

**Finance & Personnel Committee
of the City of Onalaska**

Wednesday, December 4, 2019

1

1 The Meeting of the Finance & Personnel Committee of the City of Onalaska was called to order
2 at 7:25 p.m. on Wednesday, December 4, 2019. It was noted that the meeting had been
3 announced and a notice posted at City Hall.

4
5 Roll call was taken, with the following members present: Ald. Jim Olson, Ald. Dan Stevens,
6 Ald. Kim Smith

7
8 Also Present: City Administrator Eric Rindfleisch, Mayor Joe Chilsen, City Clerk Cari
9 Burmaster, City Attorney Amanda Jackson, Financial Services Director/Treasurer Fred Buehler,
10 Human Resource Director Hope Burchell, City Engineer Jarrod Holter, Parks and Recreation
11 Director Dan Wick, Police Chief Charles Ashbeck, Ald. Diane Wulf, Ald. Tom Smith

12
13 **Item 2 – Approval of minutes from the previous meeting**

14
15 Motion by Ald. Stevens, second by Ald. Olson, to approve the minutes from the previous
16 meeting as printed and on file in the City Clerk’s Office.

17
18 On voice vote, motion carried.

19
20 **Item 3 – Public Input (limited to 3 minutes/individual)**

21
22 Ald. K. Smith called three times for anyone wishing to provide public input and closed that
23 portion of the meeting.

24
25 **Consideration and possible action on the following items:**

26
27 **FINANCE**

28
29 **Item 4 – 2019 Omni Center Financials**

30
31 Fred reported that revenues through October totaled \$512,576.35 and expenditures totaled
32 \$521,679.99 for a deficit of \$9,103.64.

33
34 Motion by Ald. Stevens, second by Ald. Olson, to accept the 2019 Omni Center Financials and
35 place them on file.

36
37 On voice vote, motion carried.

38
39 **Item 5 – 2019 General Fund Financials**

40
41 Fred reported that revenues totaled \$8,469,037.79 and expenditures totaled \$7,458,474.18 for a
42 surplus of \$1,010,563.61.

Reviewed 12/6/19 by Fred Buehler & Eric Rindfleisch

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43
44 Motion by Ald. Stevens, second by Ald. Olson, to accept the 2019 General Fund Financials and
45 place them on file.

46
47 On voice vote, motion carried.

48
49 **Item 6 – Approve the Coulee Region Humane Society, Inc. Animal Control Department**
50 **Agreement for 2020**

51
52 Fred told committee members this item has come before them this evening because he did not
53 want to have a signed contract until the budget hearing had been held. Fred said the city could
54 proceed with an agreement, which Amanda has reviewed, after the budget hearing was held.

55
56 Motion by Ald. Stevens, second by Ald. Olson, to approve the Coulee Region Humane Society,
57 Inc. Animal Control Department Agreement for 2020.

58
59 On voice vote, motion carried.

60
61 **Item 7 – Update regarding a patch for the TiPSS software conversion**

62
63 Police Chief Ashbeck told committee members a need had been identified to write a program so
64 that the Police Department’s citation-writing software may communicate with the accounting
65 software in the Finance Department. Police Chief Ashbeck said the department had contacted a
66 local IT service, which wrote and installed the program the last week of November. Police Chief
67 Ashbeck said the program had become operational earlier Wednesday and told committee
68 members it will save staff time.

69
70 **Item 8 – Options regarding 2020 computer system services**

71
72 Ald. K. Smith said staff still is putting together recommendations and noted this item will be
73 advanced to the December 10 Common Council meeting.

74
75 **Item 9 – Accept changes to the City of Onalaska Finance Manual**

76
77 Fred told committee members the following correction needs to be made on page 50:

- 78
79
 - Under Section 3.3 (“Budget Timeline Guide”), the Public Hearing for Capital
80 Improvement Needs will be held either in December or January. The manual currently
81 only lists January.

82
83 Ald. K. Smith asked if the change can be in place for the December 10 Common Council
84 meeting.

Reviewed 12/6/19 by Fred Buehler & Eric Rindfleisch

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3

85

86 Fred said yes.

87

88 Motion by Ald. Stevens, second by Ald. Olson, to accept the changes to the City of Onalaska
89 Finance Manual, with the contingent change suggested by Financial Services Director/Treasurer
90 Fred Buehler.

