underway to determine whether you have engaged in conduct contrary to the City's core values of Professionalism, Integrity, Accountability and Respect. This fact-finding will also gather facts sufficient for me to determine whether or not you have failed to support the City of Wausau's goal to provide employees with a working environment free from harassment, intimidation, hostility and coercion.

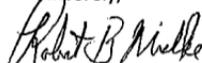
As a part of this process, you are being offered an opportunity to provide any information you wish to have considered on your own behalf. As such, I have reserved time to meet with you at 1:00 p.m. on Friday, December 11 in the Board Room of City Hall. In the alternative, you may submit a written statement containing any information you wish to have considered. If you choose to submit a written statement instead of attending an in-person meeting, your dead-line for submission is close of business on Wednesday, December 9, 2015.

Matters involving public employees are to be maintained confidentially while the fact-finding investigation is underway. Therefore, I am directing you not to discuss this matter with anyone other than your own personal legal counsel until the fact finding is concluded. City of Wausau employees are also to be protected from retaliation, so I am directing you not to engage in any action that could be perceived as retaliatory for anyone you perceive to be involved with this fact-finding. You are also not to enter City Transit facilities while this investigation is underway.

I am confident that you understand it is in the City's best interests for you to actively cooperate with this fact-finding so we can gather the facts and properly dispose of this matter. In the event you choose not to cooperate, understand I will proceed with taking action based upon the information I obtain.

In the event you have any question, you are to contact me direct via e-mail at:  
Robert.mielke@ci.wausau.wi.us.

Sincerely,

  
Robert Mielke  
Council President  
City of Wausau

407 GRANT STREET; WAUSAU, WI 54403-4783

## Overview of Facts and Summary

Metro Ride Incident Report Fact-finding

January 2016

### Attachment I-E Council President Notification to Council and Department Heads

-----Original Message-----

From: Robert Mielke

Sent: Tuesday, November 24, 2015 4:46 PM

To: Bill Nagle; Dave Nutting; David Oberbeck; Gary Gisselman; Karen Kellbach; Keene Winters; Lisa Rasmussen; Romey Wagner; Sherry Abitz; Tom Neal

Cc: Jim Tipple; MaryAnne Groat; Toni Rayala; Anne Jacobson; Myla Hite; Jeffrey Hardel; Tracey Kujawa; Ann Werth; Eric Lindman; Greg Seubert; Nan Giese; William Duncanson

Subject: CONFIDENTIAL EMAIL!!!!!!RE: Notification to all City Council members and City Staff department heads

CONFIDENTIAL EMAIL-FOR LISTED CITY COUNCIL MEMBERS and CITY STAFF AND DEPARTMENT HEADS ONLY-DO NOT "SHARE"

To all above-mentioned City Council members and City Staff Department heads,

I'm writing to let you know that a situation has occurred in which it is appropriate to gather facts to determine whether or not a Common Council member has failed to comply with the City's Core Values. I also believe it important to gather the facts to evaluate whether or not we have provided our City employees with an appropriate working environment conducive to productivity and free from harassment, hostility, intimidation and/or coercion.

While the fact-finding is underway, confidentiality is key to preserving the integrity of the process to gather valid data and facts. Once concluded, the report and my findings may become public record, subject to disclosure.

If you have questions, please feel free to contact me, although understand information that can be shared is limited. However, because a Common Council Member is involved, I wanted to make you aware of the situation.

Thank you!

Robert Mielke

District # 11 Alderperson/City Council President

Attachment I-F  
Mayor Staff Meeting Agenda



Office of the Mayor

James E. Tipple

# MAYOR'S STAFF MEETING NOTICE & AGENDA

Tuesday, November 24, 2015  
9:30 a.m. Boardroom

1. Mayor's Updates – *Mayor Tipple*
  - a. U.W. Campaign - Raised \$726.00 in "Casual for a Cause" and selling older logo apparel and items. Pledges were down.
  - b. Giving Tree Gift Deadline - Thursday, 12/10/15
  - c. Fa La La Luncheon - Monday, 12/14/15, Noon-hour
2. Employee Handbook - *Hite*
3. Experience with Policymaker Core Values – *Hite*
4. Department Head updates - *Department Heads*

## Overview of Facts and Summary

Metro Ride Incident Report Fact-finding

January 2016

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### Attachment I-G Mayor Assignment Reminder and Deadline

**From:** Kathi Groeschel **On Behalf Of** Jim Tipple

**Sent:** Tuesday, December 01, 2015 10:59 AM

**To:** Ann Werth; Anne Jacobson; Christian Schock; Eric Lindman; Gerard Klein; Greg Seubert; Jeffrey Hardel; MaryAnne Groat; Myla Hite; Nan Giese; Tracey Kujawa; William Duncanson

**Subject:** Staff Assignment REMINDER & DEADLINE

Executive Team Members;

At last week's staff meeting I gave each of you the assignment to provide a factual description, along with any supporting evidence, of any instance known or experienced within your Department regarding an elected official's conduct (mine included) in which you perceive them as engaging in action(s) that failed to provide a working environment conducive to productivity and is free from hostility, intimidation, coercion, harassment and/or discrimination. I also specifically included and situations in which the City of Wausau's Core Values of Professionalism, Integrity, Respect and Accountability may have been violated.

Information requested should include what happened, who was present, where the situation occurred (in-person, over the phone, etc.) approximately when it occurred along with a description of how you perceived the conduct to be in violation of our workplace standards. I also tasked you to provide any supporting evidentiary materials you may have in your possession. My direction was for you to provide this information to Human Resources Director Myla Hite.

As a reminder, this assignment is due at close of business **today**, unless you coordinate a date/time extension with Myla. A negative response is also required to ensure that the assignment has been completed.

Thank you.

Jim Tipple, Mayor

# Overview of Facts

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## Working Environment Review

MetroRide Incident Report

# SECTION II – SUMMARY OF EVIDENCE GATHERED



Prepared for:

**Robert Mielke, Council President**  
James E. Tipple, Mayor

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**SECTION II - A - BACKGROUND**

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As previously stated, during the November 24, 2015 Mayor's staff meeting Mayor Tipple assigned his Department Director's to forward any instances in which they were the recipient of an elected official's behavior that they would perceive to be in violation of the City's Core Values. He advised the executive management team that a fact-finding was underway. HR Director Hite emphasized that in order to preserve the integrity of the fact-finding that information related to it was confidential and was only to be shared on a "business need to know" basis. She also emphasized that the City has a duty to protect anyone involved, either with making a report or participating in an investigation from being retaliated against for information provided in good faith.

Transit Director Seubert elected to share with his peers his experience as documented within the incident report. He emphasized that while he had heard others talk about their own experiences with Alderman Winters, that prior to this situation he had felt fortunate to enjoy a relatively professional relationship with him. He stated that while Alderman Winters attempts to provide him work direction outside the Committee process or in coordination with his direct supervisor, e.g., the Mayor, that he had taken measures to keep the Mayor informed himself. He relayed that Alderman Winter's overblown reaction had shaken him. In response, executive team members relayed their support and HR Director Hite reminded them they were not to discuss the details with others while the investigation was underway.

At the conclusion of the Mayor's staff meeting, Community, Planning and Economic Development Director Ann Werth informed HR Director Hite during a one-on-one conversation that she would be forwarding information for inclusion into the fact-finding. She was specific in stating that she had witnessed Alderman Keene Winter's being disrespectful to her staff, specifically to Economic Development Manager Christian Schock, as well as to his predecessor Megan Lawrence. Director Werth reminded HR Director Hite that Megan Lawrence had cited the disrespectful and unprofessional work environment as part of her reasons for accepting another job and departing the City. She also relayed how unfortunate it was that Alderman Winter's appeared to continue this type of behavior with Economic Development Manager Schock. Director Werth advised HR Director Hite that she was going to assign Economic Development Manager Schock to submit an account of what had occurred between him and Alderman Winters earlier in the year in August 2015, just a few short months after the City had hired Economic Development Manager Schock.

Police Chief Jeff Hardel came to HR Director Hite's office and also relayed that he would be forwarding information. He stated that his information would relate to a long standing history of disrespectful and unprofessional behavior towards the Police Department as well as towards Tara Alfonso from the City Attorney's Office, that can be documented as far back as at a Public Health and Safety meeting when Lisa Rasmussen was president. He stated that Alderman Winters continues with unprofessional behavior and after a recent Council meeting he was overheard afterwards questioning the integrity of the Wausau Police Department – without foundation or merit.

The Thanksgiving holiday (November 26 and 27, 2015) fell between the Tuesday November 24, 2015 staff meeting and the Tuesday, December 1, 2015 dead-line. In the interim, HR Director Hite went about completing other duties and scheduling follow-up meetings while awaiting the December 1, 2015 dead-line. Additionally, she responded to questions and coordinated with the Administrative Assistant from the Community, Planning and Economic Development Department who was gathering preliminary data from Department Director Ann Werth.

## **SECTION II – REVIEW OF THE EVIDENCE GATHERED**

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### **Section II-1 – Elected Alderperson Input**

On December 1, 2015 HR Director Hite contacted Alderman Tom Neal in follow-up to Council President Mielke’s direction (Summary and supporting documents provided at Attachment II-A). Alderman Neal made clear he was not a material witness to conduct between Alderman Winters and a staff person and that he was not interested in making a complaint against Alderman Winters. Information provided by Alderman Neal is included, however, due to following similarities between what was reported by Transit Director Seubert as follows:

- Alderman Winters was reported to have engaged in disrespectful and unprofessional behavior in a one-on-one setting after a public meeting had concluded;
- Alderman Winters behavior appeared overblown given the situation;
- Alderman Winters behavior was described as “threatening” and “frightening”
- Alderman Winters was reported to have used profanity;
- Alderman Winters behavior was perceived as attacking the “person” as opposed to the “issue”;
- Alderman Winters was described as being “unprofessional” and “disrespectful” acting in a manner which clearly violates of the City’s Core Values.

While the interaction described by Alderman Neal did not involve a City staff member, when viewed in total, it appears on the surface to be one of a string of incidents in which Alderman Winters blatantly disregards the City’s commitment to the Core Values. From information obtained by the City Attorney’s Office, this interaction apparently occurred on February 9, 2015 during a closed session Committee of the Whole discussion of action Alderman Winter’s introduced by way of two resolutions he had drafted himself and was proposing action on.

Alderwoman Lisa Rasmussen, who also formerly served as Council President was also contacted on December 21, 2015. The purpose for the contact was to verify information provided by Director

Ann Werth that was in an June 10, 2015 e-mail format from Alderwoman Rasmussen. Director Werth, as will be discussed later in this report, had provided the e-mail as evidence of Alderman Winters purposely withholding facts to mislead the public, which Director Werth interprets as contrary to the Core Values revealing a lack of integrity and accountability, in addition to being unprofessional and disrespectful. Alderwoman Rasmussen confirmed she sent the information to the press in response to an OpEd released by Winters and Oberbeck because, as stated in the body of the e-mail, *“As an ED (economic Development Committee) member, I feel their article intentionally left out key facts to create a negative public response.”* She also confirmed that the article had been published in the newspaper.

During the conversation, Alderwoman Rasmussen inquired as to the nature of the investigation and was told that it involved gathering data related to whether or not the City of Wausau had fulfilled its obligation to provide an appropriate working environment for staff and whether or not staff had been treated consistent with the City’s core values by elected officials. Alderwoman Rasmussen offered 2 former general situations with Aldermen of which she was aware, and she was advised that one of the referenced situations had already been raised and that it had been addressed at the time and was confirmed to be resolved. The other situation involved a departing staff member and had not been identified in response to the Mayor’s December 1, 2015 tasking.

Alderwoman Rasmussen was asked directly if, during her tenure as Council President, she had any reason to talk with any Alderperson in relationship to their Conduct and the City’s Core Values. She did confirm that during her tenure as Council President she had spoken with Alderman Winters on more than one occasion about his conduct with respect to treatment of others. Specifically she admonished him several times during a Public Health and Safety Committee meeting as she was chairing the meeting (summarized on Page 11) held on February 17, 2014 to conduct himself consistent with the core values. She further stated that she had spoken with him one-on-one on several occasions and that the difference in her interaction with Alderman Winters and others was that Winters seemed to listen to the feedback, yet appeared to make no noticeable change to the sometimes hostile and accusatory tone of his interactions with many staff members via email and in public meetings. After the December 21, 2015 discussion, Alderwoman Rasmussen forwarded 2 e-mails involving exchanges between Alderman Winters and the Police Chief which she interpreted as disrespectful and violating the Core Values by Alderman Winters interaction with the Chief of Police. She also described her attempt to rectify the situation through the Council Retreat ([See e-mail correspondence and July 9, 2013 Council Retreat materials provided at Attachment II-C](#))

To be consistent, the most recent former Common Council President, Romey Wagner, was also contacted for input. He was asked specifically if he had been involved in any situations in which he found it necessary to talk with an Alderperson in relationship to their conduct and the core values. Alderman Wagner stated that nothing came to mind other than one discussion with Alderman

Winters concerning a desire to be informed directly of information prior to reading about it. (See Attachment II- B)

Alderman Winters was provided three separate opportunities to provide input (offered and declined meetings for December 11 and 22, 2015 and opportunity to respond in writing prior to December 30, 2015 – which he did at Attachment II-M). No other Common Council Members were contacted for input.

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### **Section II-2 – Administration Input**

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In addition to the submission of the Incident Report by Transit Director Greg Seubert, he was contacted twice in follow-up. Once on December 4, 2015 (See Attachment II-E) and again on December 10, 2015 (See Attachment II-F) in response to a report made by Transit Director Seubert regarding an inappropriate e-mail contact he had received from Alderman Winters.

In the December 4, 2015 follow-up interview, Transit Director Seubert describes what he perceived to be inappropriate interaction with Alderman Winters, attempting to direct his work in secret.

The context as described by Transit Director Seubert is that as a Transit Commission Committee Member, Alderman Winters was engaged in an effort that on the surface would be positive for the Transit System. In essence, the Transit Commission had approved exploring a pilot for Transit Service that, if successful, could very well result in a justification for, expansion of and monetary support for a regional transit system.

While working on this project with Alderman Winters, Transit Director Seubert describes becoming uncomfortable (See page 2, last paragraph of Seubert Summary Statement provided at Attachment II-E) when Alderman Winters began asking in e-mail for his thoughts “in confidence” for a public Transit Commission initiative (See November 16, 2015 4:59 pm e-mail at enclosure S-2 to Seubert Summary Statement provided at Attachment II-E) from a personal e-mail account ([kwinters@tds.net](mailto:kwinters@tds.net)) instead of from a City e-mail server account. Transit Director Seubert’s perspective can be summarized by stating that this is a public process, he is supervised by the Mayor and he felt Alderman Winters was overstepping his role (Core Value of Accountability and Integrity) by individually giving him direction – which is similar to what had transpired which (then) Council President Lisa Rasmussen interpreted as “*violates our core values on a couple levels*” and she sought to intervene in a situation emerging between Alderman Winters and the Police Chief (See Attachment II-c, e-mail dated June 12, 2013 from Rasmussen to Mayor and HR Director Michael Loy). See Mayor letter regarding no immunity for individual Council member actions)

Transit Director Seubert on page 4 clarified that while the Transit Commission did authorize the submission of a proposal and one grant request to the foundation, that Alderman Winters went beyond the Committee authority by assigning him work to prepare 5 different grant applications by November 30 – a tasking Transit Director Seubert was uncertain he had legal authority to complete. He also perceived this action to be contrary to the Mayor’s direction. (See Mayor’s June 4, 2013

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memo attached at S-2a to Transit Director Seubert's summary statement along with e-mail correspondence at S-3).

Transit Director Seubert also described, as the precipitating event to conduct by Alderman Winters that he perceived as threatening that he (1) outlined issues and presented them to Alderman Winters that he felt important to have addressed prior to beginning the proposed pilot (2) Alderman Winters being dismissive of the concerns outlined (3) Transit Director Seubert submitting the outline of issues at the Transit Commission meeting and (4) Alderman Winters abruptly departing the meeting immediately after the presentation of the memo (Attachment 1 to the Incident Report provided at Attachment II-E)

In the follow-up interview, Transit Director Seubert described Alderman Winters 4:00 pm phone call (1.5 hours after the Transit Commission meeting ended) as "angry – almost to the point of being out of breathe, threatening and taunting" and as "very personal, threatening and vindictive" and seeming "completely out of line". He also confirmed that the November 19, 2015 telephone conversation had the effect of creating an intimidating, harassing, hostile and offensive work environment for him.

Transit Director Seubert, in response to question 7 asked of him, described other instances in which he had observed Alderman Winters act in a manner contrary to the City's core values in that he has witnessed outbursts between him and other Council members and personally observed him being "pretty disrespectful" to Department Director Ann Werth.

The second follow-up conversation with Transit Director Seubert was precipitated by an e-mail sent directly to him from Keene Winters, despite the November 23, 2015 memo from Council President Mielke designed to limit contact, maintain confidentiality and informing of the City employee protections from retaliation and directing him not to engage in any action that could be perceived as retaliatory towards anyone he perceived to be involved with the fact-finding investigation. (See Section I Attachment I-F)

**From:** Keene Winters [<mailto:kwinters@tds.net>]  
**Sent:** Wednesday, December 09, 2015 3:03 PM  
**To:** Greg Seubert  
**Subject:** Kevin St. John

Greg-

You should get a call from Kevin St. John. We might want to have him call Dean and say our legal team has expanded.

Keene Winters, MBA  
Great Lakes Financial Management Group  
219 Ross Avenue, Suite 103  
Schofield, WI 54476

**Office:** 715-675-0060

**Fax:** 715-298-0558

**Cell:** 715-551-6950

**Email:** [keene.winters@voyafa.com](mailto:keene.winters@voyafa.com)

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Despite Alderman Winter's legal counsel advising the City's legal counsel that the e-mail was sent in error, Greg Seubert's perception is provided as follows:

Greg: "Well, my take on that is that Keene is "lawyering up" and he sent me that e-mail to make certain I'm aware of it and he's attempting to further intimidate me. My other thought was, "Thank you Keene, for doing it in writing".

While unfortunate errant e-mails do occasionally occur, the impact of the e-mail is that it was perceived by Transit Director Seubert as an act of intimidation. It would seem reasonable that when one has been placed on notice to proceed in a non-retaliatory manner that great care would be taken.

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### Section II-3 --Information Provided by Other Staff

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The volume of information provided by staff relating in response to the Mayor's assignment to forward information relating to a perception that an elected official has acted inconsistent with the City's Core Values, is voluminous. With one exception that is stale and resolved, information forwarded all relates to the conduct of one Alderman – Keene Winters.

Community, Planning and Economic Development Director Ann Werth\*\* summed it up by stating:

" I believe there are three areas in which Alderman Winters has violated the City's core values. The first has to do with professionalism and respect. We all expect and welcome elected officials to ask us questions. The manner in which Alderman Winter's goes about it is demeaning. It is more like an inquisition than working with and respecting staff (Alderwoman Rasmussen volunteered the manner in which Alderman Winters questions Ann Werth as an example of being disrespectful in her conversation on December 21, 2015 – which serves as confirmation of Director Werth's perception]. I have also observed him to be quite disrespectful and demeaning to my various staff members, which becomes very unsettling. His lack of respect and professionalism with our former Economic Development Manager, Megan Lawrence was a key driver in her decision to leave City employment. As you know, he had her investigated because she attended a neighborhood meeting Alderman Winters was speaking at. He also filed a public records request that really wasn't a records request at all. It is my belief, he did that to intimidate her. He has also been quite disrespectful of our new Economic Development Manager Christian Shock. As you know in August of this year, Christian met with Keene as a form of outreach. Christian reported back that during the meeting Alderman Winters told him that if he were Mayor and his boss, he would have Chris fired. I asked Christian to provide you with information – although he really did not want to. (See Shock interview Summary provided at Attachment II-F) I know that you and Council President Mielke tried to intervene in this situation by trying to meet with Alderman Winters, although he ultimately refused to meet. Which is unfortunate. It is unfortunate for the City that

this situation has been left unaddressed for quite some time. Again, we do not mind Aldermen asking questions, we welcome it. I have worked for numerous elected officials in the course of my career and have had to adapt to many different styles and personalities and have done so. Keene's entire approach is outright disrespectful. I can take a certain amount of it directed at me, but its not fair for my staff to be treated this way. If you would like, we can call Megan to confirm what I've said. "See Lawrence Interview Summary and supporting documents to include Investigation Closure Letters to Lawrence and Winters and Winters November 25, 2014 Open Records Request related to Megan Lawrence attendance at Westies Neighborhood Association Meeting provided at Attachment II-G"

"The other area that I believe violates the City's Core Values, is Alderman Winters has a way of taking facts and either twisting them or omitting them. I think this displays a lack of integrity and accountability. I can provide several examples – although there are two that are quite recent that come to mind. One involved Economic Development when Alderman Winters and Alderman Oberbeck sent what they called as an OpEd to the Wausau Daily Herald regarding Economic Development. They aren't even members of the Economic Development Committee. In response to their action, Lisa Rasmussen took it upon herself to send information to supplement their article which she described as "intentionally leaving out key facts to create a negative public response". (See June 10, 2015 e-mail from Alderman Rasmussen provided at Attachment II-H). He represents himself as the authority and involves other Aldermen as well. I view this as a lack of both integrity as well as accountability.

In the October/November 2015 City Pages article, Alderman Winters presents information as though he is the authority. What he does not do is check in with staff or the Mayor. Instead, he presents information as though it is factual. City staff in many departments were offended by the misinformation, which is not professional and is extremely disrespectful of the work people do. As I've already said, it's certainly representative of a lack of integrity to not bother to get things straight. In response to employee uproar – it's my understanding their article was distributed widely by staff, especially within the Fire Department and Public Works, the Mayor submitted a rebuttal and he clearly cited his sources for information – which I think was quite respectful of staff. It also showed the Mayor's willingness to be accountable, not to mention displayed a level of integrity. I view this as a lack of professionalism, disrespectful towards staff and a lack of integrity. These are just 2 of many, many instances I have witnessed. "(See City Pages Articles October and November, Attachment II-I).

Lastly, the final area where I see Alderman Winters not acting consistent with the Core Values is the obvious issues he has with the Mayor and the way he puts staff in the middle. It is quite disrespectful to the office of the Mayor, not to mention unprofessional of him to completely disregard the Mayor as the person who supervises myself and other staff. It places all of us, and the

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City, in a very bad position when the Mayor gives direction for us to do one thing and Alderman Winters ignore this direction and tells us to do something else. I've seen him do this numerous times and I've experienced it directly myself. Instead of working with other Committees or working through the Mayor's office, he steps outside the process and files open records requests, which indicates a real lack of accountability in his role as Alderman. Other Council members work through Committees or with the Mayor. Committees generally work well together. Alderman Winters places himself outside this process and it creates chaos and disorganization throughout the organization. Two examples I've attached include him stepping out on his own to secure funds for animal licensing and him developing his own plan for rental licensing, both outside the Committee process. I consider that unprofessional and disrespectful."

Department Director Werth provided the following documents, all included in chronological order at Attachment II-J, as verification of the information she provided:

<b>Document/Communication String</b>	<b>Date</b>	<b>Content/Verifies</b>
Tipple to Werth	11/10/15	Winters assigning City staff work to secure funds for other Cities
Council President to Rasmussen, Mayor, Werth	10/14/15	Discussing Council conduct prompted by Winters using City letterhead and writing letter that should have come from Mayor or staff.
Mayor to Council/Dept Heads	3/5/2015	Mayor asking to be copied on Council direction to staff. States staff feels "bullied" by Winters.
Mayor to Council	2/6/2015	Mayor responding to accusations made in inflammatory press releases
Mayor to Council President	2/6/2015 w/6 attachments	Mayor defending direction to staff and clarifying that Dept Directors feel bullied by Winters - which is not tolerable
Mayor to Winters	1/21/2015	Releasing salary information with reservations and admonishing him for scheduling a discussion re: redevelopment proposal a key business leader was knowingly not available to participate.
Winters to Council	1/13/2015	Winter calling Special Finance Committee meeting and attempting to exclude the Mayor and Directors
Peckham e-mail	10/01/2014	Reporter asking how you handle it when the Mayor gives one dead-line and a Committee Chair issues a different, earlier one.
Mayor to Winters	10/4/2014	Asking for notice and dialogue when Winters disagrees with Mayors direction to staff
Winters to Mayor	10/30/2014	Open records request for development agreements
Winters/Werth/Mayor	9/14-18/2014	Winters assigning work to staff and Mayor
Mayor to Winters	9/2/2014	Outlines direction to staff for agenda items and requires Committee Chair coordination with Mayor for exceptions

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Document/Communication String	Date	Content/Verifies
Mayor to Winters	8/27/2013	Follow-up memo to Winters telling him it is inappropriate for him to ignore his direction to staff and to request funds from the Alexander Foundation for \$\$\$\$. Mayor cites Wis. Stat.62.11(5) informing lack of immunity for individual Council Member actions.
Mayor to Dept Head, Directors/Supervisors	6/27/2013	Clarification of June 4 <sup>th</sup> direction to staff
Mayor to Council	6/4/2013	Direction to staff re: including the Mayor when making requests of staff

*\*\* Interview with Department Director Worth was abbreviated due to her December 3, 2015 wrist injury and December 11<sup>th</sup> surgery. Discussion rescheduled from December 10 to December 17, 2015 and Director Werth reviewed and verified prior to inclusion.*

Department Director Ann Werth referenced making an assignment for Economic Development Manager Christian Schock to forward documentation relating to his interaction with Alderman Winters in 2015, which is Attached at II-F. It documents that in his role as Economic Development Manager for the City, Christian Schock was reaching out to various stakeholders to integrate into his position. He and Alderman Winters agreed to meet outside business hours at Bull Falls brewery – although the meeting was directly related to Economic Development Manager Schock’s job with the City. In the summary he relays that Alderman Winters told him that if he were Mayor he would fire him. When asked if the statement was threatening, Economic Development Manager Schock’s response was that the statement would be “very threatening to people who are reliant upon their job for their livelihood”. Economic Development Manager told Department Director Ann Werth about this interaction at the time it occurred and the Mayor was told as well, who relayed the information to the HR Director.

HR Director Hite contacted Council President Mielke to seek direction on whether or not he wanted to address this situation because at his request, a presentation had just been made before the Common Council on the City’s Core Values and policies and all the Common Council Members had signed an affirmation to set the example. On the surface, the situation as reported appeared counter to what the Council President was trying to achieve by way of the July 21, 2015 presentation (See Attachment I-A with Attachments).

Council President Mielke attempted to intervene by asking HR staff to arrange a meeting with Alderman Winters, who ultimately declined to meet with him.

Economic Development Manager Schock also was clear that Alderman Winters is not respectful to him and he does not respect his professional background or the role he is trying to accomplish. He also offered that since the August interaction, it feels as though Alderman Winters has been confrontational or dressed staff down in public meetings. He described one incident as a public meeting with Alderman Winters questioning how Economic Development-- Manager Schock could be trusted (Documentation also included at Attachment II-F)

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Megan Lawrence was also contacted via telephone and confirmed the information provided earlier by Ann Werth. She confirmed her perspective that Alderman Winters was disrespectful and unprofessional with her and that she believed he attempted to intimidate her by filing a complaint against her for attending a Westies meeting and also by filing an open records request that was not really a request for records. (See [Documentation also included at Attachment II-G](#))'

In February of 2014, during a Public Health and Safety meeting Alderwoman Rasmussen publicly reminded Alderman Winters on several occasions to conduct himself consistent with the City's Core Values. Tara Alfonso relayed to the Mayor the following day that it was unreasonable to expect anyone to work in this type of working environment. Michael Loy, (then) HR Director and (then) Council President Lisa Rasmussen took follow-up action directly with Alderman Winters in an effort to improve his interaction with City employees and reminded him of his obligations to treat staff consistent with the City's Core values. Alderman Winters contacted (then) HR Director Loy following the meeting asking if he could expect to receive a letter of reprimand – indicating he knew his behavior was not consistent with City expectations. Several similar incidents have occurred since February of 2014 and have deteriorated in treatment of staff to the point where not only are the Core Values being ignored, staff are feeling unsafe in light of the threatening and hostile manner Alderman Winters is projecting towards them one-on-one.

The Summary of Evidence Gathered is provided in Section I – On Page 5

End of Report

**Respectfully Submitted: Myla D. Hite, Human Resources Director, January 6, 2016**

**Attachment II-A**

**Summary of Discussion with Alderman Neal in follow-up to Council President Suggestion**

## **TOM NEAL INCIDENT**

-----Original Message-----

From: Tom Neal

Sent: Tuesday, December 01, 2015 3:43 PM

To: Myla Hite

Subject: RE: Interview Summary Alderman Tom Neal

Myla,

Attached is a document in which I have added my edits for clarity. I know this is part of the investigation, but I want it to be clear that I have not registered a formal complaint re: the confrontation with Mr. Winters. I did make Mr. Mielke aware of it, primarily due to my concern that Ms. Abitz and Ms. Kellbach seemed to have witnessed it from across the room ... although I'm sure they could not hear anything said. I thought Mr. Mielke should be made aware. I don't necessarily offer my account up as evidence in addressing the conflict with the staff member and Mr. Winters, and don't wish it to be construed as such. I have no knowledge of the staff person's situation with Mr. Winters.

Thanks.

Tom

### **Interview Summary with Alderman Tom Neal**

**DECEMBER 1, 2015**

The interview was conducted via the telephone and began with HR Director Myla Hite explaining she had been assigned to gather the facts related to the investigation Council President Mielke had referenced earlier to Council in an e-mail, a reminder that matters under investigation are to be handled confidentially so any discussion should be limited to Council President Mielke, the Mayor or with the HR Director and a reminder that once concluded the investigation may be subject to public disclosure. Alderman Neal was informed the investigation underway involved instances in which through one of its Common Council

members, Keene Winters, the City was failing to provide an appropriate working environment for staff. Mr. Neal was told about a claim from a staff member that Mr. Winters made a comment about the staff member in danger of losing their job. Appropriate environment was defined as one conducive to productivity, consistent with the core values and free from action(s) that could be considered harassing, intimidating, coercive, hostility and discriminatory. Mr. Neal was then asked about a reported confrontation between himself and Mr. Winters earlier in 2015.

Without hesitation, Alderman Neal began to describe his experience. “Here’s what happened – there was no physical contact but it was sort of physically threatening and kind of frightening. For a split second I thought I might need to take self-defensive protective action.

The Council had a closed session. This is when Keene was trying to censure the mayor in public, citing some supposed legal breach on the mayor’s part. There was talk of both sides hiring lawyers ... one to represent the Council and one for the Mayor.

In the closed session meeting, I was sitting there and my eyes were going wide. I was wondering, what are they talking about? Keene wanting to hire Legal Counsel to represent the City Council, so he, Keene could take the mayor on. It was all about the back and forth with the Mayor saying Keene was being a bully, and Keene saying the Mayor was not doing his job right. It was about that stuff.

I spoke up and said ‘this is crazy ... you two guys have a problem amongst yourselves. The Mayor has an open door policy. You guys can hash this out. Go in there and work it out. You’re talking about getting lawyers, to get their recommendations about how statutes read and what they mean. If you get 8 different lawyers then they will give you 8 different interpretations of the same situation. If you do that, then you’re heading towards legal action. That’s totally crazy. People can and should hash this out. As people this can be worked out. I think Anne Jacobsen was there and I think she echoed what I said. Something like,

yes it is what Mr. Neal said, if you hire various lawyers you will get various interpretations.

I viewed the situation as throwing money away and turning into a legal battle when it could be handled between the two people who were involved. There was even a vote in the closed session and Council voted that we would not go forward with this silliness of hiring a lawyer.

After we adjourned, I went to my seat in Council Chambers at the Council table to get my jacket and to gather my things. I believe there were media people in the room there, trying to find out what was going on. Alderman Keene Winters was also at the Council table, down near his seat. I was standing at the window, getting my coat and bag. As I turned (in the direction of the door) Winters turned and looked at me, and then he charged at me --like a raging bull. His demeanor was...his face was red. He was also shaking. He used a taunting tone saying things like "So - you think you're a big man with all your talk. A big man pounding on the table. You don't understand anything legislative process." Then Keene starts poking at his own head with his finger and only 4 or 5 inches from my face saying "You need to start using your fucking brain". That is a direct quote. As he would say this, he would pound on his own head.

I remained calm and never raised my voice, although I felt I was just moments away from needing to take defensive action to protect myself. I simply said, "I'm sorry you feel that way Keene. We just disagree". I got out of there as quickly as possible, because I was feeling like I might need to put him down on the ground.

All I did was challenge the common sense of what was being discussed in closed session. I was discussing the issue. I was not making it personal nor was I attacking any person.

It is clear to me that Keene's vision of going into battle (with the Mayor) fizzled in that meeting. He reacted insanely. Since then, I just do not trust him. I think he is someone who is very brilliant, but who is also damaged. I avoid having contact

with him. I can accept when someone is socially challenged; that perhaps they are not at the top of their social game. You see that in the way he confronts people.

But, when he came at me like that, charging me, I perceived him as someone on the edge. I believed he was near going over that edge. I was pretty shaken. He was 4 to 5 inches in front of my face. Yelling at me. Direct quote, telling me to “use your fucking brain”. Direct quote.

Since then I avoid him. I did say to him months later I trust that it will not happen again. I may have an archive of it. He had sent e-mail out where he was just ranting about something and being negative, I said Keene – when are you going to grow up? Stop acting this way. He wrote back and said I should conduct myself with decorum. I responded – you’re telling me to act with decorum? Do you even know what you’re saying? You are constantly treating people horribly and you are condescending with people. You attacked me in council chambers like a raging bull and I was an inch away from having to defend myself, and then you turn things around and tell me I need to conduct myself with decorum.

(HR Director explained she would work with CCITC to access archive to obtain copies of the emails referenced herein)

HR Director - About when did the physical incident occur? Alderman Neal response: I would say Spring of 2015. I can do some checking as well to see if I can find those e-mails between Keene and myself.

HR Director – Did you feel threatened mentally or physically? Yes, as far as mentally goes – it was insulting telling me to use my fucking brain. Pounding his head with his finger in my face. It was insulting. The fact that he was 5 inches from my face, that he was red faced and that he was visibly shaking....this made me think ‘this guy is kind of unhinged here.’ I wasn’t afraid for myself physically because I thought I could take care of myself. I just thought ‘this guy is losing it’. I never raised my voice or argued back with him. I simply said ‘we disagree’ and I got my stuff and left.

HR Director: How would this relate to the City's core value of professionalism?

How would you judge it. Alderman Neal: **Certainly unprofessional. It certainly was not even civil.**

HR Director: How would this relate to the City's core value of Respect? Again, in the closed door meeting, I attacked the argument that was being made. I felt it was the wrong argument and not the way to go. I feel that attacking an argument is appropriate for a heated discussion. **He (Alderman Winters) came out and essentially attacked me. It was personal. "Oh – you like pounding the table and acting real big. But you don't understand the process. You need to use your fucking brain". It was insulting. Not respectful.**

End of Summary

December 1, 2015

-----Original Message-----

**From:** Keene Winters [<mailto:Keene.Winters@ci.wausau.wi.us>];

**Sent:** 7/13/2015 2:25:34 PM

**To:** Bill Nagle [<mailto:Bill.Nagle@ci.wausau.wi.us>];

**Subject:** FW: decorum

FYI

From: Tom Neal

Sent: Friday, July 10, 2015 2:58 PM

To: Keene Winters

Subject: decorum

"Follow decorum. Argue the merits without personal attacks."

Keene,

I have always thought and told others that you are a brilliant person with a valuable perspective that can facilitate balanced decisions. You have helped to improve oversight and awareness. But, often your slash and burn tactics tarnish your accomplishments. For the past year and a half, I have witnessed (and withstood) a litany of behaviors that eschewed decorum:

Condescending tone ... are you even aware of it?  
Presumption to browbeat  
Personal vendettas (covert & public)  
Disrespectful public statements  
Kowtowing to media  
Betraying official confidence ... and thereby drawing suspicion onto others  
Creating & stoking open conflict  
Publicly embarrassing others (& yourself)  
Alienating your (my) colleagues  
Contributing to public sentiment against Council & staff  
Picking up your toys & going home when you don't like what's happening  
Flying into a rage & getting perilously in my face due to my opposition to  
your ill-conceived ideas (You nearly found your butt on the floor via self-  
preservation reflex in that instance ... I trust you'll not lose your cool in  
such a manner again, sir. And the media mere feet away. Your lack of  
acknowledgment & apology on that score is noted & telling. Decorum.)

I could go on.

You suggest I should learn from my mistakes. Et tu.

**\*\*All present are expected to conduct themselves in accordance with our City's Core Values\*\***



## OFFICIAL NOTICE AND AGENDA

of a meeting of a City Board, Commission, Department, Committee, Agency, Corporation, Quasi-Municipal Corporation, or sub-unit thereof.

Meeting of the:	<b>COMMITTEE OF THE WHOLE</b>
Date/Time:	<b>Monday, February 9, 2015, approx. 5:00 p.m. (immediately following HR Committee)</b>
Location:	<b>City Hall (407 Grant Street) - Council Chambers</b>
Members:	Bill Nagle, Romey Wagner (C), David Nutting, Tom Neal, Gary Gisselman, Keene Winters, Lisa Rasmussen, Karen Kellbach, David Oberbeck, Sherry Abitz, Robert Mielke, and Mayor Tipple, ex-officio

### AGENDA ITEMS FOR CONSIDERATION/ACTION

- 1 Pay for Performance Implementation Review
- 2 Discussion and possible action regarding performance evaluation data for local public officials (department or division head) of a local governmental unit
- 3 **CLOSED SESSION** pursuant to Section 19.85(1)(c) of the Wisconsin State statutes for considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility to review the following: Performance evaluation data and exceptional performance appraisal comments
- 4 **CLOSED SESSION** pursuant to Section 19.85(1)(g) of the Wisconsin State statutes for conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, regarding authorization to hire outside legal counsel to represent the body regarding resolutions referred to it for discussion and possible action relating to issuing a directive to the Mayor and reprimanding the Mayor
- 5 **RECONVENE INTO OPEN SESSION** for the purpose of taking action, if necessary, on items #3 and #4.

Romey Wagner  
City Council President

This Notice was posted at City Hall and emailed to the Daily Herald newsroom on 2/06/2015 at 2:00 pm.

