

Special Council Meeting minutes, May 18, 2022 at 6:00 p.m.

Mayor John Rawson called the meeting to order at 6:00 p.m. Open meeting law requirements were met. Council attending: T. Wheeler, J. Tranberg, J. Anderson, P. Syverson and C. Ekern, J. Rawson. Others in attendance: Treasurer/Deputy Clerk-Debra Fremstad, Attorney-Mark Radcliffe, Trempealeau County Times-Andrew Dannehy, Police Chief-Kent Johnson, Dennis Stephenson, and Rachele Johnson.

Discussion/Action on appointing D Stephenson back on City Council: Mayor Rawson asked for any discussion on the topic. J. Anderson stated she had no problem with it, but in her opinion some kind of public apology may go a long way to heal tensions from the last meeting. Hearing no more discussion, the mayor asked for a motion. **Motion by J. Tranberg to re-instate Dennis Stephenson to the Council, 2nd by T. Wheeler. Discussion-none. Roll call: C. Ekern-yes, P. Syverson-yes, J. Anderson-yes, J. Tranberg-yes, T. Wheeler-yes. Motion carried.** D. Stephenson was administered the oath of office and asked to join the Council. He then apologized to the Council and stated he had talked to Susan and is happy to be back.

Discussion on police department key issue: Mayor Rawson is asking Council's opinion on the topic. J. Tranberg stated he was not here at the time and asked if Chief Johnson could explain the process. Attorney Radcliffe stated he would explain what has taken place. The City Clerk has always had a key to the police office. When Chief Johnson returned from his suspension he demanded that Clerk Frederixon return the key. Both Mayor Rawson and Attorney Radcliffe denied his request. The attorney asked the Black River Falls Police Department and the City Administrator has a key to the police office. The WI Dept of Justice was called and they stated it made sense that someone have a key as long as the rules were followed. Those rules are that a police background check be done on the individual who will have the key. The IT for the City was contacted and stated the same thing – Susan needed a background check to have a key. The police chief was asked to do a background check and agreed to do the check. It was found that 20 days later the check had not been done. Chief Johnson stated it was within his discretion as to who has an office key and he did not want Susan Frederixon to have a key. According to state statute the mayor has to authority to order a background check to be done. The attorney's recommendation is for the City Clerk to be in possession of a police office key. Chief Johnson stated that every sworn officer for the department has a key to the office. "What you're being told is absurd to a great extent." The attorney went on to state that Chief Johnson told the Council at the April 19 meeting that the City was being put in jeopardy because of what was going on with the key issue, when in fact you the Chief were putting your own department in jeopardy by refusing to do the background check. Chief Johnson stated he had contacted the state for clarification. "There needs to be a fingerprint background check through the state and an in-depth background check through me and quite frankly Susan would not pass that background check based on my past work experience with her. Training also needs to be done for this. Access to the Criminal Justice Information System is regulated by the FBI and it is solely at my discretion as to who has access to this information. There is no valid reason for the clerk to have a key." The attorney reminded the Council that the mayor is the head of the police department by WI state statute and has the authority to order the police chief to do the background check. **Motion by D. Stephenson to have**

background checks, training, and anything else needed for the Clerk and Treasurer to have a key to the police office, 2nd by J. Anderson. Discussion: P. Syverson-how do you log into the CJIS program? The CJIS information can come into the office by fax. Roll call: D. Stephenson-yes, C. Ekern-obstain, P. Syverson-yes, J. Anderson-yes, J. Tranberg-obstain, T. Wheeler-yes. Motion carried.

The City Council pursuant to WI Statute 19.85(1)(g) may convene in closed session to confer 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 is or is likely to become involved regarding employee complaints received. **Motion by C. Ekern to enter into closed session, 2nd by P. Syverson. Roll Call: T. Wheeler-yes, J. Tranberg-yes, J. Anderson-yes, P. Syverson-yes, C. Ekern-yes, D. Stephenson-yes. Motion carried.**

Motion by P. Syverson to enter into open session, 2nd by C. Ekern. Roll Call: T. Wheeler-yes, J. Tranberg-yes, J. Anderson-yes, P. Syverson-yes, C. Ekern-yes, D. Stephenson-yes. Motion carried.

Motion by D. Stephenson to accept the proposed remedial request by Clerk Frederixon's attorney with the exception of attorney's fees and costs, which have been sent to the insurance company. Clarification is needed on the definition of office space and the sending of emails, 2nd by C. Ekern. Discussion-none. Roll Call: D. Stephenson-yes, C. Ekern-yes, P. Syverson-yes, J. Anderson-yes, J. Tranberg-yes, T. Wheeler-yes. Motion carried.

Motion by P. Syverson to adjourn, 2nd by C. Ekern, Yes-6, No-0. Meeting adjourned at 7:40 pm.

Debra Fremstad, City Treasurer/Deputy Clerk