91

92 On voice vote, motion carried.

93

94 **PERSONNEL**

95

96 **Item 10 – Monthly department presentation: City Administrator & City Attorney**

97 **Departments**

98

99 Amanda’s presentation included the following information:

100

101 **Responsibilities of a City Attorney**

102

- 103 • Conduct all of the law business in which the city is interested.
- 104 • Give written legal opinions.
- 105 • Draft ordinances, bonds and other instruments.
- 106 • Examine the tax and assessment rolls and other tax proceedings, and advise city officials
107 thereto.
- 108 • Such other duties as provided by state law, and as designated by the Common Council.

109

110 **Primary Areas of Municipal Law**

111

- 112 • Contracts (includes easement agreements, development agreements)
- 113 • Zoning and Land Use (annexations, rezoning)
- 114 • Regulating Local Concerns (includes environmental, property maintenance)
- 115 • Employment
- 116 • Investigations
- 117 • Policies and Training
- 118 • Risk Management (includes insurance claims)
- 119 • Municipal Prosecution

120

121 **Ways to Help Protect the City with Its Attorney**

122

- 123 • **Clearly communicate goals:** This allows the attorney to better know in advance how to
124 protect the city from possible liability.
- 125 • **Remember who the client is:** The attorney’s client is the municipality, acting through

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- 126 the governing body, not the individual officials or employees.
127 • **Be candid:** Disclose all relevant facts. Don't be selective or summarize.
128 • **Know there won't always be a concrete answer:** Sometimes the law doesn't provide
129 it.
130 • **Remember the attorney is a legal advisor, not a policy maker:** It's important that the
131 attorney can maintain independence and objectivity to give the correct legal answer rather
132 than the desired legal answer.
133

134 City Administrator Rindfleisch's presentation included the following information:
135

136 **Responsibilities (per Ordinance 2-3-13(a))**
137

- 138 • An officer of the city, pursuant to Wisconsin Statutes 62.09(1)(a)
139 • The Chief Operating Officer of the city
140 • Administer city departments to implement the policies set by the Common Council
141 • Responsible for the efficient coordination of all city departments, boards, and
142 commissions
143 • Authority to coordinate and administer the day-to-day operations of municipal
144 government
145

146 **City Administrator Relationships**
147

- 148 • Elected Officials
149 ○ Mayor (Chief Executive Officer)
150 ○ Common Council (policy approval)
151 • City Administrator
152 ○ Reports to elected officials
153 ○ Responsible for policy analysis and recommendation
154 ○ Administrative oversight (Chief Operating Officer)
155 • Department Heads
156 ○ Provision of public services (Elected officials and City Administrator also
157 responsible for provision of public services)
158

159 **“To Administer”**
160

- 161 • To manage or control the operation of something; govern (Cambridge)
162 • To manage or direct the affairs of a government, institution, etc. (Websters)
163 • To manage and organize the affairs of a company, an organization, a country, etc.
164 (Oxford)
165 • In the City of Onalaska, to administer is to manage, control, direct, and organize the work
166 of the city departments towards the strategic vision, goals, and policies of the Common

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5

167 Council.

168

169 **Administrative Oversight of Department Heads**

170

171 City Administrator Rindfleisch oversees the following department heads:

172

- 173 • Fred Buehler – Finance
- 174 • Cari Burmaster – Clerk
- 175 • Billy Hayes – Fire Chief (Mayor Direct Report)
- 176 • Jarrod Holter – Engineering, IT, Cemetery, Public Works
- 177 • Amanda Jackson – City Attorney
- 178 • Charles Ashbeck – Police Chief (Mayor Direct Report)
- 179 • Hope Burchell – Human Resources, Payroll
- 180 • Dan Wick – Parks, Recreation, Aquatic Center, Library, Building Maintenance, Omni
181 Center
- 182 • Katie Aspenson – Planning/Zoning & Inspection

183

184 City Administrator Rindfleisch said, “The role as the [City] Administrator, and the list of
185 accomplishments that you’ve heard throughout the year, those accomplishments are truly the
186 accomplishments of the department heads, and of the department. They’re the ones who have
187 the technical knowledge and the ability to manage their departments to provide those very
188 important services – all of which somehow has to communicate and follow the policy established
189 by the Common Council. That is the role of the City Administrator there as well: to be that
190 conduit between those who are providing the services and those who are creating the policies.”

191

192 **Item 11 – Update from Human Resources on any Police and Fire staff vacancies (for
193 information only)**

194

195 Hope reported the Fire Department is fully staffed, as the last firefighter was hired before
196 Thanksgiving, and the firefighter who was on leave and restricted to light duty is now back on
197 full duty. Hope also reported the Police Department still must hire two officers, noting staff is
198 working on making a contingent offer to one individual and examining the background of
199 another individual.

