



*** 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.

Special Meeting of the: **COMMON COUNCIL OF THE CITY OF WAUSAU**
 Date/Time: **Tuesday, March 1, 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
04-0212	FIN	Resolution Authorizing an intergovernmental services agreement between the City of Wausau and the Town of Stettin whereby the City of Wausau would provide fire and EMS services to the Town of Stettin. <i>Brought back after tabled from 2/23/2016 Council meeting.</i>	Failed 2-3
16-0220	COW	Resolution approving the reporting authority and the reporting chain of command for the City Attorney to be altered from the date of the Council meeting February 23, 2016 until April 19, 2016, the City Attorney will report to the City Council, not the Mayor. *Vetoed By Mayor on 2/25/2016 - Requires 2/3 Vote to Override	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. *Vetoed By Mayor on 2/25/2016 - Requires 2/3 Vote to Override	Approved 10-0
16-0223	COW	Resolution to hire an investigator and authorize the City Attorney to contract 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. *Vetoed by Mayor on 2/25/2016 - Requires 2/3 Vote to Override	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 2/26/2016 @ 2:15 PM.
 Questions regarding this agenda may be directed to the City Clerk.

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, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE FINANCE COMMITTEE	
Authorizing an intergovernmental services agreement between the City of Wausau and the Town of Stettin whereby the City of Wausau would provide fire and EMS services to the Town of Stettin	
Committee Action:	Failed 2-3
Fiscal Impact (2016):	This action will increase annual General Fund revenues \$34,059 for the contract along with increased EMS billing revenues
File Number:	04-1212
Date Introduced:	February 23, 2016

FISCAL IMPACT SUMMARY			
COSTS	<i>Budget Neutral</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
	<i>Included in Budget:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Budget Source: Additional Revenues of \$34,059 plus EMS billing revenue</i>
	<i>One-time Costs:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount: Minor additional costs</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount: > \$34,059 plus EMS billing revenue</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount:</i>
	<i>TID Source: Increment Revenue <input type="checkbox"/> Debt <input type="checkbox"/> Funds on Hand <input type="checkbox"/> Interfund Loan <input type="checkbox"/></i>		

RESOLUTION

WHEREAS, the City of Wausau has a long history executing intergovernmental services contracts with area communities including past fire services with the Village of Weston, present assessment services with the City of Schofield and present EMS services with the Towns of Maine, Texas, Berlin, Hewitt and Wausau and the Village of Brokaw, and

WHEREAS, these intergovernmental services contracts allow the City to increase revenues and defray taxes in the City without substantial cost increases and the ability to work cooperatively with area communities, and

WHEREAS, the Town of Stettin requested fire and EMS services from the City of Wausau, and

WHEREAS, due to the geographical location of the Town of Stettin the City of Wausau would work in cooperation with SAFER to provide these services to the Town, and

WHEREAS, based upon call data and other related statistics, it is estimated that the City of Wausau's annual revenue from the contract would be \$34,059 along with the EMS billing fees.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Wausau that the proper City Officials be and are hereby authorized and directed to execute an **XX** year intergovernmental service agreement with the Town of Stettin and if necessary the SAFER district to provide fire and EMS services to the Town of Stettin for an annual service fee of \$34,059 plus EMS billing revenue.

Approved:

James E. Tipple, Mayor

FINANCE COMMITTEE

Date and Time: Tuesday, January 12, 2016 @ 5:00 pm., Board Room

Members Present: Oberbeck (C), Mielke, Nutting, Nagle, Kellbach

Others Present: Lindman, Schock, Tipple, Neal, Wagner, Baeten, Bishop, Jacobson, Werth, Stratz, Kujawa, Barnes, Goede, Elizabeth Field, Pat Peckham

Discussion and possible action to provide fire and EMS services to the Township of Stettin

Kujawa indicated his past fall the Mayor and the City of Wausau was approached to provide both fire and EMS services to the Town of Stettin. She stated we really can't provide that service alone with the call volume in the city; the territory we cover is much too high to be able dedicate people and vehicles. She stated we would partner with the SAFER District and Maine Fire Department to provide the fire service and partner with SAFER District to provide the EMS service. The revenue back to the city would be approximately \$31,000 and additional monies through billing. Mayor Tipple commented this may open some doors for consolidation down the road.

Oberbeck commented he had a hard time with providing the same level of service the city of Wausau residents are paying for \$30,000. He did not see it as an advantage unless they were willing to come to the table at the same per capita rate that we are paying. Kujawa stated this is a way that we can increase revenue to the Fire Department and city as a whole. She did not feel that Stettin with their call volume could justify that cost to their residents. She noted with billing, the revenue could be more like \$40,000 - \$50,000. Discussion took place regarding charges and costs and possible renegotiation with Stettin. Oberbeck stated services to our residents could also be affected by this and he couldn't support it.

Motion by Nagle, second by Mielke to approve fire and EMS services to the Town of Stettin. Motion failed 2-3.

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, February 23, 2016, at 7:00 pm in the Council Chambers at City Hall.
Mayor Tipple presiding.

Roll Call

02/23/2016 7:01:26 PM

Roll Call indicated 11 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Nagle, William P.	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

04-0212

02/23/2016 10:35:15 PM

Motion by Rasmussen, second by Neal to table the Resolution of the Finance Committee authorizing an intergovernmental services agreement between the City of Wausau and the Town of Stettin whereby the City of Wausau would provide fire and EMS services to the Town of Stettin, until the March 1, 2016.

