



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

OFFICIAL NOTICE AND AGENDA

Notice is hereby given that the Common Council of the City of Wausau, Wisconsin will hold a regular or special meeting on the date, time and location shown below.

Meeting of the: **COMMON COUNCIL OF THE CITY OF WAUSAU**
 Date/Time: **Tuesday, February 23, 2016 at 7:00 PM**
 Location: **City Hall (407 Grant Street, Wausau WI 54403) - Council Chambers**
 Members: **Bill Nagle, Romey Wagner, David Nutting, Tom Neal, Gary Gisselman, Keene Winters, Lisa Rasmussen, Karen Kellbach, David Oberbeck, Sherry Abitz, Robert Mielke**

ADDENDUM

File #	CMT	Resolutions and Ordinances	ACT
16-0220	COW	Resolution approving the reporting authority and the reporting chain of command for the City Attorney be altered from the date of this Council meeting February 23, 2016 until April 19, 2016, the City Attorney will report to the City Council, not the Mayor.	Approved 10-0
16-0221	COW	Resolution approving an independent investigation of the items surrounding the circumstances that have been discussed at the Committee of the Whole meeting on February 17, 2016 to set a future meeting to articulate the exact scope of the investigation.	Approved 10-0
16-0222	COW	Resolution directing the Human Resources Director to turn over all papers and all communications with Attorney Dean Dietrich to City Attorney.	Approved 10-0
16-0223	COW	Resolution to hire an investigator and authorize the City Attorney to contact CVMIC [Cities and Villages Mutual Insurance Company, the City's insurance company] to find an investigator who would be recommended to the City Council. This recommended investigator would be someone who has no prior knowledge or working relationship with any of the parties involved or city staff.	Approved 10-0

Adjournment

Signed by James E. Tipple, Mayor

This Revised Agenda was posted at City Hall and faxed to the Daily Herald newsroom on 2/19/2016 @ 1:30 PM.
 Questions regarding this agenda may be directed to the City Clerk.

COMMITTEE OF THE WHOLE
A STANDING COMMITTEE OF THE COMMON COUNCIL

Date and Time: Wednesday, February 17, 2016 at 6:00 pm., Council Chambers

Members Present: Nagle, Wagner, Neal, Gisselman, Winters, Rasmussen, Kellbach, Oberbeck, Abitz, Mielke (C), Tipple

Members Excused: Nutting

Others Present: Jacobson, Rayala, Hite, and media

Council President Mielke noted a quorum and called the meeting to order. Roll call indicated 8 members present. *Gisselman arrived at 6:04 pm and Abitz arrived at 6:13 pm.*

Motion by Rasmussen, second by Neal 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 litigation in which it is or is likely to become involved, regarding the investigation undertaken pertaining to the Metro Ride Incident Report, legal opinion and related documents; and pursuant to Section 19.85(1)(f) of the Wisconsin Statutes considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations, arising from the foregoing described incident and subsequent investigation. Roll call vote: Rasmussen aye, Kellbach aye; Oberbeck no, Abitz, aye; Mielke aye; Nagle aye, Wagner no, Neal aye, Gisselman aye, Winters aye. Motion passed 8-2. Members moved into closed session at 6:18 pm, including the city attorney and the city clerk.

Reconvened into OPEN SESSION at 7:40 pm.

Motion by Rasmussen, second by Winters to the Committee of the Whole move forward as a recommendation to the City Council to be placed on the Tuesday night's meeting agenda that effective immediately until April 19, 2016 that the reporting authority and the reporting chain of command for the City Attorney be altered from the date of the Council meeting on February 23, 2016 until April 19, 2016, she reports to the City Council, not the Mayor. Motion passed unanimously.

Motion by Rasmussen, second by Neal to the Committee of the Whole move forward as a recommendation to the City Council to be placed on the Tuesday night's meeting agenda that we will commence an independent investigation of the items surrounding these circumstances that have been discussed tonight and that the Committee of the Whole will set a future meeting to articulate the exact scope of that investigation so that the people involved in the investigation can be advised of what's being investigated and so that the public can know as well. Motion passed unanimously.

Motion by Winters, second by Oberbeck for the Committee of the Whole to direct the Human Resources Director Myla Hite to turn over all papers, all communications with Attorney Dean Dietrich to City Attorney Anne Jacobson. Motion passed unanimously.

Motion by Oberbeck, second by Rasmussen to hire an investigator and authorize the City Attorney to contact CVMIC [Cities and Villages Mutual Insurance Company, the City's insurance company] to find an investigator that would be recommended to the City Council. This recommended investigator would be someone who has no prior knowledge or working relationship with any of the parties or city staff. Motion passed unanimously.

Committee meeting was adjourned at 7:49 pm.

Respectfully submitted:

Toni Rayala
City Clerk

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE COMMITTEE OF THE WHOLE

Approving a change in the reporting authority and the reporting chain of command for the City Attorney from the date of the Council meeting on February 23, 2016 until April 19, 2016, from the Mayor, to the City Council

Committee Action: Approved 10-0

Fiscal Impact: None

File Number:

Date Introduced: February 23, 2016

FISCAL IMPACT SUMMARY

COSTS	<i>Budget Neutral</i>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	.
	<i>Included in Budget:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<i>Amount:</i>
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>			

RESOLUTION

WHEREAS, on January 22, 2016, the City Attorney informed the Mayor of her reporting obligations under Supreme Court Rule 20:1.13, and subsequently met with the Mayor to discuss the contents of a Confidential Memo and referenced attachments regarding the Fact-Finding Investigation of Alderperson Winters; and

WHEREAS, on January 28, 2016, the City Attorney met with the Mayor to discuss the contents of those communications; and