200

201 **Item 12 – Review and consideration of expectations of the Compensation Study for 2020**

202

203 City Administrator Rindfleisch told committee members he has worked in the past with the
204 consulting firm Baker Tilly (formerly Springsted), and he said the process will include the
205 following steps:

206

- 207 • The consultant will identify the ultimate needs the city is seeking, such as competitive

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- 208 wage, a new wage/compensation plan, and scoring methodology.
- 209 • Each employee will receive his/her job description and be asked to review it to ensure it
- 210 is consistent with the tasks and duties he/she currently performs. Employees also will be
- 211 asked to review the position description and make possible changes to it. What type of
- 212 person should replace an employee at a particular position if he/she were to leave?
- 213 • The Common Council will provide input on the comparables. What type of comparables
- 214 is the city looking at on a local, regional, state, and national level?
- 215

216 City Administrator Rindfleisch told committee members the city will be starting fresh and said,

217 “We use the current position descriptions, but it’s not to adjust the current chart. It is to create a

218 new one based on all fresh information. What I would say to the employees who are reviewing

219 this ... your input is vital to the success of the program. Please take that seriously.” City

220 Rindfleisch said the timeline will be determined as the city attempts to hire a consultant, and he

221 told committee members he anticipates the study will be completed either halfway through 2020

222 or during the third quarter of 2020. However, City Administrator Rindfleisch also said that can

223 be dependent on the Common Council’s wishes when the meeting is held with the consultant.

224

225 Ald. K. Smith said she wants to discuss the selection process for the consulting firm, and she

226 asked City Administrator Rindfleisch what his recommendation is.

227

228 City Administrator Rindfleisch reiterated he has worked in the past with Baker Tilly and told

229 Ald. K. Smith that Baker Tilly, which provided the city with the estimate it could utilize for the

230 Capital Improvements Projects, has expressed interest in working with the city. City

231 Administrator Rindfleisch, “I’m familiar with how open the process is. I’m familiar with the

232 expectations and the end product and how to implement the end product. I was very confident

233 with that. More importantly, the position scoring methodology that they use, and they will give

234 to us to utilize going forward, has been tested in labor law courts. One of the first things is, if

235 there ever is a wage case or an employment case brought in, you don’t have to defend the scoring

236 methodology [because] it’s already been defended, if you will. I am a large fan of that process

237 because I’ve gone through it. It’s very efficient. We did get it done in less than a year. I’m

238 confident they’ll give you useable information and the plan to go forward. Let’s not necessarily

239 rule out anybody else who may be interested in doing so, but they’re the ones I’m most

240 comfortable with the end result.”

241

242 Ald. K. Smith inquired about the city policy regarding hiring this type of consultant.

243

244 Fred said, “We leave it fairly open in our finance manual, but I think the practice the city has

245 done is ... we kind of evaluate a few vendors and if necessary, bring them in and make the best

246 choice for the city of what your expectations are.”

247

248 Ald. K. Smith asked if there is a requirement for an interview process for specialized services.

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249

250 Fred told Ald. K. Smith he is not aware of one.

251

252 Ald. K. Smith asked, "Is it appropriate at this time for us to be on the same page if we're going to
253 go through a selection process, or if we're going to allow the City Attorney to select a person?"

254

255 City Administrator Rindfleisch said that while he is a big supporter of the process, "I would
256 advocate requiring at least getting proposals from other firms to see what they would be
257 interested in doing before [making] a selection."

258

259 Ald. K. Smith said, "I just want to start laying out these things because it's important to me that
260 we can hit the ground running with this. These are some activities we could be doing. ... Before
261 the start of 2020, we can be looking for potential firms and deciding what our path is going to be
262 for selecting a firm and getting ready to engage in a contract with them."

263

264 Ald. Olson asked if potential firms would give presentations.

265

266 Ald. K. Smith said the committee would need to decide how that would be handled.

267

268 City Administrator Rindfleisch said city staff has performed an independent review of the
269 materials provided by consultants, citing the study performed for the traffic circle and the ADA
270 study as examples. Staff assigns scores, which are recorded and filed to ensure that a fair
271 decision was made. City Administrator Rindfleisch said, "We could do it internally. The other
272 option is to do the same thing, but have a committee, keeping in mind those selections would be
273 in open session."

