

Village of Fall Creek
Minutes for Committee of the Whole Meeting
May 25, 2023

1. **Call to Order:** 6:08 p.m., Village Hall Meeting Room, 122 E. Lincoln Ave., Fall Creek
2. **Roll Call:** Members Present: Village President Tim Raap, Trustees Ryan Aylesworth, Chester Goodman, Karen Herbison, Karen Hurd, Sheena Kaatz, Matt Mattoon. Members Absent: None. Staff Present: Administrator/Public Works Director Jared McKee, Deputy Clerk Joan Drehmel. Also Present: 1 citizen.
3. **Pledge of Allegiance**
4. **Certify Open Meeting Law Requirements Have Been Met:** A notice of the meeting and the agenda was posted at the three public places and local newspapers were notified.
5. **Adopt Agenda:**
 - MOTION (Mattoon/Goodman) to adopt the agenda as printed. PASSED, without negative vote.
6. **Recognition of Visitors/Citizen Input:**
 - Mike Schmit, 231 E Randall Road, stated this is his second special assessment within 5 years because he lived on McKinley Avenue previously. He felt it was important to have a better review of the special assessment ordinances and to do comparisons with other communities.
7. **Amendments to Village Ordinance Title 2 Government and Administration:** Village President Tim Raap explained the proposed amendment to §2.2.4. defines the compensation for Village Board members and the proposed amendment to §2.2.9. clarifies the deadline when materials wished to be presented at a public meeting are to be filed with the Village Administrator. Administrator/PWD Jared McKee stated there was no change in the amount of the salaries for the board members - the amendment is just to get the details included in the new format.
 - MOTION (Mattoon/Kaatz) to recommend the Village Board hold a first reading of the ordinance amendments at the next regular board meeting. PASSED, without negative vote.
8. **Discuss Board/Employee Interactions:** Village President Raap said we've had a couple things come up recently: employee political activity, a board member making comments about employees and their actions in a public meeting. Raap stated a couple points to bring up regarding these matters are that the Village Board is a board of seven, it is not one boss directing employees. The employer is made up of seven, so it's good to keep in mind that an individual board member may want something to be someday but until they get a majority of the board to change course on employee policy or employee operation, it isn't proper for the individual to take it upon themselves to issue a statement that an employee should do "x" or employee makeup should be "y". Legally that presents a problem. Raap continued by stating there are a fair amount of employee rights, and it is important to not violate those rights. Adhering to the process of an individual board member bringing their thoughts and feelings to the board of seven and allowing the process for the board to deliberate the matter together is a safer way to handle issues.

Raap provided data from the League of Wisconsin Municipalities showing that those types of discussion are generally handled in closed session in order to protect the employee. Wisconsin State Statutes 19.85 allows options for discussing those types of matters in a safe way that is not in an open setting. McKee stated the Village is a government sector employer, not a private sector employer, so it has a different set of rules when it comes to employees. He stated we want to be particularly careful to not say something about an employee that may be slanderous or may prevent them from gaining employment at any time in the future - that is why the State allows certain employee matters to be discussed in closed session. Raap stated it is also the Village's personnel policy that an employee should have the right to be prepared for a performance discussion and to

have an opportunity to defend themselves if they were getting reprimanded, rather than having comments made about them in a public setting.

Raap also read from a question & answer legal article from the League of Wisconsin Municipalities that asked if governing body members could speak as members of the public during the public comment period. The League's response to that question was no, stating the subject matter that a board member wishes to talk about is supposed to be listed on the agenda to comply with Wisconsin's open meeting laws.

Trustee Chester Goodman asked how it should be handled if a resident approaches a board member about a subject, then later comes to a meeting and speaks about the matter during citizen input time. President Raap replied the board is not supposed to deliberate on the item during the public comment period, but can take note of the comments and can send the matter to committee, at which time deliberation can occur since an agenda would have been posted for that meeting, listing the subject matter to be deliberated.

Raap noted the closed session on the agenda was put there in case the board wanted to discuss a specific employee, and that a motion to go into closed session would be needed to do so.

9. Move to Convene in Closed Session Per Wis. Stat. 19.85(1)(c) Considering Employment, Promotion, Compensation or Performance Evaluation Data of Any Public Employee Over Which the Governmental Body has Jurisdiction or Exercises Responsibility, namely, Discuss Individual Employee Performance. At the End of the Closed Session, the Board Will be Going into Open Session to Conduct Further Business. Roll Call Vote on Motion to Convene into Closed Session.

- MOTION (Kaatz/Mattoon) @ 6:25 p.m. and inviting Administrator McKee into the closed session. PASSED, roll call vote: Goodman-yes, Herbison-yes, Hurd-yes, Kaatz-yes, Mattoon-yes, Raap-yes, Aylesworth-yes.

10. Move to Return to Open Session and Action, if Any, on Matters Discussed in Closed Session:

- MOTION (Goodman/Mattoon) @ 7:40 p.m. PASSED, roll call vote: Herbison-yes, Hurd-yes, Kaatz-yes, Mattoon-yes, Raap-yes, Aylesworth-yes, Goodman-yes.

11. Adjournment @ 7:41 p.m.

Joan Drehmel, Deputy Clerk