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids & services. For information or to request this service, contact the City Clerk at (715) 261-6620.

**CITY OF WAUSAU COORDINATING COMMITTEE  
FEBRUARY 4, 2015**

**DRAFT RESOLUTION #1  
FOR REFERRAL TO THE COMMITTEE OF THE WHOLE**

WHEREAS, it is beneficial to the city to have council members interact with city staff and develop an understanding of the work they do.

WHEREAS, council members need timely and accurate information to make decisions.

WHEREAS, Wausau city government has a long-standing tradition of committees and committee chairpersons working directly with staff from related program areas.

WHEREAS, helping constituents understand and access city services is an important part of the liaison work of council members.

WHEREAS, Wisconsin Statutes 62.11(5) grants the common council the exclusive powers to set priorities for the city.

WHEREAS, Wisconsin Statutes 62.11(5) grants the common council "the management and control of . . . the public service."

THEREFORE, BE IT RESOLVED, that the Wausau Common Council requires Mayor James Tipple to withdraw his June 4, 2013, directive to staff and instead encourage staff to have a professional and cooperative relationship with council members consistent with the city's working traditions.

ALSO, BE IT RESOLVED, that should any council member engage in disruptive behavior, micro-management of staff or threatens staff with repercussions to obtain favors, then the mayor should document the instance in writing and communicate it to the council president, who will be charged with dealing with the matter either individually or through a committee of the whole.

Attachments:

- June 4, 2013, memo from Mayor James Tipple
- January 21, 2015, memo from Mayor James Tipple
- January 22, 2015, memo from Finance Chairman Keene Winters

INSERT ATTACHMENTS FROM THIS RESOLUTION

**CITY OF WAUSAU COORDINATING COMMITTEE  
FEBRUARY 4, 2015**

**DRAFT RESOLUTION #2  
FOR REFERRAL TO THE COMMITTEE OF THE WHOLE**

WHEREAS, the use of an across-the-board 2% increase in conjunction with bonuses for 4 out of every 5 non-represented employees undermined the philosophy and goals of the merit pay plan.

WHEREAS, Wipfli Consultant Julie Johnson described our 2014 pay plan as a "hybrid" and not a true merit pay plan during the Human Resource Committee meeting on January 12, 2015.

WHEREAS, the city council was not apprised that giving mid-year raises automatically doubled the cost of the raises in the following year as part of a cost to continue calculation.

WHEREAS, Mayor James Tipple issued a press release on January 12, 2015, providing false and misleading information about the 2014 merit pay plan.

WHEREAS, data on the results of the 2014 pay plan implementation were neither collected nor reported to the council in a timely manner.

THEREFORE, BE IT RESOLVED, that the Wausau Common Council reprimands Mayor James Tipple (1) for the implementation of an unauthorized hybrid of a merit pay plan for non-represented employees, (2) for failing to collect and report information about the effects of the pay plan to the council in a timely manner, and (3) for knowingly providing misleading information to council and the public regarding the 2014 merit pay plan.

Attachments:

January 27, 2014, presentation to the Finance Committee on Mayor Tipple's press release.

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**Attachment II-B**  
**Former Council President Wagner Summary**  
**Regarding Inter-actions with Common Council Members During Term as President**

Alderman Wagner was contacted on December 21, 2015 to find out if, during his term as Council President he had occasion to speak to any elected official concerning their conduct towards City Staff, specifically as it relates to the working environment or core values. Alderman Wagner stated that in the moment of our discussion, nothing came to mind.

Alderman Wagner was advised that information has been provided during the fact-finding regarding Megan Lawrence. I explained that part of her decision to leave was based upon a belief that her promotional avenues were limited. I also advised him that I would be including in the fact-finding the closure letter he sent to Keene Winters as Common Council President when Alderman Keene Winters alleged that Megan Lawrence was inappropriate in doing her job by attending, taping and responding to questions at a Neighborhood meeting.

Alderman Wagner attested to him stating that promoting from within is not the same as developing from within and that he stands behind that statement made. There are no guarantees for right of promotion. He also stated his belief that it would be difficult to see how anyone could take that statement in a manner that would in some way be inconsistent with the City of Wausau's core values or providing an inappropriate working environment.

Alderman Wagner also offered that during his tenure as Council President he specifically spoke with Keene Winters about going to the newspaper. Specifically that Alderman Winters would send OpEd's to the newspaper and it was frustrating for Committee to find out from the newspaper instead of from him. Alderman Winters spoke with Alderman Winters about transparency and he appeared to comply with not releasing information to the newspaper prematurely after that.

End of Statement

Alderman Wagner reviewed this documentation on the afternoon of December 21, 2015 and affirmed it's accuracy.

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**Attachment II-C**  
**Former Council President Lisa Rasmussen**  
**Examples of Situations She Addressed with Elected Officials Violating Core Values**

-----Original Message-----

From: Lisa Rasmussen  
Sent: Monday, December 21, 2015 4:36 PM  
To: Myla Hite  
Subject: FW: Grant

Myla,

Here is the email mentioned today. This exchange took off after Chief Hardel suggested waiting to issue a press release about a grant until the Finance committee meeting was completed, as there was an agenda item on it to kill the funding for the program, which was being spearheaded by the Finance Chair, who ironically, at the same time was selling the animal control plan to 4 or 5 townships and seeking grants from foundations before the council had reviewed or approved such action.

The ultimate result of this email was that the Mayor, Michael Loy and I opted to communicate the concepts in general terms during the upcoming retreat, to be sure that if others needed reminding of the core values, etc that all received the same information, as it was of value to all to hear in the interest of teamwork. The "10 habits" referenced below was an article I found on the 10 Habits of highly effective city councils. I used it as the basis for the retreat discussion and goal setting.  
Lisa

---

From: Lisa Rasmussen  
Sent: Wednesday, June 12, 2013 5:06 PM  
To: Michael Loy; Jim Tipple  
Subject: FW: Grant

Mayor & Michael,

I am concerned that the email Keene sent to the Chief below telling him to "do his job", etc is not only condescending, but violates our core values on a couple levels. We cannot expect our workforce to play by those rules if the council will not. If we do not lead by example, we lose credibility with our workforce and we cannot work in a 'do as I say, not as I do' type manner when it comes to core values.

I'm looking for input as to how to best address this. I suspect that I, or perhaps we, can discuss this with Keene individually, or we can generalize the concepts and make them part of the council retreat during our discussion of the "10 habits", one of which is to avoid micromanaging. Not sure which is best or if either will work. Let me know what you think.

Lisa

---

From: Jeffrey Hardel  
Sent: Wednesday, June 12, 2013 4:23 PM  
To: Keene Winters  
Cc: Michael Loy; Jim Tipple; Lisa Rasmussen  
Subject: RE: Grant

Actually Keene, I have been doing my job all day. A quick break down of the day's events...so far:

- The day started with reviewing a couple incidents from the night shift that needed follow up and direction
- I met with Captain Hagenbucher to discuss agendas and various meetings that need coverage next week
- I met with Bryan Hilts reference the Police & Fire Commission meeting agenda
- I met with the union reference a compensatory time issue in attempt to prevent a grievance
- I met with Lt. Kolb reference a murder suspect that is in Wausau and a request from another agency to set up surveillance on the suspect
- I met with a facilitator to discuss a CORE values exercise project
- I met with Michael Loy reference numerous HR issues
- I met with a concerned mother that reported her daughter using marijuana in front of her 7 yo daughter
- I met with an adult female who wanted to discuss ethical policing and leadership
- I fielded a citizen concern about a vicious dog bite
- I met with Lt. Juedes reference above dangerous dog complaint
- I met with Officer Kickhaver who is investigating said dog complaint
- I fielded numerous phone calls
- Responded to numerous emails
- And handled all the daily traffic that comes into my office unannounced or w/o appointment to discuss a pressing issue so that we can be as efficient and effective as possible

In reference to the rest of your email. I will provide the best service that I can to the community. I will strive to provide the best working environment for city employees. I will be dedicated and committed to this community. I will abide by our CORE values; Integrity, Professionalism, and Accountability. I will stand up for my employees when they are being attacked, devalued, or unappreciated. Our officers are committed and are making a difference in this community.

I don't understand your request to "drop the attitude." I cannot control how you interpret my emails. I will continue to be professional and work for the good of the community. My email simply stated that the degrading comments that you have made severely impacts the morale of city employees. I try very hard to provide the best work environment I can and will protect my employees from the negative political influence that sometimes interferes with our mission.

I am very willing to meet with you to discuss this further. My hope is that you will be supportive of our mission, understand the difficult tasks that police are responsible for, and that you will be respectful in your correspondence.

Jeffrey G. Hardel  
Chief of Police  
Wausau Police Department  
715-261-7801  
715-370-4545

From: Keene Winters  
Sent: Wednesday, June 12, 2013 11:33 AM  
To: Jeffrey Hardel  
Cc: Michael Loy  
Subject: RE: Grant

Jeff-

Please do your job and send out the press release. I would also expect that your department would arrange an official letter of thanks to do donor.

I would be willing to meet with you for lunch next week and talk things through, but you have to agree to drop the attitude and redress your unprofessional emails.

Keene T. Winters, Alderman  
Wausau Common Council District 6  
3824 Riverview Drive  
Wausau, WI 54403  
Phone: 715-675-0060  
Fax: 715-298-0558

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From: Jeffrey Hardel  
Sent: Tuesday, June 11, 2013 4:52 PM  
To: Keene Winters  
Subject: RE: Grant

I'll wait until after the finance meeting tonight to see what happens with the program and what direction we are going. If you have the support you need to suspend the program, and if the program dies, I don't see a need to send out a press release reference receiving grant money for a program that is dead. We'll have to discuss how to return the grant money.

Jeffrey G. Hardel  
Chief of Police  
Wausau Police Department  
715-261-7801  
715-370-4545

From: Keene Winters  
Sent: Tuesday, June 11, 2013 4:40 PM  
To: Jeffrey Hardel  
Subject: Grant

Someone should take the text, affix it to the appropriate letterhead and send it out.

Keene T. Winters, Alderman  
Wausau Common Council District 6  
3824 Riverview Drive  
Wausau, WI 54403  
Phone: 715-675-0060  
Fax: 715-298-0558

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From: Jeffrey Hardel  
Sent: Tuesday, June 11, 2013 3:22 PM  
To: Keene Winters  
Subject: RE: Animal Control  
Good news!

Jeffrey G. Hardel  
Chief of Police  
Wausau Police Department  
715-261-7801  
715-370-4545

From: Keene Winters  
Sent: Tuesday, June 11, 2013 11:08 AM  
To: Jeffrey Hardel  
Cc: Bryan Hilts  
Subject: Animal Control

Jeff-

Overview of Facts

Metro Ride Incident Report Fact-finding

January 6, 2016

I got a call from Peggy at Robert Zimmerman's Law. The Walter Alexander Foundation is giving us \$5,000.

Attached is a press release, you may want to send out. We do want our partners to know what is going on.

Keene T. Winters, Alderman

E-mail #2

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From: Keene Winters

Sent: Monday, June 10, 2013 9:52 AM

To: Lisa Rasmussen; Michael Loy; MaryAnne Groat

Subject: RE: Amimal Control Program Budget

Folks,

I'm counting to ten before I reply to Chief Hardell's email. I suppose we should have a face-to-face meeting before this gets any less professional.

For the record, all of you know that I have worked countless hours patching together the revenue to fund these 2.2 FTE.

I would appeal to all of you to send your suggestions to the Chief that cooler heads should prevail. In absense of that, I'm sure we'll be discussing this on the editorial page and in the media.

Keene T. Winters, Alderman

Wausau Common Council District 6

3824 Riverview Drive

Wausau, WI 54403

Phone: 715-675-0060

Fax: 715-298-0558

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From: Jeffrey Hardel

Sent: Monday, June 10, 2013 9:26 AM

To: Keene Winters

Cc: Lisa Rasmussen; Michael Loy; Jim Tipple; Anne Jacobson

Subject: RE: Amimal Control Program Budget

Based on some other incidents, I have downgraded my assessment of your department's willingness to get tough and produce fine revenue.

## Overview of Facts

### Metro Ride Incident Report Fact-finding

January 6, 2016

Again, I'm willing to listen if you have a case for the FTE. But, we have done as much as policy makers can do to make this program a reality. Implementation is a staff function. Either you want this to be a priority or not.

I'm not the one who requested this agenda item. MaryAnn did. Now we have to revisit it. And, the question goes to you, does the Wausau PD want or need the FTE or not?

Again, I'm willing to listen if you have a case for the FTE. But, we have done as much as policy makers can do to make this program a reality. Implementation is a staff function. Either you want this to be a priority or not.

I'm not the one who requested this agenda item. MaryAnn did. Now we have to revisit it. And, the question goes to you, does the Wausau PD want or need the FTE or not?

Alderson Winters,

I'm tired of your condescending and degrading comments. I have listened to you degrade city staff numerous times as a council member. The above highlights are the most recent example. Other examples have come from various council meetings or committee meetings. Such as; when you discussed carry over requests and made comments like: This is a wish list for departments...department heads are frivolously spending money...they cannot be trusted...etc. It is very apparent you do not value city staff, respect city staff, or have an interest in working with city staff. I cannot read your mind, I don't know what has been completed, what needs to be done or what has been promised to other jurisdictions. I have been requesting a Human Officer or a contract with HSMC every year since I have been Chief. I have been told the financial support isn't available, therefore, the request was not funded. I am very willing to do anything and everything necessary to carry forth any efforts that bring animal control services to the community. My perception of this process was that you initiated this program and wanted to carry it forward. Since you didn't ask for my help, I felt you wanted to do this on your own. I have told you numerous times that I would help in any way that I could.

This is not just a Police matter...contracts with other jurisdictions must be in place. Financial support must be clear from all other jurisdictions and duties clearly delineated. Staff needs to work together rather than independent of each other. If you have an interest in working together and carrying this forward...fantastic, Anne Jacobson, Michael Loy and myself will need some additional information from you so that we can formulate a plan.

Jeffrey G. Hardel  
Chief of Police  
Wausau Police Department  
715-261-7801  
715-370-4545

Overview of Facts  
Metro Ride Incident Report Fact-finding

January 6, 2016

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From: Keene Winters  
Sent: Friday, June 07, 2013 11:08 AM  
To: Jeffrey Hardel  
Cc: Lisa Rasmussen  
Subject: RE: Amimal Control Program Budget

Jeff-

Here is a quick rundown:

1. We were turned down for a grant. I faxed you the letter. It made me reassess the probability of success with other grant applications.
2. I've seen Weston's numbers. They did not experience the same level of increase in licensing as we did, reducing my assessment of the dollars available through that channel.
3. Based on some other incidents, I have downgraded my assessment of your department's willingness to get tough and produce fine revenue.
4. The county kicked cats out of the shelter contract. We are going to need money to deal with cats, and that is an added draw on already thin resources.

Again, I'm willing to listen if you have a case for the FTE. But, we have done as much as policy makers can do to make this program a reality. Implementation is a staff function. Either you want this to be a priority or not.

I'm not the one who requested this agenda item. MaryAnn did. Now we have to revisit it. And, the question goes to you, does the Wausau PD want or need the FTE or not?

Here is a hint. Excluding Wausau, the countywide dog license compliance rate tops 40%. If we had 40% compliance plus a little fine revenue, the program would be self-funding like parking enforcement. We are about 25% for dogs and 11% for cats. So, we need a plan to get up to the county average and a plan to bridge the revenue gap in the interim. If other communities can hit that number, we should be able to as well.

In the past, I think there was a better partnership between staff and council. I would have asked for inputs from the staff and done staff-work myself to put it together in a plan. The mayor discontinued that process in his June 4 memo, presumably at the request of the staff. I can't help you any more than that in the time allotted.

In the absense of a plan like the one suggested above, there is factually not enough revenue to move forward.

Again, I'm willing to listen if you have a case for the FTE. But, we have done as much as policy makers can do to make this program a reality. Implementation is a staff function. Either you want this to be a priority or not.

I'm not the one who requested this agenda item. MaryAnn did. Now we have to revisit it. And, the question goes to you, does the Wausau PD want or need the FTE or not?

Keene T. Winters, Alderman  
Wausau Common Council District 6  
3824 Riverview Drive  
Wausau, WI 54403  
Phone: 715-675-0060  
Fax: 715-298-0558

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From: Jeffrey Hardel  
Sent: Friday, June 07, 2013 10:10 AM  
To: Keene Winters; Lisa Rasmussen  
Cc: Michael Loy; Jim Tipple  
Subject: RE: Amimal Control Program Budget  
Suspending the program is a complete 180 from what you advised staff last month. I'm confused about what changed since you last gave staff direction to move forward with hiring a Humane Officer? The revenue has not changed from that meeting. If you thought there was enough revenue then, what has changed?

Jeffrey G. Hardel  
Chief of Police  
Wausau Police Department  
715-261-7801  
715-370-4545

From: Keene Winters  
Sent: Friday, June 07, 2013 9:33 AM  
To: Jeffrey Hardel; Lisa Rasmussen  
Cc: Michael Loy  
Subject: Amimal Control Program Budget

Jeff & Lisa-

## Overview of Facts

### Metro Ride Incident Report Fact-finding

January 6, 2016

I just wanted to give you a heads-up. The animal control program budget has been placed on the Finance Committee agenda for Tuesday, even though the council passed a detailed budget for the program on December 18, 2012.

At this point, it is my intention to put forward a motion to suspend the program indefinitely due to lack of revenue.

If the Police Department would like to make the case that the FTE and the program are needed, I am willing to listen. If you have an enforcement plan that would plausibly yield the revenue that would be great.

Otherwise, with the mayors new restrictions on staff-council contacts, it is not going to be possible for council members to shepherd legislation like this unless the program has a champion within the executive branch.

There is still a lot to do for this program. There are a host of issues surrounding the vehicle. Contracts need to be designed. A commission needs to be created. I'm not longer in a position to carry the program forward.

I've written budgets. I've written grants and made copies at my own expense. I've been the liaison for the city at countless meetings. I think we have worked as hard as any legislators could on the only proposal to increase FTE that survived the budget process. I no longer see it as a productive use of my time to do staff-work.

Keene T. Winters, Alderman  
Wausau Common Council District 6  
3824 Riverview Drive  
Wausau, WI 54403  
Phone: 715-675-0060  
Fax: 715-298-0558

Wausau Common Council District 6  
3824 Riverview Drive  
Wausau, WI 54403  
Phone: 715-675-0060  
Fax: 715-298-0558

**\*\*All present are expected to conduct themselves in accordance with our City's Core Values\*\***



## **OFFICIAL NOTICE AND AGENDA**

of a meeting of a City Board, Commission, Department, Committee, Agency, Corporation, Quasi-Municipal Corporation, or sub-unit thereof.

**Meeting of the:** COMMITTEE OF THE WHOLE - 2013 COUNCIL RETREAT  
**Date/Time:** Tuesday, July 9, 2013, 5:00 - 6:45 p.m.  
**Location:** City Hall (407 Grant Street) - Lower Level Cafeteria  
Bill Nagle, Romey Wagner, David Nutting, Jim Brezinski, Gary Gisselman, Keene Winters, Lisa Rasmussen, Karen Kellbach, David Oberbeck, Sherry Abitz, Robert Mielke  
**Members:**

### **AGENDA ITEMS FOR CONSIDERATION (All items listed may be acted upon)**

- 1) Brief Recap of Priority Items from 2012 Retreat and Discuss Status/Direction
- 2) Discuss Pre-work Article "10 Habits of Highly Effective Councils"
- 3) Identify Organizational Roles & Objectives
- 4) Set Future Date/Time for Core Values Workshop

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 7/03/13

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids & services. For information or to request this service, contact the City Clerk at (715) 261-6620.

Other Distribution: Media, Council, Department/Division Heads

Item 1

CITY COUNCIL RETREAT  
June 26, 2012  
Lower Level Cafeteria – City Hall

10 Things we LOVE about Wausau

1. River Edge/Natural Features
2. People/Values
3. Parks/Organized athletic events for all
4. Medical Community
5. Downtown
6. Events – Wide appeal
7. Generosity
8. Recreation Opportunities/Seasons
9. Schools/Educational Opportunities
10. Public Services/Leadership/Employees work ethic
11. Crossroads/Centrally located
12. Housing/Availability
13. History

Top 5 Complaints

1. Property Maintenance/Blight
2. Drugs/Crime
3. Unsafe neighborhoods
4. Unemployment
5. Assessment/Taxes

Top 3 are social issues. Last two are financial.

Item 2

Article

## Ten Habits of Highly-

Carl H. Neu Jr.

Local government operations directly affect our daily existence and experiences and the quality of life we perceive we have within our communities. No local government deserves, nor should its citizens tolerate, councils and elected and appointed public officials who don't exhibit extraordinary effectiveness, integrity and competence in leading their community's public institutions.

Thomas Cronin, a recognized authority on public policy, defines leadership as, "making things happen that might not otherwise happen, and preventing things from happening that ordinarily might happen. It is a process of getting people together to achieve common goals and aspirations. Leadership is a process that helps people transform intentions into positive action, visions into reality." The quality of leadership effectiveness demonstrated by a governing body and its ability to be highly-effective are not attributes bestowed upon it by a swearing-in ceremony. They are the result of disciplined adherence to a set of fundamental principles and skills that characterize highly-effective councils. Listed below are 10 "habits" of highly effective councils based upon the author's observations of hundreds of city, county, special service district and school district councils over the last thirty years.

### 1. THINK AND ACT STRATEGICALLY

A governing body's primary responsibility is not just to make policy or do its "Roman Emperor" routine (thumbs up or thumbs down) on agenda items at public meetings. It is to determine and achieve citizens' desires for the community's future. Councils and their administrative teams must accept responsibility for shaping the future of the community by expanding their mental horizons to identify and meet the challenges that must be addressed through decisive leadership and goals for the attainment of that future.

A strategic leader always comes at you from the future and takes you "back to the future" from the present. This leadership adventure starts with vision, and evolves to defining the strategic issues that must be addressed and mastered to

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achieve the vision. The next step is the development of long-range goals that address these strategic issues and which provide decision-making and budgetary focus for the successful implementation of these goals. Living from one annual budget to another, and from one meeting to the next, condemns your community and its future to happenstance and reactionary decision making and policy creation. For this reason, polls show an overwhelming majority of citizens want important issues affecting their lives to be decided at the local, "home town" level. Here, they expect leadership, sound thinking, decisive action, and accountability for results.

### 2. RESPECT "SHARED CONSTITUENCY": WHAT DO THE PEOPLE NEED?

No city, town, county, local government jurisdiction or non-governmental community entity is an island. The actions and decisions of any one affects all others. But, there is an even more profound reality: most governmental jurisdictions and non-governmental entities overlap in representing and providing service to the same people, i.e., shared constituencies. For example, any given citizen is represented and served simultaneously by the federal, state, county, and city governments plus the school district, special purpose districts, neighborhood associations, chambers of commerce, newspaper publishers, non-profits, etc.

Article

## Effective Councils

These governments and community entities usually see themselves as separate institutions, often with conflicting and competing agendas rather than as components contributing in a coordinated and integrated manner to seamless service delivery meeting the citizens' needs. Frequently, local governments and community entities operate as special interests advocating their particular institutional needs and prerogatives. They fail to define how a public service category meeting the needs of a community of shared constituents (public safety, land use planning and growth management, transportation, community development, human services, health care, education, etc.) is defined and functions in a seamless manner with each jurisdiction and entity ensuring its appropriate contribution to the effective and efficient performance of the whole service system.

An example of a service category system is roads. A citizen expects to be able to get from point a to point b on good quality roads that make this possible. That citizen neither wants to think, nor care about "whose road am I on now; a federal, state, community or city road?" To that citizen "roads are roads" and it is up to all the government entities to make the system work! The same for public safety, and all services. When a sheriff's deputy can not communicate with a city police officer due to different radio systems and frequencies, it is a service system breakdown which doesn't meet

the citizen's need for seamless effective service.

Effective councils recognize they must horizontally (local government with local government with community entities) and vertically (local government to federal and state government) coordinate and integrate to ensure citizens' needs are met. They also recognize that collaboration and integration work best if it originates at the local government, city and county, level. It is at this level where needs are best defined and responded to by service providers. In reality, all government, as it touches peoples' daily lives and existence, is local.

### 3. UNDERSTAND AND DEMONSTRATE THE ELEMENTS OF TEAMS AND TEAMWORK

Councils by law, exist and have authority only when their members convene as a "body" to do business. Each member is a component of a corporate being which must speak, act, and fulfill its commitments with one voice, in a mature, effective and reliable manner. Councils are collections of diverse individuals who come together to constitute and act as an entity, and only when operating as that entity do they exercise authority and perform in fulfillment of their purpose. This is a classic definition of team. Carl Larson and Frank LaFasto, two preeminent authorities on teams and teamwork, define team as an entity comprised of two or more people working together to accomplish a specific purpose that

can be attained only through coordinated activity among the team members. In short, a team is an entity that exists to fulfill a specific function, or purpose, made up of disparate, interdependent parts (individuals) who collectively achieve a capacity that none of its members could demonstrate, or has the authority to fulfill individually.

Teams always have two components that one might call their "S" components: systemicness and synergy. All teams are systemic, by definition, being made up of interdependent parts (people) who affect each other's performance and that of the team. Synergy is the ability to achieve an effect, when working together as a team, that is more than the sum of the team members' individual efforts. While all teams are systemic, relatively few are synergistic unless their members understand, master and demonstrate the fundamentals of teamwork which are:

- a clear sense of purpose and goals;
- clearly define roles and relationships that unite individual talents and capacities into team performance;
- an integration of members who have basic technical, interpersonal, and rational decision making competence;
- a commitment to team success and quality performance;
- a climate of trust, openness, and mutual respect;

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**Article**

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- clear standards of success and performance excellence;
- the support, resources and recognition to achieve success; and
- principled and disciplined leadership.

Highly-effective councils spend time building their sense of being a team and their skills for productive teamwork.

**4. MASTER SMALL GROUP DECISION MAKING**

Most local government councils are classic small groups, with fewer than a dozen members. Small groups demonstrate certain skills and behaviors that “link” their members together. They also have clearly defined processes for making decisions in fulfillment of that group’s purpose. Figure 1 summarizes the “skill sets” essential to small group effectiveness.

**5. HAVE CLEARLY DEFINED ROLES AND RELATIONSHIPS**

Each team member’s contribution to the team’s efforts and success must be defined in terms of roles to be assumed (functions) and how that role is to be carried out through one’s behavior (performance).

Role has two elements: function, the specific responsibilities of that role, irrespective of incumbency; and performance, how one occupying the role is expected to behave and fulfill his/her responsibilities. Most councils, whether through charter, statute or ordinance, have clear definitions of their function. The performance component must be defined within the team through discussion and mutual definition of those behaviors and practices expected of the governing body’s members in the conduct of their duties and interactions.

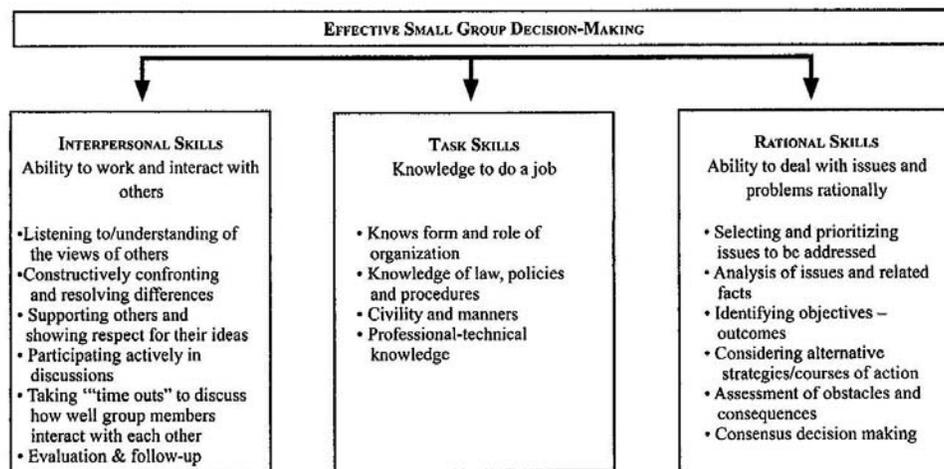
Vince Lombardi when asked, what makes a winning team, replied, “start with the fundamentals. A player’s got

to know the basics of the game and how to play his (her) position. The players have to play as a team; not a bunch of individuals. The difference between mediocrity and greatness is the feeling the players have for each other,” (relationships). Teams talk about and define expected roles and relationships and give constructive feedback to their members on the degree to which they are fulfilling these expectations.

**6. HONOR THE COUNCIL-STAFF PARTNERSHIP**

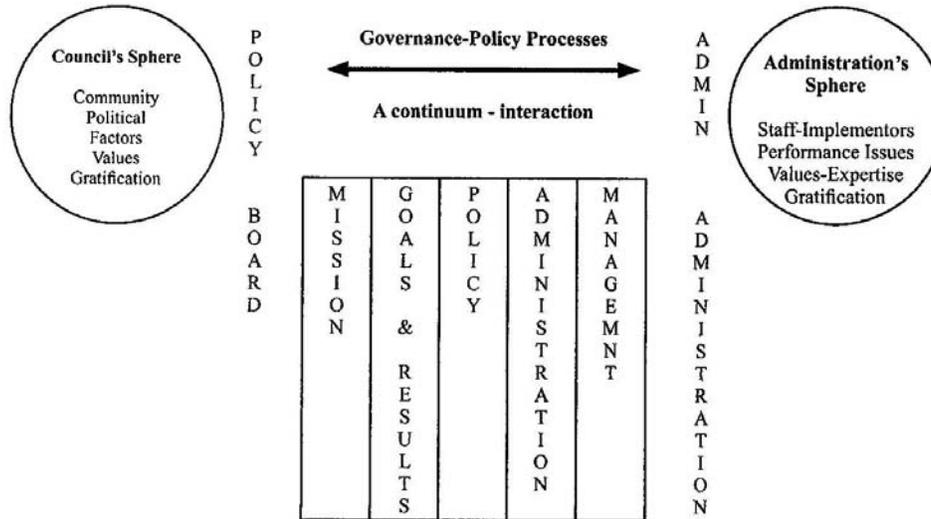
We have all heard the popular phrase, “the governing body makes policy, staff implements policy.” This is a total misconception of reality. Policy making and policy implementation are not distinct and separate functions. Policy making-implementation is a continuum of thought and relationships that transforms ideas and abstractions (visions, policies, goals, and plans) into defined, observable ends or outcomes (results, programs, projects, deliverable services). Council mem-

Fig. 1



**Article**

Fig. 2: Council-Staff Partnership  
 To what degree is this partnership understood, discussed, and respected by council members?



bers and staff share this continuum as partners ensuring each other's success. Each person plays an important role in creating sound policies and ensuring their effective implementation through reliable administrative practices and performance. Figure 2 depicts this partnership and continuum.

John Carver, a widely acclaimed author who writes about councils that make a difference, describes this partnership as one in which councils define what needs are to be met and ends (outcomes) achieved. He believes that councils should allow staff, within council-established limits, to define the means for achieving these ends. He sees a council-staff linkage that empowers staff to do its tasks and be evaluated on the results produced.

The council-staff partnership functions best when it is vision-driven and goals based. Councils that accept and abide

by this partnership focus their energy on establishing vision and goals, good policy, and empowering effective staff performance. Those that do not do this, frequently fall prey to micromanaging; that is, they perceive a need to become involved in, or retain approval over, staff activity and plans.

A critical element and important council task in this partnership is the evaluation of the manager or administrator, based upon clearly defined goals, policies, and established guidelines on executive performance.

**7. ALLOCATING GOVERNING BODY TIME AND ENERGY APPROPRIATELY**

Time, especially to elected officials, is a critically precious and limited, commodity. The typical council operates as a governing body, providing governance, for relatively few hours; usually less than 200 hours annually, as

compared to the typical 2400+ hours per work year for senior administrators. How councils allocate and use their time is vital to their leadership effectiveness and performance.

Councils, like teams, "play" in a number of settings or "arenas" to achieve overall, peak performance. There are four council-staff arenas, and each must be appreciated for its purpose and contribution to a council's effectiveness.

- Goal-setting (retreats or "advances")
- Exploration and analysis (study sessions)
- Disposition/legislation (regular public meetings)
- Community relations (interactions with constituencies and other agencies)

*Ten Habits  
 continued on page 180*

**ARTICLE**

*Ten Habits  
 from page 179*

Figure 3 identifies the purpose, typical setting, focus, and key characteristics of each arena. All four arenas are essential to highly-effective governing body's fulfillment of its leadership, policy making, goal setting, and empowering responsibilities.

Highly-effective councils will hold at least one goal-setting retreat or "advance" annually. They also will hold two study sessions monthly, usually between regularly scheduled public hearings. Here they confer with staff and other experts on significant items under consideration requiring eventual

official actions. While these study sessions are open to the public, as observers, the public should not participate in the council-staff dialogue. Many councils short-change this arena, pushing the opportunity for learning into the formal public hearing, which is not designed to promote much in-depth analysis of complex issues. The arena of disposition/legislation is designed to get to a vote, not promote careful analysis of complex issues.

The fourth arena, community relations, is becoming more important. It is rapidly transforming the role of council and how it spends its time. Communities today are more dependent upon

sophisticated alliances and partnerships among groups, public and private entities. All jurisdictions are subject to multiple, profound changes in how public officials operate as they deal with complex multijurisdictional and regional issues and the growing popularity of citizen democracy and community renewal. Today, the community arena requires more time spent in interactions outside city hall and puts greater time pressure on mayors and council members.

**8. HAVE CLEAR RULES AND PROCEDURES FOR COUNCIL MEETINGS**

Council meetings exist for the purpose of doing council's business. Literature on how to conduct effective and productive meetings specifies the need for adherence to clearly defined rules and procedures.

Many councils, however, drift from these rules and procedures in pursuit of informality, collegiality, and "just being nice." They let their meetings drone on with lack of focus, redundant comments and endless discussions.

Rules and procedures do not preclude citizen input, courtesy or sensitivity to public concerns and viewpoints. They respect

Fig. 3: Arenas for Council - Staff Performance

Arena	Goal-Setting	Exploration & Analysis	Disposition-Legislation	Community Relations
Purpose	Establish vision Explore potentials Set goals Direction/Priorities • Community • Services • Staff action • Budgets	Understanding the issue(s) Problem identification Selecting "best options" Building commitment	Official action Vote on items • Resolutions • Ordinances Public input Mobilization of support	Interaction with constituency/citizens Building alliances Outreach-liaison Coordination with other entities
Typical Setting	Retreat/Advance (informal off-site workshop)	Study Session (conference room)	Public (council meeting in chambers)	Numerous (diverse formats)
Focus	Future of community Evaluation of: • Needs • Trends • Strategic issues • Community desires & values • Leadership	Developing knowledge for decision making Sorting of options Examining consequences Setting strategies Informed decision-making	Agenda - formality "Show" of authority Ratification/Adoption Political pressures Psychological needs	Communication Problem solving Collaboration - coordination Partnership Acting as a community
Key Characteristics	Informality Sharing of options Open dialogue Creative thinking Humor - adventure Face-to-face/Group interaction	Council-staff dialogue Questioning/testing ideas Information exchange Negotiating - consensus building No voting Face-to-face/group interaction	Formal meetings Rules and procedures Public input/involvement High visibility Pressure/advocacy from groups Voting Group interaction	Being "outside" city hall Responding to requests Joint ventures Interagency activity Multiple interaction modes and communication techniques

Article

all these elements and the necessity to conduct business in an orderly, disciplined and productive manner.

**9. GET A VALID ASSESSMENT OF THE PUBLIC'S CONCERNS AND EVALUATION OF THE COUNCIL'S PERFORMANCE**

Elections are contests among individuals vying to become a member of the council. They are not valid, objective assessments of the public's feeling about the quality of council's performance as a governing body and about whether or not it is addressing issues effectively.

Highly-effective councils seek feedback through a number of proven market research tools such as focus groups, surveys and questionnaires. Typically, the phone calls a council-member receives, or the comments made in public hearings, are not valid or accurate reflections of the entire community's sentiments about issues and council's performance. "Market research feedback" should be ongoing and included in the annual goal setting retreat or advance.

**10. PRACTICE CONTINUOUS PERSONAL LEARNING AND DEVELOPMENT AS A LEADER**

Leaders read, attend workshops, and constantly seek information, understanding and insight. Highly-effective councils are comprised of members who honestly know they don't know it all. They take advantage of the myriad opportunities to learn and perfect their skills by reading, going to state and national municipal league workshops, and every forum that can expand their skills to lead and govern well.

A highly-effective council also learns as a council. It works closely with the manager to improve its leader-

ship skills and the council-manager relationship. Councils should assess objectively their performance relative to each of the 10 habits. This assessment should include the observations of council members, the manager, key department heads, and selected members of the community who have occasion to work and interact with council. Council should then decide where gains can be made and then set up the opportunity through council workshops and other forums to learn the skills to make these gains.

The Mayor and City Manager of Thornton, Colorado, started a process with the council incorporating these 10 habits as the means to increase council's leadership skills and effectiveness. The process started with council conducting a careful reexamination of the city's mission and the role council must assume to ensure fulfillment of that mission. Next, council, in discussions with the city manager, made a commitment to leadership innovation and excellence that focused on long-term and strategic issues vital to the community's future. The process involved advances, close attention to community feedback through focus groups and surveys, and frequent self-evaluation of council's and staff's performance and sense of partnership. Council now holds multiple advances each year to define and validate its strategic perspective and policy leadership. Council skill development workshops accompany these advances and focus on defined needs identified by council. Council takes specific "time-outs" to evaluate how it functions as a team within council, with staff, and with the community. The continuous quest for effectiveness always starts with the question "Is there more we should be doing" to improve our leadership performance and ensure a quality future for our community?

"The entire process has helped the council identify those issues essential to achieving our community's goals and building collaborative relationships with citizens and city staff to sustain agreement on the goals and the critical steps the entire community must take to attain these goals. The result is a community of partnerships all focusing on the city's vision and using its combined resources to become the city it wants to be in the future. There has been a real breakthrough achieved in the amount of creative energy that is moving the city forward."

Numerous other councils engage in a similar process as they hone their abilities to deal with highly complex and rapidly changing community needs and challenges.