274

275 Ald. K. Smith said it is her understanding the city will not have to do RFPs (Requests for
276 Proposal).

277

278 City Administrator Rindfleisch said, "I would reach out to the consultants that do the work and
279 get proposals."

280

281 Ald. K. Smith said, "I don't have a preconceived plan. I just want us to all be doing the same
282 thing. ... What I'm concerned about is I want to make sure that when we do this study, from the
283 very start that we're very open to making sure that it's very open to people, [and] that a lot of
284 people are involved in it. This is an exaggeration to make a point, but I don't want it to be staff
285 getting in the closet with these people and knocking out a contract, they're hired and then hand-
286 feeding them whatever information they want to have. That's an extreme example just to point
287 out what I don't want to have happen. I want this to be a very open process with as many people
288 involved at all the steps of the way so that we can end up with the best final product for our
289 community. With that in mind, I think I would be more of an advocate of some kind of ... Even
290 beginning with the selection of the consultant all the way through, I would like to see an

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291 assortment of people at all levels, like a Councilperson, staff people – the people who are
292 affected by this wage study. All input is valuable.”

293
294 Hope said, “I think in the past when we’ve done review of the job descriptions and an analysis,
295 we gave all of the job descriptions to the employees for their review to determine whether or not
296 the tasks on their job description were accurate. That was partly to get us in ADA compliance
297 the first time, and now physical descriptions are the next thing we have to update. I envision this
298 as very similar to that process of having those job descriptions going to the employees, having
299 them review them, [and] that it be a very formal process. But in my opinion, the consultant is
300 going to be working with these individuals to find out, is this accurate? Are there things on here
301 that are not listed on the job description that would potentially be considered essential functions?
302 Then that data [would be taken] and [brought] back to myself [and] a group of people to verify
303 that information. I think that’s always kind of that process of verifying information and
304 consolidating it because the job description isn’t meant to list everything. I think that’s going to
305 be part of the process, and that’s how I envision it going. It’s going to be very time-consuming.”

306
307 Mayor Chilsen said, “There are three different way you can go about it. You can have the
308 Council do it all. You can have staff do it all. Or you can have a hybrid committee, of which
309 Hope would have to be the professional because of knowing the laws and regulations. That
310 could include members of all kinds of different areas. That then might pare down the list to three
311 [consultants] and bring the three to the greater Council for their approval. I think that’s probably
312 the best way to do it without creating too much rancor within the body politic.”

313
314 City Administrator Rindfleisch told committee members the city can conduct an open process, an
315 independent process, or something in-between, and he said, “I think it’s the end goal that we’re
316 seeking. Both end goals are valid, but they may not lead to the same place if you have an
317 independent one versus an open one. The reason I say an open one is it does allow for the
318 loudest voice to get their way versus an independent judgment, which then compares the
319 positions after all the input is done. ... If we’re looking at hiring a consultant and picking the
320 right consultant, I think once that consultant is in, let the process happen is my
321 recommendation.”

322
323 Ald. Stevens asked Ald. K. Smith if she is seeking to have a greater voice in choosing the
324 consultant, or if she wishes to be part of the process in terms of working together with city staff,
325 the Common Council, Human Resources, and the consultant.

326
327 Ald. K. Smith told Ald. Stevens she does not have a position and is attempting to begin a
328 discussion so that committee members openly discuss how they wish to proceed.

329
330 Mayor Chilsen told Ald. Stevens he had only spoken to selecting the consultant.

331
332 Ald. K. Smith asked City Administrator Rindfleisch if he has a specific timeline in mind for
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333 beginning the process.

334

335 City Administrator Rindfleisch noted the Capital Budget has been both approved and passed and
336 told Ald. K. Smith he is able to start obtaining proposals at any time. City Administrator
337 Rindfleisch added, "Yes, I'll be working on that immediately."

338

339 Ald. Stevens said, "I think my inclination is to, I think Eric used the word 'let the process do the
340 work. If people felt strongly they wanted to be included in the process of choosing the
341 consultant, I don't have any objection. But I also would not have a problem if the person that
342 we've hired to vet the consultants also made that pick. If anybody felt differently, my door is
343 always open. But let's get the best consultant we can and get the project started."

344

345 Ald. K. Smith told Ald. Stevens it is her understanding he is saying City Administrator
346 Rindfleisch and Hope should work together and perhaps bring back a recommendation regarding
347 how they wish to proceed. The goal is for this to occur at the January 8 Finance and Personnel
348 Committee meeting, but there also is the understanding the timing is challenging due to the
349 holidays.

350

351 Ald. Stevens said, "I would have no objection to that."

352

353 City Administrator Rindfleisch said he would be surprised if the city received more than three
354 total proposals within the next month from firms that truly are qualified to work with an
355 organization the size of the City of Onalaska. City Administrator Rindfleisch said, "I think we
356 could probably go out there, get proposals, sort through them, and make a recommendation back
357 as to, here are the three – what would you like to do? Would you like to select them, or would
358 you have us select them?"

