

CITY OF ONALASKA MEETING NOTICE

COMMITTEE/BOARD: Police & Fire Commission
DATE OF MEETING: April 29, 2019 (Monday)
PLACE OF MEETING: City Hall – 415 Main Street – (Room 112)
TIME OF MEETING: 3:00 p.m.

PURPOSE OF MEETING

1. Call to Order and Roll Call
2. Approval of minutes from the previous meeting
3. Public Input (limited to 3 minutes/individual)

Consideration and possible action on the following items:

4. Reorganization/Election of Officers: President, Vice President & Secretary
5. Review and consideration of Stipulated Agreement by the City of Onalaska and Fire Chief William D. Hayes and consideration of disciplinary action.
6. **Closed Session:**
To consider a motion to convene in Closed Session under Section 19.85(1)(c) of the Wisconsin Statutes for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility:
 - Probationary Review of Police Chief Troy MillerIf any action is required in Open Session, the Commission will reconvene in Open Session to take the necessary action and/or continue with the printed agenda.
7. Review and consideration of appointing an Acting Police Chief and/or Assistant Police Chief
8. Review and consideration of Recruitment for:
 - a. Police Chief and/or Assistant Police Chief
9. Adjournment

PLEASE TAKE FURTHER NOTICE that members of the Common Council of the City of Onalaska who do not serve on the commission may attend this meeting to gather information about a subject over which they have decision making responsibility.

Therefore, further notice is hereby given that the above meeting may constitute a meeting of the Common Council and is hereby noticed as such, even though it is not contemplated that the Common Council will take any formal action at this meeting.

NOTICES MAILED TO:

Mayor Joe Chilsen

Ald. Dan Stevens

Ald. Boondi Iyer

Ald. Tom Stevens

Ald. Jim Olson

Ald. Diane Wulf

Ald. Kim Smith

City Attorney Dept Heads

La Crosse Tribune

Coulee Courier

WIZM WKTY WLXR WKBH

WKBT WXOW

*Lori Olson

*Tom Kennedy – Secretary

*John Every

*Mark Dahlke –President

*Jim Binash

City Administrator Eric Rindfleisch

Interim Fire Chief Troy Gudie

Police Chief Troy Miller

Onalaska Omni Center

Onalaska Public Library

*Committee Members

Date Notices Mailed & Posted: 4-22-19

In compliance with the Americans with Disabilities Act of 1990, the City of Onalaska will provide reasonable accommodations to qualified individuals with a disability to ensure equal access to public meetings provided notification is given to the City Clerk within seventy-two (72) hours prior to the public meeting and that the requested accommodation does not create an undue hardship for the City.

STIPULATED AGREEMENT

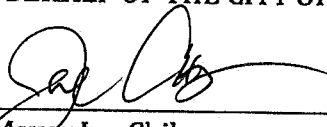
Fire Chief William Hayes (“Chief Hayes” or “Mr. Hayes”) and the City of Onalaska (the “City”) hereby enters into the following Stipulated Agreement:

1. Chief Hayes admits and the parties acknowledge that Chief Hayes was stopped in a routine traffic violation conducted by the City of Onalaska for operating in excess of the posted speed limit. Chief Hayes was cited with Operating a Motor Vehicle while Intoxicated-1st offense, Operating with a Prohibited Alcohol Content-1st offense and Speeding. The parties acknowledge that those charges are still pending, and that the outcome of those charges shall have no bearing on this Stipulated Agreement except as stated herein.
2. Chief Hayes admits and the parties further acknowledge that during the course of the traffic stop, Chief Hayes made certain comments regarding his position and title with the City of Onalaska, and also referenced socializing with the Assistant Police Chief.
3. Chief Hayes admits and the parties agree that the comments made regarding his position and title with the City of Onalaska and reference to socializing with the Assistant City Police Chief constitutes a violation of City of Onalaska Policy 1.06 which states that no employee shall display conduct that adversely affects the reputation, health, safety or welfare of the City during his actions as outlined in Sections 1 and 2 above.
4. Chief Hayes accepts full responsibility for his conduct related to the comments and voluntarily enters into this Stipulation as evidence of his acceptance of responsibility and commitment to ensuring similar conduct shall not occur and of his understanding of the terms and conditions of his employment going forward.
5. Chief Hayes shall serve, on days assigned and served as scheduled by the Chief in conjunction with the Mayor, an unpaid suspension totaling five consecutive work days in duration.
6. Chief Hayes understands that any future rule or policy violations that meet the statutory standards set forth in Wis. Stats. §62.13 and which result in charges filed against him by the PFC, will result in termination if after a PFC hearing he is found by the PFC to have violated all required statutory factors. This traffic stop incident shall be an aggravating factor under 62.13(5)(em)(7) for which termination would be appropriate. This Section 6 shall expire on the second anniversary of this Agreement. However, the City agrees that the City shall review this last chance agreement in nine (9) months from the date of this Stipulated Agreement, to review the disposition of the underlying citations and his performance up to that point. The City can decide to rescind this Agreement prior to the 24 month period herein.
7. Chief Hayes specifically waives any and all rights he has or may have to file or process any grievance, ERD complaint, prohibited practice complaint, or circuit court

review of his unpaid suspension and last chance agreement. Chief Hayes also understands that the City will accommodate any and all periods of driver's license suspension/ revocation requiring an occupational license relevant hereto.

8. Chief Hayes and the City of Onalaska acknowledge that each have read this entire Stipulated Agreement and understands its contents, that each had sufficient time to read this Agreement and consider acceptance of it and voluntarily enter into this Stipulated Agreement with full knowledge of its meaning. Chief Hayes further acknowledges that he is signing this Agreement as his free and voluntary choice after having been given the opportunity to consider all alternative courses of action and to consult with his legal representation. Chief Hayes represents that he has been afforded the opportunity to review, negotiate and consider the terms of this Stipulated Agreement. This Stipulated Agreement shall be construed and enforced in accord with the laws of the State of Wisconsin. It constitutes the entire agreement between the parties as to issues provided for in this Agreement. The failure of either party at any time to enforce any of the provisions of this Stipulated Agreement shall in no way be construed as a waiver of any such provision. The language used in this Stipulated Agreement shall be deemed to be the language chosen by the parties to express their mutual intent, and no rule of strict construction shall apply against either party. If for any reason a court of competent jurisdiction finds any provision of this Stipulated Agreement to be illegal or unenforceable, the offending provision will be deemed amended or deleted to the extent necessary to conform to the applicable law.

ON BEHALF OF THE CITY OF ONALASKA

By: 

Mayor Joe Chilsen

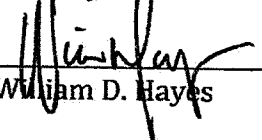
Date: 4/22/19

ON BEHALF OF CHIEF HAYES

By: 

Attorney Dawn Harris

Date: 4-18-19

By: 

William D. Hayes

Date: 4/18/19

FINDINGS OF FACT & CONCLUSION

Based on the Stipulated Agreement brought forth by the City of Onalaska and Chief William D. Hayes and attached hereto as Exhibit A, the Onalaska Police and Fire Commissions hereby finds:

1. That Chief Hayes violated Policy 1.06 of the City of Onalaska as outlined in the Stipulated Agreement.
2. Based on Chief Hayes admittance of his conduct, waiver of a hearing before the PFC and voluntary acceptance of the consequences outlined in the Stipulated Agreement, that the Police and Fire Commission accepts the terms of the Stipulated Agreement and enters it into the record and orders a five day unpaid suspension as set forth therein to be scheduled by the Chief based on discussion with the Mayor.

Dated this ____ day of April, 2019.

ONALASKA POLICE AND FIRE COMMISSION

By: _____
Mark Dahlke, President

Received and filed this ____ day of April, 2019

ONALASKA POLICE AND FIRE COMMISSION

By: _____
Tom Kennedy, Secretary