The last, and probably most important, point: Keep your sense of humor. Governance is a serious business dealing with the vital issues affecting our communities and the quality of life we experience within them. Humor reduces friction and stress, lets others know that we and they are human, and brings a pause that refreshes our insight and commitment. It is essential to creating and maintaining good relationships.

Every community deserves nothing less than a highly effective council that embraces accountability for the community's performance in creating its future and in effectively addressing, in the present, those challenges vital to attaining that future. That is what is at stake: our communities' future. With few exceptions, every council can be highly effective and can provide strong leadership, but to become effective will require a good governance model and disciplined adherence to the fundamental habits of effectiveness.

Item 3

June 2013

**Council/Mayor must create Wausau's success together**

- 1) What is our goal and role?
  - a. All must seek to locate efficiencies while meeting service needs/demands
  - b. Clearly mark our "operating lanes". **Council** makes policy and sets goals. **Mayor** supervises Dept Heads in meeting those goals and carrying out set policy. **Employees** carry out daily operation of implementing policy directives, enforcing codes/ordinances, etc.
  - c. Remember: we all work for the residents of this community.
- 2) Educate the public on what is costing them money. They need to tell us what they want us spending their dollars on. Are they willing to commit additional resources in areas that matter most?
  - a. Drugs
  - b. Crime
  - c. Blight
  - d. Development = Tax Base & Job Creation
- 3) Get word out when things are done well! Let residents share and be proud of local success.
- 4) Market Wausau every day. We are all Wausau. Our actions shape people's image of our city. Are we satisfied with that image? If not, why??
- 5) Have we leveraged communication sources/media properly? Are we using it as a tool to create civic pride or could it create a negative perception of local government/community?
  - What challenges do we face in preserving and enlarging a "Wausau is the place to be" type image?
  - As a council, at the halfway point, are we achieving what we set out to last spring?
  - Are we effective in solving the big issues residents are concerned about?

WHAT NEXT?

Stay the course? Or change things? Only we can decide....we have a year to go....what will people remember the 2012-2014 period for?

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**Attachment II-D**  
**Transit Director Greg Seubert Follow-up Interview Summary**

Greg Seubert  
Interview Summary  
December 4, 2015

How are you doing?. Rationale part says – One guy on City Council, but there is an election coming up. Also one of his acolytes could run for Mayor and he could do the same thing. I know it isn't over. I've thought about it over and over and over – should I have done something differently? Was I out of line in anyway. I don't think so – I'm obligated to the entire Transit Commission, the Mayor and the City to weigh in – and that's what I did. It seems to me this issue that he has seems to be more aligned with derailing his plan – and NOT in the best interests of the City. I thought it was telling when he left the meeting. He didn't stay to discuss the issues. He just abruptly left. Like, "How dare you bring this up?" It seems very petty to me.

I'm glad you're progressed to pettiness as seemed like fear. Well, I think he works to intimidate people to get what he wants. So he creates fear. Fearful for your department, embarrass you in public or whatever, that involves fear, and I don't think that is right.

I am conducting an investigation into a complaint the City of Wausau received about Alderman Keene Winter's inappropriate behavior and demeanor towards City of Wausau employees and others. During some of these interviews, I received information that people have observed, or have been engaged in unprofessional behavior on the part of Mr. Winters. If this type of behavior is true, it will not be tolerated, because the City of Wausau is committed to providing a safe workplace environment for all the city employees. In addition, we have a policy that addresses any harassing, intimidating, threatening, bullying, violent, and/or offensive behavior at the workplace, which makes it clear that this type of behavior is unacceptable. .

In an effort to conduct a fair investigation, and to make sure similar behavior is not taking place with city employees, would you please answer the following questions.

Context of the Incident Report. I think it is important to note the tone in which KW delivered this. He was very angry. He sounded almost out of breathe. I interpreted it as "I'm so angry I am almost out of breathe". It was venomous I guess. He was just so angry and it just struck me as being completely disproportionate to any normal sort of disagreement a person would have. It seemed so extreme to me and of course it was very personal and threatening. Threatening to me and my workplace. It was "I'm going to do everything I can to go after you". Again, that was so disproportionate. Even if you're unhappy about the way something played out, this response just did into seem rational to me. You initially talked about how your felt when you were alone at

Transit Center. Can you talk about that? I was really surprised when I was working the next day, alone, we had 3 different customers who rang the bell. I was surprised that when I heard the bell, I would look over our  $\frac{3}{4}$  wall to make certain it wasn't KW standing. What was going on for you? Obviously the experience stuck with me and there was this fear that I might encounter him. How I would react. How he would react. Would there be a physical interaction. Would I be safe? Would my employees be safe? And I was hoping to avoid an encounter altogether. Would it be accurate to say there was a sense of fear for the workplace? Yes. I viewed the reaction to be irrational and I began to wonder, well what is this guy capable of? He is very obviously very angry. What is he capable of? It's a fear of the unknown.

Transit Commission meeting was 1:30 on Thursday the 19<sup>th</sup>. The meeting lasted less than an hour. It was probably 20 – 30 minutes into the meeting when KW left. They adopted the minutes, I presented the financial report and the next item in was this particular issue.

The Transit Commission at the previous meeting had looked at a proposal prepared by KW to seek funding from the Wausau Community Foundation to reduce costs for the surrounding municipalities so we could expand transit services into those 3 municipalities. (Seems like a good thing?) Oh yeah. And that's what we need to continue working towards. I told KW – we can continue to work towards this. That's when he told me he'd turn the stakeholders against me. He'd work to shut the transit system down. That he was done with me and he would not lift a finger to help transit.

Agenda – Pilot for Transit Service. Yes. Grant proposal. I provided a memo that outlined some of the issue I thought the Transit Commission should address. I had presented these to KW via e-mail stating I think the Transit Commission should address these before moving forward. He did respond to my e-mail and he pretty much just dismissed my concerns. And that's fine. The Transit Commission could have done the same, but I felt it my responsibility to share with the overall Commission – not just KW. I didn't feel it appropriate for just one member (KW) to dismiss them without the others being aware that this was a concern. (e-mail dated November 17 – Ex: S-2)

Can you explain this? Yes. This is actually a string in the e-mail. He had asked me, if we initiated the service a little later, March 1, 2016 instead of January 1, 2016, could we ask for 15% less in funding from the foundation. And he asked will we have enough time with this pilot project to put up decent numbers. (Nov 16, 4:59 pm). But he also says your thoughts in confidence would be greatly appreciated. I didn't know what to make of this. Why would this be a confidential? It also came from his personal e-mail, which isn't appropriate. It made me uncomfortable. Let's just say that. But then I responded – I am responding to his e-mail because he asked and he is an elected official within the City. If someone else is asking something I feel inappropriate – it depends on who it is. I felt he is a policy-maker, I'd respond to any other member of the Transit Commission. I just thought it was odd I'm being asked to keep this in confidence and that this is taking place – him

asking me on his personal e-mail. I was also uncomfortable with “can we just shave off 15%?” It seemed like a back of the napkin sort of a question. I was uncomfortable with that. I told him I’d have to run the numbers to know and the shorter time frame would probably not provide positive numbers for us. As long as he’d opened the door, I thought I’d better let him know the Mayor asked me the status of this and I briefed him on what I knew. (Bottom of Page 1 through page 2 – November 17 11:36 am.) Then I made a list of the issues I thought the Transit Commission should consider before moving forward. I chose my words carefully because it isn’t up to me. Ultimately it is up to the Transit Commission to decide regardless of what I think, but I felt the Commission should know that these are the issues in my mind.

So on page 1 of the same e-mail string, he responds to me. So what do you want to do? With 3 options. Stick with January 1, March 1 or quit and save me a lot of work. Pick one. I thought it was intimidating. (In what way?) Well, it isn’t up to me. It’s up to the Transit Commission – not me. What I think doesn’t matter. It’s their decision. and the issues I outlined are still issues. But in his e0-mail he provided some responses to the points that I made. And my thought was “well that’s fine. I know how you feel, but that does not relieve me of my responsibilities to the Transit Commission.” That’s really up to the body (of the Transit Commission) not to the individual. And I also knew that the Mayor had some concerns, one of which I articulated in here, which was, “Why are we seeking money for these other municipalities? Why aren’t they seeking the money?”.

I’d also mentioned to him in this e-mail that I’d spoken to the City Attorney about who has the authority to submit grant applications. I asked this because I don’t have that authority for the State or Federal Government. There is a standing resolution by the Council that authorizes the Mayor, or his designees, to do this. I wanted to clarify whether or not I had the authority to do this. I didn’t want to get to the end of this and then be accused of overstepping my bounds.

When I spoke to the Mayor about this, he told me about a similar situation with KW where he was doing the same thing with Animal Control and where on a grant application to a foundation he’d crossed out – on the form it called for a signature from the CEO or executive Director, and KW wrote in Finance Director and made MaryAnne Groat sign it. In the e-mail he admits to doing it. On the 3<sup>rd</sup> full paragraph, he stated “The information received is contrary to my personal experience. I wrote three grants to start up the humane officer program, submitting to these same entities. A police captain signed off on two and MaryAnne signed the third. (SW-2, page 1).

This exchange occurred 23 days before the meeting. I was nervous about the meeting. I forwarded my e-mail response to KW to the Council President Bob Mielke. Why? I wanted to give him a heads up this was coming up. I’d met with Sherry Abitz to let her know as well – they are the other two Aldermen on the Commission. I didn’t give them a heads up to sway their decision in anyway. I gave them a heads up because I was concerned and anticipating about a reaction from KW. I know

## Overview of Facts

### Metro Ride Incident Report Fact-finding

January 6, 2016

that the Mayor has indicated at staff meeting he has spoken with Mr. Mielke as the President of the Council about addressing KW behavior. Additionally, Bob has said to me, if you have any additional problems with the way he is dealing with you, let me know. I gave him info as I was concerned about the backlash, not the substance. The reason I wanted to submit the info in the first place is because I felt the Transit Commission should decide. I got the impression from the e-mail that KW felt strongly that my issues were not of concern/ I felt his reaction was kind of dismissive. But I've seen him in action in other settings and at other meetings. I know that he can be pretty rude, I would say borderline hostile to staff and I was concerned there would be a backlash (Meaning?) He would be rude or borderline hostile to me. His reputation proceeds him. I just want to say that although he does address the issues in his e-mail response, it really doesn't matter whether I agree or disagree with him. I felt it necessary to present these issues to the Transit Commission to let them decide.

Do you feel the work environment is supportive of you bringing those issues forward? The Transit Commission, the Mayor and the City Attorney I felt were all supportive. My only concern was KW's reaction. Did you feel that KW's involvement was supportive of you bringing the issues forward? I felt that he would be upset. What is this based on? Well, he seemed to be – he was very invested. This was “his plan”. He was – I think he was selling this as his plan. I felt like he would certainly be disappointed if the plan didn't move forward at this time. But again, his reputation proceeds him. I've seen how he is when he doesn't get what he wants (What have you seen?) I've seen him at a number of meetings belittle staff, suggesting that people should be fired for not providing the results the Council has asked for. I just find that sort of thing, that behavior from KW sort of threatening. So you were concerned if this wasn't what he wanted then he would do this to you. Belittle or demean you? Yes. I've seen him do it to other members of the Council on the Council floor – him belittle them if they disagree with him. Anything else significant? No. It is interesting that his auto signature is his business contact information.

November 10<sup>th</sup> e-mail (S-3). I provided this e-mail because KW is giving me an update and this is where he starts assigning me duties, significant duties. Preparing 5 different grant applications by November 30. The reason I was uncomfortable is because the Mayor has specifically said, Aldermen are not to direct your work. You are to direct that to the Mayor's office. This is a go along to get along thing. I was concerned if I referred it to the Mayor that there would be blowback for me. I provided the e-mail to show you he is assigning me work.

There is this entire interplay between what we are told to do by the Mayor and what Council wants and it's awkward

In this particular situation the Transit Commission did authorize the submission of KW's proposal and grant request. They'd said, “Yeah – go ahead and present this to the foundation”. So I put this

## Overview of Facts

### Metro Ride Incident Report Fact-finding

January 6, 2016

on the agenda as here's what's going on – here's an update. I was handling it as Committee work. The Commission authorized him to present the proposal and then, as is evidenced by these e-mails, he is directing me to prepare up to 5 different grant applications and then in a subsequent e-mail he directs me to attend a meeting for the United Way in order to be eligible for their grant process. And then I presented my memo to say here are my thoughts on the matter and then they could do whatever they want.

Why is his direction significant? Because the Mayor has indicated the Aldermen are not to assign us work, which is exactly what this felt like to me.

For the record, I began responding and preparing. Went to the websites, printed out the applications, etc. knowing that I needed to be ready in case the Transit Commission told me to do this work. Again, I didn't decide I'm not doing this which I think was his assertion in his phone call when he told me I was a "lazy piece of shit". I'd began preparing to perform this work and meet the November 30<sup>th</sup> dead-line if this was the decision of the Transit Commission.

I included S-3 e-mail (November 11) to show he is interacting with members of the media using his personal e-mail. He is requesting that they provide information related to this project, and he is doing it on his personal e-mail.

November 17 e-mail is where he is directing me to attend this meeting ahead of the Transit Commission meeting and he is directing my work contrary to what the Mayor has said in our staff meetings and the June 2013 directive. For the record, I did sign up for this meeting he wanted me to go to, and after the Transit Commission decided not to move forward with the project, I decided not to attend. (S-4)

Meeting started at 1:30. Approximately 30 minutes into it, during the discussion of the agenda after I had presented my memo related to the Pilot, (What would Pilot do?) Intention was to initiate service in these 3 municipalities, gather data, ridership, etc. to demonstrate demand for the service. Then we would use this data to justify continuing to provide service for the following year. A good idea for the Transit service. I was concerned about the timeframe, but the Transit Commission went along with the proposal and that was that.

What happened once you presented your memo? I presented the memo and I think Mr. Mielke weighted in and Mr. Winters abruptly got up and left the meeting. (Did he say anything?) I think he said, "Call me when you have a plan?" Who did you perceive him as speaking to? I don't know. Perhaps me, perhaps the chair. What was his demeanor? He seemed upset. He seemed as though he was huffing out of the meeting. (Thoughts at the time?) My thoughts were – it's too bad he's not here. As we began to discuss this we expressed disappointment. Since it was KW's plan it would have been beneficial for him to stick around to discuss these issues. Where did the discussion go

## Overview of Facts

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after that? Had a good discussion about the issues, the City Attorney was in attendance and she weighed in on some of the issues. I thought it was a good discussion and ultimately they decided to rescind their motion from the last meeting which effectively halted pursuit of the project.

An update on the agenda next. A few informal items. Perhaps 10 minutes.

Where is the meeting held? In the break room at Metro Ride.

I spoke briefly with Bob Mielke and the City Attorney – they were discussing KW’s abrupt departure. Bob was, and I think he said again, if KW gives you any trouble over this, be sure to let me know. Bob expressed his disappointment that KW stormed out of the meeting without contributing to the discussion.

How long lapsed between the end of the meeting and the telephone call? Meeting ended about 2:30 and he called about 4:00. About an hour and a half. The phone conversation is documented in S-1. What he said specifically, about...I say in my memo he’s going to work to get me fired. What he said specifically was, “I’m going to get you fired – what do you think of that?” and that seemed to me as taunting. Threatening – very threatening. Very personal. Very threatening. And completely out of line. Was his conduct consistent with the City’s core values? No! If you have a disagreement, that’s fine. Disagreements can be healthy. This was very personal, and threatening and vindictive and seemed to me to be completely out of line.

1. What is your job position and how long have you worked here? Director of Transit. I’ve been with the City of Wausau 33 years – in this position 23 years. Have you ever been treated this way by anyone else? No. Not even close.
2. Explain the type of contact you recently have had with Keene Winters, and how often? Generally for Transit Commission meetings. With this project there was some additional e-mail interaction. For the most part, Transit Meetings and we don’t necessarily meet monthly. We meet when there are business transactions.
3. Explain the type of contact you have had with Keene Winters in the past? Prior to November? Professional. Congenial. He had invited me to lunch at the Wausau Country Club to talk about how to go about initiating a project like this this past summer. I mentioned this at a staff meeting after it had occurred. I wanted to make people aware, because I know KW can be a polarizing figure...I didn’t want anyone to perceive me as being on KW’s “side”. I wanted it out in the open I had lunch with him.

4. Does Keene Winters's demeanor or behavior negatively affect workflow within your department? If yes, please explain. I would say since this has happened, absolutely. It has been a real distraction. It's harder to focus. I've had to spend time with staff to let them know what's going on. Talking about protocol. What to do if KW shows up. Quite frankly, my staff was pretty disturbed about it.
5. Has Keene Winters ever adversely affected your personal or work environment, or created an intimidating, harassing, hostile, or offensive work environment for you? If yes, please explain. Not until this incident - no. This incident absolutely did that.
6. Have you ever felt bullied by Keene Winters? If yes, please explain. I would have to say yes. He operates in a way where you feel obligated to respond. There is a fear that if I don't respond, there will be consequences. That's his approach and to me that is bullying. I had a sense that if you don't do this for me I will make an example of you next. I got that sense from KW.
7. Have you ever observed Keene Winters lose his temper, engage in argumentative discussions, be untactful, use coarse, violent, profane or inappropriate language, and/or attempt to intimidate you by his actions? If yes, please explain. Not me - before this incident. But I have witnessed him do it to other people in open meetings. To Council and to staff. What other staff? Pretty disrespectful to Ann Werth. At Council meetings talking about people should be fired. I saw an outburst between him and another Council member. Using belittling and demeaning language, suggesting motives for their action. Belittling their motives - Tom Neal comes to mind. Something like, "Mr. Neal wants to play Santa Claus and hand out Christmas gifts" and I could see by Mr. Neal's reaction he was offended. I am not a guy who likes confrontation. I don't like to go to meetings where he is present. I don't like going to Council meetings anymore. There is this tense atmosphere and I just don't care for it. And I get a sense from listening to staff meetings, we've had several discussions about the way he conducts himself. I get this feeling from these discussions that he does not consider staff as a resource - it's more like we are a target. And I don't think that lends itself very well to productivity.
8. Have you ever received any **Non-verbal** threats (i.e. glaring, staring with the intent to intimidate, the rolling of his eyes, snapping his fingers, tapping his foot, or other insulting gestures) from Keene Winters? If yes, how often does he display this type of behavior? No.
9. Have you ever received any mail, facsimile, messages, phone calls, e-mail or any correspondence that could be deemed harassing, intimidating, threatening, demanding, or coercing from Keene Winters? If yes, please explain. Not until this incident.

10. Have you ever observed or heard, Keene Winters bully or demean employees or other people? If yes, please explain. Yes. I've given a couple examples.
11. Have you ever witnessed Keene Winters ridicule, mock, or belittle any person? If yes, please explain. Yes. I've given a couple examples.
12. Have you ever observed Keene Winters intimidate, stalk or coerce fellow employees or other people, on or off premises at any time, for any purpose, that in your judgment affects the interest(s) of the City of Wausau? If yes, please explain. No.
13. Has Keene Winters ever been disrespectful, unkind, rude, or demanding during any interactions with you? If yes, please explain. Yes – as described.
14. Has Keene Winters ever expressed a negative attitude or demeanor towards you or others? If yes, please explain. Only as described.
15. Have you ever heard Keene Winters remark that employees are useless, idiots, morons, or they do not know what they are doing. If yes please explain. I've certainly heard him question competence. Anything specific come to mind? The example I gave at the Council meeting where he is questioning the competence of staff and suggesting that people should be fired. I don't even remember what the issue was. Maybe these development agreements – I think that was what it was.
16. Has Keene Winters ever blamed you for a task or job you could not complete, and/or were not completing in the time frame he thought was appropriate? If yes, please explain. No.
17. Do you feel Keene Winters has ever retaliated against you for anything? If yes, please explain. No.
18. Have you ever been the victim of any direct, conditional or implied threat, intentional act or other conduct which reasonably arouses fear, hostility, intimidation or the apprehension of harm in its target or witnesses, regardless of the location of such acts? If yes, please explain. Not other than this. Not prior to this, no. That's what I find so odd. I've always felt – he's one of those guys you don't want to get on his bad side. I've always felt fortunate that I've

been able to avoid being on his bad side, so this incident was not in keeping with my prior relationship with him.

19. Have you ever observed behavior such as this, when it was not directed at you? If yes, please explain. Yes as described.
20. Has anyone ever told you that they were the victim of behavior similar to this? If yes, please explain. Yes. Ann Werth.
21. Do you try to avoid having any contact with Keene Winters because of his demeanor and attitude? If yes, please explain. I do now.
22. Does Keene Winters acknowledge and accept differences of opinion? Please explain your answer. Well, again, this is my perception. I have perceived that he wants what he wants and he wants to be right. He does not seem to be accepting of diversity of opinion. I would not say he consistently acts in that manner, I've just seen instances where I've concluded that he can react that way.
23. Do you believe Keene Winters takes advantage of you? If yes, please explain. No. I don't think so.
24. Do you believe Keene Winters treats you with professionalism, respect, fairness and dignity? Please explain. Not anymore.
25. Have you ever witnessed Keene Winters become emotional or out of control? If yes, please explain. Absolutely. This phone conversation. This was, as I've said, very emotional, very disrespectful, threatening. Completely unacceptable for a workplace.
26. Do you think Keene Winters works as a team player and tries to improve relationships between employees? Please explain your answer. No. I think that he instills a certain level of fear that intimidates employees and leads to lower moral and less productivity. This situation would be one example.
27. Have you ever given Keene Winters any constructive criticism, and if so, how did he handle this? I wouldn't say constructive criticism. Not knowingly. He's asked me certain things

and I've given him an honest opinion on number of occasions. I've provided honest feedback. I don't think I would openly criticize. He seemed to be objective about it. I didn't receive any adverse reaction. I don't think I've ever dealt with him in a way I was fearful of giving an opinion. I tried to provide responsive and factual information so I would not be on his bad side.

28. Does Keene Winters try to build positive working relationships with you, and create a positive work environment? Please explain your answer. I've not noticed him – I think he interacts as necessary. Up until this incident it's been professional.
29. Does Keene Winters understand and accommodate different views and values? Certainly not in this case. This is the first time I've presented ideas he has reacted to in this way. This is my only experience where my take away is he disagrees with me and this is the way he has reacted. (Can you recall another time when the two of you have disagreed on perspectives?) When we were unsuccessful without funding request with the County, he floated the idea of passing a resolution to shut down Transit if we didn't have a multi-jurisdictional agreement in place by a date certain. I told him I did not support that idea. That it would make it difficult to retain my work force and I felt we did not have the leverage necessary to make that threat successful. I don't recall him having a reaction. I don't recall. But there certainly wasn't this negative reaction that concerned me.
30. Have you ever witnessed Keene Winters gossiping or degrading anyone behind their backs? If yes, please explain. He's bad mouthed the Mayor. Handful of times. Just generally, criticizing that he isn't leading on a particular issue or he will be no help to us. That sort of thing.
31. Has Keene Winters ever displayed any behavior to you that is unprofessional, that you have not already explained? No.
32. What can be done to remedy the situation or to improve working relationships, if you do not think you have a good relationship with him? As I said before, I think disagreements are healthy in the decision making process. If anything, a diversity of opinion should be encouraged. I think behavior that is intimidating – even if subtle, is bad for productivity. It stifles creativity. And I think this sort of bullying or intimidating behavior should stop.
33. If you had a choice would you rather not have contact with him? Please explain. Yes. Well, I don't care for conflict and I don't think this conflict is rational to start with and I'd prefer not

to have to deal with it. If he's threatened me and everybody at MetroRide – I'm not sure what he's up to. I don't know if I can trust him.

34. Do you believe Keene Winters treats men different than women? I haven't noticed a distinction.
35. Do you believe Keene Winters treats young people different than older people? I have not seen him interact with other people.
36. Do you believe Keene Winters treats anyone different because of their race, color, religion, sex, national origin, disability, or age? My perception is that he interacts in a way to get the results that he is looking for. I think he operates in a way that is disrespectful to people who disagree with his ideas. I don't think it has to do with any of the categories. It's an ideological reaction that he has and he happens to use methods that are inappropriate for the workplace.
37. Have you had contact with Keene Winters outside of work? I had lunch with him this summer. And a year and a half to 2 years ago I think he paraded all Department heads through his office for which he relayed his budget principle. This was outside my normal work activity. But again, my reaction to those sorts of invitations are, if this is a business meeting this should be conducted in City facilities. A more appropriate venue. My impression is that I'm invited into those circumstances because he has a motive. Or is attempting to exert some type of influence. And it makes me uncomfortable.
38. Does he act the same at work and away from work? I don't have enough information to know that. I don't know him personally at all.
39. Have you had contact with Keene Winters since you were notified of this investigation? If you have, please explain why. No. None.
40. Is there anything I have not asked in these questions that you would like to make me aware of, and/or anyone else you think I should be talking to about his behavior or demeanor. Perhaps Bob Mielke – I know he's had some personal interaction with him that is similar to what I've described. Ann Werth did share with me that after the staff meeting the other day this brings up memories of incidents she had with KW that she felt were very threatening.

End of Statement

Overview of Facts

Metro Ride Incident Report Fact-finding

January 6, 2016

This summary accurately represents information I relayed to Human Resources Director Myla Hite on December 4, 2015.

**Signed Copy Maintained in File in the Human Resources Office**

\_\_\_\_\_  
Greg Seubert, Transit Director

\_\_\_\_\_  
December 4, 2015

**Myla Hite**

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**From:** Greg Seubert  
**Sent:** Monday, November 30, 2015 11:39 AM  
**To:** Myla Hite  
**Subject:** Incident Follow-Up  
**Attachments:** RE: Transit Proposal; FW: United Way RFP process; FW: Transit Proposal; RE: Transit Assignment; Transit Assignment; Meeting Results

Attached are several emails relating to the Keene Winters incident. The recording of the Transit Meeting is too large to send electronically, so I'll have to stop by with a thumb drive.

Greg Seubert, Transit Director  
City of Wausau/Metro Ride  
420 Plumer Street, Wausau, WI 54403  
Phone: 715-842-9287, Fax: 715-842-1541





420 Plumer Street  
Wausau, WI 54403  
Phone: 715-842-9287  
TDD 715-843-6827  
Fax: 715-842-1541  
<http://metroride@ci.wausau.wi.us>

### Incident Report

**Background:** The Transit Commission met at 1:30 p.m. on 11-19-2015. I presented them with a memo (attached) detailing six issues that I thought they should discuss relating to the Transit Pilot Program and Cost Proposal Keene had submitted to the Wausau Community Foundation. After I explained my memo, Mr. Winters abruptly left the meeting saying "Let me know when you have a plan." After some discussion, with input from the City Attorney, the Transit Commission moved to rescind their action from last month's meeting, which effectively stopped the Pilot Project from moving forward at this time.

**Incident:** At 4 p.m. on 11-19-2015, I received a telephone call from Keene Winters. He said "Well you got what you wanted you lazy piece of shit. You worked behind the scenes to kill my proposal. It was a setup. You're a typical bureaucrat and you don't deserve to keep your job."

I said that I was disappointed by his reaction and told him that his proposal was not dead, just delayed. I said that the Mayor had some concerns about the proposal as did I and it was my obligation to present those concerns to the Transit Commission. I told him that we could build on the stakeholder dialogue that he initiated. He said that he intended to turn all the stakeholders against Metro Ride and work to shut down the transit system. He said that he would work to get me fired.

I asked him if he thought that my opinion and expertise were not valid and not to be shared. He said that he had addressed all of the issues in an email and none were insurmountable. He said it was my job to carry out directives. He said that this is the same thing I did to kill his sales tax proposal. He said he was tired of my scheduling meetings at my own convenience and that I was out of control. He said he was done with me and he would not lift a finger to help the transit system.

I told him that I was in an awkward position because I know that he and the Mayor don't get along. I told him that I informed the Mayor because he is my boss. I told him that it was difficult for me to raise these issues. He said "We are done."

**Comments:** Staff should not be afraid to lend the very expertise they were hired to provide. Mr. Winters' comments are threatening to me and every Metro Ride employee and his conduct is completely unacceptable. If the City is indeed committed to providing a safe workplace and has zero tolerance for intimidating and threatening behavior, then Mr. Winters' bullying and intimidation must be stopped.

Prepared by:

A handwritten signature in cursive script that reads "Greg Seibert".

Greg Seibert, Transit Director

11/20/15



420 Plumer Street  
Wausau, WI 54403  
Phone: 715-842-9287  
Fax: 715-842-1541  
<http://metroride@ci.wausau.wi.us>

## MEMO

**To:** Transit Commission Members  
**From:** Greg Seubert, Transit Director   
**Subject:** Transit Service Pilot Project  
**Date:** November 20, 2015

The following are issues that I would like the Transit Commission to consider before we move forward with the pilot project. If this project is to determine the future of an area-wide transit service, the last thing I want to do is carry it out poorly.

1. We do not currently have enough vehicles to expand service and I am uncomfortable moving forward without some certainty that vehicles will be acquired. I am hopeful that Duluth will help us out, but we have been disappointed several times in the past year in our pursuit of used buses.
2. If we delay the project until March 1<sup>st</sup> to give us time to acquire buses, the evaluation period will be shorter and we may not produce meaningful data – certainly not favorable data. I would expect ridership to be modest in the beginning and then build. When municipalities begin to assess their options midyear as they begin the budget process, low initial ridership may doom their continued participation in 2017.
3. Rothschild and Schofield have indicated that they cannot afford their entire share for 2016. Without a commitment from each of the parties for 2017, we may be stuck paying unemployment expenses in 2017.
4. The more we move away from a formulaic calculation to determine the cost for each of the municipalities, the greater the risk for City of Wausau taxpayers. If state/federal funds come in less than predicted or fuel or parts expenses spike, Rothschild, Schofield and Rib Mountain will pay their fixed amount and Wausau will have to make up the difference. WisDOT informed me last week that they have lowered their funding projection for 2016 (below mine). Ultimately, we won't know the actual funding totals until the end of first quarter next year.
5. We are seeking funds to reduce the cost of services for three surrounding municipalities. I fear that critics may assert that the City of Wausau has no business seeking funds on their behalf.
6. State statutes prohibit us from providing service across local boundaries without a cost sharing agreement in place and I have to demonstrate to WisDOT that we have commitments for the local share contribution. While I can point to budget documents for the municipalities, written commitments will have to be secured with the Rib Mountain businesses. I'm not sure how firm those commitments are at this point.

**Myla Hite**

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**From:** Keene Winters <kwinters@tds.net>  
**Sent:** Tuesday, November 17, 2015 2:28 PM  
**To:** Greg Seubert  
**Subject:** RE: Transit Proposal

Greg-

So, what to do want to do?

1. Push for a January 1st start date.
2. Push for a March 1st start date.
3. Quit now and save me a lot of work.

Pick one. If it is 1 or 2, you can read on. I prefer 2. It gives us 10 months operations and two months up front to promote the coming changes.

The Metro-Ride Commission is a unique entity. Once service resumes to communities outside of Wausau, they will again have a seat on the Metro-Ride Commission. The commission will be made up of and represent multiple communities. So, the commission is more than Wausau.

The information you received is contrary to my personal experience. I wrote three grants to start up the humane officer program, submitting to these same entites. A police captain signed off on two, and MaryAnne signed the third.

Besides, you are acting under the direction of the commission. Did we not vote to authorize the pursuit of grants at our last meeting?

How are you progressing with the applications? Can you speak to Deanna Schuette at the United Way 298-5713 and make sure you can submit for their funds?

I am working with Jason Fritsche to convene a meeting or Rib Mountain businesses and with John Robinson and Ken Day for some additional county funding.

More answers in blue below.

Keene

**From:** Greg Seubert [mailto:Greg.Seubert@ci.wausau.wi.us]  
**Sent:** Tuesday, November 17, 2015 11:36 AM  
**To:** Keene Winters <kwinters@tds.net>  
**Subject:** Transit Proposal

Keene –

I would have to run the numbers, otherwise it's purely speculation. I don't think the shorter timeframe will allow us to produce meaningful numbers – certainly not favorable numbers. I would expect ridership to be modest in the beginning

and then build. When municipalities begin to assess their options midyear, as they begin the budget process, low initial ridership may doom their continued participation in 2017.

FYI – the Mayor requested a status report on the grant request and I shared what I knew. Also, I spoke with the City Attorney regarding authority to submit funding applications. The Mayor has the authority to submit state/federal applications and he should submit these as well. The foundation applications require CEO signature anyway, and that's not me.

There are some issues that the Transit Commission should consider on Thursday before we proceed. They are as follows:

1. The more we move away from a formulaic calculation to determine the cost for each of the municipalities, the greater the risk for City of Wausau taxpayers. If state/federal funds come in less than predicted or fuel or parts expenses spike, Rothschild, Schofield and Rib Mountain will pay their fixed amount and Wausau will have to make up the difference. WisDOT informed me last week that they have lowered their funding projection (below mine). Ultimately, we won't know the actual funding totals until the end of first quarter 2016. This is a 10 month pilot. The Saudis are committed to keep oil prices low for the foreseeable future. Starting 1/1/17, we will be back to a formula with a combination of municipal, BID and county money.
2. We are seeking funds to reduce the cost of services for three surrounding municipalities. I fear that critics may assert that the City of Wausau has no business seeking funds on their behalf.  
As discussed, the Merto-Ride Commission has in the past and can in the future represent multiple communities. You and I both know the number one desired destination in Rib Mountain. Without anchor destinations, the system will continue to crumble.
3. Rothschild and Schofield have indicated that they cannot afford their entire share for 2016. What happens in 2017 when they have to pay their entire share? Without a commitment from each of the parties for 2017, we may be stuck paying unemployment expenses for drivers we hired in 2016. The goal is to get \$25,000 of the \$90,000 needed for 2016 from Marathon County. With data, we go after the remaining \$65,000 from the county in 2017.
4. We have to demonstrate to WisDOT that we have commitments for the local share contribution. I can point to budget documents for the municipalities, but what written commitments do we have from Rib Mountain businesses? With good luck, the commitment will be cash in the bank. Mechanically, the way I would route it is that the businesses would donate to the Chamber Foundation for a pass-through, and the grant would be from the Chamber Foundation.
5. I remain uncomfortable moving forward without some certainty that we will have enough vehicles. I am hopeful that Duluth will help us out, but they have disappointed us several times in the past year. That's why we should start on March 1st to give us time to work on the logistics and work the media to promote the route.

Greg Seubert, Transit Director  
City of Wausau/Metro Ride  
420 Plumer Street, Wausau, WI 54403  
Phone: 715-842-9287, Fax: 715-842-1541



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**From:** Keene Winters [mailto:kwinters@tds.net]  
**Sent:** Monday, November 16, 2015 4:59 PM  
**To:** Greg Seubert  
**Subject:** FW: Transit Proposal

Greg-

Same question to you as to Jean plus a few more.

1. If we plan for a March 1st start date, can I lower our "ask" from \$130,000 by 15% to \$110,500?
2. If we start March 1st, will I still have enough pilot time to put up decent numbers?

Your thoughts in confidence would be appreciated.

Keene

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**From:** Keene Winters [mailto:kwinters@tds.net]  
**Sent:** Monday, November 16, 2015 4:56 PM  
**To:** 'Jean Tehan' <jean@cfoncw.org>  
**Subject:** Transit Proposal

Jean-

Can I bounce an idea off you in confidence? Things are coming together, but it will be almost Christmas before we can tell the Metro-Ride staff to go ahead.

With the hiring of additional drivers and other logistical issues, a March 1st start date might be more realistic. What would you think about lowering the price 15% and planning for a March 1st pilot project start? How do you think that idea would be received by others?

Keene Winters, MBA  
Great Lakes Financial Management Group  
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**Myla Hite**

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**From:** Keene Winters <kwinters@tds.net>  
**Sent:** Tuesday, November 10, 2015 10:26 AM  
**To:** Greg Seubert  
**Cc:** Sherry Abitz  
**Subject:** Meeting Results

Greg-

Sorry to be just catching up. There are several action item that came out of Thursday's meeting; some will require work by you.

First, Eric Giordano made the case that a \$10,000 study by WIPPS would not be much help. It is insufficient money to do any data collection like a survey, and a review of literature would not tell us more than we already know. Consequently, the foundations have asked that the County redirect that \$10,000 to the pilot project and add \$15,000 more for a total of \$25,000.

The idea of asking the county for \$28,000 for Saturday service was scrapped. The pilot will have to make due without Saturday service.

Second, the foundations are looking at splitting the remaining \$65,000 needed into small amounts. It has been requested that Metro-Ride write grant applications to the following by November 30th:

The Dudley Foundation  
The B.A. & Ester Greenheck Foundation  
The Judd Alexander Foundation  
The Community Foundation of North Central Wisconsin  
Possibly the United Way

I understand that the Metro-Ride Transit Commission gave authorization to pursue grants for this purpose at its last meeting. Now, we need to get to work.

Please review each foundation's mission and application procedure on-line. Given the mission or focus of the foundation, please emphasize those aspects of the proposal that are consistent with each foundation's mission or create a tailored application.

This may seem like a daunting task. However, remember that much of the information is already gathered and posted to my website. It just has to be milled into the on-line format used by each foundation (and they have made an effort to be similar).

I will round up letters of support and continue to work with the Chamber and Rib Mountain businesses for the remaining \$40,000. I have also scheduled meetings with George and Joan to talk about keeping those placeholders in their budgets.

Good luck. I know it's a big task.

Keene



Office of the Mayor

James E. Tipple

## MEMORANDUM

DATE: June 4, 2013  
TO: Common Council Alderpersons  
FROM: Mayor Jim Tipple *James E. Tipple*  
RE: City Staff Attention Requests  
CC: Department Heads, Directors, Supervisors

Over the past year, City Department Heads, Directors and Supervisors have received an increasing number of requests from alderpersons and the general public. Often times, they are asked to promptly produce reports, analyze data, research open record requests, and numerous other demands that are time consuming. These requests upset current daily priorities and cause staff to work extra hours to comply. It has been noticed that city staff have come in on the weekends just to keep up with their increased work load, due to these abrupt demands.

In an effort to manage this process, effective immediately, all requests other than a quick phone call, should be sent to the Mayor's office for prioritization in the department's respective workloads. This is not intended to slow down or discourage legitimate requests, but to improve our day to day efficiency. If you have any questions or concerns about this new procedure, please give my office a call.