359

360 Ald. K. Smith asked Hope if she would like to provide input.

361

362 Hope said, "I think that [City Administrator Rindfleisch's] proposal would be fine. My struggle
363 is, is it going to be the [Finance and Personnel Committee] meeting? We're getting to end of
364 year in our department. We have multiple payrolls and a lot of things going on at the end of the
365 year, not to mention we're trying to get our new _____ system rolled out. [It's] not that I don't
366 want to work on it ... We'll do everything we can to have that ready for [the January 8 Finance
367 and Personnel Committee meeting]. But if it's delayed, that would be why."

368

369 Ald. K. Smith suggested that this item could appear on the Finance and Personnel Committee
370 meeting agendas going forward and said it would be good if City Administrator Rindfleisch is
371 ready to proceed in January.

372

373 City Administrator Rindfleisch noted he has received one proposal and told committee members
374 that was the driving force behind the financial figure that was included in the 2020 Capital

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375 Improvements Budget. City Administrator Rindfleisch said the organization would be able to
376 start January 1, and he told committee members he would not expect the city to receive two to
377 three other quality proposals during the holiday season. City Administrator Rindfleisch said, “I
378 think if we’re looking at a full review, we’re probably into February’s [Finance and Personnel
379 Committee] cycle at the earliest before I would even get materials back from people.”

380
381 Ald. K. Smith asked Ald. Wulf and Ald. T. Smith if they would like to provide any feedback.
382

383 Ald. T. Smith said he supports City Administrator Rindfleisch’s approach and noted he has
384 worked with Baker Tilly. Ald. T. Smith said, “They come up with, ‘Here’s how to do it,’ and
385 that’s what you need. You need someone who is independent and objective, and will come in
386 and say, ‘This is what we recommend you do based on the size of your organization.’ I’ve used
387 them four different times, so I do know that they know their stuff. ... I think that’s the approach:
388 Finalize who you want and bring them in. They will bring a lot of input, because that’s what
389 they do.” Ald. T. Smith also offered to provide input during the process.

390
391 Ald. Stevens noted funds had been set aside for what some of the outcome of the study might be,
392 and he asked either City Administrator Rindfleisch or Hope to discuss how the rollout would be
393 handled if there needed to be wage adjustments. Ald. Stevens asked, “Is there a timeframe that is
394 mandated? Or can we roll it out based on the budget dollars we have available, or wait and have
395 it start in the next budget year? What are our options?”

396
397 City Administrator Rindfleisch said, “My experience with Baker Tilly is they will help create the
398 funding plan depending on financial constraints. They will help you with the plan to identify the
399 rollout procedure, which would also be open and public.”

400
401 **Item 13 – Review and consideration of out-of-state travel for Collin Radke and John Wiatt**
402 **to attend Water and Wastewater Equipment, Treatment, and Transport Trade Show,**
403 **Training and Seminar from February 17, 2020 through February 20, 2020 in Indianapolis,**
404 **Indiana**

405
406 Motion by Ald. Olson, second by Ald. Stevens, to approve out-of-state travel for Collin Radke
407 and John Wiatt to attend Water and Wastewater Equipment, Treatment, and Transport Trade
408 Show, Training and Seminar from February 17, 2020 through February 20, 2020 in Indianapolis,
409 Indiana.

410
411 On voice vote, motion carried.

412
413 **Item 14 – Review and consideration of out-of-state travel for Wayne Nagy to attend Fire**
414 **Inspection Principles II from March 6, 2020 through March 14, 2020 in Emmitsburg,**
415 **Maryland**

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416
417 Motion by Ald. Olson, second by Ald. Stevens, to approve out-of-state travel for Wayne Nagy to
418 attend Fire Inspection Principles II from March 6, 2020 through March 14, 2020 in Emmitsburg,
419 Maryland.

420
421 On voice vote, motion carried.

422
423 **Item 15 – Review and consideration of changes to the City of Onalaska policies listed**
424 **below:**

425
426 A. 1.15 Ethical Standards Policy

427
428 Hope noted the lone change to the policy is under No. 6 (“Gifts and Favors”). It is not a conflict
429 of interest for any public officer or employee to receive a gift or gratuity that is an unsolicited
430 item of nominal intrinsic value, such as a meal, up to \$25 in value, and that is not intended to
431 influence the official or employee. The previous amount had been \$10. Hope noted the
432 ordinance had been changed and said this change is being made so that there is consistency in
433 both the policy and the ordinance.