WHEREAS, on February 4, 2016, the Mayor issued a Written Reprimand to the City Attorney, which was not confidentially communicated to the Council members on or about February 8, 2016; and

WHEREAS, on February 8, 2016, the City Attorney responded to the Mayor under protest with responses to several requests for information, and informed him that she had complied consistent with her obligations under the Rules of Professional Responsibility; further informed him that she believed his demands upon her were made in retaliation for filing a prior complaint of harassment and as part of an ongoing attempt to harass and intimidate her; and, that she would be filing a grievance challenging the Written Reprimand, consistent with City Policy; and

WHEREAS, on February 8, the City Attorney responded to a request from an elected official,

Alderson Winters, for a legal opinion in execution of her statutory obligation under Wis. Stat. §62.09(12)(c); and

WHEREAS, on February 10, the Mayor conducted a performance evaluation of the City Attorney, which had previously been cancelled on short notice and rescheduled seven times since December 1, 2015; and

WHEREAS, the Committee of the Whole met in closed session and open session on February 17, 2016, and recommended, among other things, that an investigator be hired to commence an independent investigation of the items surrounding the circumstances that were discussed in closed session, and that for the protection of the City Attorney, her reporting chain of command should be altered for the duration of the Mayor's term.

NOW, THEREFORE, BE IT RESOLVED the Common Council of the City of Wausau does hereby alter the reporting authority and the reporting chain of command for the City Attorney from the Mayor, to the City Council, for the duration of the Mayor's term.

Approved:

James E. Tipple, Mayor

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE COMMITTEE OF THE WHOLE	
<p>Approving an independent investigation concerning those circumstances discussed in closed session regarding the investigation undertaken pertaining to the Metro Ride Incident Report and legal opinion of City Attorney related thereto</p> <p>Committee Action: Approved 10-0</p> <p>Fiscal Impact:</p>	
File Number:	Date Introduced: February 23, 2016

FISCAL IMPACT SUMMARY			
COSTS	<i>Budget Neutral</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	.
	<i>Included in Budget:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>		

RESOLUTION

WHEREAS, the Committee of the Whole met in closed session on February 17, 2016, to confer with the City Attorney regarding strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, regarding the investigation undertaken pertaining to the Metro Ride Incident Report, legal opinion of the City Attorney and related documents and preliminary consideration of specific personnel problems against specific persons, which if discussed in public would be likely to have a substantial adverse effect upon the reputation of any person involved in such problems or investigation, arising from the foregoing described incident and subsequent investigation; and

WHEREAS, in open session, the Committee of the Whole recommended that it move forward by placing on the February 23, 2016, Common Council agenda, an item to commence an independent investigation concerning those circumstances discussed in closed session and that the Committee of the Whole set a future meeting to articulate the exact scope of the investigation so that the people involved in the investigation can be advised of what is being investigated and so that the public can know as well.

NOW, THEREFORE, BE IT RESOLVED the Common Council of the City of Wausau does hereby approve the commencement of an independent investigation concerning those circumstances discussed in closed session regarding the investigation undertaken pertaining to the Metro Ride Incident Report and the legal opinion of the City Attorney related thereto.

BE IT FURTHER RESOLVED that a future date be set for the Committee of the Whole to meet to articulate the exact scope of the investigation so that the people involved in the investigation can be advised of what is being investigated and so that the public can know as well.

Approved:

James E. Tipple, Mayor

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE COMMITTEE OF THE WHOLE

Directing the Human Resources Director, Myla Hite, to turn over all papers, and all communications with Attorney Dean Dietrich to City Attorney Anne Jacobson, involving any file material of outside counsel related to the investigation of the Metro Ride Incident

Committee Action: Approved 10-0

Fiscal Impact: None

File Number:

Date Introduced: February 23, 2016

FISCAL IMPACT SUMMARY

COSTS	<i>Budget Neutral</i>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	.
	<i>Included in Budget:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<i>Amount:</i>
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>			

RESOLUTION

WHEREAS, on January 27, 2016, the City Attorney asked Attorney Dean Dietrich by e-mail for his file, to prepare for a meeting with the Mayor scheduled for January 28, 2016 and was advised on the same date that the City, through the HR [Human Resources] Department has a complete copy of anything provided to the City during his representation; and

WHEREAS, on January 28, 2016, the City Attorney asked the Mayor, when informed that outside counsel no longer represented the City, for the City’s file on the matter and was advised by the Mayor that he had none; and

WHEREAS, on January 28, 2016, by e-mail to the Human Resources Director, the City Attorney requested the file created by Attorney Dean Dietrich be turned over to the City Attorney’s Office on January 29, 2016; and

WHEREAS, on January 29, 2016, by e-mail, the Human Resources Director replied that Attorney Dean Dietrich never provided her with a file, but that she incorporated his comments into the investigation of which she was sure the City Attorney had a copy; and

WHEREAS, on February 5, 2016, by e-mail, the Human Resources Director indicated that any other documents she had from Attorney Dean Dietrich would most likely be privileged since they

pertain to questions for legal advice regarding matters relating to the investigation; and

WHEREAS, the Committee of the Whole met on February 17, 2016, in closed session and moved into open session to recommend any file materials created for or on behalf of the City be turned over to the City Attorney.

NOW, THEREFORE, BE IT RESOLVED the Common Council of the City of Wausau does hereby direct the Human Resources Director, Myla Hite, to turn over all papers, and all communications with Attorney Dean Dietrich to City Attorney Anne Jacobson, involving any file material of outside counsel related to the investigation of the Metro Ride Incident.

Approved:

James E. Tipple, Mayor