Thank you.

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**Myla Hite**

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**From:** Keene Winters <kwinters@tds.net>  
**Sent:** Wednesday, November 11, 2015 3:04 PM  
**To:** 'Brian Kowalski'; 'Pat Peckham'  
**Cc:** Greg Seubert  
**Subject:** RE: Transit Assignment

Great! It was a good article. What we need a repeat of the same methodology for the proposed new bus routes. Do you have contact information for Audrey?

---

**From:** Brian Kowalski [mailto:[brian@thecitypages.com](mailto:brian@thecitypages.com)]  
**Sent:** Wednesday, November 11, 2015 2:10 PM  
**To:** Pat Peckham <[reporter@thecitypages.com](mailto:reporter@thecitypages.com)>; Keene Winters <[kwinters@tds.net](mailto:kwinters@tds.net)>  
**Cc:** 'Greg Seubert' <[Greg.Seubert@ci.wausau.wi.us](mailto:Greg.Seubert@ci.wausau.wi.us)>  
**Subject:** Re: Transit Assignment

I did indeed write the jobs/transportation story. Audrey Kostroski at the jobs center can provide you with more information, but as I recall job center staff took all of the available jobs within a week time frame, using their own jobs board, and mapped them along with the bus routes. They then compared what jobs were accessible by bus and which ones weren't. I don't recall the exact parameters, such as how far away a job had to be from a bus line to be considered inaccessible if someone didn't have a car. (A person could theoretically walk a few blocks after taking the bus, for example.)

Their data of course assumes that someone lives near the bus line to begin with. That's another issue of course, but harder to account for.

They told me at the time that they wanted to be able to give people at various meetings a better answer when people asked about jobs and transit availability to those jobs. The study was a couple of months old by the time I wrote the story, I believe; I was slightly surprised they hadn't been publicizing it, because I think it was really important for people to know.

Any other questions, please let me know.

Brian

---

**From:** Pat Peckham <[reporter@thecitypages.com](mailto:reporter@thecitypages.com)>  
**Date:** Wednesday, November 11, 2015 at 1:26 PM  
**To:** Keene Winters <[kwinters@tds.net](mailto:kwinters@tds.net)>  
**Cc:** 'Greg Seubert' <[Greg.Seubert@ci.wausau.wi.us](mailto:Greg.Seubert@ci.wausau.wi.us)>, Brian Kowalski <[brian@thecitypages.com](mailto:brian@thecitypages.com)>  
**Subject:** Re: Transit Assignment

Brian Kowalski did the story, but I think somebody at the Job Center did the leg work.

I'm copying Brian in and he can provide you and Greg with contact info over there.

Pat

Patrick Peckham, news editor  
City Pages, Wausau, Wis.  
Phone 715-845-5171

Fax 715-848-5887

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**From:** "Keene Winters (fastest)" <[KWinters@tds.net](mailto:KWinters@tds.net)>  
**Date:** Wednesday, November 11, 2015 at 1:24 PM  
**To:** Pat Peckham <[reporter@thecitypages.com](mailto:reporter@thecitypages.com)>  
**Cc:** Greg Seubert Metro Ride  
<[Greg.Seubert@ci.wausau.wi.us](mailto:Greg.Seubert@ci.wausau.wi.us)>  
**Subject:** Transit Assignment

Pat-

Your name came up at the last meeting convened by Jean Tehan regarding the transit pilot project. We have an assignment for you.

Shortly, you will get a rough map of the proposed new routes. Can you replicate the methodology you used for your article about unreachable jobs and get us a count of how many more jobs would be reached by the expanded route?

That would be greatly appreciated.

Keene

**Myla Hite**

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**From:** Keene Winters <kwinters@tds.net>  
**Sent:** Tuesday, November 17, 2015 10:54 AM  
**To:** Greg Seubert  
**Subject:** FW: United Way RFP process

Greg-

I guess you will have to attend one of these session to apply for the United Way money. Sorry, I did not get this to you sooner. There is only one session left.

Keene

**From:** MaiGer Moua [<mailto:mmoua@unitedwaymc.org>]  
**Sent:** Friday, November 13, 2015 4:38 PM  
**To:** 'Keene Winters ([kwinters@tds.net](mailto:kwinters@tds.net))' <[kwinters@tds.net](mailto:kwinters@tds.net)>  
**Cc:** Deanna Schuette <[dschuette@unitedwaymc.org](mailto:dschuette@unitedwaymc.org)>  
**Subject:** RE: United Way RFP process

Hi Keene:

I just found the RFP information session dates. You can find them on our website at <http://www.unitedwaymc.org/funding.htm>. The RFP is also on the same page.

DATE and TIME	LOCATION - United Way office
Monday, November 16 (11:30 a.m. - 12:30 p.m.)	
Tuesday, November 17 (8:00 a.m. - 9:00 a.m.)	705 S. 24th Ave., Suite 400B, Wausau WI
Thursday, November 19 (4:00 p.m. - 5:00 p.m.)	

**MaiGer Moua**

United Way's 2-1-1 Director/Community Impact Associate-Housing

United Way of Marathon County  
705 S. 24<sup>th</sup> Ave, Ste. 400B  
Wausau, WI 54401  
Direct: 715-298-5726  
Bus: 715-848-2927  
[www.unitedwaymc.org](http://www.unitedwaymc.org)  
Join us on [Facebook](#) and [Twitter](#)

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Thank you.*

---

**From:** MaiGer Moua  
**Sent:** Friday, November 13, 2015 3:54 PM  
**To:** Keene Winters ([kwinters@tds.net](mailto:kwinters@tds.net))  
**Cc:** Deanna Schuette  
**Subject:** United Way RFP process

Hi Keene:

Deanna Schuette, Community Impact Director, can help answer questions that you have about the United Way funding process and dates for the RFP informational session.

Her direct line is: 715-298-5713  
Email: [dschuette@unitedwaymc.org](mailto:dschuette@unitedwaymc.org)

Sincerely,

***MaiGer Moua***

United Way's 2-1-1 Director/Community Impact Associate-Housing

United Way of Marathon County  
705 S. 24<sup>th</sup> Ave, Ste. 400B  
Wausau, WI 54401  
Direct: 715-298-5726  
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[www.unitedwaymc.org](http://www.unitedwaymc.org)  
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Thank you.*

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**Attachment II-E**  
**Alderman Winters E-mail to Greg Seubert**

**From:** Greg Seubert  
**Sent:** Thursday, December 10, 2015 8:57 AM  
**To:** Myla Hite; Anne Jacobson  
**Subject:** FW: Kevin St. John

I received this email from Mr. Winters. I have no idea what he is talking about or why I received it.

Greg Seubert, Transit Director  
City of Wausau/Metro Ride  
420 Plumer Street, Wausau, WI 54403  
Phone: 715-842-9287, Fax: 715-842-1541



**From:** Keene Winters [<mailto:kwinters@tds.net>]  
**Sent:** Wednesday, December 09, 2015 3:03 PM  
**To:** Greg Seubert  
**Subject:** Kevin St. John

Greg-

You should get a call from Kevin St. John. We might want to have him call Dean and say our legal team has expanded.

Keene Winters, MBA  
Great Lakes Financial Management Group  
219 Ross Avenue, Suite 103  
Schofield, WI 54476  
**Office:** 715-675-0060  
**Fax:** 715-298-0558  
**Cell:** 715-551-6950

**Email:** [keene.winters@voyafa.com](mailto:keene.winters@voyafa.com)

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**Attachment II-E-(2)**

**2<sup>nd</sup> Follow-up Interview Summary with Transit Director Seubert  
Following E-mail Receipt from Alderman Keene Winters**

Thursday, December 10, 2015

2:16 p.m.

Phone call with Greg Seubert. After an initial telephone call and voice mail message, Director Seubert's return call:

Me: "HR this is Myla"

Greg: "Hi Myla – this is Greg Seubert returning you call in follow-up to the e-mail I received from Keene Winters".

Me: "Yeah. I was just wanting to touch bases in follow-up to the e-mail you forwarded..."

Greg: "Well you know, upon receiving the e-mail, I googled it to see who this guy was. I'm assuming he is still with the Department of Justice."

Me: "I have no way to know or confirm that, but I do understand that at some point in time he was or still may be affiliated. What is your thought?"

Greg: "Well, my take on that is that Keene is lawyering up and he sent me that e-mail to make certain I'm aware of it and he's attempting to further intimidate me. My other thought was, "Thank you Keene, for doing it in writing".

I then proceeded to tell him we are attempting to wrap things up as quickly as possible. I let him know that I've been delayed in talking with Ann Werth (she's having surgery Friday, December 11, 2015) and that our meeting has been pushed back to next Thursday, December 17. I explained the City is still attempting to wrap things up as quickly as possible after that.

Greg stated he appreciated the City's efforts and that this just needs to be stopped. He also stated he has shared the situation with (MetroRide) staff and their reaction is that this situation is "just appalling".

## Overview of Facts

### Metro Ride Incident Report Fact-finding

January 6, 2016

Prior to ending the call, I let Greg know that I would be talking with Council President Mielke tomorrow. in context of the Council President's instruction that he was not to have contact with Greg.

Greg also let me know his only concern up to this point had been the Transit Commission meeting that should be scheduled for December 17, however, since there are no agenda items there is no meeting, which alleviates that concern.

---

**Myla D. Hite, C.L.R.P** | Human Resources Director | City of Wausau | 407 Grant Street | 2<sup>nd</sup> Floor | Wausau, Wisconsin 54403

 : 715-261-6634 |  : 715-261-0323 |  : [myla.hite@ci.wausau.wi.us](mailto:myla.hite@ci.wausau.wi.us)

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**Attachment II-F**  
**Christian Schock Interview Summary**  
E-mail Correspondence

**From:** Christian Schock  
**Sent:** Tuesday, December 01, 2015 11:33 AM  
**To:** Myla Hite  
**Cc:** Ann Werth  
**Subject:** Your request

Myla,

You have asked me regarding details of my interactions with Alderman Winters and the feedback I received which I have summarized below per your request.

As a new employee to the City and new to Wausau and Wisconsin, I have made a conscious effort to engage various stakeholder organizations, community leaders and elected officials since my hire. This has resulted in meeting with and/or presenting to at least 100 groups, businesses and officials since March.

In August, I met with Alderman Winters at the Bull Falls Brewery after hours to discuss economic development, his observations and to get to know him better. This was our first meeting and lasted approximately 2.5 hours. Many topics were discussed, Alderman Winters expressed his concerns on various issues including recent economic development deliberations. During the early part of our meeting Alderman Winters did note that if I was his employee, he would fire me. At a later Common Council he did accuse me publicly of lying and has been outwardly confrontational in public meetings. I have not taken these comments or confrontations personally per se, but it appears to a systematic approach especially to our department.

Best,  
Chris

***Christian Schock***  
*Wausau Economic Development*  
*407 Grant Street Wausau, WI 54403*  
*715-261-6683*

[wausaudevelopment.com](http://wausaudevelopment.com)

Interview Summary  
Christian Schock  
December 8, 2015

Could you describe what you witnessed or experienced?

I am conducting an investigation into a complaint the City of Wausau received about Alderman Keene Winter's inappropriate behavior and demeanor towards City of Wausau employees and others. During some of these interviews, I received information that people have observed, or have been engaged in unprofessional behavior on the part of Mr. Winters. If this type of behavior is true, it will not be tolerated, because the City of Wausau is committed to providing a safe workplace environment for all the city employees. In addition, we have a policy that addresses any harassing, intimidating, threatening, bullying, violent, and/or offensive behavior at the workplace, which makes it clear that this type of behavior is unacceptable. .

In an effort to conduct a fair investigation, and to make sure similar behavior is not taking place with city employees, would you please answer the following questions.

1. What is your job position and how long have you worked here? Economic Development Manager. How long? 8 months – March 2015.
2. Tell me about your experience. I was making an effort to meet with various stakeholders because I was new. Meeting personally with people outside the Committee process because I'm new to the City. I asked to meet with Alderman Winters. I contacted Alderman Winters by telephone – I believe that was my first contact, and then perhaps by e-mail and requested a time to meet. He suggested we meet at Bull Falls Brewery like after hours one day in mid-August. I accepted the time he suggested. I met him there to chat. It was really just a meet and to learn stuff. Part of integrating into your new job? Yes. By that time, I did know that he had some concerns about some of the economic development items that had come before, through our office. Thru Wausau Chemical which had played itself out through our meeting. He was not happy about Wausau Chemical and he expressed that early in our chat. He did not like the proposal, didn't think it was wise for Wausau. By then it had already failed and I thought, we know that already. You didn't like that and it didn't go forward so I wondered how important it was for him to express his distaste. It was a long meeting. Probably 2.5 hours. There was a lot of discussion. Everything from the Pomeranians, to what he did for a living, where he went to school. Again, my effort to understand and to integrate with people. Where do you live, what do you do, nationality – that came up since we were at the brewery.
3. He expressed concern about Wausau Chemical. His frustration overall with City

administration. Expressed his opinion about various things that had gone on in the past about Economic Development – things he did not find productive. In general, I thought most of the discussion was appropriate – maybe a bit biting, but in general that was his opinion about what has gone on.

4. So in general, you found everything appropriate. Well – many of his critiques, I thought it wasn't inappropriate. It was blunt. Maybe you could construe it as harsh, but I don't know if you would call it inappropriate.
5. Did anything ever occur that you felt was inappropriate? Well, you've asked me specifically about the comment about firing (before – in August? Yeah). Yes. And he expressed, I think in the context of being frustrated with the City. He was not pleased with my actions as they related to Wausau Chemical. I relayed I was doing my job as a staff people. And he said, If he was Mayor – he would fire me. Which I said in the e-mail I took it as commentary on the department as a whole.
6. And then in subsequent meetings he has been confrontational with Department staff on various occasions, including the September 2015 meeting and I've also seen him, you know – dress down other staff, including Ann Werth and others from my Department.
7. Do you recall when I asked you in August if you found the statement threatening? Yes. Well, personally, I consider it less of a threat to me but yet I could see that as very threatening to people who are very reliant upon their job for their livelihood. It certainly is not a positive thing to have occur.
8. An example of dressing down staff in public forums would have occurred at various meetings -- the September 2015 meetings. Including one where he asked me to come to the front of the meeting and he asked me if I was ready for his line of meeting, in a confrontational way – as if to say, I interpreted it as, "Are you ready for your dress down". That one was more recently. Very recently – probably November or late October. Fairly recently. There were at least 2 public meetings – one I was accused of lying or misrepresenting facts previously then questioning how I could be trusted in this process. And then 2 – was the questioning of the – are you ready for seemingly, implying a line of questioning that I would not be able to answer or some kind of a – dress down is the best way to say it. An arse chewing – that would be what it is on base.
9. So you state you do not take this personally. He's called you a liar. He's told you that he would fire you if he could. How are these remarks not personal? Well, it's not positive. It's not a positive thing for the culture of the City. But I guess I feel that he is expressing his frustration with a broad set of issues and quite frankly, I think I'm too new to be the crux of

his problems. I pointed that out to him when he said he'd fire me. Perhaps in my case, since I'm new – his set of gripes aren't necessarily things I was involved with. Many were started before my tenure and I'm making valiant efforts to complete them as instructed by my boss and the Mayor.

10. He was directing them to me personally, but I interpreted it as more of a commentary of his broad mistrust towards City staff, or about many things or many people. Of which I am one – but only one.
11.  
On the discussion of the Metro Status at the ED Committee, he had told us he'd spent time justifying why it was important to do a regional strategy. So we said here KW here's a regional strategy – and then he said it will never work. So, I think there are a lot of those types of commentaries. He says – something needs to happen. You give it to him, then his response is it will never work, it's not good enough complete enough etc. Another example TIF not having guidelines or strategy. Like back in July, we presented it and he was irritated the word strategy was used even tho that's what the Committee has adopted because he said it wasn't a strategy. So we adopted it as a guideline. It's that defeatist strategy. We are unable to succeed because he critiques the process and then he has little confidence we are able to improve it no matter how hard we try.
12. Explain the type of contact you recently have had with Keene Winters, and how often? Not frequently.
13. Explain the type of contact you have had with Keene Winters in the past? How did you respond to him threatening to have you fired if he could – again, coming from my perspective of I'm only one of many things he takes issue with, I said I would take it as a compliment. And that I doubted I would be the first on his list of people to fire – again, implying it isn't really all – he can be angry with me, but he's angry with me about larger structural issues that are not necessarily my issue. I wanted to talk about broader issues and get beyond the current projects.
14. Does Keene Winters's demeanor or behavior negatively affect workflow within your department? If yes, please explain. Yes. I think anyone would say it is not a conducive environment to cooperation and collaborative work. His tone is nearly always accusatory – at least in my experience. Like I'd said before – it seems to surround a defeatist mentality. We need to do these things – but you'll never do them. Or whatever you're doing isn't good enough.
15. Has Keene Winters ever adversely affected your personal or work environment, or created an intimidating, harassing, hostile, or offensive work environment for you? If yes, please

explain. I mean – I suppose – in the entire structure is, could be construed as intimidating. I think – I get the impression he even relishes his role as intimidator. (Explain) I think he feels his role is to intimidate and to do those things. Question, threaten, confront, dress down, chew out, whatever. Those terms seem to be, I guess I get the impression that's what he views his role as.

16. Have you ever felt bullied by Keene Winters? If yes, please explain. To feel bullied is a two way street to some extent. I guess I don't, but I could certainly construe many of the actions as being bullyish because they are confrontational by their nature. Sometimes confrontation can be positive to move things forward. In this case, and I've watched it for 8 months, I've not seen it result in positive momentum, I've not seen the style result in change that you would construe as different or positive. A lot of times it just results in frustration or a demoralizing attitude. But you know – you've come from a military background – it's a very confrontational atmosphere, but it moves things forward. I wouldn't last in that environment, but I guess it does result in some movement. You would think if Keene's style was a consciously adopted strategy to propel things forward or make things better, that we would see positive results of that, which in 8 months I have not.
17. In that way, you'd see a situation not only of where you were dressed down, but followed up with – how bout we do this or we do that. So I don't think it's a strategy to do that and if it is it isn't working well. And that isn't my style and I don't respond well to it. To people yelling at me. I don't like it and I don't work well with that style. A militaristic approach. It isn't me and I don't like that style in general – even tho there have been some managers who adopt it – like in the military. But I've never seen any positive things come of this.
18. Have you ever observed Keene Winters lose his temper, engage in argumentative discussions, be untactful, use coarse, violent, profane or inappropriate language, and/or attempt to intimidate you by his actions? If yes, please explain. Well, I don't know. The general demeanor is consistently negative and critical. So the implication of losing one's temper is to imply there was a temperate moment and then it was lost. I've never seen the temperate moment. Like he is tempered, happy, etc., and then it was lost. I've mostly witnessed negativity and confrontation.
19. Have you ever received any **Non-verbal** threats (i.e. glaring, staring with the intent to intimidate, the rolling of his eyes, snapping his fingers, tapping his foot, or other insulting gestures) from Keene Winters? If yes, how often does he display this type of behavior? I don't necessarily recall, but the interactions are holistically negative. (Tone, words and body language?) Yeah – most of it is not positive.

20. Have you ever received any mail, facsimile, messages, phone calls, e-mail or any correspondence that could be deemed harassing, intimidating, threatening, demanding, or coercing from Keene Winters? If yes, please explain. Not really, no.
  
21. Have you ever observed or heard, Keene Winters bully or demean employees or other people? If yes, please explain. Sure. I guess, you know. Other people appear to be, to receive the same negative and confrontational treatment that I would say has become characteristic from KW.
  
22. Have you ever witnessed Keene Winters ridicule, mock, or belittle any person? If yes, please explain. Well, it's the same answer as the last one.
  
23. Have you ever observed Keene Winters intimidate, stalk or coerce fellow employees or other people, on or off premises at any time, for any purpose, that in your judgment affects the interest(s) of the City of Wausau? Not in my experience, but I have limited experience.
24. If yes, please explain.
  
25. Has Keene Winters ever been disrespectful, unkind, rude, or demanding during any interactions with you? If yes, please explain. I would say that he has never been kind to me. He is not respectful to me. He does not seem to respect my professional background nor the role I'm trying to accomplish and he's been open about that. He's made statements that indicate to me what staff is supposed to do is different from what I believe. He's told me staff is not supposed to express our professional opinion. I explained to him that I believe that's what my boss and the Mayor expect from me and pay me to do. I cannot say I have had any interaction where he has been kind – and I'm brand new. I thought it was strange. I had no history with him.
  
26. Has Keene Winters ever expressed a negative attitude or demeanor towards you or others? If yes, please explain. Yes. It is always negative demeanor.
  
27. Have you ever heard Keene Winters remark that employees are useless, idiots, morons, or they do not know what they are doing. If yes please explain. Yeah. Frequently he seems to imply that staff does not know what they're doing. I've never heard him say idiot or moron, but we got into a long discussion about how he views the role of staff, versus how I view it. I guess I can respect his opinion about that, but it isn't my take on the situation. He used analogies about differences in public admin methodologies where staff simply presents a myriad of options and then policymakers simply choose from a menu of options. He indicated that was his preferred style versus the style we use under the mayor. Informed and professional opinions that colors the recommendations of staff in a structured way. I

guess you can debate either one as effective, but he seemed irritated that the structure was different than he expected.

28. Has Keene Winters ever blamed you for a task or job you could not complete, and/or were not completing in the time frame he thought was appropriate? If yes, please explain. Rather – did not complete it in the way he wanted. Yes. Various ones. Wausau Chemical, the strategy.
29. Do you feel Keene Winters has ever retaliated against you for anything? If yes, please explain. Well, I don't believe so. Not me. He seems to be holding a grudge about past projects or past staff opinions he was disappointed with. That seems true today. He's still bitter about Wausau Chemical even though I don't see why he is so upset by it.
30. Have you ever been the victim of any direct, conditional or implied threat, intentional act or other conduct which reasonably arouses fear, hostility, intimidation or the apprehension of harm in its target or witnesses, regardless of the location of such acts? If yes, please explain. Not other than the August incident. A culture of negativity and commentary that implies a lack of professional respect.
31. Does he treat staff according to the core values? No. I would say no. No examples other than those given./
32. Has anyone ever told you that they were the victim of behavior similar to this? If yes, please explain. Yes. Everyone, there is a lot of staff that seem to believe that KW's commentary is not positive. They do not believe he acts consistent with the core values.
33. Do you try to avoid having any contact with Keene Winters because of his demeanor and attitude? If yes, please explain. I don't. But I do believe he avoids me. He does not send information to me directly. Information related to my job. He has on more than one occasion send information and items to be included on the Economic Development Committee at the last minute. He sends it to Bill Nagle and does not send it to staff. I've conveyed my issue with that. He unveiled an ED strategy at the last minute, without ever consulting me or staff or giving it to us in advance, or saying hey – what do you think about this. From my perspective he may as well be an Alderman from a different community. He does not engage me as a staff person from the City of Wausau. I get more engagement from elected officials from other municipalities than I do from KW. He does not play fairly in that regard, he does not present information fairly. I have highlighted that to him, He seems to respond to that – like acknowledge and apologize. But it does not get better. I have had subsequent lunch meetings with him that are somewhat productive. At this point, he does

not share his opinion or commentary. 2 one on one meetings. The one in August and the second – after August. We had a lunch meeting – at the Wausau Country Club. I reached out to him to schedule the meeting and he picked the time and place. I asked for a meeting in follow-up to his economic development strategy and to share what we were going to do. I was threatened to be fire in one, but I'd prefer to interact with him one on one than in a public forum – his demeanor in a public forum is even less productive that one-on-one. How so? One on one he ends up being less confrontational. So it's more productive.

34. Does Keene Winters acknowledge and accept differences of opinion? Please explain your answer. No. There is always a line about we should appreciate people who are principled in their opinions. But that doesn't mean we can't acknowledge and respect other opinions. But I don't believe he does/
35. Do you believe Keene Winters takes advantage of you? If yes, please explain. Yeah – like he is frequently trying – I think he has consciously tried to trip up staff. To catch staff off guard. From my perspective, he appears to relish that.
36. Do you believe Keene Winters treats you with fairness and dignity? Please explain. I feel like respect implies more than fairness – I guess. No. To be fair you would assume you would at least involve me in some of the discussions before you would issue agenda items, or wish to have things, or badmouth staff or projects behind our back. So no – it isn't fair.
37. Have you ever witnessed Keene Winters become emotional or out of control? If yes, please explain. No. I guess not.
38. Do you think Keene Winters works as a team player and tries to improve relationships between employees? Please explain your answer. He is not a team player. That is well documented.
39. Have you ever given Keene Winters any constructive criticism, and if so, how did he handle this? It's interesting that he seems to acknowledge the failures and misgivings of his approach – he's highlighted that in his discussions with me, but he does not indicate that he can either change or that he should change. I definitely get the impression he knows what he is doing and he's going to do it anyway.
40. Does Keene Winters try to build positive working relationships with you, and create a positive work environment? Please explain your answer. No. It is not a positive work environment. Obviously he is negative.

41. Does Keene Winters understand and accommodate different views and values? Already answered – no. He does not accommodate different views. Now to him, he feels that he shouldn't accommodate – that's the impression I get. You know there is always a balance between accommodation and ideology. And I think there is always friction between that in life – a primary friction point in life. I have an accommodating style. You don't have to give up your ideology to accommodate. He is unable to provide little to any accommodation and appears to be driven solely by ideology.
  
42. Have you ever witnessed Keene Winters gossiping or degrading anyone behind their backs? If yes, please explain. No.
  
43. Has Keene Winters ever displayed any behavior to you that is unprofessional, that you have not already explained? I don't think so.
  
44. What can be done to remedy the situation or to improve working relationships, if you do not think you have a good relationship with him? Yes. I would think that more regular interactions would help us to develop an understanding of our styles, opinions and ideology's. That's why I've tried to do that – with interpersonal interactions. But I don't get the impression he wants to do that.
  
45. If you had a choice would you rather not have contact with him? Please explain. No – I would prefer to have more contact with him because my concern is he rather avoids productive contact. I would like to have more contact because there would be some positive contact in there in addition to the negative and maybe we could build off something. The approach would be to bear hug it and work with it.
  
46. Do you believe Keene Winters treats men different than women? I have not seen that.
  
47. Do you believe Keene Winters treats young people different than older people? I haven't been a party of that.
  
48. Do you believe Keene Winters treats anyone different because of their race, color, religion, sex, national origin, disability, or age? No.

49. Have you had contact with Keene Winters outside of work? No. I do feel like when I meet with him he is uncomfortable.

50. Does he act the same at work and away from work? Unknown.

51. Have you had contact with Keene Winters since you were notified of this investigation? If you have, please explain why. No.

Is there anything I have not asked in these questions that you would like to make me aware of, and/or anyone else you think I should be talking to about his behavior or demeanor. No. I don't know all of the people you have had contact with. But I'm assuming it is all the other staff that have been in the same boat and many of them have more experience than me.

I mainly mean to express you want to create an environment where people can express differences to propel things forward, in a constructive way. I am not seeing things with KW result in that way. I think perhaps he sees his role as questioner or protagonist – perhaps he views himself that way. But you would hope if that's the case it would lead to something positive, but I've not seen it lead to something positive. And he seem to acknowledge that. He kind of told me that his style is not productive, it doesn't result in getting things accomplished. He beats his head against the wall, and people don't listen to him, but it never seems to translate into I'm going to do it different, I'll tell you what the problems are and we can see how to fix them together, etc. . There is no logical connection between – I'm doing these things and they are not effective because I just seem to piss everyone off – there's no, so what does that mean? Where do we go from here to get things done? I've not seen any of that.

End of statement

The aforementioned summary accurately represents information I relayed to Myla Hite on the date below.

(SIGNED COPY ON FILE IN CITY HUMAN RESOURCES OFFICE)

**Committee of the Whole Meeting Excerpt 09/22/15 as Referenced by Christian Schock**

(CS= Christian Schock, KW= Keene Winters)

CS: ... (15:38) Just to clarify, as you already know, the mall is parcel-ized into 3 pieces – the Younkers owned property, the Sears owned property, and the CBL owned property. To finance the CBL improvements, the amendment is to put the CBL property into the TIF district. If there is a proposal to do a future project, say, a major redevelopment at the former Younkers space, that

would come, at that time, on a case by case basis, as an opportunity, and we would consider that – maybe amend the district again, or create a new district or whatever to facilitate that project at that time. But this assumption is based on just the CBL owned properties for the CBL investment.

KW: Good, well (while?) you're up there. Back in June you were beating up on us to use the TIF 5 money, 6 ½ million dollars to move Wausau Chemical. If we had taken your advice at that time, how would we do this? Why should we take your advice this time if you gave us bad advice last time?

CS: Well, I do appreciate that. I wouldn't be so bold to call it bad advice, I guess it's objective, or subjective on your opinion of it. The point, with due respect, is that the Wausau Chemical project obviously came with other additions. The project was tied to an 8 million dollar investment that would then generate money in that district. So, that district would still close at some point, and could be a donor district to this district – that revenue could've been a donor district to this project in the future at any point. And as you recall, the Wausau Chemical decision made by the Council, at least initially, was focused on the fact that it was tied to a major investment that would add increment into 5. So, this is not – I don't see them as equal at all. (17:40)

**Attachment II-G**  
**Megan Lawrence Interview Summary**  
**Interview Summary – Telephone Conversation**  
**Former Economic Development Manager – Megan Lawrence**

In follow-up to a statement made by Ann Werth, Director of Community, Planning and Economic Development, Megan Lawrence was contacted.

In addition to information relayed by Director Werth as Megan being treated contrary to the core values, during the exiting process Megan Lawrence had previously provided some feedback to HR staff on 12/15/2014. This information was used as the basis for initiating the interview, as listed:

Megan – In 2014 you stated that part of your decision to leave City employment was because you were “tired of going to work every day feeling like there is a target on my back. Tired of wondering which Council member will berate me at tonight’s meeting in front of my colleagues and news media” Did I capture that correctly? (Yes) What did you mean by that?

Response: There were council people who were awful to work with. Just awful. **I have been yelled at, cussed at, put down and embarrassed by members of the Common Council.** I also do not appreciate being the subject of a **senseless open records request which only serves to intimidate and bully me.** Do you want to talk about a waste of tax payer dollars? It’s having the Mayor, HR Director, City Clerk, City Attorney spend hours responding to such requests. Perhaps if you did not waste so much of our time, we could be more effective.

You have a tremendous amount of talent working for the City of Wausau. Like the elected officials most of us were not in government for the pay. We did this work because we love the City of Wausau. My experience is that City staff are willing to make sacrifices and tough decisions – and **deserve to be treated with dignity and respect in return.** **I have never worked for an organization where some of the leadership has such blatant disdain for its employees. It is appalling.**

1<sup>st</sup> example. Megan – Romey said in front of me after a meeting out at the incubator that “they would never hire from within again” he said that to Ann. I quickly saw there was no future from the City Council President saying that, so that indicated to me it was time to leave. That happened about the same time as Keen’s open records request. It felt like they were out to get me, they wanted to destroy my good name and drag me through the mud. The records request was baseless and designed to intimidate me. So I got out. (Context provided by Ann Werth – there was a meeting with tenants in the industrial park. Romey was talking with Ann Werth. Romey blurted out and said, “...we will never ever, hire again from within”. (last 3 hires in that year were Anne Jacobsen hired as City Attorney, Ann was hired as Director and Brad Marcourt was hired internally as Public Works Director). While Romey may have been talking about a specific situation, Megan was

## Overview of Facts

### Metro Ride Incident Report Fact-finding

January 6, 2016

learning the different areas of the Department and she had aspirations. Could she be in line for the Director? She interpreted that statement as taking away her future within the City of Wausau. While Megan didn't hear the entire conversation or the context of the statement, Megan overheard it and that's the impact it had on her.)

2<sup>nd</sup> – example provided by Megan was that Keene Winters and Oberbeck were all awful to her. She described them as more quiet bullies. The open records request that Keene made (Attached) was not actually a request for records. . Before Megan even saw it, Keene had sent it to Pat Peckham to get City pages to write a vile article about Megan, which is how she heard about it. And then, as it turned out, and Toni went through this, the items being he asked about were not records. Megan perceived that Keene Winters= was doing it to bully her.

She went on to explain that Alderman Winters said she had a voice recorder under the table which was a lie. She states she openly recorded the meeting with the recorder on top of the table. Megan's belief is that Keene took these actions because he was upset with her. She believes Alderman Winters attended the meeting to speak about Mayor versus administrator and she asked what the benefits of the different forms was and what the Chamber's (of Commerce) view was. She believes Alderman Keene Winters was angry because she asked questions that presented both sides of the story, whereas he only wanted to present one. Then he questioned why I was even at that meeting.

She perceived Alderman Winters as not complying with the Core Values and even more so, as him attempting to bully her in an act of retaliation – her perception is that he was trying to embarrass her and intimidate her from ever speaking up again.

When asked directed is she would you describe his behavior as respectful, she replied No. As complying with the City's core values? She replied no. When asked if she believed if her gender had any bearing on the situation she responded: No -- He doesn't treat anybody with respect, regardless of gender. He treated a lot of people with disrespect.

Megan described that Alderman Winters and a handful of other Council Members' treatment led to her decision to leave. She stated she was sick of working really hard all the time and being treated poorly.

She also offered that her Director, Ann Werth was in a situation where Alderman Winters was questioning everything constantly. She stated that on the surface – questioning things isn't inappropriate. It wasn't the questions that were inappropriate – it was the delivery. It was the manner in which the questions were asked that was disrespectful, unprofessional and inappropriate.

Overview of Facts  
Metro Ride Incident Report Fact-finding

January 6, 2015

Romey Wagner, Chair  
Human Resources Committee



James E. Tipple  
Mayor

December 2, 2014

Keene Winters, Sixth District Alderman  
3824 Riverview Drive  
Wausau, WI 54403

Reference: Investigation Closure, Economic Development Manager

Dear Alderman Winters;

On Thursday, November 13, 2014 you sought the "professional opinion" of the City's Human Resources Director regarding the conduct of Economic Development Manager Megan Lawrence at a Westies Neighborhood Association meeting, which Ms. Lawrence taped. The nature of your inquiry initiated an investigation into the appropriateness of staff conduct at the meeting. As the Chair of the Human Resources Committee, I am kept apprised of investigations involving City staff. While I generally do not involve myself in the day-to-day administration of Human Resources, because this situation involves an elected official I reviewed the data gathered.

The meeting tape has been reviewed and four individuals were contacted for information. Based upon the information gathered, I find staff's behavior appropriate given the purpose of the job Description for the Economic Development Manager, which is provided as follows:

**Purpose:** The purpose of this position is to perform responsible administrative and analytical work in implementing a comprehensive economic development strategy for the City of Wausau. The position is primarily responsible for marketing the City of Wausau and positioning a competitive environment that attracts and retains a healthy mix of businesses and industries.

During the meeting Ms. Lawrence appropriately participated, consistent with her job duties and responsibilities, as follows:

- She asked one question seeking clarification of the Chamber of Commerce's involvement in the analysis of the City's form of government. She later asked a second question in a joking manner related to her attending future Westies meetings.
- Three times during the meeting Ms. Lawrence offered her professional, analysis of roadblocks to attracting businesses to Wausau, which twice related to the media's portrayal of the relationship between the Executive and Legislative Branch and she once articulated how potential businesses research markets before locating within them.
- She also responded to several direct questions that were posed to her, one from you regarding her attendance, another one related to the parking study, still another regarding restaurants.

Overview of Facts  
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January 6, 2015

Keene Winters  
Investigation Closure, Economic Development Manager  
Page --2

There was one interchange related to the budget that falls outside of direct purview of Ms. Lawrence's job description. Meeting participants were discussing the City's budget challenges and Ms. Lawrence responded in general as would be reasonable from any City employee by asking what services would people want cut and then referring to the street snow plowing that had occurred earlier in the day of the meeting.

The Department Director regularly assigns staff to attend Neighborhood meetings in areas of the City that include low income census tracts. As I am certain you are aware, the West end is a blighted TIFF District.

In listening to the tape, I find that Ms. Lawrence's tone and demeanor was appropriate given the setting and the purpose for which her professional position exists.

In terms of follow-up action, I have asked the Mayor to remind staff to take proactive action to be completely visible when tape recording meetings. While Ms. Lawrence indicates her belief that she was transparent when she placed the City owned recorder on the table, I find that other participants at the meeting were not aware the meeting was being recorded.

If you have any questions or concerns, please do not hesitate to contact our Human Resource Director, Myla Hite, at 715-261-6634.

Sincerely,



Romey Wagner, Chair  
Human Resources Committee

KEENE T. WINTERS  
District 6 Alderperson  
Phone: 715-675-0060  
Fax: 715-298-0558



Home Address:  
3824 Riverview Drive  
Wausau, WI 54403  
keene.winters@ci.wausau.wi.us

WAUSAU COMMON COUNCIL

**DATE:** November 25, 2014

**TO:** Anne Jacobson, City Attorney  
Toni Rayala, City Clerk

**FROM:** Keene Winters, Alderman 

**SUBJECT:** Open Records Request

IT IS HEREBY REQUESTED that, pursuant to Wisconsin Statutes Section 19.35, you make the following documentation, records or answers available for inspection:

1. A copy of the recording made by Community Development Manager Megan Lawrence of the Westies Neighborhood Association (WNA) meeting on Monday, November 10, 2014. Please remit an electronic copy to me by email at [kwinters@tds.net](mailto:kwinters@tds.net).
2. An answer to the following question: who authorized or directed the taping of the WNA meeting?
3. An answer to the following question: why was the November 10<sup>th</sup> WNA meeting recorded secretly (i.e., literally under the table without apprising meeting participants that a recording was being made)?
4. A list of the neighborhood association meetings attended by members of the City Community Development staff since April 1, 2014, and the dates of those meetings.
5. A list of the neighborhood association meetings attended and recorded by members of the City Community Development staff since April 1, 2014, and the dates of those meetings.
6. An answer to the following question: was the tape recorder used by Megan Lawrence city property?
7. A list of the people that the November 10<sup>th</sup> recording of the WNA meeting was distributed to, and information about whether city resources were used in the distribution.

Please send me a written acknowledgment of receipt of this request and include an estimate of how long it will take to compile the information.