434
435 Motion by Ald. Stevens, second by Ald. Olson, to approve the change to the City of Onalaska
436 policy – 1.15 Ethical Standards Policy.

437
438 On voice vote, motion carried.

439
440 B. 3.02 Fair Labor Standards Act (FLSA) Policy

441
442 Hope told committee members she had removed items from this policy to make it easier for
443 employees to understand. Hope cited the following in the updated policy:

- 444
- 445 • Definitions for exempt and nonexempt employees
 - 446 • Overtime requirements for nonexempt employees
 - 447 • Under “On Call Pay,” Utility operators has been changed to Public Works operators.
448 This is in line with the reorganization of the Street and Utility departments into Public
449 Works.
 - 450 • There will be an assigned winter operation employee who will monitor weather patterns.
451 Jarrod budgeted for this in the 2020 budget.
 - 452 • On-call employees receive overtime if they must work on holidays.
 - 453 • Under “Call-In,” add in parenthesis, *“This is in addition to actual hours worked”* after
454 *“... would not otherwise have to be on duty.”*
 - 455 • Remove the word “not” from the second sentence so it reads, “The aforesaid call-in
456 provision does apply where an employee is requested and actively reports for work any

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457 time within two hours immediately preceding his/her regular starting time, but he/she
458 must start their eight-hour work day at the time of the reporting for call-in.”

- 459 • There are changes to specify overtime utilization and approval processes.
460 • There are changes that reflect the new time clock system.

461
462 Jarrod addressed the Call-In section, noting the Public Works Department shift currently begins
463 at 7 a.m. and telling board members the two hours would be 5 a.m. or after. Jarrod told board
464 members some employees who were called in, for example, at 5:15 a.m. to address a 30-minute
465 emergency would stay in until 7 a.m., and some would go home because they did not know if
466 they were being paid overtime until 7 a.m. Jarrod said the policy better defines that employees
467 will be paid for the emergency and it would begin their shift. Jarrod said it would be illogical to
468 send home an employee for 30 minutes before requiring them to return to work. Jarrod said,
469 “It’s making it clearer for our staff. We wanted to define a time before shift. ... It’s going to
470 help us clarify when we have those, not so much snowplowing ... but it’s usually a lot of the
471 utility side on-call when you get called in for emergencies.”

472
473 Motion by Ald. Olson, second by Ald. Stevens, to approve the change to the City of Onalaska
474 policy – 3.02 Fair Labor Standards Act (FLSA) Policy.

475
476 On voice vote, motion carried.

477
478 **Item 16 – Discussion and review of timeline and process for Administrator Annual Review**

479
480 City Administrator Rindfleisch first addressed the timeline, noting he was on a different schedule
481 than every other employee for an annual review when he was hired in May 2017. City
482 Administrator Rindfleisch noted the Common Council had conducted a six-month review in
483 November 2017, and there was a policy recommendation for the 2018 budget year step. City
484 Administrator Rindfleisch said the Council met again in April 2018 for his annual review, and he
485 qualified for the 2019 step upon the completion of a successful review. The Common Council
486 met in April 2019 and determined City Administrator Rindfleisch had qualified for the 2020
487 step. In addition, City Administrator Rindfleisch and the Council negotiated and added two
488 years to the agreement to replace the first two years. There also was an agreement to move City
489 Administrator Rindfleisch’s review to the end of the year, which is when all the other city
490 employees have their reviews. City Administrator Rindfleisch noted the next annual review
491 would occur in December 2020 for the 2021 step. That would mean this sitting Council would
492 not have a review, as is.

493
494 City Administrator Rindfleisch said, “I think one of the questions this Council needs to do is
495 identify the overall outcomes of the review. My personnel recommendation is to identify the
496 strategic goals we talked about earlier of the Council and do two things. One, identify the
497 success of the Administrator in achieving those goals and two, paving the way forward for the

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498 next year. We look at targets to hit for the Administrator. I think there is great value in having
499 that conversation.”

500

501 City Administrator Rindfleisch noted the ordinance had changed regarding the role of the
502 Council and the role of individuals in providing the annual review of the City Administrator.
503 City Administrator Rindfleisch said, “At the time, it was felt that the Mayor, who was one of
504 those people responsible for the annual review, does not exert any oversight over the
505 Administrator and would not be an appropriate person to do the review. There was also a
506 concern about the body of six voting on a review without just adding input. The ordinance was
507 changed, and the Council President and the Finance and Personnel Chair, with the assistance of
508 the HR Director – not a voting member, just the assistance – actually prepare the annual review,
509 with insight only of the Common Council. No timeline was established in that agreement; it’s
510 just as part of an annual review, which one was already done for this particular year. But quite
511 frankly, going a year and a half without a review is not fair to anybody – both the people I report
512 to or the employee – in this case, myself – without knowing if are we achieving our goals set out
513 or not. There was no timeline set out. That timeline would be up to the Council to decide.”