Yes Votes: 11 No Votes: 0 Result: PASS



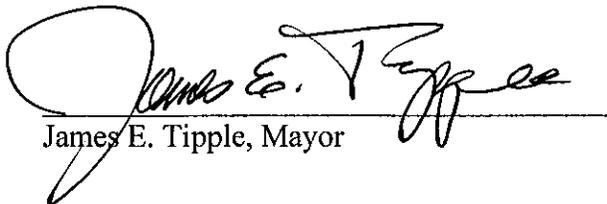
VETO OF COUNCIL ACTION 16-0220

I hereby veto the action of the Common Council designated as File No. 16-0220, adopted on February 23, 2016.

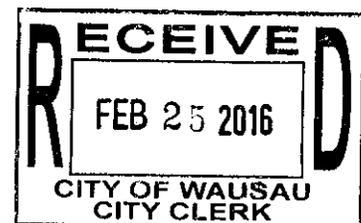
My reasons are as follows:

- The City Council members are designated policy makers not operational managers. It is inappropriate for the City Council to intervene in a situation where the Mayor is holding an employee accountable for unsatisfactory performance and retaliation. Council's focus needs to remain making policy decisions.
- There is a process for a staff being reprimanded to appeal discipline and to review the disciplinary process, which is currently underway. This process should conclude before conclusions are reached regarding confidentiality breaches and motives for discipline. The grievance procedure, by its very design, is the protection afforded to employees being disciplined. Changes of supervision, indicates bias.
- Changes in supervision in the midst of discipline processes would create chaos if it becomes the workplace practice.

Dated: February 25, 2016



James E. Tipple, Mayor



OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, February 23, 2016, at 7:00 pm in the Council Chambers at City Hall.
Mayor Tipple presiding.

Roll Call

02/23/2016 7:01:26 PM

Roll Call indicated 11 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Nagle, William P.	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

16-0220

02/23/2016 9:46:25 PM

Motion by Rasmussen, second by Kellbach to adopt a 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.

Yes Votes: 11 No Votes: 0 Result: PASS

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:	16-0220
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 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

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



Office of the Mayor
James E. Tipple

TEL: (715) 261-6800
FAX: (715) 261-6808

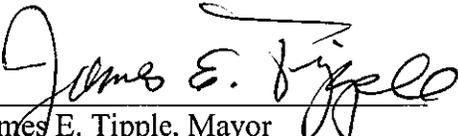
VETO OF COUNCIL ACTION 16-0222

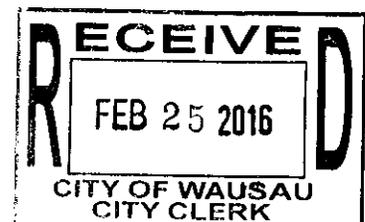
I hereby veto the action of the Common Council designated as File No.16-0222, adopted on February 23, 2016.

My reasons are as follows:

- Keene Winters moved to turn over all papers and all communications from the investigation to the Committee of the Whole. Keene Winters has made known his intent to sue the City. Confidential papers were provided by the City Attorney to the City Council which included Keene Winters. Keene Winters immediately published these confidential documents on his personal website. It is not in the City's best interest to effectively hand over privileged communication to someone who intends to sue the City.
- The requested documents, if they exist, should be turned over to the outside investigator **NOT** the city attorney who has been controlling all processes and continues to exclude important input to the process.

Dated: February 25, 2016


James E. Tipple, Mayor



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

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, February 23, 2016, at 7:00 pm in the Council Chambers at City Hall.
Mayor Tipple presiding.

Roll Call

02/23/2016 7:01:26 PM

Roll Call indicated 11 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Nagle, William P.	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

16-0222

02/23/2016 9:48:53 PM

Motion by Abitz, second by Oberbeck to adopt a 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.

Yes Votes: 11 No Votes: 0 Result: PASS

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

Office of the Mayor
James E. Tipple



TEL: (715) 261-6800
FAX: (715) 261-6808

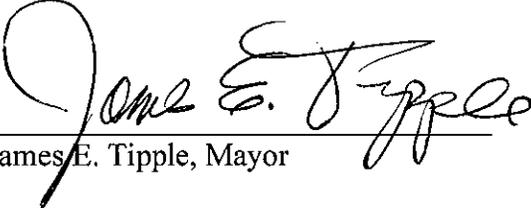
VETO OF COUNCIL ACTION 16-0223

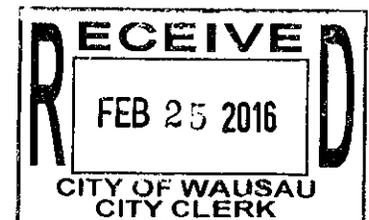
I hereby veto the action of the Common Council designated a File No. 16-0223, adopted on February 23, 2016.

My reasons are as follows:

- It is inappropriate for the City Attorney to be running an investigation in which her conduct is in question. An independent party should be involved in the hiring, NOT our City Attorney because she has a vested interest in the outcome because her performance is in question.

Dated: February 25, 2016


James E. Tipple, Mayor



OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, February 23, 2016, at 7:00 pm in the Council Chambers at City Hall.
Mayor Tipple presiding.

Roll Call

02/23/2016 7:01:26 PM

Roll Call indicated 11 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Nagle, William P.	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

16-0223

02/23/2016 9:49:36 PM

Motion by Neal, second by Abitz to adopt a Resolution of the Committee of the Whole approving the hiring of an investigator and authorizing the City Attorney to contract Cities and Villages Mutual Insurance Company, to recommend an investigator with no prior knowledge or working relationship with any parties involved or city staff in the investigation of the Metro Ride Incident.

Yes Votes: 11 No Votes: 0 Result: PASS

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