Thank you for your cooperation.

Cc: Romey Wagner, Human Resources Committee Chairman  
Myla Hite, City Human Resources Director  
Deb Ryan, Coordinator, WNA

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**Attachment II-H**  
**Rasmussen June 10, 2015 E-Mail in Response to Winters/Oberbeck OpEd**

*(Confirmed with Lisa Rasmussen as being her correspondence)*

-----Original Message-----

From: Lisa Rasmussen  
Sent: Wednesday, June 10, 2015 12:43 AM  
To: Ann Werth; Jim Tipple  
Subject: LTE re Development

I have written the attached letter and sent it to the WDH in response to Keene and Dave's op ed. As and ED member, I feel their article intentionally left out key facts to create a negative public response. Sad that they do not see the damage they are doing to the city and local businesses.

Referenced Attachment:

This week two city council members wrote about what they call a lacking plan for Economic Development Wausau. Having sat in hours of meetings with these people and projects, there are many details that were not revealed. Key facts omitted:

**Wausau Club:** The city did not pay for the land or the building. It was donated by the owner. City ownership of this building means it generates no property tax. Of the grants mentioned, the authors failed to note approximately \$500,000 of the grant is state and federal development grant funding, not local levy dollars. Upon completion, the Wausau Club would be returned to the private sector and would pay property taxes at a far higher level than it ever has.

**Wausau on the Water:** The first project in the new east riverfront. While the city agreed to a developer proposal in concept, the committee awaits additional design work from the developer to create visual interest outlined in the adopted design plan for the area. It is a work in progress and is not yet completed.

**Schierl Store/Apartments:** The near-west side business district has concerns about blight and safety. In response, the city created a tax increment district to allow tax dollars from the area to be re invested in that same area. Private sector developers indicate a need for a catalyst project to spur private investment in new projects. This half of our river district sat patiently waiting while the downtown portion of the river district was reborn. A master plan for the area has long called for a re-focus of energy into this gateway neighborhood to increase commercial tax base where it has been stagnant for decades. The proposed market rate housing will appeal to a young, mobile workforce that does not want to be tied down by home ownership. This catalyst concept is why 2nd Ave and Clark Street were designed to create an environment for future projects. Installing supportive infrastructure before other developments avoids season long construction shut downs for businesses locating in the area.

Wausau Chemical: Wausau Chemical located at it's current site in the 1960's. The reality of that placement is we have a chemical plant sitting just feet from the Wisconsin River, the River Edge Trail, our water plant and a newly developing riverfront dining and entertainment district. The company is well suited for our industrial park and the owners, who were approached by the City, agreed to consider moving. Years ago, the plant was identified as a key threat to safety in the event of a breach. Not revealed was that the project includes a land swap, under which the City partners with an established business to move to a safe location and in exchange, Wausau Chemical will give all of its current land holdings near the river to the City for riverfront redevelopment. There are many strategic reasons to relocate Wausau Chemical. The project is expensive, but the long term benefits are huge. The funding for the plan would come from a tax increment district that will still close on time, yet gain over \$7,000,000 in new taxable value not otherwise possible.

In making development decisions, all impacts are considered. Short and long term gains, risks and costs. We must be cautious, but look ahead strategically. Balancing this brings leadership, compromise, victories and defeats. Growth and problem solving is not done by walking away from key committee assignments and then placing blame. These council members criticize slow growth in one meeting and rail against developments representing nearly \$15,000,000 in new tax base and jobs in others. The council must work as a team for the residents who trust us to move Wausau forward and solve issues. This is no time to quit and point fingers.

Attachment II-I  
City Pages Articles

# YOUR LETTERS

## Changes needed to save money

Soon, another city budget will be on the books and another opportunity to do better for our fellow citizens will have passed. Nothing will have changed. Taxes will go up and average home values will go down as the escrow for taxes crowds-out an ever greater share of monthly house payments. And, it will be that way year after year until we are open to the idea that our city government can and should change.

Is it really hard to provide quality services for the same or less money? Some will swear that it is impossible. But it is, in fact, what good managers do everyday. Here are just a few ideas that could transform the cost structure of city government without changing the level of service.

A recent City Pages article described how Weston (pop. 15,000) and Rib Mountain (pop. 7,000) saved "millions" by combining fire and ambulance service and using a staffing model that includes full-time and paid-on-call staff (i.e., people who can be called in if there is a big event). Wausau (pop. 39,000) could be part of this consolidation, but it refuses to employ paid-on-call workers. Instead we have enough full-time employees for multiple fires waiting in the fire house 24-7.

Eau Claire has recognized that fire department staff have idle time and now involves them in property inspections. The side benefit to Eau Claire is that their firefighters becomes more familiar with the building stock and the places where they may someday fight a fire.

Similarly, our Public Works Department has sufficient workers for major winter snow events on staff year round. In Oshkosh, they hire seasonal workers like dump-truck drivers who are laid off from construction to staff-up for the winter.

Wausau could participate in a metro swimming pool district with Weston and Rothschild. Combined, we only need one pool manager. We could buy supplies in bulk. Also, a larger pool district would have an easier time at seeking corporate sponsors and ad dollars.

Pools are not the only city service that could attract corporate sponsors. Wausau does sell advertising on its buses, but consistently rebuffs seeking sponsorship for its parks.

We could consolidate health insurance plans with Marathon County and have a self-insured group of over 1,000 employees. With a group that large, we could hire a staff doctor, physician assistant and nurse practitioner to see employees and their families at no cost to the insurance plan. Greenheck did this and saved significant dollars.

We could have hired a professional city administrator with experience and knowledge of how other communities save money. But the voters said no.

We could have replaced some property taxes with user fees. For example, a stormwater sewer fee could be tied to the amount of water run-off a property generates. Discounts could be given for French drains, rain gardens and other structures

that keep water out of the storm sewer and keep costs down. When these types of services are funded by general property taxes, no one gives a second thought to how much run-off he or she causes. Really, communities all across the state have found success doing this, and Wausau voted it down 3 to 1!

Do not let anyone tell you that there are no ways to save money without reducing services. Proven ideas abound in communities all around us. All we really need is the political will to brush aside the naysayers and fear mongers and make logical, data-driven decisions. A sincere organization-wide commitment to continuous improvement and ever greater efficiencies is the key to raising the standard of living in this community.

—Wausau City Council members Keene Winters and Bill Nagle

There's a public hearing on the Wausau budget Wednesday, Nov. 4, at 5:30 pm in City Hall. The City Council meets as a whole for the final time to discuss the 2016 budget.

## Less complaining, more solutions

Use common sense when analyzing Wausau's city budget. Alderman Keene Winters described the proposed budget as "an orgy of new spending" and a "kick in the teeth to Wausau residents." I am tired of those continued negative comments with no offered solutions.

The old political promises of lower taxes and less government doesn't deal with reality. Has the cost of your clothing, food and shelter gone up or down?

Does the city have the option of cutting cost by adjusting quality, quantity or labor costs? A restaurant can cut its portion, lower its quality, cut staff or their wages. I would suggest the majority will increase prices as part of the solution. A family package of potato chips used to be 16 ounces, but is now 11 ounces, at the same price.

What do you want to cut out of budget, quality, quantity or wages? The state continues to cut aid to municipalities and brags it's cutting your taxes. We have a real concern about crime, so do we reduce number of police and make them use old equipment? Some want more arrests but no increase in jail costs; others want more treatment for drug abuse but no increase for the cost of providing it.

Turn your heat down. Don't eat as much. Don't fill pot holes. I believe our City Council is doing its best to develop a good budget, so give them suggestions instead of complaints.

—Ronald Sem, Wausau

October 29 - November 4, 2015 - 12, 2015 Edition, YOUR LETTERS, Changes needed to save money, Aldermen Winters and Nagle

# YOUR LETTERS

## Tipple: Aldermen's letter got it wrong

**Last week's letter** in City Pages by Wausau City Council members Keene Winters and Bill Nagle contained errors and misinformation. If left unaddressed, the public will be left with impressions that are simply not true.

**Winter snow plowing:** The letter claimed that Oshkosh hires "seasonal workers like dump-truck drivers who are laid off from construction to staff up for the winter." This is simply not true. As confirmed by Mark Soper from the Oshkosh Street Division, Oshkosh does not and has never hired outside help for snow plowing, salting and hauling. Oshkosh employs 33 full-time employees who perform this work.

In Wausau, we employ 29 traffic and street maintainers and equipment operators. They build and keep the streets, traffic signals and signs in working order year round; in winter they also plow the roads. During large snowfalls, Wausau does not hire outside help. We efficiently call upon the sewer and water maintainers and electricians for help clearing the roads.

The authors suggest that we need "continuous improvement and greater efficiencies," when at the same time they ignore significant efficiencies already implemented. For example, today's streets staff is 29; there were 46 working in 1983. Staff has shrunk while the city has expanded and state and federal mandates have gotten more complex and continuously increased workload.

**Employee health care.** The aldermen stated Wausau could save costs by "joining employee health care plans with Marathon County." Again, not true. In 2014 with the approval of the Human Resources Committee (of which Bill Nagle is a member) the city spent \$5,500 to explore joining a health care consortium with the county. The committee abandoned this effort in

May 2015, because the program would have increased the city's health plan costs by 21.4% (\$1.4 million). Through staff's efforts at plan design, the city has maintained a nominal 2.5% (\$91,000) cost increase. Marathon County just approved transferring \$700,000 from their reserve account to fund part of their rising health care costs.

**Fire service:** The letter says that Rib Mountain and Weston are "saving millions by combining services using a staffing model that includes full-time and paid on-call staff." They fail to point out that

Wausau's Fire Department provides a very efficient service specific to structural firefighting. They are trained in many other disciplines to include Advanced Life Support (ALS) Emergency Medical Response, extrication, confined space rescue and water rescue. They are designated as the Level 2 Hazardous Materials (hazmat) team for Wisconsin and conduct fire safety inspections and public education programs. They don't simply sit around the station waiting for a fire to occur.

The reality is that no single fire department in the metro area currently aligns

with the National Fire Protection Association (NFPA) standards and can guarantee recommended staffing to a structure fire; hence the need for both automatic aid and mutual aid box alarm system agreements. Our fire department continuously reviews and assesses deployment strategies and programs to best serve our community professionally and rapidly.

In 2014, Wausau Fire responded to 2,117 fire calls and 4,491 calls for emergency medical services. This is 18 responses a day on average. How could anyone "volunteer" to respond to this volume of emergencies?

The letter also leads you to believe the Eau Claire Fire Department performs non-fire-related property inspections, which is simply not true. Wausau Fire also conducts fire-related property inspections the same as Eau Claire. When approached, Wausau Fire was willing to explore expanding property inspection services. We also are embarking on a community paramedic pilot program in partnership with Aspirus Hospital. Both aldermen attended a presentation that explained how this program can fulfill a valuable community health need, and that it is anticipated to generate a new revenue stream, if successful.

When facing situations such as a heart attack, isn't it better to enjoy an average response time of 3-4 minutes? This rapid response results in Wausau Fire having a cardiac arrest save rate of 64.8% as compared to the national average of 9.6%. Or would Wausau's residents prefer to wait for paramedics to leave their day job or complete a property inspection before responding?

**Cost savings and revenue:** They also suggest the city could save or gain money by attracting corporate sponsors and adding a city administrator. Attracting commercial sponsors is a specific skill set



that falls outside the scope of current city staff. In June 2015, I proposed hiring a communications director who would, in part, oversee efforts to obtain alternative funding sources. This request was not funded by a council committee.

Regarding a city administrator, the Common Council solicited citizen input and the idea was turned down by voters in the April 2015 referendum. There is no guarantee the addition of an administrator would change the city's budget situation.

There are so many inaccuracies in a letter written by aldermen who are in a position to know better. They each have had the opportunity to spearhead efforts to make things better. At times, their perspectives have not been supported by a majority of the Common Council or by me as mayor.

There may be merit to exploring some of the items mentioned in their letter (although the concepts were presented in a way that misleads citizens). City staff work hard to provide the best service as efficiently as possible. Instead of recognizing this, the letter hints the city lacks good managers capable of transforming the cost structure of city government. Their letter fails to mention the exceptional savings found by our management team—over \$1.12 million in 2015 alone. This includes reducing the refuse contract by \$600,000, redesigning a health care plan, and bringing pet licensing in-house, which will increase efficiencies and save \$20,000 each year.

As mayor, I am proud to lead a staff that continues to be innovative in both

cost reduction and revenue generation. Wausau is recovering strong from the recession. New building construction totals in 2015 will reach a level not seen since before 2008. In the last decade downtown Wausau has seen a net of 92 new businesses and the renovation of 256 buildings. Wausau Events hosted 65 special events which attracted more than 55,000 visitors. Our manufacturing base continues to have solid job growth and new facility expansions. Our developing urban waterfront will bring new housing and commercial activity. We will see a reinvigorated Wausau Center mall with new tenants. And we will continue to be responsive to our citizens and businesses.

—Wausau Mayor Jim Tipple

### Other mall stores in trouble nationally

I liked the article about the Wausau Center mall (City Pages Oct. 29–Nov. 5) and truly believe that something has to be done to save it. But if you do some internet research about Sears (and K-mart), you'll see they are losing money by the billions and both stores are not expected to be around much longer. Some analysts say Sears will go bankrupt in 2016. What does that do for the mall? Nobody brings that up. As an anchor store, Sears leaving the mall would leave another huge opening in the mall.

But that's not the whole issue. The smaller mall stores are closing stores across the board. An article from 24/7

Wall St. in March examined the "10 Retailers Closing the Most Stores":

1. Abercrombie & Fitch
2. Aeropostale
3. Barnes & Noble
4. Family Dollar
5. JCPenney
6. Macy's
7. Office Depot
8. Radio Shack
9. Sears
10. Staples

If the mall wants to survive, it will need a plan that includes the Sears space being empty. That's a reality the city has to take into account.

—Rick Ladwig, Wausau

### Be cautious about city loan to mall

We all want the downtown Wausau Center mall to prosper. However, there is a need to view the proposed city plan with some skepticism and caution. It's somewhat difficult for the average citizen to understand TIFs and terminology such as "over-leveraged." The summary is that there are already vacancies and Younkers will not stay if its store doesn't move to a newly renovated location. It's further claimed that moving Younkers and signing them to a long term lease will lure in other national retailers and cause current mall stores to sign long term leases. In short if Younkers can move into a newly \$4.1 million dollar renovated space, the mall will prosper for years to come.

This economic domino effect sounds both simple and great. However, there

appear to be pitfalls. Evidently CBL, the mall owner, cannot renovate the new store for Younkers unless the city of Wausau provides a \$4.1 million loan and other concessions. An earlier report suggests that the loan would be low interest and unsecured. It is further reported that CBL is "over-leveraged" and cannot obtain traditional private financing. If a business does not have sufficient credit for a private loan, should the city become its banker, particularly if the loan is unsecured?

In what looks like a somewhat convoluted plan, the city would keep open a paid-up west side TIF and transfer its revenue to a downtown TIF that would include the mall. This would be the source of the \$4.1 million to CBL. In the meantime, the west-side TIF tax revenues would not be generated back to the city and other taxing units. This would affect area taxpayers who would be denied tax revenue that a paid-up and closed out TIF would generate.

There needs to be much deliberation, interpretation and exploration of alternatives before such a plan can be adopted.

—David Carlson, Wausau

City Pages gladly prints thoughtful letters to the editor, preferably on subjects that have appeared in our publication. City Pages is published Thursdays, therefore time-sensitive letters must be received by Monday for consideration in that week's issue. Submissions should include your name, and for verification purposes only, your address and telephone number. Please keep letters to 300 words or less. Letters may be edited for length, clarity and content. Send your thoughts to P.O. Box 942, Wausau, WI 54402-0942, or email to tammy@thecitypages.com.

# YOUR LETTERS

## Oshkosh *has* used private help for snow

Wausau Mayor Jim Tipple's letter in City Pages last week has caused an epiphany with me of sorts, and the purpose of this letter is to tell you where I am.

Having represented cities as an attorney for 34 years (including Wausau for 28), when I took this job of alderman, I had seen the good and the bad and the smart and not-so-smart of city government and operations! I had worked under a strong city manager and six mayors and alongside some great department heads, managers and line employees. I had a wonderful network of other city attorneys to share knowledge and, of course, I had worked with many, many alderpersons.

I had been a loyal, dedicated, quality, employee for 34 years, but had never been able to be the policy maker and leader. I could be, when I became an alderman of Wausau. I was excited to have a direct and positive effect on people's lives—a wonderful feeling. And that is what I have tried to do these last five years. I had seen way too much incompetence, ego and personal agendas with elected officials. I wanted to do what was right for the people, all the time.

A fair reading of the mayor's letter called into question either my competence or character, or both. He stated, as a counter to my previous letter written with Alderman Keene Winters, that "Oshkosh does not and has never hired outside help for snow plowing, salting and hauling."

As an assistant Oshkosh city attorney, I had been involved in contracting for private trucks for snow removal—or so I thought. So I called Bill Frueh and asked if he remembered Oshkosh doing that.

Bill was the Oshkosh city manager for 20 years and knows his way around street departments. Bill is currently a partner with Steve Hintz in Public Administration Associates, LLC. I served under Bill for three and a half years. Bill remembered the practice and remarked that it served Oshkosh very well. When I mentioned that the practice might have ended, he said he was not aware of that and could not think of any reason why.

I then called Mark Soper, of Oshkosh's public works, who was mentioned in the mayor's letter. He said that what he meant was that he had not seen off-season private workers help with city snow removal in the time he has been with the city.

The point that may have been missed is that we need to look at all departments. The practice of contracting for private dump trucks when you have heavy snow may well be a good one, but it is not being addressed.

The city needs to change the way we deliver services in a broad sense, because as state aid revenue shrinks and property values decrease, our tax rate will go up—or we will have to cut services.

The response I get is typically, yes, we need to raise revenue, have economic development and cut expenses. Never any specifics from departments or the mayor other than a statement that cuts in

◀ from 8

service will result if budgets are cut. The intent of my letter was simply to offer some specifics to get the ball rolling. Somehow, the service costs of approximately \$28 million for fire, police, DPW and parks need to be addressed with competence and courage.

Now for my epiphany. I am finished with trying to change the world, or at least Wausau's world. My time as alderman will end soon. I am happy with my five years of trying to do the right thing all the time for the citizens of Wausau.

—Bill Nagle, Wausau alderman

### Winters adds to Nagle's response

The inherent problem with Wausau's city budget process is the short time horizon. We start the budget late in the year and focus only on the upcoming year. Within that timeframe, it's not possible to contemplate meaningful organizational transformation.

Is it possible to do better? Yes, Marathon County has hired a professional administrator to help create a long-term strategic plan, maintain rolling five-year projections of revenues and expenses, and write an annual budget that supports organizational change over time.

—Keene Winters, Wausau alderman

November 12-19, 2015 Edition, YOUR LETTERS, Oshkosh has used private help for snow

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**Attachment II-J**  
**Documents Offered by Department Director Ann Werth**

**From:** Greg Seubert <[Greg.Seubert@ci.wausau.wi.us](mailto:Greg.Seubert@ci.wausau.wi.us)>  
**Date:** November 10, 2015 at 1:42:39 PM CST  
**To:** Jim Tipple <[Jim.Tipple@ci.wausau.wi.us](mailto:Jim.Tipple@ci.wausau.wi.us)>  
**Subject: Fwd: Meeting Results**  
FYI

Sent from my iPhone

Begin forwarded message:

**From:** Keene Winters <[kwinters@tds.net](mailto:kwinters@tds.net)>  
**Date:** November 10, 2015 at 10:26:07 AM CST  
**To:** Greg Seubert <[Greg.Seubert@ci.wausau.wi.us](mailto:Greg.Seubert@ci.wausau.wi.us)>  
**Cc:** Sherry Abitz <[Sherry.Abitz@co.marathon.wi.us](mailto:Sherry.Abitz@co.marathon.wi.us)>  
**Subject: Meeting Results**  
Greg-

Sorry to be just catching up. There are several action item that came out of Thursday's meeting; some will require work by you.

First, Eric Giordano made the case that a \$10,000 study by WIPPS would not be much help. It is insufficient money to do any data collection like a survey, and a review of literature would not tell us more than we already know. Consequently, the foundations have asked that the County redirect that \$10,000 to the pilot project and add \$15,000 more for a total of \$25,000.

The idea of asking the county for \$28,000 for Saturday service was scrapped. The pilot will have to make due without Saturday service.

Second, the foundations are looking at splitting the remaining \$65,000 needed into small amounts. It has been requested that Metro-Ride write grant applications to the following by November 30th:

The Dudley Foundation  
The B.A. & Ester Greenheck Foundation  
The Judd Alexander Foundation  
The Community Foundation of North Central Wisconsin  
Possibly the United Way

I understand that the Metro-Ride Transit Commission gave authorization to pursue grants for this purpose at its last meeting. Now, we need to get to work.

## Overview of Facts

### Metro Ride Incident Report Fact-finding

January 6, 2016

Please review each foundation's mission and application procedure on-line. Given the mission or focus of the foundation, please emphasize those aspects of the proposal that are consistent with each foundation's mission or create a tailored application.

This may seem like a daunting task. However, remember that much of the information is already gathered and posted to my website. It just has to be milled into the on-line format used by each foundation (and they have made an effort to be similar).

I will round up letters of support and continue to work with the Chamber and Rib Mountain businesses for the remaining \$40,000. I have also scheduled meetings with George and Joan to talk about keeping those placeholders in their budgets.

Good luck. I know it's a big task.

Keene

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-----Original Message-----

From: Lisa Rasmussen  
Sent: Wednesday, October 14, 2015 10:06 AM  
To: Ann Werth; Jim Tipple; Robert Mielke  
Subject: FW: Letter to East Bay

Why in the hell is Keene writing to Eastbay on behalf of the city on his letterhead? That is not his job as a council member. This letter should have been sent by staff or from the Mayor's office. He seems to think he can do whatever he wants. I think actions like this make us look disorganized and poor.

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From: Keene Winters [kwinters@tds.net]  
Sent: Wednesday, October 14, 2015 9:55 AM  
To: Jim Tipple; Bill Nagle; Romey Wagner; Dave Nutting; Tom Neal; Gary Gisselman; Lisa Rasmussen; Karen Kellbach; David Oberbeck; Sherry Abitz; Robert Mielke  
Cc: 'Elizabeth Field'  
Subject: Letter to East Bay

On September 17th, the Parking & Traffic Committee authorized a letter to East Bay regarding parking. Included with the letter is a large, color-coded map of parking spaces in the West River District.

Keene Winters

Overview of Facts

Metro Ride Incident Report Fact-finding

January 6, 2016

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3824 Riverview Drive

Wausau, WI 54403

Phone: 715-675-0060

Fax: 715-298-0558

Email: [kwinters@tds.net](mailto:kwinters@tds.net)

Website: WausauDistrict6.com

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**KEENE T. WINTERS**  
District 6 Alderperson  
Phone: 715-675-0060  
Fax: 715-298-0558

**Home Address:**  
3824 Riverview Drive  
Wausau, WI 54403  
keene.winters@ci.wausau.wi.us

October 13, 2015

Jeremy Viegut, Manager  
East Bay, Inc.  
111 South First Avenue  
Wausau, WI 54401

Dear Mr. Viegut:

We are writing to you today on behalf of the City Parking & Traffic Committee. We have noted concerns expressed by members of your company regarding parking availability and wanted to open a dialogue with representatives of East Bay, Inc., on the subject. Please forward this letter to whomever you deem appropriate.

We value the presence of East Bay in our downtown and want to make sure that we are responsive to any needs you have that would grow the number of people employed at your First Avenue location.

In 2014, the City of Wausau commissioned a parking study of the downtown. It included inventories of parking on the east and west side as well as recommendations on how to improve the utility of parking spaces.

The study counted 1,471 private and public parking stalls in the West River District. The study further determined that the peak occupancy rate for parking stalls in the district was 56%. A map of parking places has been enclosed with this letter.

This is not to say that there were no parking problems in the West River District. The study recommended that all street parking spaces be marked and signed. The fact that parking stalls are not painted on the street makes it harder for people to identify parking spaces and is leading to inefficient use of parking spaces.

Our committee has recommended that all street parking stalls in the West River District be marked in 2016, and a provision to do so has been included in the 2016 budget proposal.

We would also be happy to supply you with more maps like the one enclosed to post in your business to help employees locate parking opportunities.

Again, we would like this letter to be the opening of a dialogue on parking with your company. We look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read "Sherry Abitz".

Sherry Abitz, Chairperson

A handwritten signature in blue ink, appearing to read "Keene T. Winters".

Keene T. Winters, Vice Chairperson

cc: Mayor James Tipple  
Members of the Council

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Office of the Mayor  
James E. Tipple



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TEL: (715) 261-6800  
FAX: (715) 261-6808

**MEMORANDUM**

DATE: March 5, 2015  
TO: Council Members  
CC: Department/Division Heads  
FROM: Mayor Jim Tipple  
RE: Communication Control

It came to my attention via the e-mail (attached below) that there is an attempt to control staff communication, contrary to the guidance I provide.

Here is the situation -- The Finance Committee discussed at the February 24 meeting the proposed legislation to make property assessments a County-wide function. Discussion revealed that the League of Municipalities was remaining silent at that point (they have since taken an opposition position) so Finance Committee Chair Winters asked Bill (Nagle) to draft a resolution.

After the meeting, City Assessor Nan Giese came to me stating that while she voiced her support at the meeting, she felt there were other key factors that needed to be incorporated into any resolution drafted by the City. I met with Nan, Myla and Maryanne and gave them direction to talk with Bill Nagle since he was the person who would be drafting the resolution. I also suggested they may want to consider placing the matter on the next Finance Committee agenda to be transparent and to make certain the policymakers had access to all of the information necessary to make informed decisions.

I am concerned about the tone of the e-mail sent to MaryAnne. It appears to conclude that staff is somehow being insubordinate by taking action to ensure you have the best information available from our subject matter experts. Why do we have staff if we are not going to allow them to perform the work for which we pay them?

I am concerned that without realizing it, we are creating an environment of fear and control of information, which is NOT a sign of a healthy organization. This is also yet another example of what I stated in recent memos -- that staff feels bullied by Alderman Winters.

In the future, I would appreciate as a courtesy that you copy me on all correspondence to staff when you provide them with feedback or direction. This will ensure that I'm able to properly supervise staff.

Thank you.

-----Original Message-----

From: Keene Winters [mailto:[kwinters@tds.net](mailto:kwinters@tds.net)]  
Sent: Thursday, February 26, 2015 10:35 AM  
To: MaryAnne Groat; Anne Jacobson  
Cc: Bill Nagle  
Subject: RE: Countywide Assessment

MaryAnne-

I spoke to Bill about this today. In the interest of time, I will not "re-agendize" this issue. Finance has spoken 5-0 on a properly noticed matter. Staff has a responsibility to support policy decisions once they are made.

To assist you and Anne in preparing a resolution for council, I will draft some whereas clause that I feel captured the spirit of our discussion.

Should you have thoughts about what should be on future finance agendas, I would expect you to contact me directly and not indirectly.

Keene Winters, Chairman  
Finance Committee

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-----Original Message-----

From: Bill Nagle [mailto:[Bill.Nagle@ci.wausau.wi.us](mailto:Bill.Nagle@ci.wausau.wi.us)]  
Sent: Wednesday, February 25, 2015 10:17 PM  
To: Keene Winters  
Subject: RE: Countywide Assessment

Maryanne and nan ( on speaker)called me today and nan said that there were some things that she wanted to say yesterday and did not and could we take it up again next finance and i said yes. bill

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From: Keene Winters [kwinters@tds.net]  
Sent: Wednesday, February 25, 2015 2:29 PM  
To: Bill Nagle  
Subject: Countywide Assessment

Bill-

Can you whip up some Whereas clauses and a resolution and forward it to MaryAnne? Let's make sure this gets done.

Keene Winters, MBA  
Great Lakes Financial Management Group  
219 Ross Avenue, Suite 103  
Schofield, WI 54476

Office: 715-675-0060

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Office of the Mayor  
James E. Tipple



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TEL: (715) 261-6800  
FAX: (715) 261-6808

**MEMORANDUM**

DATE: February 6, 2015  
TO: Common Council Members  
FROM: Mayor Jim Tipple

Honorable Common Council Members;

Under the guise of being a watchdog, one lone Alderman has accused me of "illegal activity" and "incompetence" in statements he has drafted and released to the press (January 26, 2015). Also released to the press has been statements designed for you to believe we have committed malfeasance. He is promoting a belief that Common Council members were hoodwinked into passing a 2014 merit pay plan. His first claim was that implementation was illegal because the Common Council supposedly had no idea how much money was being spent in 2014 – despite the fact that you approved a budget prior to approving the pay plan which contained 2% across the board raises and included funds to cover the former longevity based step increases.

The facts also prove out that actual funds spent in 2014 were \$37,000 less than budgeted (See P.1 Executive Summary in the attached Pay for Performance Report). The rhetoric that the 2014 wage increases created a 2015 budget crisis is simply false – the merit pay plan implementation only increased the City's base budget by \$23,441. To put this in perspective, the animal control program increased the base budget by \$78,489. This program was conceived by the accusatory alderman which was initially anticipated to be self-supporting. The major difference in pay programs is that the raises to staff were disbursed differently than in the past, e.g. tied to performance evaluations (merit) as opposed to cost-of-living adjustments (COLA's) and longevity (annual step increases).

The new pay plan was not "sloppily done" by City Council or the Mayor's Office as one University Professor surmised before having all the facts. It was well thought-out and approved by the Human Resources Committee, developed over a 2 year period with 14 Committee meetings, before being brought to the full City Council via a 20-slide, 40 minute PowerPoint presentation delivered by the Human Resources Director prior to adoption in December 2013.

As we moved to the new system and as highlighted by WIPFLI at the January Human Resources Committee meeting, several transition measures were required to implement. This included giving one-time lump sum payments that did not add to the base salary structure for employees due a longevity step increase in 2014 under the former pay plan. Also, because the salary study began in 2012 and was not implemented for nearly 2 years, the Merit Decisions Worksheet contained a 2% bump for successful performers in order to mature the salary structure.

The City was also accused of waiting until July so we could hide overspending – which is just a blatant untruth. We waited until July so all of the performance evaluations were completed to determine the appropriate merit pay increases within the budget formerly adopted by the Common Council. This action actually resulted in savings even after bringing 12 salaries to market and paying out the one-time lump sum longevity payments.

It is clear from the records of previous common council committee meetings occurring over a 2-year period, that staff made every effort to inform policy-makers on the new pay plan implementation. I am not surprised that many of us did not fully grasp each and every component of the new pay system. It was change. It is complex and it is comprehensive. Recall we took the lead in little traveled territory to implement merit pay.

An apology is due for making false accusations of "illegal activity", "incompetence" and for sending out accusatory and inflammatory press releases and statements made before the facts were gathered and reviewed. We all deserve better treatment and collaboration by those elected to represent the citizens.

Encl: Pay for Performance Report



Office of the Mayor  
James E. Tipple

TEL: (715) 261-6800  
FAX: (715) 261-6808

**MEMORANDUM**

DATE: February 6, 2015  
TO: Romey Wagner, Council President  
FROM: Mayor Jim Tipple  
RE: Coordinating Committee Resolutions drafted by Alderman Winters

I am extremely disappointed at the Resolutions introduced at this week's coordinating committee meeting. I view this as indicative of the dysfunction spurred on by the actions of one single Alderman who took it upon himself to draft documents designed to discipline me.

To make it perfectly clear – the Mayor of Wausau was elected by and is accountable to the citizens of the City of Wausau, not solely to the common council. As I stated in my January 21, 2015 memo, I have worked cooperatively and fostered teamwork among policymakers over 3 terms as Mayor. AND, at the end of the day the citizens elected me to supervise staff and I will employ the work rules I believe are most efficient and effective in doing so.

I'm attaching correspondence dated June 4, 2013; June 27, 2013; September 2, 2014; e-mails between September 25 and October 6, 2014; January 21, 2015; and January 22, 2015 in which my intent was to convey the message that outside of the Committee process, send requests to the Office of the Mayor in order to ensure your requests receive proper prioritization. My goal was not to limit the powers and authority of the Committee Chairs, rather my goal for this process is to supervise staff so they can be successful in performing their work – **that's my job**. I agree you are entitled to information and to receiving it in a timely manner; I do not believe your requests should be overly burdensome or disrupt priorities already established for staff and they are not always in a position to object or negotiate with the policymakers.

Regarding specifics lodged within Winters' memo, his first sentence got it wrong. I did not accuse him of "harassment". What I did say, and I stand behind it, is that his actions have the effect of bullying staff and I will not tolerate that any longer. You do not have to take my word for that – any one of you can talk with Department Directors firsthand to hear how staff feel that the manner in which Winters' interacts has the effect of them feeling bullied.

Also in his first paragraph Winters stated the outcome of "the debate" (I assume he's referring to the Coordinating Committee meeting) will impact the ability of folks to do their jobs and refers to the "balance of power between the executive and legislative branches". I do agree there is a struggle for power here and staff has been caught in the middle because one Alderman appears to be vying for the responsibilities of the CEO – contrary to Chapter 62.08 of the Wisconsin Statutes. His last paragraph on the first page of his memo is clear that he has the perception that I work for the Council. This is simply not the case. And let's be clear – I am not trying to block anyone's ability to get the work done – in fact, I've outlined and communicated processes to help facilitate getting your needs met outside the Committee process (see attached memos). Let my office know and I will make certain it gets done. One has to wonder why it is so difficult for one single Alderman to honor a request to work cooperatively with the office of the Mayor. I know of no other organization – public or private – where a board member is allowed to run amuck and dictate work to staff. It just isn't done.

Regarding Mr. Winters' depiction of what occurred with Mark Goffin and the Wausau club – consider placing yourself in Mr. Goffin's shoes and answer the question of whether or not he feels supported to succeed by this Council.

Regarding the pay raises it is clear that Mr. Winters has taken bits and pieces of information and presented it via press releases to the public in a manner that significantly misrepresents the facts. You only have to look as far as his January 11, 2015 press release where he went on record stating that the new compensation plan was advanced to the consent agenda of the Council meeting without presentation or discussion. I know some Common Council members

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Office of the Mayor  
James E. Tipple



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TEL: (715) 261-6800  
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are irritated that I played the recording of the 40-minute presentation made by the Human Resources Director in a forum that did not allow for discussion. But think about it. Just 15 minutes prior to the Council meeting where I played the recorded presentation, 4 Common Council members were vocally demanding answers stating it mattered not where they came from. Everyone present at the Finance Committee meeting heard that. So I made the spur of the moment decision to give this Council the answers I had at the time. On the one hand members of the Common Council demand answers **NOW** and on the other hand is irritated by the forum in which the answers are provided.

Regarding the after-the-fact protests concerning reporting on the new pay plan implementation. How are we tardy? The pay plan was implemented in July 2014. The Committee with oversight implementation requested a report in January 2015. A report has been researched and prepared for review in February 2015. As a reminder, the former HR Director left City employ in June 2014. The new HR Director started work on July 7 and the Sr. HR Consultant left one week later. The new Senior HR Consultant started work in August. The new HR staff was faced with a \$500,000 projected increase for employee health benefits and the Police and Fire Union contracts were past due for negotiations. Why would reporting on pay plan implementation be a top priority when it was implemented within the budget adopted by Common Council and done so under the oversight of the Human Resources Committee via 14 meetings that spanned two years? To staff's credit, open enrollment occurred in November 2015 and the health benefit plan is anticipated to have nearly \$150,000 in reserves this year. The Union contracts were ratified by Common Council in December 2014.

Regarding Mr. Winters opinion on his version of government and how it operates, it is just that -- his opinion. Note that you, as Common Council members must consider from your actions, that you are setting the tone for the future relationship between the Office of the Mayor and Common Council. Do you want it to be cooperative or adversarial? I also urge you to ask yourself what the agenda is and who is being served by all of this controversy.

As Alderwoman Rasmussen recently stated in open forum at a Council meeting, it is time for repairs to be made in relationships by the Common Council – yet you support resolutions beyond your scope of authority designed to reprimand the Mayor? I ask each of you to work together to develop rules for the Common Council where you can hold yourselves and one another accountable – not ones that attempt to limit the statutory duties of the Office of the Mayor. I also urge you to make a point to ensure that all members comply with the City's Core Values and that we get on with the business of cooperatively, positively and proactively serving the citizens of Wausau in the most efficient manner possible.

Your deliberate consideration is greatly appreciated.

Encl: Memo dated June 4, 2013  
Memo dated June 27, 2013;  
Memo dated September 2, 2014;  
Memo dated e-mails between September 25 and October 6, 2014;  
Memo dated January 21, 2015; and  
Memo dated January 22, 2015



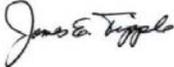
Office of the Mayor

James E. Tipple

## MEMORANDUM

DATE: June 4, 2013

TO: Common Council Alderpersons

FROM: Mayor Jim Tipple 

RE: City Staff Attention Requests

CC: Department Heads, Directors, Supervisors

Over the past year, City Department Heads, Directors and Supervisors have received an increasing number of requests from alderpersons and the general public. Often times, they are asked to promptly produce reports, analyze data, research open record requests, and numerous other demands that are time consuming. These requests upset current daily priorities and cause staff to work extra hours to comply. It has been noticed that city staff have come in on the weekends just to keep up with their increased work load, due to these abrupt demands.

In an effort to manage this process, effective immediately, all requests other than a quick phone call, should be sent to the Mayor's office for prioritization in the department's respective workloads. This is not intended to slow down or discourage legitimate requests, but to improve our day to day efficiency. If you have any questions or concerns about this new procedure, please give my office a call.

Thank you.



Office of the Mayor

James E. Tipple

## MEMORANDUM

DATE: June 27, 2013  
TO: Council Members  
FROM: Mayor Tipple   
RE: Clarification of my June 4<sup>th</sup> Memo

There has been some confusion as to the intent of my June 4<sup>th</sup> memo.

The intent of my memo was **NOT** to regulate council members contact with city staff. My intent was to prioritize external work requests of staff, including those from the general public. Managing internal staff workloads is under the purview of the Mayor's office. Working together we can maintain an efficient management staff recognizing the city's limited resources.

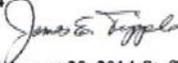
Thank you.