514

515 Ald. K. Smith noted City Administrator Rindfleisch had just had a review this past spring and
516 said, “We are doing one more frequently. That’s not anything to do with any perceived
517 performance. It’s to do with getting on a regular schedule. I think it’s important to do that as
518 this year comes to a close so that the people who were on Council for this past year have an
519 opportunity to give input for things that are going on, and also to set up goals for the next
520 oncoming year in order to help align the goals of the Council with the City Administrator.”

521

522 Hope told the committee, “I think if you’re looking at doing anything at this point, I think it
523 would be to review the goals that were set; establish new goals; and then do the performance
524 evaluation at the end of 2020 so that [City Administrator Rindfleisch] gets on the normal
525 schedule like the rest of the staff. I think that would make sense for this group because looking
526 at goals, we are always looking at our goals every year for all of our staff. I think it would make
527 more sense to review those goals rather than doing a full evaluation and then give the
528 Administrator guidance on where he needs to go.”

529

530 Ald. K. Smith asked Ald. Olson and Ald. Stevens if they approve of Ald. Wulf, who serves as
531 Council President, compiling the information regarding the goals and beginning the process.
532 Ald. K. Smith said Ald. Wulf would review the progress on the previous goals and forecast 2020
533 goals, but not conduct a full performance evaluation.

534

535 Ald. Stevens said, “I don’t have a problem with that in theory, but when you’re getting guidance
536 and input from other Councilmembers, what does that look like? This is my first time through
537 this process.”

538

539 Hope said that in the past each Councilmember was asked to come up with goals for the City
Reviewed 12/6/19 by Fred Buehler & Eric Rindfleisch

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14

540 Administrator – or at the very least speak to City Administrator Rindfleisch – regarding what
541 they believe the goals for the city should be, and then make the goals so that they are defined.
542 Hope said she believes the process should be somewhat similar in that everyone creates his/her
543 own list of goals and narrows that list to what is realistic. Hope suggested having two or three
544 main goals and examining what City Administrator Rindfleisch should be looking at strategically
545 in the coming years.

546
547 Ald. K. Smith asked Hope if it would be realistic and possible for her to draft a memo to the
548 Common Council members stating the identified goals and current goals.

549
550 Ald. Stevens stated he does not have any objections to the Council President (Ald. Wulf) and the
551 Finance and Personnel Committee Chair (Ald. K. Smith) working with Hope. However, Ald.
552 Stevens also asked if it would be appropriate for the entire Common Council to discuss this topic
553 in Closed Session. Ald. Stevens asked, “Where is the guidance coming from from other
554 Councilmembers? What is our vehicle to parlay that?”

555
556 Ald. K. Smith said, “This is exactly why we redid the ordinance, because of these same kinds of
557 questions. I’m not 100 percent, but the way I was envisioning it is, for example, do you even
558 know what Eric’s goals are right now? I can’t list off what they are. Maybe I have a vague idea,
559 but refresh our mind. What were the goals? So refresh our minds and have each
560 Councilmember submit input to Diane and I ... then have a Closed Session.”

561
562 Hope said because the goals are generic, she is not certain it will qualify for a Closed Session.
563 Hope told committee members she believes the previous discussion had occurred in Open
564 Session and said she believes performance would be discussed in Closed Session. Hope added
565 goals really are not performance and said she believes it is reasonable for the Council to discuss
566 goals in Open Session.

567
568 Ald. K. Smith said she believes the Council needs to have a way to have these conversations
569 without creating a walking quorum, stating, “We need to have a regimented way that we’re
570 going to communicate with each other in an orderly fashion and come to some sort of a concise
571 direction. I think that’s why we were trying to get two people together and gather input from
572 everybody.”

573
574 Ald. Olson said it is possible to have a Closed Session over this issue with the Common Council,
575 noting that Section 19.85 of the Wisconsin Statutes allows the Councilmembers to speak about
576 anything they wish in Closed Session.

577
578 Ald. K. Smith told Ald. Olson the Council would not be evaluating City Administrator
579 Rindfleisch’s performance. Rather, the Councilmembers would be evaluating what they want
580 him to do.