Office of the Mayor  
James E. Tipple

TEL: (715) 261-6800  
FAX: (715) 261-6808

MEMORANDUM

DATE: September 2, 2014  
TO: Keene Winters  
FROM: James E. Tipple   
RE: Your Memo dated August 28, 2014-Staff Preparation for Finance Committee Meetings  
CC: Ann Werth, Maryanne Groat, Myla Hite, Romey Wagner

I have considered input provided in your August 28 memo entitled "Staff Preparation for Finance Committee Meetings" as well as the memo titled the same that you sent to Finance Director MaryAnne Groat and to Community Development Director Ann Werth.

This situation could have, and should have, been prevented by exercising principles of good teamwork and communication. On June 4, 2013 I sent a memo to Common Council Alderpersons informing that requests for reports, data analysis, research and other demands upon staff time be sent through my office so I could prioritize workload in order to improve day to day efficiencies. This procedure has been largely ignored and the results came to a head at the last Finance Committee meeting. Had I been consulted, I would have objected to an overly burdensome, twenty-one item agenda given the other priorities I already had staff working to accomplish. Partly in an attempt to please you and partly because the current divisive environment is intimidating to staff, the Finance Director worked all week-end attempting to comply with your direction, and was then required to take one week off without pay. In addition, Community Development Director was on vacation for 6 days. Our organization is simply not large or deep enough to absorb a piling on of work with staff shortages.

Your disagreement with our current form of government is negatively impacting this organization. As the Mayor and Chief Executive Officer, let me be clear – I will not be bringing forth any proposal to hire an interim administrator or operations director to assist in managing the City. The Common Council has considered your recommendations and has acted. A referendum will be placed on the ballot in April 2015 to seek citizen input on the form of government. In the interim, the Human Resources Committee is preparing an RFP to study our organizational efficiency and effectiveness. Finally, I released a three part plan earlier this month and am steadily taking action to accomplish those objectives. I urge you to stop casting aspersions on our organizational structure, our staff and the good work we have produced and to instead partner with me to objectively assess our current state and create plans to lead our great City towards a brighter tomorrow.

I will immediately act upon some of the suggestions you offered in your memo. Specifically I agree there should be time between Committee decisions and the advancement to the Common Council for action. I will also direct staff not to publish any agenda item for which materials were not received at least six days in advance, unless the Committee Chair has specifically notified me they are making an exception.

I will also be speaking with staff encouraging them to work with their Committee Chairs and for them to immediately advise me if Chairs create situations in which it is impossible for staff to fulfill expectations. I am also outlining a process for Common Council Alderpersons to provide me with input for staff performance expectations and feedback. Until then, I will expect any direction to staff and requests for work to come through my office.

Your cooperation and support is greatly appreciated.

Thank you.

O:/Mayor/TippleCorrespondence/KeeneWinters.Memo.StaffSupervision.docx

**Kathi Groeschel**

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**From:** Jim Tipple  
**Sent:** Monday, October 06, 2014 3:30 PM  
**To:** Kathi Groeschel  
**Subject:** Fwd: Finance Committee Meeting 10/14/14

FYI

Sent from my iPhone

Begin forwarded message:

**From:** Jim Tipple <[Jim.Tipple@ci.wausau.wi.us](mailto:Jim.Tipple@ci.wausau.wi.us)>  
**Date:** October 4, 2014 at 12:59:23 PM CDT  
**To:** "Keene Winters" <[Keene.Winters@ci.wausau.wi.us](mailto:Keene.Winters@ci.wausau.wi.us)>  
**Cc:** Bill Nagle <[Bill.Nagle@ci.wausau.wi.us](mailto:Bill.Nagle@ci.wausau.wi.us)>, Romey Wagner <[Romey.Wagner@ci.wausau.wi.us](mailto:Romey.Wagner@ci.wausau.wi.us)>, MaryAnne Groat <[mgroat@ci.wausau.wi.us](mailto:mgroat@ci.wausau.wi.us)>, Anne Jacobson <[Anne.Jacobson@ci.wausau.wi.us](mailto:Anne.Jacobson@ci.wausau.wi.us)>  
**Subject:** RE: Finance Committee Meeting 10/14/14

Keene,

In the future, I am asking that when you disagree with my direction to staff, you provide me with the common courtesy of engaging me in dialogue prior to sending written correspondence to either myself or the newspaper. I have noticed that you consistently approach staff directly against my express direction for requests, other than routine committee matters, to be directed through my office. While this approach to communication may serve your own agenda, I do not believe it is in the best interest of the City or conducive to operational productivity. If you disagree with my direction, please meet with me directly instead of involving the media or placing staff in the untenable position of being pulled into a disagreement between two elected officials.

Within this framework, I want to clarify the roles as defined by statute and our own Common Council. As Mayor and CEO, I am entrusted with the responsibility for supervising our workforce which requires a broader perspective than that of a single Committee. Your memo dated September 25th documents a perception of the Finance Committee having a role that is broader than that envisioned by the structural framers. For example, you state the Finance Committee has oversight and legislative responsibility for financial matters and oversight for all things involving the activities of the City Finance Department. It is the Common Council as a whole - not one lone member, who has legislative oversight responsibility for all financial matters and related internal control systems. While the Finance Committee has a partnership role with the Mayor for financial operations, it is ultimately the responsibility of the Mayor to ensure that all City officers and employees discharge their duties. Supervisory responsibility does not rest with the Finance Committee or its Chair.

The role of the Finance Committee, as a standing Committee of the Common Council, is crucial. The Finance Committee is tasked with the reviewing financial matters and making recommendations to the Common Council on a good number of things to ensure sound financial

operations. Recommendations the Committee makes include the following: the annual executive budget as developed by the Mayor as Chief Executive Officer, the financing of City undertakings, the financial affairs of the City, the improvement of the financial condition of the City, re-appropriation of funds by transfers, ways the City could obtain additional sources of revenue or additional revenue from existing sources, and for the payment or nonpayment of claims filed against the City. To effectively review these matters so you can make sound recommendations to the Common Council, requires us to work in tandem. It is equally important for Committees to work in concert with one another which is part of the reasoning for the newly restructured Coordinating Committee. I would urge you to use this Committee for direction regarding issues that span multiple committees, departments, or require a high degree of coordination.

I agree Development Agreements warrant review and apologize for your frustration at making repeated requests. I believe this situation evolved, in part, as a result of staff being torn between the demands of their own Committees and with the need of daily operations within their own departments. For efficiency sake and to prevent a duplication of effort, staff has been directed to continue on the path previously stated. While I note your desire to have a presentation at the Finance Committee's October 14 meeting, the Council President and I have agreed they will be appropriately reviewed and discussed at the Economic Development Committee meeting on October 16th. Please be reminded that the Economic Development Committee is also a standing Committee of the common Council and you have already been invited to attend that meeting. To be clear - while you may choose to retain the Development Agreements on the Finance Committee agenda, staff will not be making a presentation or come prepared to engage in a meaningful discussion.

Please also know I do understand you are protesting the Mayor having any role in Committee matters. I am equally surprised at the protest since the Mayor appoints Committees, supervises staff and because effective municipal operations really hinge upon a team approach. My hope is that moving forward, we will be able to work together by engaging in direct talk and a through a collaborative approach.

In event you have any questions or require any additional information, I will be happy to arrange a meeting between, you , myself and the Council President.

Jim

-----Original Message-----

From: Keene Winters  
Sent: Thursday, September 25, 2014 4:53 PM  
To: Jim Tipple  
Cc: Bill Nagle; Romey Wagner; MaryAnne Groat; Anne Jacobson  
Subject: RE: Finance Committee Meeting 10/14/14

Mr. Mayor-

Thank you for the suggestion. However, after careful consideration, I will need to keep this item

on the Finance Committee agenda. The Finance Committee has oversight responsibility for:

- All things that have a meaningful financial effect on the city
- All things involving the activities of the City Finance Department
- All financial internal control systems
- All matters subject to coverage by the external auditor

Certainly, the Economic Development Committee will want to see the same list for their own purposes. They will want to know whether projects were completed, who has a good track record and whether the projects had the desired economic impact.

However, issues like whether the city enforces contracts, whether we keep track of who owes us money or whether we send out timely invoices are matters of internal control, subject to audit and squarely in the jurisdiction of the Finance Committee. The Finance Committee is the audit committee and will work with the auditors on matters of internal control. It would not be appropriate for the Economic Development Committee to involve itself in those matters, and it would not be appropriate for the Finance Committee to delegate these duties.

While we are on the subject of contract enforcement, we will need to hear your plans to make sure there is a role for the city attorney in the monitoring and enforcement of these contracts. The concern is that she is being left out of the process. Please be prepared for questions about that on October 14th.

To be honest, I do not see a role for the mayor in deciding which issues go before which committees. However, I would be open to asking the city attorney for further clarification about legislative agenda control.

Keene T. Winters, Alderman  
Wausau Common Council District 6  
3824 Riverview Drive  
Wausau, WI 54403  
Phone: 715-675-0060  
Fax: 715-298-0558

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From: Jim Tipple  
Sent: Thursday, September 25, 2014 8:21 AM  
To: Keene Winters  
Cc: Bill Nagle; Romey Wagner  
Subject: Finance Committee Meeting 10/14/14

Keene,  
After a discussion with Bill Nagle and a subsequent talk with Romey, it was decided to move the agenda item "List of Development Agreements issued Since 1/1/2006 with a Summary of Agreement Terms and Tracking System - Werth, Tipple" to the Economic Development meeting on October 16th to be held at the EEC building located on the Business Campus in the old industrial park. As always, you and other Council members are invited to attend. A tour of one of our important Wausau Corporations in the Business Park will be included as part of our Economic Development meeting. Hope to see you at the meeting!  
If you have any questions, please feel free to give me a call.  
Jim

James E. Tipple  
Mayor, City of Wausau  
407 Grant Street, Wausau, WI 54403  
715-261-6800, 715-261-6808 Fax

[cid:image001.jpg@01CFD897.4EEEEAE00]



Office of the Mayor  
James E. Tipple

TEL: (715) 261-6800  
FAX: (715) 261-6808

MEMORANDUM

DATE: January 21, 2015  
TO: Alderman Keene Winters  
FROM: Mayor Jim Tipple  
RE: Request for Salary Information

I am forwarding this response to your request for salary information, with reservations.

Chapter 62.08 of Wisconsin Statutes clearly establishes the role of the mayor as the chief executive officer, responsible for supervising city officers and employees as well as providing the mayor with veto power over any and all Council actions. I have taken great care during my 3 terms as Mayor to work cooperatively with the City Council and to foster teamwork between the various roles. In less than two terms as Alderman, your actions have created the perception that the rules do not pertain to you. This is extremely disruptive and portrays the City of Wausau in a negative light – which is not healthy either for the City or for staff. One example is that you consistently ignore the process I have offered to Council for accessing staff work. Your refusal to make requests through my office for information outside the committee process, usurps your role. It is extremely disruptive and has the effect of contravening the priorities I establish for staff by your attempt to dictate their work. The methods you employ for interacting with staff and my office have the effect of bullying and I will not tolerate this any longer. Take note that I have directed staff to coordinate any and all requests from Council through my office so I can properly supervise their work.

Your method of operation appears to be crisis generated. An example is the sad situation we are facing today with the Wausau Club. Despite you knowing that a local, innovative business leader was on vacation out of country, you proceeded with scheduling a discussion regarding the redevelopment proposal when you knew he would not be able to attend.

Another example of this pattern of crisis creation is the “Special Finance Committee” meeting you called on January 6, 2015. Despite your repeated demands that staff forward all information relating to a topic seven days in advance of an open, public meeting, you create chaos by calling meetings at the last minute with absolutely no prior coordination. You proceeded with the meeting with last minute demands for data even after being advised that two of your Committee members were unavailable. Three key staff members and two Department heads, who could speak to the process and data, were on vacation scheduled far in advance. Because there was no crisis that required immediate Committee action, one can only attribute your motives as having a need to present invalidated assumptions within a forum where they cannot be challenged with the facts. It is time for this to stop.

This information response is limited for two reasons.

1. Council President and HR Chair Wagner directed Human Resources to research information related to the salary increases given in 2014 and bring it back to the Human Resources Committee in February 2015. Your insistence for immediacy and repeated requests for piecemealed information lends itself to inaccuracies and inconsistencies until staff has had the opportunity to fully gather update and verify the data being collected.
2. I am releasing to you the salary increases and position titles – not employee names. As you are aware from your presence at the Human Resources Committee, it is important that we safeguard the privacy of staff and balance the need for review against the needs of the organization. This will provide a



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Office of the Mayor  
James E. Tipple

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TEL: (715) 261-6800  
FAX: (715) 261-6808

working environment that respects staff and is conducive to productivity. You have stated that in your role as Finance Committee Chair your concern is the financials. I am releasing information designed to satisfy your need to review the financials without bringing personnel into it. However, a complete work product will be discussed and reviewed in closed session in February. I encourage you to coordinate with Council President Wagner to ensure your attendance at that session.

As you proceed to analyze with the Finance Committee the limited data I am providing you, there are a few items I want on record. As Mayor, I prepared a budget for 2014 that included across the board salary increases for staff. The (then) Human Resources Director hired a consultant, WIFLI, to assist in a new venture of implementing pay-for-performance. They, in turn, worked under the tutelage of the Human Resources Committee to implement this new venture – where Wausau had no experience. In the aftermath of implementation, we have learned there was a difference in perception about what was to occur and what actually did occur. The Human Resources Committee is working through that to improve for future. What basically occurred is staff entered into an area of new innovation. While some appear to be twisting this into something sinister, it is simply not the case. The budget I submitted which was adopted by Council contained funds to cover these costs both in 2014 as well as 2015.

Also, on the topic of staff assignments, the Office of the City Attorney is intended to be a resource for the Mayor and City Council, not a tool for one alderman to discredit the current administration. Your last minute demands and unscheduled interruptions on the City Attorney along with your overly burdensome requests for legal opinions are disruptive, interfere with the priorities I set for staff and will no longer be tolerated. From this point forward, if you seek a legal opinion, your request must be submitted through my office or through the Council President; otherwise, your request will not receive priority.

My goal for the City is to create an environment where staff feels supported in taking risks to make Wausau the best possible place to live and work; when we fall, we learn our lessons, adjust and make improvements for the future.

I will again extend the standing offer I have made to every member of the Common Council throughout my tenure – if you would like to work together towards the best interests of the City of Wausau, I am happy to meet with you. My door is always open. To that end, I encourage you to consider that it is not necessary for you to carve out the role of villain within the organization of the City for you to present yourself as hero to the citizens of the City. My agenda always has been, and remains, to rely upon staff to the fullest extent possible to provide the best service at the best value to our citizens. Instead of supporting the City towards improvement, it appears on the surface you actively twist and manipulate circumstances and data as negatively as possible under the appearance of ferreting out government corruption and incompetency. At the end of the day, a full examination will support that the City of Wausau is fortunate to have a skilled, motivated staff doing the absolute best job possible within the structure and the knowledge base we have. As I've stated many times, "Do we make mistakes? You bet!" And do we learn from those mistakes and make it better for the future? Absolutely. I invite you to partner with me in this process. And to that end, if you wish to access data in the future outside of the Committee process, request it through my office.

Cc: Common Council

Keene T. Winters  
District 6 Alderman  
Office Phone: 715-675-0060  
Office Fax: 715-298-0358



Home: 3824 Riverview Drive  
Wausau, WI 54403  
Email: Keene.Winters@ci.wausau.wi.us  
Website: www.WausauDistrict6.com

**WAUSAU COMMON COUNCIL**

**DATE:** January 22, 2015  
**TO:** Romey Wagner, Council President  
**FROM:** Keene Winters, Finance Committee Chairman  
**SUBJECT:** Accusations from Mayor Tipple

As you know, Mayor Jim Tipple has written me a memo essentially accusing me of harassment and asserting the right to ban me from making further information request from staff without his express approval. The charge is serious enough and deserves a response. However, outcome of this debate stands to have profound implications for my ability to do my job as a committee chairperson, for the ability of other chairpersons to do their jobs and for the balance of power between the legislative and executive branches. I am, therefore, requesting that you schedule a committee of the whole meeting at the earliest possible date to resolve this matter.

I am devoting the remainder of this memo to statements of fact, which I believe rebuts the mayor's accusations.

In the Finance Committee on January 6<sup>th</sup>, we sketched out the rows and columns of a report on pay raise for non-represented employees that we wanted to see on a white board. That report should have been generated by downloading data from two different payrolls for about 168 positions, exporting the data to an Excel spreadsheet and merging the data. It is hard to imagine that this process would take more than one hour of staff time.

If the mayor is being told that there are complications, and it takes longer to produce such a report, then he needs to investigate how the staff is storing and retrieving data.

The pay raises in question were given in July of 2014. According to council directive, we were supposed to move from a traditional across-the-board pay raise system in 2013 to a merit pay system in 2014. This represents a major change in compensation plan and compensation philosophy for the city and has material fiscal implications. It would be reasonable to have expected that the Tipple administration would have collected and analyzed data on the change and presented it to the relevant committees months ago.

The fact that the Tipple administration is tardy in reporting to the council on this significant issue and that our request for information on the pay raise receive such a bellicose response raises concerns about the mayor's willingness to share this data with us.

I think the mayor is projecting into the statutes powers that he does not have. The making of policy and setting of priorities is done by the council. The mayor has a ministerial duty to see that the council's directives are carried out.

In American government, the legislative body is superior to the executive branch. Wisconsin Statutes 62.11(5) states that "the council shall have the management and control of the city property, finances, highways, navigable waters, and the public service, and shall have the power to act for the government and good order of the city . . ."

Wisconsin Statutes 62.09(8)(a) says "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 council has the power to determine what those ordinances and duties are.

The veto power is limited to affirmative acts taken by the council that would require the mayor's signature to become law. The use and procedure in Wisconsin Statutes 62.09(8)(c) is quite specific. The mayor has five days to enter a veto, and the council has to immediately schedule a vote to sustain or override the veto. It is not a blanket power to refuse to implement council directives or to withhold data from the council.

I feel at this point, I should sound a note of caution. If the mayor willfully tries to assert powers he does not have or willfully does not follow council directives, he may be found guilty of misconduct in office.

The mayor needs to pay closer attention to what is going on. January 6<sup>th</sup>, was a regular finance committee meeting that was rescheduled a week earlier to accommodate three items of business:

1. To review additional information including a cash flow statement from Mark Goffin on his Wausau Club proposal and forward recommendations to the council meeting scheduled for January 13, 2015. The council needed to act on the 13<sup>th</sup>, since the next WEDC grant application deadline was January 19<sup>th</sup>.
2. January 13<sup>th</sup> was the last regularly scheduled council meeting before wording was due to the county clerk for April ballot referenda. Committee action prior to that date was required on the referenda wording to advance it to council.
3. Marathon County had scheduled a presentation of their consultants report on Brokaw for the same date and time as our regularly scheduled finance committee meeting, and a number of council members wanted to attend that county meeting.

The conversation about rescheduling the regular January 13<sup>th</sup> finance meeting to January 6<sup>th</sup> started with Mr. Goffin at our December 9<sup>th</sup> meeting. He was the one who raised the issue of the grant deadline and our need to act soon rather than later.

For the January 6<sup>th</sup> meeting, Attorney Anne Jacobson drafted referendum wording, Mark Goffin completed the cash flow statement for his project, and I personally did the staff work for the remaining agenda items since Finance Director MaryAnne Groat was on vacation. I do not see any reason to apologize for scheduling and conducting the council's business in a timely manner. I did not create the deadlines or the meeting conflict.

I sympathize with Mr. Goffin's plight. However, to the extent that there was "last minute scrambling" on this project, the Tipple administration needs to take the blame. I spoke to Mark personally. In over a year of working with Mr. Goffin, no one from the staff thought to ask for a cash flow statement and analyze it to determine whether the project was viable. Had appropriate staff work been completed in a timely manner and data given to the relevant committees, there would have been no last minute rush.

Regarding Mayor Tipples June directive, that is an issue that needs to be addressed by the council as a whole. In accordance with our charter ordinances and council rules, Wausau has committees, and committee chairpersons work directly with staff. If the mayor would like to ask the council to change those long-standing working relationships, he is free to do so. It is not my place as an individual alderman to agree to that type of change on behalf of my colleagues. I do not believe that the mayor has the power to unilaterally change how the council conducts its business by issuing a memo.

Overview of Facts

Metro Ride Incident Report Fact-finding

January 6, 2016

-----Original Message-----

From: Keene Winters

Sent: Friday, March 06, 2015 9:57 AM

To: Jim Tipple; Bill Nagle; David Nutting; David Oberbeck; Gary Gisselman; Karen Kellbach; Lisa Rasmussen; Robert Mielke; Romey Wagner; Sherry Abitz; Tom Neal

Cc: Allen Wesolowski; Ann Werth; Anne Jacobson; Bill Hebert; Brad Lenz; Gerard Klein; Greg Seubert; Jeffrey Hardel; MaryAnne Groat; Myla Hite; Nan Giese; Ric Mohelnitzky; Tracey Kujawa; William Duncanson

Subject: RE: Memo from Mayor - Re: Communication Control

Let's not make a mountain out of a mole hill.

The resolution will go to the full council; the council and not the committee is the decision maker. It has been arranged that there will be attachments both pro and con. Staff as well as council members are free to state their case in this debate at council.

Like all resolutions, parliamentary rules require that it be presented in the affirmative.

Yes, I jotted down some ideas for the resolution and gave them to Anne Jacobson, who did the final writing (actually fairly substantial re-writing) of the resolution. The ideas were just meant to be helpful as a starting point.

I did not see the point in discussing it a second time in the finance committee. That's not good time management. Let the full council decide, and we'll be done with it.

Keene T. Winters, Alderman  
Wausau Common Council District 6  
3824 Riverview Drive  
Wausau, WI 54403  
Phone: 715-675-0060  
Fax: 715-298-0558

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From: Kathi Groeschel On Behalf Of Jim Tipple

Sent: Thursday, March 05, 2015 2:04 PM

To: Bill Nagle; David Nutting; David Oberbeck; Gary Gisselman; Karen Kellbach; Keene Winters; Lisa Rasmussen; Robert Mielke; Romey Wagner; Sherry Abitz; Tom Neal

Cc: Allen Wesolowski; Ann Werth; Anne Jacobson; Bill Hebert; Brad Lenz; Gerard Klein; Greg Seubert; Jeffrey Hardel; MaryAnne Groat; Myla Hite; Nan Giese; Ric Mohelnitzky; Tracey Kujawa; William Duncanson

Subject: Memo from Mayor - Re: Communication Control

Please see the attached memo from Mayor Jim Tipple.

Thank you,

Kathi Groeschel  
Executive Assistant, Mayor's Office  
City of Wausau  
407 Grant Street  
Wausau, WI 54403  
715-261-6800

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Office of the Mayor  
James E. Tipple



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TEL: (715) 261-6800  
FAX: (715) 261-6808

MEMORANDUM

DATE: January 21, 2015  
TO: Alderman Keene Winters  
FROM: Mayor Jim Tipple  
RE: Request for Salary Information

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Your method of operation appears to be crisis generated. An example is the sad situation we are facing today with the Wausau Club. Despite you knowing that a local, innovative business leader was on vacation out of country, you proceeded with scheduling a discussion regarding the redevelopment proposal when you knew he would not be able to attend.

Another example of this pattern of crisis creation is the "Special Finance Committee" meeting you called on January 6, 2015. Despite your repeated demands that staff forward all information relating to a topic seven days in advance of an open, public meeting, you create chaos by calling meetings at the last minute with absolutely no prior coordination. You proceeded with the meeting with last minute demands for data even after being advised that two of your Committee members were unavailable. Three key staff members and two Department heads, who could speak to the process and data, were on vacation scheduled far in advance. Because there was no crisis that required immediate Committee action, one can only attribute your motives as having a need to present invalidated assumptions within a forum where they cannot be challenged with the facts. It is time for this to stop.

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Office of the Mayor  
James E. Tipple



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TEL: (715) 261-6800  
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Cc: Common Council

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407 Grant Street – Wausau, WI 54403

Overview of Facts

Metro Ride Incident Report Fact-finding

January 6, 2016

**From:** Keene Winters <[kwinters@tds.net](mailto:kwinters@tds.net)>

**Date:** January 13, 2015 at 3:37:19 PM CST

**To:** Bill Nagle <[Bill.Nagle@ci.wausau.wi.us](mailto:Bill.Nagle@ci.wausau.wi.us)>, Karen Kellbach <[Karen.Kellbach@ci.wausau.wi.us](mailto:Karen.Kellbach@ci.wausau.wi.us)>, David Oberbeck <[David.Oberbeck@ci.wausau.wi.us](mailto:David.Oberbeck@ci.wausau.wi.us)>, David Nutting <[david\\_nutting@hotmail.com](mailto:david_nutting@hotmail.com)>

**Cc:** Lisa Rasmussen <[Lisa.Rasmussen2@ci.wausau.wi.us](mailto:Lisa.Rasmussen2@ci.wausau.wi.us)>, Romey Wagner <[Romey.Wagner@ci.wausau.wi.us](mailto:Romey.Wagner@ci.wausau.wi.us)>, Tom Neal <[Tom.Neal@ci.wausau.wi.us](mailto:Tom.Neal@ci.wausau.wi.us)>, Gary Gisselman <[Gary.Gisselman@ci.wausau.wi.us](mailto:Gary.Gisselman@ci.wausau.wi.us)>, Sherry Abitz <[Sherry.Abitz@co.marathon.wi.us](mailto:Sherry.Abitz@co.marathon.wi.us)>, Robert Mielke <[Robert.Mielke@ci.wausau.wi.us](mailto:Robert.Mielke@ci.wausau.wi.us)>, Toni Rayala <[Toni.Rayala@ci.wausau.wi.us](mailto:Toni.Rayala@ci.wausau.wi.us)>, Anne Jacobson <[Anne.Jacobson@ci.wausau.wi.us](mailto:Anne.Jacobson@ci.wausau.wi.us)>, MaryAnne Groat <[mgroat@ci.wausau.wi.us](mailto:mgroat@ci.wausau.wi.us)>

**Subject: Special Finance Committee Meeting - January 20th**

I am issuing a call for a Special Finance Committee Meeting at 5:30 p.m. on January 20th in the Maple Room.

There will be one item on the agenda. It is to hear the preliminary audit report from Schenck & Associates.

The meeting should be closed to the public and to members of the executive branch (staff and the mayor). Audit committee conversations with the external auditor are always about the performance of management staff. Since member will be free to ask questions about the performance of individuals, the meeting should be closed.

A final audit report will be issued and will be a public document.

Keene Winters, MBA  
Great Lakes Financial Management Group  
219 Ross Avenue, Suite 103  
Schofield, WI 54476

**Office:** 715-675-0060

**Fax:** 715-298-0558

**Cell:** 715-551-6950

**Email:** [keene.winters@voyafa.com](mailto:keene.winters@voyafa.com)

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Overview of Facts

Metro Ride Incident Report Fact-finding

January 6, 2016

**From:** Pat Peckham [mailto:reporter@thecitypages.com]

**Sent:** Wednesday, October 01, 2014 1:29 PM

**To:** Ann Werth

**Cc:** Keene Winters; Jim Tipple; Anne Jacobson; Romey Wagner

**Subject:** Tug-of-war

Ann,

When you have the head of the Finance Committee telling you to report on a topic at his meeting Oct. 14 and the mayor telling you to report on that topic Oct. 16 at a second committee meeting, what do you do?

Pat

Patrick Peckham, news editor

City Pages, Wausau

Phone 715-845-5171

Fax 715-848-5887

-----Original Message-----

**From:** Jim Tipple

**Sent:** Saturday, October 04, 2014 12:59 PM

**To:** Keene Winters

**Cc:** Bill Nagle; Romey Wagner; MaryAnne Groat; Anne Jacobson

**Subject:** RE: Finance Committee Meeting 10/14/14

Keene,

In the future, I am asking that when you disagree with my direction to staff, you provide me with the common courtesy of engaging me in dialogue prior to sending written correspondence to either myself or the newspaper. I have noticed that you consistently approach staff directly against my express direction for requests, other than routine committee matters, to be directed through my office. While this approach to communication may serve your own agenda, I do not believe it is in the best interest of the City or conducive to operational productivity. If you disagree with my direction, please meet with me directly instead of involving the media or placing staff in the untenable position of being pulled into a disagreement between two elected officials.

Within this framework, I want to clarify the roles as defined by statute and our own Common Council. As Mayor and CEO, I am entrusted with the responsibility for supervising our workforce which requires a broader perspective than that of a single Committee. Your memo dated September 25th documents a perception of the Finance Committee having a role that is broader than that envisioned by the structural framers. For example, you state the Finance Committee has oversight and legislative responsibility for financial matters and oversight for all things involving the activities of the City Finance Department. It is

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the Common Council as a whole - not one lone member, who has legislative oversight responsibility for all financial matters and related internal control systems. While the Finance Committee has a partnership role with the Mayor for financial operations, it is ultimately the responsibility of the Mayor to ensure that all City officers and employees discharge their duties. Supervisory responsibility does not rest with the Finance Committee or its Chair.

The role of the Finance Committee, as a standing Committee of the Common Council, is crucial. The Finance Committee is tasked with the reviewing financial matters and making recommendations to the Common Council on a good number of things to ensure sound financial operations. Recommendations the Committee makes include the following: the annual executive budget as developed by the Mayor as Chief Executive Officer, the financing of City undertakings, the financial affairs of the City, the improvement of the financial condition of the City, re-appropriation of funds by transfers, ways the City could obtain additional sources of revenue or additional revenue from existing sources, and for the payment or nonpayment of claims filed against the City. To effectively review these matters so you can make sound recommendations to the Common Council, requires us to work in tandem. It is equally important for Committees to work in concert with one another which is part of the reasoning for the newly restructured Coordinating Committee. I would urge you to use this Committee for direction regarding issues that span multiple committees, departments, or require a high degree of coordination.

I agree Development Agreements warrant review and apologize for your frustration at making repeated requests. I believe this situation evolved, in part, as a result of staff being torn between the demands of their own Committees and with the need of daily operations within their own departments. For efficiency sake and to prevent a duplication of effort, staff has been directed to continue on the path previously stated. While I note your desire to have a presentation at the Finance Committee's October 14 meeting, the Council President and I have agreed they will be appropriately reviewed and discussed at the Economic Development Committee meeting on October 16th. Please be reminded that the Economic Development Committee is also a standing Committee of the common Council and you have already been invited to attend that meeting. To be clear - while you may choose to retain the Development Agreements on the Finance Committee agenda, staff will not be making a presentation or come prepared to engage in a meaningful discussion.

Please also know I do understand you are protesting the Mayor having any role in Committee matters. I am equally surprised at the protest since the Mayor appoints Committees, supervises staff and because effective municipal operations really hinge upon a team approach. My hope is that moving forward, we will be able to work together by engaging in direct talk and a through a collaborative approach.

In event you have any questions or require any additional information, I will be happy to arrange a meeting between, you , myself and the Council President.

Jim

-----Original Message-----

From: Keene Winters

Sent: Thursday, September 25, 2014 4:53 PM

To: Jim Tipple

Cc: Bill Nagle; Romey Wagner; MaryAnne Groat; Anne Jacobson

Subject: RE: Finance Committee Meeting 10/14/14

Mr. Mayor-

Thank you for the suggestion. However, after careful consideration, I will need to keep this item on the Finance Committee agenda. The Finance Committee has oversight responsibility for:

- All things that have a meaningful financial effect on the city
- All things involving the activities of the City Finance Department
- All financial internal control systems
- All matters subject to coverage by the external auditor

Certainly, the Economic Development Committee will want to see the same list for their own purposes. They will want to know whether projects were completed, who has a good track record and whether the projects had the desired economic impact.

However, issues like whether the city enforces contracts, whether we keep track of who owes us money or whether we send out timely invoices are matters of internal control, subject to audit and squarely in the jurisdiction of the Finance Committee. The Finance Committee is the audit committee and will work with the auditors on matters of internal control. It would not be appropriate for the Economic Development Committee to involve itself in those matters, and it would not be appropriate for the Finance Committee to delegate these duties.

While we are on the subject of contract enforcement, we will need to hear your plans to make sure there is a role for the city attorney in the monitoring and enforcement of these contracts. The concern is that she is being left out of the process. Please be prepared for questions about that on October 14th.

To be honest, I do not see a role for the mayor in deciding which issues go before which committees. However, I would be open to asking the city attorney for further clarification about legislative agenda control.

Keene T. Winters, Alderman  
Wausau Common Council District 6

Overview of Facts  
Metro Ride Incident Report Fact-finding

January 6, 2016

3824 Riverview Drive  
Wausau, WI 54403  
Phone: 715-675-0060  
Fax: 715-298-0558

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From: Jim Tipple  
Sent: Thursday, September 25, 2014 8:21 AM  
To: Keene Winters  
Cc: Bill Nagle; Romey Wagner  
Subject: Finance Committee Meeting 10/14/14

Keene,

After a discussion with Bill Nagle and a subsequent talk with Romey, it was decided to move the agenda item "List of Development Agreements issued Since 1/1/2006 with a Summary of Agreement Terms and Tracking System – Werth, Tipple" to the Economic Development meeting on October 16th to be held at the EEC building located on the Business Campus in the old industrial park. As always, you and other Council members are invited to attend. A tour of one our important Wausau Corporations in the Business Park will be included as part of our Economic Development meeting. Hope to see you at the meeting!

If you have any questions, please feel free to give me a call.

Jim

James E. Tipple  
Mayor, City of Wausau  
407 Grant Street, Wausau, WI 54403  
715-261-6800, 715-261-6808 Fax

[cid:image001.jpg@01CFD897.4EEEEAE00]

**From:** "Keene Winters" <[Keene.Winters@ci.wausau.wi.us](mailto:Keene.Winters@ci.wausau.wi.us)>  
**Date:** October 30, 2014 at 3:21:52 PM CDT  
**To:** MaryAnne Groat <[mgroat@ci.wausau.wi.us](mailto:mgroat@ci.wausau.wi.us)>  
**Cc:** Anne Jacobson <[Anne.Jacobson@ci.wausau.wi.us](mailto:Anne.Jacobson@ci.wausau.wi.us)>  
**Subject: RE: Finance Agenda - Nov. 11th.**

Okay. Let's start the meeting at 4:30.

Item 8 add (Community Development Staff)

Item 6 add (Rasmussen)

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Cross off Item #9. We'll hold that until we get the audit report.

Replace Item #9 with the following: "Discussion and possible action to censure the Mayor for failing to comply with a lawful request for public information."

The mayor should be apprised by his staff that he is obliged to comply with the open records request.

Keene T. Winters, Alderman  
Wausau Common Council District 6  
3824 Riverview Drive  
Wausau, WI 54403  
Phone: 715-675-0060  
Fax: 715-298-0558

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From: MaryAnne Groat  
Sent: Wednesday, October 29, 2014 4:39 PM  
To: Keene Winters  
Subject: RE: Finance Agenda - Nov. 11th.

Keene-  
Will do. Here is a draft of the agenda. I wanted to remind you that with the Common Council meeting beginning at 6PM that evening we will only have one hour for the Finance Committee meeting. Please let me know if you would like any modifications. Thank you.

-----Original Message-----

From: Keene Winters  
Sent: Wednesday, October 29, 2014 4:28 PM  
To: MaryAnne Groat  
Cc: Lisa Rasmussen  
Subject: Finance Agenda - Nov. 11th.

MaryAnne-

Lisa has requested that the Finance Committee consider establishing a \$5 counter fee for payment of pet licenses at the counter. The goal would be to encourage people to pay on line and not use so much staff time. Please put this on the agenda.

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Also, keep the item regarding Wausau Mine Company and Bridge Street Investors Group on the agenda. I have sent the Mayor a written request for the information.

Keene T. Winters, Alderman  
Wausau Common Council District 6  
3824 Riverview Drive  
Wausau, WI 54403  
Phone: 715-675-0060  
Fax: 715-298-0558

**Myla Hite**

---

**From:** Keene Winters  
**Sent:** Monday, September 15, 2014 3:32 PM  
**To:** Ann Werth  
**Subject:** RE: Development agreements next Finance Committee

Thank you for letting me know.

Keene T. Winters, Alderman  
Wausau Common Council District 6  
3824 Riverview Drive  
Wausau, WI 54403  
Phone: 715-675-0060  
Fax: 715-298-0558

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From: Ann Werth  
Sent: Friday, September 12, 2014 8:50 AM  
To: Jim Tipple; Keene Winters  
Subject: Development agreements next Finance Committee

Gentlemen,

I have been informed by Maryanne that Keene, you have requested the development agreements, and a summary of terms and conditions for each agreement from 2006 forward.

I will be unable to complete this task in the time frame allotted as I will be out of the office next week for Community Development Authority business. As you both know, half of my time is allocated to the Authority and is paid with public housing federal funds.

I and my staff will continue to work on your request and complete it as soon as possible so it can appear on the Finance Agenda, meeting the time frame of materials in advance.

Thank you,

Ann

Ann Werth  
Community Development Director  
407 Grant Street  
Wausau, WI 54403

715-261-6686 Phone  
715-261-6808 Fax  
[cid:image002.jpg@01CFCE66.8B37CDF0]

119-a

9/16/2014 Development agreements next Finance Committee - Outlook Web Access Light

Office Outlook Web Access Type here to search This Folder Address Book Options Log Off

Mail Calendar Contacts Deleted Items Drafts **Inbox** (574) Junk E-Mail Sent Items

Click to view all folders Manage Folders...

**Development agreements next Finance Committee**  
Ann Werth  
You replied on 9/15/2014 3:32 PM.  
**Sent:** Friday, September 12, 2014 8:50 AM  
**To:** Jim Tipple; Keene Winters

Gentlemen,

I have been informed by Maryanne that Keene, you have requested the development agreements, and a summary of terms and conditions for each agreement from 2006 forward.

I will be unable to complete this task in the time frame allotted as I will be out of the office next week for Community Development Authority business. As you both know, half of my time is allocated to the Authority and is paid with public housing federal funds.

I and my staff will continue to work on your request and complete it as soon as possible so it can appear on the Finance Agenda, meeting the time frame of materials in advance.

Thank you,

Ann

Ann Werth  
Community Development Director  
407 Grant Street  
Wausau, WI 54403

715-261-6686 Phone  
715-261-6808 Fax



119-b

Connected to Microsoft Exchange

<https://webmail.co.marathon.wi.us/owa/?ae=Item&t=IPM.Note&id=RgAAAAAMJYd8OXz6SqeRUynyvTbX0BwC%2bCcxvVZ56R4MnnimMe%2IEEAAC...> 1/1

**KEENE T. WINTERS**  
District 6 Alderperson  
Phone: 715-675-0060  
Fax: 715-298-0558



Home Address:  
3824 Riverview Drive  
Wausau, WI 54403  
keene.winters@ci.wausau.wi.us

**WAUSAU COMMON COUNCIL**

**DATE:** September 16, 2014  
**TO:** James Tipple, Mayor  
**FROM:** Keene Winters, Finance Chairman  
**SUBJECT:** List of Development Agreements

I am writing to you on behalf of the Finance Committee. In the last three month, the committee has asked Ann Werth three times for a list of development agreements initiated by the city since January 1, 2006, along with a brief summary of the terms of those agreements. On Friday, I received an email from Ms. Werth indicating that the list would again not be ready for the upcoming meeting.

Rather than continuing to defer this agenda item, I am asking you to sit in for Ms. Werth and provide the committee with an explanation of how your administration monitors and tracks compliance with economic development agreements. Please be prepared to provided a short presentation on the topic at our September 23<sup>rd</sup> Finance Committee meeting.

A natural question that some people might have is if there is a good system for tracking agreements then why is it so hard to produce a list of them?

The Finance Committee has legislative oversight responsibilities for all financial matters and the related internal control systems. It is an established fact that city staff advocated for providing financial assistance to Wausau Windows and Walls in 2011 and again in 2014 while being unaware that the company was out of compliance with its 2007 development agreement. Having observed that, the committee would be remiss in its duties if it did not ask prudent follow-up questions about the tracking system.

We look forward to hearing from you on September 23<sup>rd</sup> and to receiving the list of development agreements at our first meeting in October.

attachment

119-c

**Myla Hite**

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**From:** Jim Tipple  
**Sent:** Thursday, September 18, 2014 11:39 AM  
**To:** Keene Winters  
**Cc:** Kathi Groeschel  
**Subject:** FW: Development Agreements  
**Attachments:** KW14-020 Memo to Jim Tipple.PDF; KeeneWinters.ListofDev.Agreements.pdf

Keene,

Please see attached response regarding the next Finance Committee meeting agenda on September 23rd.

Jim

-----Original Message-----

**From:** Keene Winters  
**Sent:** Tuesday, September 16, 2014 2:48 PM  
**To:** Jim Tipple  
**Cc:** Kathi Groeschel  
**Subject:** Development Agreements

Jim-

I see that Ann will not have time to put together the list again. In place of that, I would like you to give us an update on how the tracking and monitoring system for development agreements works.

Thank you,

Keene T. Winters, Alderman  
Wausau Common Council District 6  
3824 Riverview Drive  
Wausau, WI 54403  
Phone: 715-675-0060  
Fax: 715-298-0558

119-D

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Office of the Mayor  
James E. Tipple



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TEL: (715) 261-6800  
FAX: (715) 261-6808

## MEMORANDUM

DATE: September 18, 2014  
TO: Keene Winters, Finance Chairman  
FROM: Mayor Jim Tipple  
RE: List of Development Agreements

I am writing to respond to your request of Tuesday, September 16, 2014 for information regarding tracking systems for the economic development agreements.

Please be advised that the Finance Committee will be briefed on the system in use by Ms. Werth upon her return from an out of town meeting for Community Development Authority business. This is consistent with the email she forwarded to you on Friday, September 12, 2014. In the interim, please note that I have drafted performance standards for Department Director's that includes maintaining tracking and monitoring systems.

I am declining your invitation to appear on the Finance Committee agenda on September 23, 2014. The information you have requested will be presented at your first October Finance Committee Meeting as previously stated. Please ensure this item is included on that agenda.

Thank you.

Office of the Mayor  
James E. Tipple



TEL: (715) 261-6800  
FAX: (715) 261-6808

MEMORANDUM

DATE: September 2, 2014  
TO: Keene Winters  
FROM: James E. Tipple  
RE: Your Memo dated August 28, 2014-Staff Preparation for Finance Committee Meetings  
CC: Ann Werth, Maryanne Groat, Myla Hite, Romey Wagner

I have considered input provided in your August 28 memo entitled "Staff Preparation for Finance Committee Meetings" as well as the memo titled the same that you sent to Finance Director MaryAnne Groat and to Community Development Director Ann Werth.

This situation could have, and should have, been prevented by exercising principles of good teamwork and communication. On June 4, 2013 I sent a memo to Common Council Alderpersons informing that requests for reports, data analysis, research and other demands upon staff time be sent through my office so I could prioritize workload in order to improve day to day efficiencies. This procedure has been largely ignored and the results came to a head at the last Finance Committee meeting. Had I been consulted, I would have objected to an overly burdensome, twenty-one item agenda given the other priorities I already had staff working to accomplish. Partly in an attempt to please you and partly because the current divisive environment is intimidating to staff, the Finance Director worked all week-end attempting to comply with your direction, and was then required to take one week off without pay. In addition, Community Development Director was on vacation for 6 days. Our organization is simply not large or deep enough to absorb a piling on of work with staff shortages.

Your disagreement with our current form of government is negatively impacting this organization. As the Mayor and Chief Executive Officer, let me be clear - I will not be bringing forth any proposal to hire an interim administrator or operations director to assist in managing the City. The Common Council has considered your recommendations and has acted. A referendum will be placed on the ballot in April 2015 to seek citizen input on the form of government. In the interim, the Human Resources Committee is preparing an RFP to study our organizational efficiency and effectiveness. Finally, I released a three part plan earlier this month and am steadily taking action to accomplish those objectives. I urge you to stop casting aspersions on our organizational structure, our staff and the good work we have produced and to instead partner with me to objectively assess our current state and create plans to lead our great City towards a brighter tomorrow.

I will immediately act upon some of the suggestions you offered in your memo. Specifically I agree there should be time between Committee decisions and the advancement to the Common Council for action. I will also direct staff not to publish any agenda item for which materials were not received at least six days in advance, unless the Committee Chair has specifically notified me they are making an exception.

I will also be speaking with staff encouraging them to work with their Committee Chairs and for them to immediately advise me if Chairs create situations in which it is impossible for staff to fulfill expectations. I am also outlining a process for Common Council Alderpersons to provide me with input for staff performance expectations and feedback. Until then, I will expect any direction to staff and requests for work to come through my office.

Your cooperation and support is greatly appreciated.

Thank you.

C:\Mayor\Tipple\Correspondence\Keene Winters\Memo.StaffSupervision.docx

**Myla Hite**

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**From:** Jim Tipple  
**Sent:** Tuesday, August 27, 2013 4:43 PM  
**To:** Keene Winters  
**Cc:** Lisa Rasmussen; Karen Kellbach; Bill Nagle; Romey Wagner; David Oberbeck; Jim Brezinski; Gary Gisselman; Sherry Abitz; Robert Mielke; David Nutting; Dave Nutting  
**Subject:** City Contract Concerns

Dear Keene,

On June 4th, 2013, I sent out a memo indicating all requests of staff time should go through the Mayor's office to be prioritized to improve our day to day efficiencies. To date, you have ignored my request of all Council members and continue to regularly direct staff without my or the Council's authorization. This needs to change. If you have questions on that memo, please let me know.

It has come to my attention that you recently distributed a number of contracts to various communities in our area seeking their participation in, and contractual commitment to a Regional Animal Control program. Additionally, I am aware in the furtherance of the Regional Animal Control solution, at what appears to be your request, the Alexander Foundation has provided to a "regional Animal Control Cooperative" a payment of \$5,000.00. I am unclear under what conditions such money has been provided or what representations may have been made to obtain these funds. This money should go toward the funding of the Regional Animal Control program not some advisory Regional Animal Control Cooperative that has yet to be recognized by an official action of any municipality. The Council has not authorized you to seek out these grants or to represent the City of Wausau in this way.

You have regularly represented yourself on behalf of the City and the Council and continue to do so without the authority to do so. I am concerned that while the City Council, by virtue of section 62.11(5), Wisconsin Statutes, has the power to act for the government and good order for the City, individual alderpersons are not empowered to act on behalf of the City and can only exercise power when a quorum of the Council is present. The immunity provided to a City or any of its, officers, officials, agents or employees under section 893.80, Wisconsin Statutes encompasses acts done in their official capacity. Your actions or representations may expose you to personal liability if not carried out with the authority of the Council and damage the reputation of our organization.

Acts by alderpersons such as obtaining financial considerations in furtherance of City programs and negotiating City contracts are not only outside the scope of an alderpersons responsibilities, but also create confusion in the operation of our City government and threaten the efficient administration of City contracts and programs. I believe we should leave these actions in the control of staff whose authorities, duties and roles are clearly defined on behalf of the City.

**James E. Tipple**  
Mayor, City of Wausau  
407 Grant Street, Wausau, WI 54403  
715-261-6800, 715-261-6808 Fax

120 +

Overview of Facts  
Metro Ride Incident Report Fact-finding

January 6, 2015



Office of the Mayor

James E. Tipple

DATE: June 4, 2013  
TO: Common Council Alderpersons  
FROM: Mayor Jim Tipple   
RE: City Staff Attention Requests  
CC: Department Heads, Directors, Supervisors

Over the past year, City Department Heads, Directors and Supervisors have received an increasing number of requests from alderpersons and the general public. Often times, they are asked to promptly produce reports, analyze data, research open record requests, and numerous other demands that are time consuming. These requests upset current daily priorities and cause staff to work extra hours to comply. It has been noticed that city staff have come in on the weekends just to keep up with their increased work load, due to these abrupt demands.

In an effort to manage this process, effective immediately, all requests other than a quick phone call, should be sent to the Mayor's office for prioritization in the department's respective workloads. This is not intended to slow down or discourage legitimate requests, but to improve our day to day efficiency. If you have any questions or concerns about this new procedure, please give my office a call.

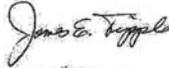
Thank you.



Office of the Mayor

James E. Tipple

### MEMORANDUM

DATE: June 27, 2013  
TO: Council Members  
FROM: Mayor Tipple   
RE: Clarification of my June 4<sup>th</sup> Memo

There has been some confusion as to the intent of my June 4<sup>th</sup> memo. (Attached below)

The intent of my memo was **NOT** to regulate council members contact with city staff. My intent was to prioritize external work requests of staff, including those from the general public. Managing internal staff workloads is under the purview of the Mayor's office. Working together we can maintain an efficient management staff recognizing the city's limited resources.

Thank you.

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**Attachment II-K**  
**Documentation Surrounding Public Health and Safety Meeting and Follow-up Action**

Information found in Attachment L.

**Attachment II-L**  
**Documentation Surrounding Public Health and Safety Meeting and Follow-up Action**  
**February 2014**

**From:** Lisa Rasmussen  
**Sent:** Tuesday, March 11, 2014 4:50 PM  
**To:** Jim Tipple  
**Cc:** Anne Jacobson; Michael Loy; Jeffrey Hardel; Brad Marquardt; MaryAnne Groat; Ann Werth  
**Subject:** RE: Alderman treatment of Staff

Jim,

I understand your concerns relative to Mr. Winters' behavior on Feb 17. I think it is important to recognize that the behaviors Keene displayed on Feb 17 have not been ignored, nor have they not been addressed. As we both know from the recording of the PH&S meeting, I did address Mr. Winters' treatment of staff immediately during the PH&S meeting, reminded him of the core values and that his behavior was not in line with them. After that, on the evening of Feb 17, I personally addressed Mr. Winters after the meeting and advised him that his behavior and comments were not necessary and were beyond the scope of what would have been appropriate. It is my understanding that on Feb 17, committee member Karen Kellbach also informed Mr. Winters that he was over the top in his verbal assault on staff and asked that he apologize. Core values works when issues are addressed among peers immediately. I believe the comments made to Keene by Karen at the end of the meeting and the subsequent action by me that evening are representative of peers holding one another accountable for behavior, and we have encouraged this in other areas of our workforce as the type of internal checks and balances needed to maintain the core values.

On Feb 18, as chair of PH&S I issued an apology via email to the three affected employees on behalf of the committee, stating that the opinions expressed by Mr. Winters should not be taken as that of the entire committee, and that their work in staffing our committee meetings is valued and appreciated.

On Feb 19th I had a phone conversation with Mr. Winters in which I told him that I believed the accusations he made on Feb 17 toward the Inspections, Legal and Police Depts were unfounded, as based on my discussion with the employees that are working on the two issues he referred to in committee as being "sabotaged" or "resisted" they are actually merely working through the details of the items so that the actions taken are logistically sound and achieve the intended results. It seemed to me during this conversation that Mr. Winters is very frustrated over the matters in question and it is likely his view of what he wants to see happen at the end of a process does not take into account the

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internal process that must happen to pull it together, especially when a process is new. I communicated that frustration over such things is no reason to mistreat the workforce we rely on to get this work accomplished. I encouraged him to not over simplify these things, as the legal framework needed to create public policy takes time, as does the implementation of new procedures once that framework is created. Not including hiring CSO's which will happen soon. He is aware of the current status of this situation.

On March 3, I sent Keene a detailed email regarding the status of the animal control rollout outlining many of the concerns that were voiced by police and legal staff involved that need to be addressed before service can be contracted out to townships. This was the same day as the meeting you and I had with staff to sort out the status of things following the accusations that were made on Feb 17 by Mr. Winters. Mr. Winters was unhappy with the timing, but accepted my explanation that staff is working on the issues and that there are more issues than he was aware of.

It is also important to note that in the 2012 and 2013 council retreat, I not only outlined the role of the council, but emphasized the importance of the fact that staff and the council need to be working toward a set of clearly communicated, common goals and if they are at odds with one another, we will achieve limited results for our residents in terms of proactive policy making, delivery of services residents demand and fiscal responsibility. It is no secret that a number of council members have told me they feel that in the last year they have received inaccurate or lacking information about various issues and have then regretted their votes of approval after the fact. As an organization we have been the subject of a number of negative outcomes and headlines, and this is creating a call from the public for accountability. Council members feel that in some cases, they were offered information sufficient to create a desired vote outcome at the committee and council level. These complaints indicate to me that there is a growing dysfunction between the council and staff in our organization. I am very concerned about this. Because of this, I feel the rift between council and staff is growing far deeper than what happened with Mr. Winters in PH&S last month. While I do not approve of his actions that day, it is a symptom of something larger we need to deal with in a better way than a committee of the whole just to scold Mr. Winters in public.

If we are to hold a committee of the whole, I feel it needs to be a candid discussion of the relationship that exists currently between the staff and the council so we can lay the issues out and figure out how to resolve them together, as we now have an environment where trust has become an issue and that is showing itself in a number of ways that is different for various council members, but from my perspective is a growing concern. Based on the timing, it would be appropriate to hold it after the election is complete in a couple weeks so we have the faces gathered at the table who will need to function together for the next two years to get things done and move the organization and the city forward. However, if you prefer to hold the discussion before then, I would be open to it as a means to remove the tension that is building between the council and staff if we conduct it in a larger scope that addresses organizational function and relationships.

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The answer to this is not only that the council understand its role and purpose, but also to figure out what needs to happen to rebuild damaged trust between the council and staff. Once that happens, we will be in a place where we can get good results and the public will also see that things are moving in a positive direction. I have included our dept heads on this message because I believe we all have a part to play in fixing this issue and offering input so we can make things better. I believe if I am to bring a positive resolution to this situation, it is bigger than me just addressing what happened with Keene on one certain day. There have been other situations that were similar, but less public involving others that also serve as examples of what is building in our organization. I feel it can be worked through and we can move ahead in a better way. I am willing to work with the council and staff to solve this and prevent it from getting worse. I also welcome their feedback and ideas if they want to offer them to me. I know they are critical to our success and if we cannot function as a team, we have nothing.

Thank you for bringing this to my attention. I see an opportunity here if we undertake a larger discussion. Please know I am not ignoring what happened and want things to improve for all of us.

Lisa

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**From:** Jim Tipple  
**Sent:** Tuesday, March 11, 2014 11:35 AM  
**To:** Lisa Rasmussen  
**Cc:** Anne Jacobson  
**Subject:** Alderman treatment of Staff

Lisa,

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During our monthly management meeting (2/25/14), the management team discussed the behavior of Alderman Keene Winters at the PH&S meeting held on 2/17/14. They discussed their dissatisfaction with the lack of respect and poor behavior by Keene. They commented this behavior cannot be ignored. City staff holds their employees accountable for their actions and the City Council has not been held accountable for any of their poor behavior actions. They further pointed out that Keene is very negative towards city departments and continues to be a challenge for department heads with demands on their time. This is not the first time Keene has treated City Staff poorly. Communication of the roles of City Council needs to be emphasized again and to ward off micro-management of City staff. At our last Council Retreat, the Council passed Core Values by which to live by. This is a poor example of sending the wrong message to City staff. I would check with the City Attorney with the options that are available for you to call a Committee of the Whole meeting. Please address this issue ASAP.

I look forward to a positive resolution.

Jim

**James E. Tipple**

Mayor, City of Wausau

407 Grant Street, Wausau, WI 54403

715-261-6800, 715-261-6808 Fax

**From:** Jeffrey Hardel

**Sent:** Wednesday, December 02, 2015 12:46 PM

**To:** Myla Hite

**Cc:** Jim Tipple

**Subject:** KEENE WINTERS

At a council meeting a couple weeks ago where they passed the budget, Keene Winters made some very degrading statements about the police department to a group of citizens that were present to support the Humane Society. Alderperson Lisa Rasmussen witnessed this exchange outside of City Hall after the council meeting was finished. Lisa was speaking with Linda Karger-Berna, Mary Kirlin, and a number of their supporters whose names I do not have available to me. As Lisa is speaking with this group, Keene Winters approaches the group and states something to the effect, "It will be your responsibility to watch the police department for they do not like animals. They think they are above this duty and don't want to take care of cats. You will need to watch them." This is contrary to our core values. Captain Barnes has worked very hard to build a workable relationship with the Humane Society, specifically, Mary Kirlin, and for Keene Winters to make statements like this, abolishes all the hard work and progress we have made with the Humane Society. The image we portray to the community and our stakeholders is very important to us and is something we work very hard to accomplish. Like everything else, Keene tries to destroy relationships and create conflict where ever he can.

Jeffrey G. Hardel

Chief of Police

Wausau Police Department

715-261-7801

715-370-4545

**Mission Statement:**

*The Wausau Police Department strives for excellence in policing by partnering with the community to enhance the quality of life.*

**Core Values:**

**Integrity**

**Professionalism**

**Accountability**

**Respect**

## **PUBLIC HEALTH AND SAFTY INCIDENT**

Overview of Facts

Metro Ride Incident Report Fact-finding

January 6, 2016

This incident was noted by Police Chief Jeff Hardel after the Mayor's November 24, 2015 staff meeting and assignment as was also noted by Tara Alfonso from the City Attorneys office. This situation is included as it is one of the first documented incidents in which Alderman Winters was admonished for not abiding by the City's Core Values.

**From:** Anne Jacobson

**Sent:** Tuesday, December 01, 2015 3:31 PM

**To:** Myla Hite

**Subject:** FW: Staff Assignment REMINDER & DEADLINE

Myla- I shared this assignment and reminder with my staff, since the assignment involved known instances or experiences within our Department regarding an elected official's conduct, and I received the following response from Tara.

Anne,

As I think many people may recall, I have in the past encountered a couple of separate and publicized incidents (2 present council members and a department head). These were the subject of documentation some time ago (a year or more ago at least) and reported to HR by me or others who were present and I presume these documents are already in the possession of the Mayor or HR. I would prefer not to revisit these matters; as far as I know, these incidents were investigated and handled in the past by HR and all concerned seemed to have worked past these incidents.

Tara

Tara G. Alfonso  
Assistant City Attorney  
City Attorney's Office  
407 Grant Street  
Wausau, WI 54403  
Phone: 715-261-6590  
Fax: 715-261-0327

**\*\*All present are expected to conduct themselves in accordance with the City's Core Values\*\***



## OFFICIAL NOTICE AND AGENDA

of a meeting of a City Board, Commission, Department, Committee, Agency, Corporation, Quasi-Municipal Corporation, or sub-unit thereof.

Meeting of the: **PUBLIC HEALTH & SAFETY COMMITTEE**  
Date/Time: **Monday, February 17, 2014 @ 5:15 pm**  
Location: **City Hall (407 Grant Street) - Council Chambers**  
Members: Lisa Rasmussen (c), Gary Gisselman, Karen Kellbach, Romey Wagner, Keene Winters

### AGENDA ITEMS FOR CONSIDERATION (All items listed may be acted upon)

- 1 Minutes of previous meeting(s). (1/20/14)
- 2 Consider various license applications.
- 3 Review and discussion of report from Mayor's public meeting on February 10, 2014 pertaining to Restriction on Server Ordinance.
- 4 Discussion and possible action on maximum blood alcohol content level for compliance with WMC Section 5.64.034 Restriction on servers.
- 5 Discussion and possible action on issuing immediate citations for certain housing code violations.
- 6 Ordinance amending Section 8.08.200 Dangerous animals to amend the definition of dangerous animal.
- 7 Update from the WPD on the animal control program and service now shared in Weston. Update on rollout timeline for other areas.
- 8 Update from Clerk's Office on animal licensing (sales numbers compared to 2013).
- 9 Discussion and possible action on update from Wausau PD surrounding prostitution investigations and their discussions with neighboring law enforcement agencies
- 10 Request for 90 day extension to open for business for good cause per Section 5.64.160(b). (Hudson Burger, LLC, d/b/a Milwaukee Burger Company, 2200 Stewart Avenue)
- 11 Tavern Activities / Compliance Checks / Law Enforcement Activities
- 12 Communications  
Adjournment

**IMPORTANT: THREE (3) MEMBERS NEEDED FOR A QUORUM:** If you are unable to attend the meeting, please notify Toni by calling (715)261-6620 or via email [toni.rayala@ci.wausau.wi.us](mailto:toni.rayala@ci.wausau.wi.us)

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 2/13/2014 @ 12:00 p.m.

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids & services. For information or to request this service, contact the City Clerk at (715) 261-6620.

Other Distribution: Media, Council (Nagle, Brezinski, Nutting, Oberbeck, Abitz, Mielke), Tipple, Jacobson, \*Rayala, \*Hardel, \*Buchberger, \*Alfonso, Loy, Hebert, Duncanson, Werth, Wesolowski, Groat

Overview of Facts

Metro Ride Incident Report Fact-finding

January 6, 2016

PHS Audio February 17, 2014

(TA= Tara Alfonso, LR= Lisa Rasmussen, KW= Keene Winters, JH= Jeffrey Hardel, KK= Karen Kellbach, MB=Matthew Barnes)

1:27:30

Transcribe here

(1:18:33) TA: Okay, this came to me, this task, through, I guess Anne was at the Finance Committee and Alderman Winters and a couple of other alderpersons put forth the suggestion of instantly citing people – residents – for certain violations of our ordinances without notice. The practice has been for, well it's a requirement in some respects for certain violations and a practice in other areas to cite people, but to give them notice first of the violation – give them an opportunity to clear this up. So, Alderman Winters and a few others – I hope it's okay if refer to it as kind of your proposal – Alderman Winter's proposal, and it was discussed about so I'm not sure how it originally came up 'cuz I wasn't at that meeting, but was to sort of follow the parking ticket model of citing people for certain violations. So hopefully the first thing you have, or one of the things you have in your chart, is Alderman Winter's put forth certain violations he would like to see instantly cited.

LR: Why don't we list for those in attendance what those things are so they understand what we're talking about immediately citing.

TA: Yes.

LR: Animal excrement in yards, boulevard maintenance, non-collectible materials, storage of refuse, equipment storage, off-street parking in yards, exterior yard maintenance, unapproved signage, trash containers, vehicle parking, unregistered or junk vehicles, and grass or weeds too long. These are the things that we were looking at.

TA: Right. So now, the proposal is, rather than giving individuals notice or repeated notice in some circumstances, officers or community service officers or the Inspection department would just go out and issue a citation right off the bat. And the question was, how is that going to work. We just issue a citation to people for these violations, or do we follow the true parking ticket model. Like a parking ticket, as Alderman Winters had pointed out, you write the ticket, you put it under the windshield, and there it is. Um, there is a process involved in the parking citation process that I was starting to work with when putting this together for the committee, and I tried to flowchart that, so that everybody would understand what that is. A parking citation is issued, and it's issued say for example the general fine can be \$10. If a person doesn't pay it after 7 days an additional \$10 gets added to it. If it's not paid after 28 days, an additional \$35 gets added to it. If a person gets a parking ticket and they want to contest that ticket, they can. They can contest it to the Wausau Police Department within 28 days. Lt. Pekarske reviews those and he either grants that appeal or

he denies that appeal. And that's on the flowchart. If he grants it, the ticket is dismissed. If he denies that, there's an enforcement mechanism for someone who has had an appeal, and had that appeal denied within the 28 day period. The City can write the Department of Transportation and ask the department to suspend the registration or the license plates for that vehicle. An individual who doesn't like that has an option to go and ask for that to be brought to the municipal court and heard in municipal court before the judge. And then it gets the regular proceedings of a pretrial or a trial if you want to dispute that, and that's how it goes. If a person does not contest their citation within the 28-day period, then, they can't go to municipal court; they're foreclosed from that process, and they either can still appeal it within 30 days - 35 days- and Lt. Pekarske will review it and can either grant it or deny it, but your done. And if your appeal is not granted and it is denied, the city can sort of get the collection in a round-about eventually because they can suspend the registration. The thing is, once a citation hits municipal court, including in the parking citation process, it starts to collect court costs. Anytime a municipal citation gets into municipal court, there are court costs assessed. So, that makes something more expensive, and that's the other flowchart - just what happens if you just issued an inspection citation violation in municipal court. It goes to municipal court, you have your initial appearance, a pretrial is set - if you continue to fight it, you have a trial set, and if a resident was not successful, their citation would include, say, not only the \$10 but all the court costs. So, Bill Hebert and I talked with Keene Winters - and I understand, Keene, you also talked to some of the other alderpersons - and they decided that it might be too complicated to adopt a true parking format with the appeal process, and that is the 3<sup>rd</sup> flowchart. I tried to flowchart how this would work, and you can see there is a lot of little flags there on that. What would happen is, theoretically, a citation would be issued, and then a person could either pay it or not pay it, they could contest it, they could go to court and contest it, but the thing that gets complicated is, we don't right now have any mechanism to track these things. If a citation was issued in the true parking citation format, and a person had, say it was for \$10, and a garbage can is in your driveway and you get a citation for \$10, somehow that has to be tracked to the end of the appeal period. How does that get tracked? Because there is no automatic enforcement mechanism for something like a garbage can ticket. We can't suspend a person's registration for not paying a garbage can ticket because the right to do that for a parking ticket is a statutory right in the State statutes. We have that right automatically. We don't have that right here. So we would have to find a way to enforce that. A person gets a garbage can ticket and they don't pay it in the time period we prescribe - it's \$10. The only way to really enforce it is one of two ways - issue a municipal citation then to that person, in which case it comes to court and now they're stuck also with court costs, if they don't win, or file a small claims action, which costs like \$93, and that adds even more cost to it. And I don't think the circuit court would really appreciate this kind of volume coming into their court with their judges and their volume. So, Alderman Winters talked about it and he said that after thinking about it and talking with some of the aldermen, that the simpler version of just issuing a municipal citation would probably be the most effective to get things cleaned up and to

not bog the process down, because Bill Hebert would probably be the one who would adjudicate these little appeals before a ticket turned into a municipal citation. So, we were trying to all deal with the prospect of making these things expensive for individuals or not making them expensive for people, but also not trying to burden our Inspection's department who has now rental licensing and all these other things. And I'm going to let Bill address that because he talked with Lt. Pekarske a little bit about the parking ticket process. And the reason parking ticket process might be important to everyone, is it allows a person to resolve a ticket before it gets municipal court costs. But we also don't have these citations and we would have to develop these citations, come up with a way to track these citations, to determine when or when we wouldn't issue a municipal citation to attempt to collect the money. And I charted it all because it is exhausting, Romey, and I'm sorry and that's why these things are so complicated.

(laughter)

LR: This could be a 19-page ordinance – I'm just kidding. I guess I have a question for you Bill, as you dive into this, and maybe Tara too, if you guys wanna split up this thing.

KW: Well I'm ready to talk.

LR: Well I think one thing we have to delineate is what we estimate in clerical time spent tracking citations. We need to determine what we will have to add in terms of court time, because the municipal court calendar is already fairly full. And I'd like to know from Bill, on average, how many people tend to self-correct on the first letter currently, under the existing system. And if we take that letter process away, those people who have the opportunity to self-correct on letter #1 won't have that chance anymore. So I think we wanna work with that. Keene, did you want to comment before Bill?

KW: Yes. Tara's put words in my mouth, ah, for this discussion -

TA: Oh I am sorry – I didn't mean to do that – it's not intentional

KW: -and I would say that when I met with the two of you my understanding was when we left it that this piece would be coming on the March 17<sup>th</sup> agenda, so I have not had as much chance to prepare for it and again feel like I'm being railroaded. And when I showed the process you made to Bill Nagle, he said it was – well I won't say what he said it was- but so I think this is a proposal that's being slowly sabotaged, and it's a simple proposal. The proposal is that we use immediate fines to correct the behavior and it raises revenue and includes a clerical position for Bill – you wanna track this stuff, get our your little excel spreadsheet, enter the stuff in the excel spreadsheet, and sort it by date, and there you go. It's just not that hard – and you get a half time clerical person and you'd also get 75 – you could use CSO's to enforce these items – and 75% of the crap your inspectors deal with

would now be being dealt with someone else, freeing up loads and loads and loads of time. It's (a) simple model. If someone's grass is too long they should get a ticket. They shouldn't get a \$100 ticket with court costs right away – they should get a ticket of 10 or 15 or 25 dollars, and know if they want to fight it, well then they're going to be in for some court costs when they lose, 'cuz we're going to take a snapshot – a picture – of what's out there and say "Was your grass too long?". Done. Over with. It's a short municipal court fight if they wanna take it that far. And so, this is silly. If we did this kind of model with parking downtown, where the parking attendants never wrote a ticket, but they come up to a meter and see the meter is expired and they back up, jot down the license plate, go back to their office, write a letter saying "I'm coming back in ten days, I hope your car is moved", you would go from meter to meter to meter because no one would ever plug a meter. And so, no one has to mow their grass in the City of Wausau until they get a warning letter, because there's no threat of action until they get a warning letter. We issued 2400 warning letters last year and we only got 60 citations. We're chasing our tail – absolutely chasing our tail.

(1:31:06) LR: Okay, let me start with, if this item was on the agenda too soon, we certainly don't have to act on it tonight. If you need some more time, we can carry it over to next month.

TA: Wasn't it just for discussion?

LR: Yes. If we want to defer action, we certainly don't have to vote on anything tonight. I don't agree that we are slowly seeing anything be sabotaged. But we have to take into account with, what are you going to do with new residents? Grass is one thing – grass is something that people can easily understand that your grass is a foot tall and you should've cut it, but a car parked in the wrong place or a trash can in the wrong place? A trash can is an interesting one because we're surrounded by municipalities who allow people to leave their trash can out in front of their garage as long as it's off to the side and it has a cover on it. Well we don't allow that! It has to be out of view. So if you just moved here from Weston or Rib Mountain – you don't know. Well, wouldn't you appreciate getting a letter from someone saying 'hey, you can't do this' rather than just being slapped with a ticket?

KW: We have certainly discussed that just like with any other citation, we are going to give the people issuing the citations a chance to talk to people and use some discretion and use a warning in that case.

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1:44

TA: (Explaining the need to update ordinances)

## Overview of Facts

### Metro Ride Incident Report Fact-finding

January 6, 2016

KW: And I think you're talking to be at the point of being obtuse, and I'm tired of it. You're just splitting hairs and finding objections and find objections – looks, it's a very simple process.

TA: I'm asking for guidance from committee.

LR: Hold on. There's no reason to disrespect Tara, so let's just cool down just a second. We have to ascertain what it is we want to cite, how much we have to cite people and I think what you may not absorb is that, when you go to absorb one ordinance, it affects other ones down the chain. So, the first thing we asked Tara to do for this committee was to go through the municipal code and find out what type of ancillary ordinance revisions would be needed to make all of these things happen, which is what she did. And, we kept on throwing out the term 'parking ticket model' because to us, a parking ticket is a simple thing – you come out to your car, you find a parking ticket. I don't think any of us knew how involved the appeals process for a simple parking ticket is. And I don't think those of us who don't get parking tickets had no idea that there are other means of recourse to collect the money if we didn't pay. So, this is a different kind of animal though. And I mean, even if we employ a simplified process, it is a lot more work than we understand. And so I think that we have to – I guess we're agendized for discussion and possible action – so if there's items that the committee wants to take action on tonight, they can. If they don't, then we need to give Tara clear direction as far as what we want to see next month in terms of ordinance amendments. If we want her to clean up the language in all these ancillary ordinances to make this possible in March, so we can roll it out in April, and so that they can start to use it, then I think that we need to give them that direction. But I don't think we can tell her to, and Bill, to go back last month and bring us an analysis of what it would take to make this happen – and then when we do, we accuse them of stonewalling a process. I don't see that happening here. I see them looking for clear direction as far as what we expect and when we expect it, and I think we owe them that. So I think we need to – before we chew them up, we need to tell them what we want.

KW: I expect staff to take policy direction and come up with a system of implementation without quizzing us on every step of the process in an organizational chart. That's what I expect. And when it happens – this is the first time I have ever seen anything just picked apart like this. I mean we came up with 8 pages of ordinances for the vendors downtown within the blink of an eye.

TA: No, I came back to the committee and asked the committee for direction in this very room.

LR: Yes, and the task force met 4 times to hammer that out.

KW: So, I don't know why the council is going to roll into this level of micromanagement, of really the level of step by step. Look, I don't want them to have court costs. Look, If you charge somebody \$70 for leaving their garbage can out, or \$75 including court costs, of course they're going to (writhe?) – that's sabotage. That's not the idea. The idea is to get 10, 20, 30 dollars from

these violations and walk away with some revenue in our pocket to do two things – to support some additional staff for Bill, and to free up his existing staff to work on more important issues than dog excrement. That’s not what I want my trained inspectors to be doing. 25% of their time is spent on jalopies mis-parked. That’s not what I want my trained building inspectors to be doing. And I don’t know how many times we have to repeat that without being quizzed on every micro-step of the process. Get it done.

LR: Well, we need to amend a whole bunch of ordinances to get it done. So, is your directive to Tara and Bill to bring back revisions to all of the ordinances listed in this table for next month?

KW: Yes.

—

(2:12)

LR: Committee members do you have other questions for Lt. Barnes?

KW: No, but I’ll talk about the last item for a little bit, and you can pass this down to Jeff. So, we really need a timeline of the implementation of these contracts with the townships. And the Council passed township contracts on August, so there are model contracts out there, they were – lawyers were supposed to work on wording for 7(e), which was one section on liability, but I wouldn’t expect that to take very long. What I’ve passed out to the committee members – you all got statistics – just to give you an idea of where we’re at in terms of total numbers when we took on this task. So, when we initially got data for this task and came up with the staffing pattern, Chief Hardel, Wally Sparks, and Michael Loy met, and allocated essentially 3 hours of staff time per call, was the memo that was issued. And so we were expecting roughly 1200 calls a year in Wausau, 237 calls a year in Everest Metro, and then 6 other townships would have approximately 30 calls per year. And so I’m hoping that we could set a date, like May 31<sup>st</sup> to do a test rollout with the Town of Wausau. They are very close, they cooperate with us on fire, that’s the biggie in terms of townships. We, I would guess they have 17 calls per year, but really the 6 townships only have about 2% of the call total, so it really isn’t adding a ton of work. It is adding some logistics. If we were to do it with just 1 town by say, May 31<sup>st</sup>, I think that would show good faith. I’m getting from the townships that we’re really acting in bad faith by not moving forward or communicating with them apparently at all about the status of these contracts. So I’m hoping that would be the Town of Wausau, marbled into the east side of the City of Wausau, it’s not very far out, that we could work on that. What do you say, Chief?

JH: Shane VanderWaal is the attorney for the majority of these townships, and Shane has been involved in the meetings with Wally Sparks and myself and other personnel. And Shane is the one who requested for us to hold off because there was much work to be done with the other townships,

including ordinance violations, and a power of authority to give Ashlee to enforce these animal complaints. So, Shane was the voice and he's the one that communicated with the other townships. What is the Town of Wausau paying for this service?

KW: They would pay a nickel a month per resident. So that's prorated for the year, a nickel a month per resident. And so, it ends up that the average cost of a call in this system is about \$95 a call. The average cost for a township will be about \$140 a call. So there is more money that the townships are paying because they're farther out.

JH: And what's the total amount that all these townships will be paying to support the animal control program? Approximately.

KW: Well whatever – whenever we engage them it's their population times 5 cents per month for the balance of the year.

LR: So approximately \$1366 for Wausau, for the Town of Wausau?

KW: Could be.

LR: I just took their population of 2276 times 5 cents times 12 months and that's what we-

KW: Right. And so, the important thing is that we're working with our neighbors and building a bigger ground because we have other challenges on animal control that we have to deal with. And so that's part of what we would like to do. I want to give you some happy news though, too, is if you flip to the very back, this fall I happened to have lunch with Sheriff Parks and we talked extensively about animal control. He thought it was a really good idea and he supplied me with a new report. And if you go to the very last page of your report, what we're going to find out is, the new statistics say that, in the City of Wausau, which is designated as "PD" on that – for an actual year we had 1007 calls, so we really had 200 less calls than we were anticipating, and Everest Metro has had 30 calls more than we were anticipating. But I think that it's nice that we're in a position where we're beginning to respond to calls and we're getting fewer – these are dispatch calls, these are dispatched though County - that once we respond to calls, we maybe don't get as many repeat calls for the same issue because they're resolved. So that, I think, has freed up some resources for us to really tackle this issue. Look, Jeff, I hear just exactly the opposite from the townspeople, coming back to me from Shane VanderWaal, that it's our side that's a stick in the mud, that we're not getting things done that I know that Dale Semour from the Town of Plover on behalf of the town chairman, drew copies of our ordinances last year and created a model township version of those for all them to use so that they have something out there. So I think those are questions that can all be resolved, but the question is, how much contact is going on? Because what I hear from the townships is no, they're just being stiffed and they're not hearing anything back.