581

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582 City Administrator Rindfleisch said, “If you’re calling it an annual review, there is Section 2-3-
583 14(g). There’s a process that’s spelled out there. ... To Jim’s point, I think an annual review
584 certainly has been done in Closed Session. The person you’re reviewing can request to have it in
585 Open Session, but can’t force themselves to be part of that Closed Session. If it is a
586 Council/Administrator goal setting, that I believe would have to be in Open Session. If we’re not
587 reviewing the Administrator position as to the success of meeting the goals or the value of the
588 goals, then I think that would be an agenda item in Open Session to talk amongst the whole
589 body. I think we’re kind of confusing the two. To review me, [Closed Session] is the proper
590 process. If the two are creating goals, I would be concerned there would be a walking quorum
591 with the Council establishing its own work. I think we’re trying to separate the two. If it’s a
592 review, it can be a review and we can talk about goals and there’s a process there. Or, let’s have
593 an open meeting where we can talk about Council goals and how the Administrator can assist the
594 Council in achieving those goals.”

595

596 Ald. K. Smith said the Council will have to decide if a full evaluation will be conducted, or if
597 only the goals will be evaluated and redefined for the upcoming year. Once a decision has been
598 reached, a timeline and list of activities must be established.

599

600 Ald. Stevens asked if this should be a decision for the full Common Council.

601

602 Ald. K. Smith said, “If we move it to Council and have it say, ‘Timeline in process for City
603 Administrator annual review’ ... I’d like to consult with the City Attorney as well for input.
604 We’ve had a little bit of a discussion, so we kind of know where the plusses and minuses are
605 lining up. It will give us a little bit of time to formulate a stronger, more definitive plan coming
606 forward into Council. We can make a recommendation there for how to move forward.”

607

608 Motion by Ald. K. Smith, second by Ald. Stevens, to advance without a recommendation to the
609 December 10 Common Council meeting discussion and review of timeline and process for
610 Administrator Annual Review.

611

612 On voice vote, motion carried.

613

614 **Item 17 – Update on Lexipol policy process**

615

616 Police Chief Ashbeck said he and the Police Department staff have been working on the Lexipol
617 policy updates, and he told committee members Cari had brought to his attention a resolution
618 that was passed in early 2019 stating the Finance and Personnel Committee would be updated
619 regarding the process. Police Chief Ashbeck said he, Amanda, and Assistant Police Chief Troy
620 Miller had participated with Lexipol representatives in several meetings, and he told committee
621 members a decision has been made to reset the policy manual based on how it was done earlier
622 in 2019 with the former employee who was in charge of it.

623

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16

624 Police Chief Ashbeck said, “I don’t want to speak negatively, but essentially it was a train wreck
625 and was not well-received by staff. We’ve identified ways of implementing this in a much
626 smoother, much more input process with our staff. We have a policy committee that we’ve put
627 together. Our first meeting is [Thursday] to start this and get input from various staff members
628 and brought out through the rest of the department as we move forward. Prior, these policies
629 were put out with little to no input from any staff. That’s why it was not well-received at all.
630 Staff and I feel like we have a good plan moving forward with this. We are encouraged by this
631 Lexipol company and are starting to feel more comfortable with it the more we’ve sat through
632 their training sessions. It’s going to be a long process; I think we have over 170 policies. ... We
633 meet every other week on Thursdays. If we can review five policies, it will still take many
634 weeks to get through all those policies.”

635

636 **Item 18 – Closed Session**

637

638 To consider a motion to convene in Closed Session under Section 19.85(1)(g) of the Wisconsin
639 Statutes for the purpose of conferring with legal counsel for the governmental body who is
640 rendering oral or written advice concerning strategy to be adopted by the body with respect to
641 litigation in which it is or is likely to become involved:

642

- 643 • IAFF, International Association of Firefighters, Local 127: Grievance 2019-3 –
644 RE: Part-Time Emergency Medical Technicians (EMTs)
- 645 • IAFF, International Association of Firefighters, Local 127: Prohibited Practice
646 Complaint – RE: Part-Time Emergency Medical Technicians (EMTs)

647

648 If any action is required in Open Session, as a result of the Closed Session, the Committee will
649 reconvene in Open Session to take the necessary action and/or continue on with the printed
650 agenda.

651

652 Motion by Ald. Olson, second by Ald. Stevens, to convene in Closed Session.

653

654 On roll call vote: Ald. Jim Olson – aye, Ald. Dan Stevens – aye, Ald. Kim Smith – aye. In
655 Closed Session at 8:40 p.m.

656

657

658 Recorded by:

659

660 Kirk Bey