Overview of Facts

Metro Ride Incident Report Fact-finding

January 6, 2016

JH: Shane VanderWaal at the last meeting we had, stated that he was going to tell all the townships that, if we were going to provide service, it would be in 2015.

KW: Well, Karen, you've heard from Arnie Schli (sp) about this issue?

KK: Right, and I went back and told him that -

KW: So we're going to wait until 2015?

KK: - he needed to check with Shawn -

JH: Well I think the committee and the Council needs to evaluate whether \$1300 towards a \$50,000-\$60,000 animal control program, and if you include the vehicle, over \$100,000 program, is really worth our time and effort to send Ashlee way out to these townships, which is going to take travel time and investigation time of probably a minimum of 3 hours, like you said, and therefore she's not in service for the City of Wausau or the village of Rothschild -

KW: That's exactly what's been happening, is you've been resisting this for every fiber of your being, going through -

LR: Hold - hold - here we go- wait - stop.

TA: What is going on here?

KW: Madame Chairman I want to finish on this -

LR: Then you will employ the same **Core Values** that you expect from our workforce then!

KW: I do! This has been resisted -

LR: I expect you to address our staff **respectfully**.

KW: Council decided on these contracts in August.....

LR: That's fine.

KW: This is a settled issue -

JH: There's no contracts.

KW: - and now there's foot dragging

JH: There were no contracts.

KW: There were Council-passed contracts – part of the minutes!

JH: There were no signed contracts.

KW: We have approved them. The fact that implementation hasn't happened

JH: You approved a concept.

KW: No, no, no!

JH: You didn't approve contracts.

KW: We approved physical documents in August were approved – we approved them in both the Finance Committee and Council.

LR: Finance Committee looked at some contracts.

KW: I have copies of them. It was on the agenda!

JH: Contracts that you personally took out there to those townships and had them sign, and it wasn't approved by our legal staff.

KW: I did not have anybody sign any contracts. I gave copies – I forwarded copies that were given to me by Anne Jacobson to people because I had the email list. And in doing so, I did them individually and gave Anne the emails so that she could continue on. I'm tired on the resistance on this.

LR: It's reasonable for us to perhaps, take a look at the Town of Wausau because it's also served by the Everest-Metro PD, and it does include

KW: - by the Fire department-

LR: Right, because when we looked at Everest-Metro, we're already serving Weston, I believe are we also doing something in Schofield or not yet?

JH: We service – Ashlee services Everest-Metro.

LR: Okay, so if she's servicing Everest-Metro, she may be servicing the Town of Wausau already.

KW: No, Town of Weston.

MB: Excuse me. Town of Weston, Village of Weston and City of Schofield.

LR: Okay, alright. So, now the Town of Wausau, being a separate contract, maybe what we need to do is have Anne Jacobson get back with Shane VanderWaal and find out what he's looking for in terms of corrections and changes, and find out where he's at in terms of a rollout. If those townships are looking at a 2015 rollout, it's difficult for us to take the staff to task for not providing service when the townships aren't responding. So –

KW: It would be – but then again I get the calls, Karen gets the calls from township people telling - saying it's us.

LR: K.

JH: Well, the one thing I'm not going to do is provide service, or promise service we can't deliver. And so initially, it was all decided at that last meeting that with the rollout of this program, and Ashlee being very new and still needed to have the licensing from the State, etc., that we could not provide that service to 10 or 11 other townships, when in fact she needed to focus on Wausau and Weston, and first get the program on the ground and rolling and feel comfortable with it. So, and, it was also decided at that meeting that 2015 was the best time. Now, if that's changed then we'll –

KW: What meeting are we referring to?

JH: A meeting that Wally, myself, and Shane VanderWaal, and I'm not sure if Tara was there, but Anne Jacobson was there.

KW: K. So staff meeting.

LR: Correct.

KW: A staff meeting changed Council policy. – or delayed it for essentially two years-

JH: Including an attorney for all these other townships.

KW: Okay.

LR: If he has concerns –

KW: No one came back and told that the policy was changed either.

JH: What policy are you referring to?

KW: The policy that we were going to have contracts with these townships because we were pursuing, essentially, the Green Bay model. Green Bay has one full-time Humane Officer and 3 part-

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time people to support a population of 106,000. We were trying to pool enough population that we could get enough staff to get 7-day a week good coverage in this, so your Officers would never have to answer animal calls again. That was the policy.

JH: And that takes money.

KW: That takes money.

JH: And there was a proposed budget that we did not meet, therefore we couldn't provide the staff. Ashlee - we have Ashlee. And there wasn't enough money to hire CSO's at that time. With Ashlee's enforcement efforts, there might be now, 'cuz she's been very active. I'll gladly request a meeting with Shane VanderWaal and Anne Jacobson and Tara, and Wally Sparks -

LR: I think we should just find out where they're all at to make sure that we're all still clear on what they want and when they want it. And they need to understand, too, where we're at with our rollout in terms of training of our staff and implementation and purchasing of equipment for her - she's not had the truck that long. I mean, she had to go through training - even though she's an animal expert, she couldn't write a police report. She couldn't work the radio, she couldn't work the in-car stuff. I mean, they had a lot of training to do with her so -

KW: I'm willing to listen to that, but when a meeting like that occurs, and this committee is not reported to, and I have to field phone calls from the townships, and I don't know any of that stuff, that puts me at a great disadvantage.

LR: But when -

JH: Well you shouldn't be the contact person for those townships.

LR: But when the calls -

KW: I am a Council person - I'll take any calls that are coming in.

LR: Okay, but when -

JH: Okay, but then you shouldn't promise services that we - that staff - can or cannot provide, as a Council member.

KW: When Council has approved the budget and the services, I certainly can say Council's approved the budget and services!

LR: Okay, but now -

JH: That's debatable whether it's –

LR: When the calls come in, in terms of the townships, did you contact the Chief or Anne Jacobson to find out where the bottleneck was, or if there was one?

KW: I've contacted *this* committee and we finally have it on the agenda here.

LR: Well, you contacted me 2 weeks ago to put on an update. So I put on an update.

KW: Yes.

LR: But when the calls were coming in from Semour and from Schlie, did we make contact with the staff to find out why we're not rolling out in the timeframe that they expect?

KW: No.

KK: I did.

LR: Okay. Then we have –

KW: She did.

KK: You were the one who told me that you were working through something, you know

LR: Shane-

KK: Yeah-

LR: Shane had a bunch of concerns as far as liability and worker's comp, and who handles what, and the verbiage used in the contract and that stuff needs to get amended and so, if that needs to happen, then that needs to happen. But I don't think it's fair to lambast the staff for stonewalling a process that they're not. They're rolling out service on a timeline that they can roll it out in.

MB: Can I make one quick observation?

LR: Go ahead.

MB: Dealing with Ashlee here on a daily basis, I'm certain that I am a tough enough boss to work for, but then we gave her another new one, with all new rules with Everest-Metro. And I don't know how many townships this – 10 different townships with 10 different ordinances – even if they all make the same ordinances, there's 10 different groups that she's going to be responsible for. I struggle with putting someone like Ashlee, with her responsibilities to report to too many people. I just bring that up for discussion so when decisions are being made, we make sure that she's not

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being pulled 12 different directions all at the same time, because that's not fair to her or anyone else for that to happen to them.

LR: Really at the end of the day, she needs to ultimately report to 1 set of organizational supervisors.

KW: But once we're past the Weston hurdle – that's the big hurdle, we're talking about really 30 animal calls out of 1500 in those 2 – those 6 additional communities. So it's not like it's this huge piece of work or project. It's 2% of the total.

LR: Okay, well it's something that I think we're going to have to ease our way into, 'cuz it's also if each call takes 3 hours between the response and the reports, that's 90 hours of staff time, and that's over 2 weeks. That's something we have to look at, too, as far as what we can offer and when we can offer it. (02:27:02)

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**E-mails Following the Public Health and Safety Meeting**

**From:** Lisa Rasmussen  
**Sent:** Wednesday, February 19, 2014 11:01 AM  
**To:** Michael Loy  
**Cc:** Jim Tipple  
**Subject:** RE: Last Night's PH&S

What are your thoughts on a follow up meeting with council similar to a retreat specifically to address the organizational relationship between council and staff? Since we are a month and a half from the election, maybe now is not the time, but about half the council will be returning, and we have no idea what will happen with the others until the votes are cast, so maybe it is a good time to nip it. I don't know who will be council president after the election, but I know we need to do something, and it is often better to address behavior right after it happens than letting it go too long. The council needs to be accountable too, and I believe a couple members have really overstepped in terms of tone and accusations. Accountability does not mean it is ok for council members to be abusive and mean and I want that to be clear. We know we have issues with trust, but the tension that has been growing is bad for everyone. Should we just meet and deal with the elephant in the room in getting those who have behaved in this way to face up to it with the group? Core values only works if peers create the environment of self policing when it comes to mistreatment. I did that Monday night when I called out Keene, but I did not do that with Nutting because I was not there and heard about it well after it took place after his "acting out" in P&T committee. I did go talk to the engineering staff after that meeting and it seemed the issue in P&T was not only what was said, but that the chairman in charge allowed it. That night Keene was in charge of P&T as VC that night because Sherry was at a conflicting meeting. Odd coincidence, but true that he is a common denominator in both.

I don't want us to lose good people over this, nor do I want an environment where we have trouble finding good people because we are dysfunctional at the top of the pyramid. I welcome any suggestions you might have, as I really value your insight and perspective. Maybe we can chat about this briefly on Friday after our other meeting? I fear that if we do nothing, it will continue or worsen. Thoughts?

---

**From:** Michael Loy  
**Sent:** Wednesday, February 19, 2014 7:39 AM  
**To:** Lisa Rasmussen  
**Cc:** Jim Tipple  
**Subject:** RE: Last Night's PH&S

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Lisa, Thank you for the email, I'm sure it means a lot to the aggrieved employees even though you shouldn't have to be the one to apologize. I appreciate your leadership in reaching out and including me on the email.

I have heard from 4-5 people yesterday on the disbelief of the behavior that occurred last night. They have also said they appreciated your attempts to curtail it. I have not had the opportunity to review the recording, but I understand that the meeting was recorded, and plan to do so. This is not the first time this has happened, and frankly, I have a hard time keeping staff believing this is going to get better and inspiring them to keep their chin up. This is not what I envisioned in holding staff accountable. As you stated, it is a violation of our Core Values, and our employees are starting with that principle every time when they start to relay the impact this behavior has on them. We wouldn't tolerate this behavior from staff and shouldn't the Council be held to that same standard? Again, I haven't witnessed the events, but only the impact it has on staff, and it is not ok.

Keene called me yesterday afternoon to ask if he will be getting a letter of reprimand, he was saying that in jest because he and I both know that avenue is not available for an elected official, but I did emphasize that he is an agent of this organization and therefore liable for his behavior to a certain extent. He called because I believe he knew what he did was wrong and that there would be fallout from his actions. I wouldn't say he was apologetic. I asked that he be more respectful going forward despite the frustrations he has at times with staff. I emphasized that his behavior is actually counterproductive as the impact decreases staff productivity and may invoke additional passive aggressive behavior. I am not sure how much more we can do.

Here is my concern. At some point, apologies from Council members are not going to be sufficient enough to prevent an employee from pursuing other avenues when they continue to be accosted verbally in public meetings. The documentation trail is starting in that regard without being prompted. An adversarial relationship will not accomplish the complex work we need to get done. It is demoralizing, unprofessional, and creates a work environment where we are going to start losing our good employees to other employment or losing them in commitment and spirit.

What can the Council do to rectify this issue and are we going to stop needing to have to apologize to City staff for outbursts like this?

You are the example when it comes to treating staff respectfully and have always done so but the damage of this behavior reflects on the whole Council. Thank you for addressing the issue with Keene right away and again for sending this email. I am hopeful that this won't continue.

Thanks for listening.

Michael

**From:** Lisa Rasmussen  
**Sent:** Tuesday, February 18, 2014 2:33 PM  
**To:** Tara Alfonso; Bill Hebert; Jeffrey Hardel  
**Cc:** Jim Tipple; Michael Loy  
**Subject:** Last Night's PH&S

Chief, Tara and Bill

I want to take a moment to apologize for the way you were treated last night during Keene Winters' multiple outbursts last night in PH&S as we discussed inspection citations and animal control. Although I was able to shut down the behavior in the moment to prevent it from going further, it is my opinion that Mr. Winters should never have taken that approach.

Immediately after the meeting, I walked out with Keene and discussed that I felt his treatment of the staff was inappropriate in terms of baseless accusations, blatant disrespect which violates the core values (which we publically state that we expect all in the organization to work by) and unprofessional. I am not sure if the disucssion will create a change, however I made the effort.

Please know I and the rest of the PH&S committee appreciate the work you do in staffing our committee meetings as they typically deal with a wide range of emotional issues both for us and the public. That said, the emotion of any issue is no reason to disrespect our workforce.

Lisa

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**From:** Lisa Rasmussen  
**Sent:** Tuesday, March 11, 2014 4:50 PM  
**To:** Jim Tipple  
**Cc:** Anne Jacobson; Michael Loy; Jeffrey Hardel; Brad Marquardt; MaryAnne Groat; Ann Werth  
**Subject:** RE: Alderman treatment of Staff

Jim,

I understand your concerns relative to Mr. Winters' behavior on Feb 17. I think it is important to recognize that the behaviors Keene displayed on Feb 17 have not been ignored, nor have they not been addressed. As we both know from the recording of the PH&S meeting, I did address Mr. Winters' treatment of staff immediately during the PH&S meeting, reminded him of the core values and that his behavior was not in line with them. After that, on the evening of Feb 17, I personally addressed Mr.

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Winters after the meeting and advised his that his behavior and comments were not necessary and were beyond the scope of what would have been appropriate. It is my understanding that on Feb 17, committee member Karen Kellbach also informed Mr. Winters that he was over the top in his verbal assault on staff and asked that he apologize. Core values works when issues are addressed among peers immediately. I believe the comments made to Keene by Karen at the end of the meeting and the subsequent action by me that evening are representative of peers holding one another accountable for behavior, and we have encouraged this in other areas of our workforce as the type of internal checks and balances needed to maintain the core values.

On Feb 18, as chair of PH&S I issued an apology via email to the three affected employees on behalf of the committee, stating that the opinions expressed by Mr. Winters should not be taken as that of the entire committee, and that their work in staffing our committee meetings is valued and appreciated.

On Feb 19th I had a phone conversation with Mr. Winters in which I told him that I believed the accusations he made on Feb 17 toward the Inspections, Legal and Police Depts were unfounded, as based on my discussion with the employees that are working on the two issues he referred to in committee as being "sabotaged" or "resisted" they are actually merely working through the details of the items so that the actions taken are logistically sound and achieve the intended results. It seemed to me during this conversation that Mr. Winters is very frustrated over the matters in question and it is likely his view of what he wants to see happen at the end of a process does not take into account the internal process that must happen to pull it together, especially when a process is new. I communicated that frustration over such things is no reason to mistreat the workforce we rely on to get this work accomplished. I encouraged him to not over simplify these things, as the legal framework needed to create public policy takes time, as does the implementation of new procedures once that framework is created. Not including hiring CSO's which will happen soon. He is aware of the current status of this situation.

On March 3, I sent Keene a detailed email regarding the status of the animal control rollout outlining many of the concerns that were voiced by police and legal staff involved that need to be addressed before service can be contracted out to townships. This was the same day as the meeting you and I had with staff to sort out the status of things following the accusations that were made on Feb 17 by Mr. Winters. Mr. Winters was unhappy with the timing, but accepted my explanation that staff is working on the issues and that there are more issues than he was aware of.

It is also important to note that in the 2012 and 2013 council retreat, I not only outlined the role of the council, but emphasized the importance of the fact that staff and the council need to be working toward a set of clearly communicated, common goals and if they are at odds with one another, we will achieve limited results for our residents in terms of proactive policy making, delivery of services residents demand and fiscal responsibility. It is no secret that a number of council members have told me they feel that in the last year they have received inaccurate or lacking information about various issues and have then regretted their votes of approval after the fact. As an organization we have been the subject of a number of negative outcomes and headlines, and this is creating a call from the public for

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accountability. Council members feel that in some cases, they were offered information sufficient to create a desired vote outcome at the committee and council level. These complaints indicate to me that there is a growing dysfunction between the council and staff in our organization. I am very concerned about this. Because of this, I feel the rift between council and staff is growing far deeper than what happened with Mr. Winters in PH&S last month. While I do not approve of his actions that day, it is a symptom of something larger we need to deal with in a better way than a committee of the whole just to scold Mr. Winters in public.

If we are to hold a committee of the whole, I feel it needs to be a candid discussion of the relationship that exists currently between the staff and the council so we can lay the issues out and figure out how to resolve them together, as we now have an environment where trust has become an issue and that is showing itself in a number of ways that is different for various council members, but from my perspective is a growing concern. Based on the timing, it would be appropriate to hold it after the election is complete in a couple weeks so we have the faces gathered at the table who will need to function together for the next two years to get things done and move the organization and the city forward. However, if you prefer to hold the discussion before then, I would be open to it as a means to remove the tension that is building between the council and staff if we conduct it in a larger scope that addresses organizational function and relationships.

The answer to this is not only that the council understand its role and purpose, but also to figure out what needs to happen to rebuild damaged trust between the council and staff. Once that happens, we will be in a place where we can get good results and the public will also see that things are moving in a positive direction. I have included our dept heads on this message because I believe we all have a part to play in fixing this issue and offering input so we can make things better. I believe if I am to bring a positive resolution to this situation, it is bigger than me just addressing what happened with Keene on one certain day. There have been other situations that were similar, but less public involving others that also serve as examples of what is building in our organization. I feel it can be worked through and we can move ahead in a better way. I am willing to work with the council and staff to solve this and prevent it from getting worse. I also welcome their feedback and ideas if they want to offer them to me. I know they are critical to our success and if we cannot function as a team, we have nothing.

Thank you for bringing this to my attention. I see an opportunity here if we undertake a larger discussion. Please know I am not ignoring what happened and want things to improve for all of us.

Lisa

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**From:** Jim Tipple

**Sent:** Tuesday, March 11, 2014 11:35 AM

**To:** Lisa Rasmussen

**Cc:** Anne Jacobson

**Subject:** Alderman treatment of Staff

Lisa,

During our monthly management meeting (2/25/14), the management team discussed the behavior of Alderman Keene Winters at the PH&S meeting held on 2/17/14. They discussed their dissatisfaction with the lack of respect and poor behavior by Keene. They commented this behavior cannot be ignored. City staff holds their employees accountable for their actions and the City Council has not been held accountable for any of their poor behavior actions. They further pointed out that Keene is very negative towards city departments and continues to be a challenge for department heads with demands on their time. This is not the first time Keene has treated City Staff poorly. Communication of the roles of City Council needs to be emphasized again and to ward off micro-management of City staff. At our last Council Retreat, the Council passed Core Values by which to live by. This is a poor example of sending the wrong message to City staff. I would check with the City Attorney with the options that are available for you to call a Committee of the Whole meeting. Please address this issue ASAP.

I look forward to a positive resolution.

Jim

**James E. Tipple**

Mayor, City of Wausau

407 Grant Street, Wausau, WI 54403

715-261-6800, 715-261-6808 Fax



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**Continuing, Unresolved Issues**

Chief Hardel states the issues between the Wausau Police Department and Alderman Winters continues relating to Animal Control continues. He states Alderman Winters refuses to be accountable for following City processes and has been repeatedly disrespectful.

**From:** Jeffrey Hardel  
**Sent:** Wednesday, December 02, 2015 12:46 PM  
**To:** Myla Hite  
**Cc:** Jim Tipple  
**Subject:** KEENE WINTERS

At a council meeting a couple weeks ago where they passed the budget, Keene Winters made some very degrading statements about the police department to a group of citizens that were present to support the Humane Society. Alderperson Lisa Rasmussen witnessed this exchange outside of City Hall after the council meeting was finished. Lisa was speaking with Linda Karger-Berna, Mary Kirlin, and a number of their supporters whose names I do not have available to me. As Lisa is speaking with this group, Keene Winters approaches the group and states something to the effect, "It will be your responsibility to watch the police department for they do not like animals. They think they are above this duty and don't want to take care of cats. You will need to watch them." This is contrary to our core values. Captain Barnes has worked very hard to build a workable relationship with the Humane Society, specifically, Mary Kirlin, and for Keene Winters to make statements like this, abolishes all the hard work and progress we have made with the Humane Society. The image we portray to the community and our stakeholders is very important to us and is something we work very hard to accomplish. Like everything else, Keene tries to destroy relationships and create conflict where ever he can.

Jeffrey G. Hardel  
Chief of Police  
Wausau Police Department  
715-261-7801  
715-370-4545

**Mission Statement:**

***The Wausau Police Department strives for excellence in policing by partnering with the community to enhance the quality of life.***

**Core Values:**

**Integrity**  
**Professionalism**  
**Accountability**  
**Respect**

**From:** Jeffrey Hardel  
**Sent:** Monday, December 28, 2015 10:24 AM

To: Myla Hite

Subject: FW: KEENE WINTERS

Brief overview of interactions I had with Winters, specifically regarding Animal Control.

- Winters felt the need to create an animal control program which is something I had proposed numerous times during budget cycles but had been cut. Winters submitted a proposal with a budget and FTE's, a vehicle, and partnerships with other jurisdictions. All of this was done on his own volition. Winters refused to include me on planning meetings, budget meetings, sponsorship meetings, grant proposal meetings, meetings with other jurisdictions, etc....
- Winters had met numerous times with other jurisdictions offering the City's animal control services but myself and other city staff were not included in these meetings and we did not know what was being promised or contracted, or the price that Winters was negotiating with these other jurisdictions. I was receiving calls from other jurisdictions asking me when we were going to start providing animal control services to their jurisdictions but did not know what was promised.
- We found out later that Keene had actually signed contracts with other jurisdictions for city services. Anne Jacobson received one of the contracts and advised that Keene had not authority to negotiate city services or sign the contracts
- I received a call from one of the local foundations about a grant request on behalf of the animal control program but was unaware that Winters had submitted this proposal.
- Numerous emails were sent between Winters and myself which included Winters ordering me to do something or included a condescending statement from Winters like, "Do your job."
- I responded to Winters numerous times requesting that Winters be respectful and abide by the city's core values which is what is expected by city staff
- 

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**Attachment II-M**  
**WINTERS INPUT TO CITY OF WAUSAU INVESTIGATION**  
**December 21, 2015**

**BEGINNING ON THE FOLLOWING PAGE**



BELL GIFTOS  
ST. JOHN LLC

Writer's Direct Line: (608) 216-7995  
Writer's Fax: (608) 216-7999  
Writer's E-mail: [ksjohn@bellgiftos.com](mailto:ksjohn@bellgiftos.com)

December 21, 2015

**VIA E-MAIL**

Attorney Dean Dietrich  
Ruder Ware  
500 N First Street, Ste. 600  
Wausau, WI 544012-8050  
[ddietrich@ruderware.com](mailto:ddietrich@ruderware.com)

**Re: City of Wausau Investigation**

Dear Mr. Dietrich:

Thank you for your correspondence of December 18, 2015. Your letter clarifies that you are investigating whether Alderperson Winters used profanity in discussions with two public employees and told those employees that he would take steps to see that they are terminated from their position. Alderperson Winters did tell an employee that he believed the employee was unfit to continue in their position. And he admits that he used the s-word in one private conversation with a city employee that involved a public policy discussion yet occurred outside the workplace on the telephone, and he regrets that he used that language. It is not appropriate language and he apologizes for any offense caused by using the s-word.

Alderperson Winters also admits to being passionate about City affairs. He admits that when he sees public employees fail to perform their jobs adequately, he wants better for the City. And when he sees employees or officials abuse their authority and waste taxpayer resources, he is passionate about stopping it.

While the public expects its officials to act with decorum, I think they can forgive a breach of this nature. What is unforgivable, however, is engaging in an unauthorized investigation at taxpayer expense and taking the extraordinary step of paying outside lawyers to fuel what appears to be a political vendetta. That is an abuse of power and a misuse of taxpayer funds.

**I. The City Council President Lacks The Authority To Unilaterally Commission An Investigation Into His Colleague And Enlist Public Resources To Do So**

Your December 18 memorandum to me states the Human Resources Department is undertaking this investigation at the request of City Council President Mielke.<sup>1</sup> City Council

<sup>1</sup> December 18 Memo, p.1 ("The Human Resources Department ... is conducting an investigation at the request of Common Council President Mielke").

Atty. Dietrich  
December 12, 2015  
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President Mielke is not filing a complaint as an employee; he has ostensibly commissioned this investigation.<sup>2</sup> The City Council is purported to be the author of the final report, and the City Council presumably is the entity with possible sanction authority.<sup>3</sup>

Here's the obvious problem. The City Council President has no authority to commission an investigation of a member of the Council on behalf of himself or the Council.

There is a single ordinance authorizing the investigation of the conduct of elected officials – the Code of Ethics for Public Officials and Employees. Wausau Mun. Code ch. 2.03. But the ethics code does not regulate the alleged conduct under investigation: an alderperson's use of profanity in a private conversation or telling a city employee that the alderperson thinks the employee is unfit for his or her position. The Code of Ethics is primarily about using public office for personal gain (which is not alleged here). *See id.* ch. 2.03.030. Investigations may only be authorized by the Ethics Board (not the City Council President). *Id.* ch. 2.03.060. Only the city attorney or special counsel appointed by the City Council may assist the Ethics Board in its investigation (the City Council has not appointed Ruder Ware special counsel). *Id.* ch. 2.03.040.

Even if we were to assume the *City Council* may initiate an investigation into whether a member has been sufficiently polite in expressing to city employees his disapproval of the manner in which those employees have performed their job duties—a power that City Council President Mielke told council members in a November 24 email that the council did not possess—the City Council *President* may not unilaterally initiate the investigation. Except as provided in the Code of Ethics (not applicable here), the City Council has not adopted an ordinance or rule delegating this authority to the City Council President. Thus, to the extent a City Council may investigate a member for such conduct, the city council as a body would have to authorize the investigation. *See Wausau Mun. Code ch. 2.16, Rule 19* (Robert's Rules govern council in the absence of a standing rule or unless state law is to the contrary); *Robert's Rules of Order Newly Revised*, §63 (11<sup>th</sup> Ed.) (investigations into a member's conduct must be authorized by resolution appointing special committee to investigate).

There are very good reasons that investigations of allegedly inappropriate conduct must be authorized by law or, as it relates to discipline from the legislative body, authorized by an act of the entire legislative body. There are also good reasons why *Robert's Rules* and Wausau's Code of Ethics have those investigations overseen by committees. These are to prevent abuse of power and misuse of resources by individual actors.

It is no secret that my client is running for mayor. It is also my understanding that City Council

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<sup>2</sup> *Id.* at p. 2 (“The Human Resources Director ... has been charged by the Common Council President to gather background information regarding the alleged conduct.”)

<sup>3</sup> *Id.* (“You have inquired what sanctions or penalties would be imposed.... We are not sure that the conduct that is alleged in in the complaint would support issuance against an individual elected official.... The investigation report will be revised by the Common Council at its next scheduled meeting.”)

Atty. Dietrich  
December 12, 2015  
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President Mielke is contemplating a run for the same office. At any rate, he and Alderperson Winters are often in disagreement over public policy matters affecting the city. If a Council President (or any Alderperson) could unilaterally initiate an investigation into a political rival's private conversations with city employees, marshalling city resources and contracting with a law firm to conduct the investigation, the potential for abuse is obvious. It would allow, for example, the unchecked use of city resources to conduct opposition research into a political opponent. It would also allow a person in Mr. Mielke's position to claim that his political opponent is "under an investigation" – even a "discrimination and harassment investigation" (even though there is no claim of sexual, racial, or other harassment on the basis of a person's status as a member of a protected class).

This potential for abuse is significantly heightened where, as here, the investigation is into whether Alderperson Winters has violated Wausau's "Core Values." These values are important. But they are aspirational. And they are vague, lacking articulated standards to which a person may reliably conform his or her conduct and thus stay on the safe side of the principle. For example, one of Wausau's core values is Professionalism, which is defined as "We take pride in our work, communicate effectively, project a positive image, and deliver service at the highest standards every time, in every situation." It is unfathomable that a single Alderperson could "charge" a Human Resources Director with undertaking an investigation, aided by taxpayer funded special counsel, to investigate whether another alderperson has "project[ed] a positive image." Yet this is what is occurring in this investigation.<sup>4</sup>

Last, I am puzzled as to why the Human Resources Director believes the City Council President could "charge" her to conduct any investigation. The City Council President is not Human Resource Director's supervisor and does not speak for the City Council as a whole. It is ironic that the Human Resources Director is seeking an "understanding of [Mr. Winters'] perspective on who supervises staff and what his authority is as it relates to day-to-day administrative operations" as she embarks on an investigation at the direction of an Alderperson who is not authorized to direct her activities and who is not unilaterally authorized to initiate an investigation of another alderperson. Nor could the executive branch, in the absence of a state or local law, investigate a member of a separate branch as if they are an employee. Such

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<sup>4</sup> I have requested that you indicate which specific provisions of which policies Mr. Winters is being investigated for violating. You have replied with the Core Values, but you have not identified *which* Core Value has allegedly been violated. Nor is Wausau's the Core Values statement an enforceable policy, a fact Mr. Mielke, who has instituted this investigation, told council members in a November 24 email. In response to my inquiry, you also quoted the "purpose" and "policy" statements from the Harassment and Discrimination in the Workplace Policy. But the "purpose statement" is just that – a purpose statement, not a code of conduct. The "policy" states the City's commitment to a harassment free workplace, it does not create standards of conduct. The Harassment and Discrimination policy *does* enact standards of conduct (Section III.A). When read with the definitions (Section IV), it is clear these standards cover only (1) sexual harassment and (2) discrimination or harassment on the basis of a person's status as a member a protected class, neither which occurred (or is alleged to have occurred) here.

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December 12, 2015  
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unauthorized investigations erode the separation of powers. The public, not the mayor and not the Human Resources Department, employs Mr. Winters and every other elected official.

## II. State Law Appears to Preclude Department-Based Appointment of Special Counsel

In response to my question about the authority behind your special counsel appointment, your December 18, 2015 memorandum states that “[d]epartment heads for the City of Wausau have the authority to retain counsel to provide representation on an as needed basis.” When I asked you for a copy of the contract appointing you special counsel, you responded in a December 21 email that your firm “has been representing the City of Wausau for 40+ years on an as-needed basis when the City of Wausau contacts Ruder Ware.” Apparently, then, no contract for services exists.

But Wisconsin statutes provide that the city attorney “shall conduct all law business in which the city is interested,” and further provides that the city “council may employ and compensate special counsel to assist in or take charge of any matter in which the city is interested.” Wis. Stat. § 62.09(12)(a),(g). I am not aware of any corresponding provision that empowers executive branch local government officials to hire special counsel and to my knowledge the city council has not authorized this retention.

Nor would a 40-year contract for services on an as needed basis meet the criteria of the City’s procurement policy, which itself must be consistent with state law. Among other criteria, no contract for services over a period of three years is allowable in the absence of Council approval. Simply put, Ruder Ware is not on the city payroll.

Even if the Human Resources Director could hire outside counsel without City Council approval, your appointment in this matter is unusual. The City surely conducts employment-related investigations on a regular and ongoing basis. Does the Human Resources Director always retain counsel to conduct the investigation? Does she ever? What makes this investigation unique beyond the identity of my client?

Similarly, surely well-intended city employees fail to meet Wausau’s core values periodically. Sometimes they may not “take pride in their work” or “communicate effectively,” or “project a positive image” or “deliver standards at the highest standards every time, in every situation.” Sometimes they may not “own their actions” or “treat everyone the way we would like to be treated.” If violating these aspirational statements are cause for a single alderperson to charge the Human Resources Director to investigate and hire outside counsel each time another alderperson (to say nothing of an employee) allegedly violates these aspirational values, then the City would be bankrupt before the first quarter is completed.

But the City is not bankrupt. That is because these investigations do not happen. Special counsel is not employed to aid them. This investigation is unusual; City Council President

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Mielke and the Human Resources Department have singled out my client, a vocal opponent of this administration, to unique treatment.

Moreover, because this investigation is not itself authorized by law, your appointment suffers from the same infirmity as the underlying investigation. Legal representation to assist in an investigation charged by the City Council President where the City Council President has no authority to unilaterally initiate the investigation or charge city officials with tasks cannot be something deemed necessary for a sole source, noncompetitive procurement.

Please accept that neither I nor my client intends any disrespect to you or your firm in raising this issue. But my client is understandably concerned about executive branch interference with the City Council's prerogatives, a concern that has been heightened by the executive branch's eagerness to investigate his activities undertaken as a legislative official and citizen. He is also concerned that about the public treasury; the Human Resources Department was authorized in the 2015 budget to expend no more than \$2,100 annually in contractual services.

### III. Disclosure of Records

Your memorandum states that you have been "advised that Alderman Winters has released a copy of the November 23, 2015 correspondence from Council President Mielke to the local media." Your advisors are mistaken; if the news media obtained that document at the time of your memo, it came from another source.<sup>5</sup>

Having said that, your assertion that Mr. Winters may not release this record because of Wis. Stat. § 19.36(10) is an incorrect legal assertion. That provision protects against the release of records only where a public *employee* is the record subject of an ongoing personnel investigation. Mr. Winters is not a public employee within the meaning of Wis. Stat. § 19.36(10). *See* Wis. Stat. § 19.32(1bg).

Moreover, I am hard-pressed to consider this as a disciplinary investigation, given that no entity with the authority to discipline Mr. Winters has initiated an investigation. It is unauthorized conduct by the City of Wausau involving a substantial waste of city funds; surely that is a matter than cannot be subject to a gag rule. *Cf.* Wis. Stat. §§ 230.80, *et seq.*

To be sure, records custodians other than Mr. Winters must give *him* 3 days' notice prior to releasing the letter from Mr. Mielke. This is because Mr. Winters is the "record subject" of the

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<sup>5</sup> Mr. Winters has shared with the media a November 24, 2015 email from City Council President Mielke to council members advocating for a legislative amendment to the code of conduct to cover activities by alderpersons who "operate in a threatening, rude, disrespectful, or 'bullying' manner" in order to put some "teeth" into the current code where none exists today. The fact that Mr. Mielke *knows* a legislative change is necessary to enforce the core values underscores the lawlessness of the present investigation.

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correspondence. Wis. Stat. § 19.356(9). But Mr. Winters is not under any such corresponding obligation, as he is the only public official who is a record subject within the meaning of the law. *See* OAG 07-14.

#### IV. Supplying Further Information

Your December 21, 2015 email states that Mr. Winters has twice delayed meeting with your client and that you will not move back the December 30 request for additional information (in writing or in person) despite offering that date knowing that I would be on Christmas vacation from December 22 through December 30. Let me set the record straight. You postponed the December 11 meeting because you agreed to supply information about the investigation to my client weeks ago and did not do so until December 14. Even at that time, it was unclear just who your client was and what was being investigated; we would not agree to a meeting until that information was supplied. No employee has filed a complaint (to our knowledge) and even your December 18 descriptions of the offending conduct have been at best vague and your citations to policy inapplicable to the limited conduct you have disclosed or are entirely nonspecific.<sup>6</sup>

Mr. Winters would supply additional information to an entity who is authorized to conduct an investigation after being notified of what allegations are being made against him and explained how those allegations relate to an enforceable standard of conduct. Neither of those conditions have been met, and Mr. Winters is no longer interested participating beyond this letter in what appears to be a politically inspired fishing expedition without a license.

\* \* \* \* \*

City Council President Mielke acted outside of his lawful authority when he “charged” the Human Resources Director with undertaking the investigation. Your client, the Human Resources Department, lacks the authority to conduct the investigation. Mr. Winters is not a city employee (nor does the investigation arise under the procedures outlined in city policy), the investigation is not to enforce any standard of conduct prescribed by code, and the investigation has not been specially authorized by the City Council. It is, quite simply, an investigation in excess of your client’s authority as Human Resources Director.

While the investigation does not have authority, it does seem to have a purpose. Mr. Winters has been a vocal critic of the mayor and aspects of the city’s administration. He sees it as his

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<sup>6</sup> Outside of providing some detail with respect to interactions with one employee over the telephone and providing the date of a meeting with a second, you have refused to provide *any* information about what speech is being investigated, when that speech occurred, and where that speech occurred. Instead, you have generically stated that the City is interested in obtaining information about Mr. Winters’ interactions with four additional employees (two, one of whom is a past employee, just disclosed), with no context as to what those interactions were. The only clear message in your correspondence is that Mr. Winters is under investigation; for what alleged conduct and how that conduct is proscribed, you simply won’t tell us.

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obligation to the citizens of Wausau to be a watchdog and exercise legislative oversight over city operations. If he sees city operations that he thinks are not serving the taxpayers well, he is vocal about it. If he sees opportunities for the City to do more and is handcuffed by tenured employees who would prefer not to take on a new challenge, he is vocal about it. If an employee refuses to do his or her best for the citizens of Wausau, Mr. Winters believes they are not cut out for public service. And he says it publicly and privately, just as he sends congratulatory notes to employees who have done a good job.

Mr. Winters' criticism may make some people uncomfortable. Some people may equate criticism of their job performance as bullying, instead of what it is, criticism. Some may see that criticism as intimidation, and even change the meaning of words in our language to say strongly worded criticism is in fact harassment. But criticism is not bullying or intimidation, and public employees do not have a right to be free from criticism.

Bullying and intimidation is, however, using the resources of government to engage in an unauthorized investigation of a critic to stifle that criticism. Bullying and intimidation is decreeing without authority, as Mr. Mielke did, that a subject of an investigation cannot enter a government building. Bullying and intimidation is attempting to put a gag order on public discussion of Mr. Mielke's assertion of investigatory power.

Mr. Winters is passionate about the City of Wausau, and he admits that at times he wears that passion on his sleeve. Perhaps at times he should be more delicate in his approach. But Mr. Winters does not regret his passion to make Wausau government work better.

Once again, I ask that you terminate this investigation.

Sincerely,



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