

AMERY SPECIAL CITY COUNCIL PROCEEDINGS

June 1st, 2023

The Amery City Council met on June 1st, 2023 at the Amery City Center. Mayor, Chad Leonard called the meeting to order at 5:00 p.m.

Roll Call: Deputy Clerk-Treasurer, Taylor Larson conducted Roll Call.

Present: Mayor, Chad Leonard; Council President, Eric Elkin; and Alderpersons; Sharon Marks; Mykaela Thompson; Mike Manor, and Sarah Flanum.

Staff Present: City Administrator, Patty Bjorklund; Deputy Clerk-Treasurer, Taylor Larson; Police Chief, Steve Hainzl; Director of Public Works, Jeff Mahoney; Officer Kipp Harris; Officer Madeline Anderson; Lieutenant Jason Hickok; Officer Pete Krumrie; Officer Paul Houx; Heather Hegarty.

Others present: Attorneys Jeff Cormell and Lindsey Kohls for the City of Amery; Attorney Ben Hitchcock for Bethany Eskro(via zoom); Bethany Eskro; and members of the public.

New Business

1. **Closed Session – Wis. Stat. §19.85(1)(b)** – Police Administrative Assistant. Considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, or considering the grant or denial of tenure for a university faculty member, and the taking of formal action on any such matter; provided that the faculty member or other public employee or person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session.

Bethany Eskro, the Police Administrative Assistant in question requested the discussion be held in open session.

2. Potential Open session for the matter in item #1 if requested by the public employee pursuant to Wis. Stat. Sec. 19.85(1)(b)
 - a. Attorney Jeff Cormell for the City of Amery began by stating from Ms. Eskro's termination letter the reasons Ms. Eskro had been terminated. He then introduced why an employment investigation had been conducted, reviewed how the interview with Ms. Eskro had gone, and concluded with how Ms. Eskro chose to exit which resulted in the termination.
 - b. Attorney Ben Hitchcock for Bethany Eskro rebutted what had been stated by Attorney Cormell as Attorney Hitchcock did not believe the events were as simple as what had just been explained.
 - c. Attorney Cormell proceeded to interviewing Police Chief Steve Hainzl about the events that had transpired including receiving the initial information about Cty Watcher's Facebook comments from Clerk-Treasurer Ben Jansen who had been informed of the posts by Deputy Clerk-Treasurer Taylor Larson.
 - d. Attorney Cormell introduced the body camera footage that was taken when Ms. Eskro was interviewed by Chief Hainzl. The body camera footage was watched for the entirety of the interview with Ms. Eskro, and the ending of Chief Hainzl walking into his office before turning off his body camera was omitted to protect the privacy of any paperwork on his desk. The interview was recorded on body camera as the sound portion of the interrogation rooms camera

system was not working at the time. Video footage was recorded on the system, but was not shown as there was no sound associated with it and the body camera footage included both sound and video.

- e. Attorney Cormell questioned Chief Hainzl about what had just been seen in the interview footage.
- f. A second piece of body camera footage was shown that had been recorded when Chief Hainzl entered back into the administrative area of the Police Department to inform Ms. Eskro of some additional information. It was at this time Ms. Eskro was seen packing up some of her belongings. This footage then showed an interaction between Ms. Eskro and Chief Hainzl which led to the termination as she was leaving. Again the footage was fast forwarded through to maintain privacy for items on the Chief's desk.
- g. Attorney Cormell again questioned Chief Hainzl about what had just been seen in the footage.
- h. Attorney Hitchcock moved into cross examination of Chief Hainzl. Attorney Hitchcock asked a vast number of questions regarding the termination letter of Ms. Eskro, the information brought forward about Cty Watcher, the employment investigation into Ms. Eskro, the video recordings of Ms. Eskro's interview and leaving/termination, and the testimony Chief Hainzl had given when questioned by Attorney Cormell.
- i. Attorney Hitchcock requested a recess to speak with Ms. Eskro since she was appearing in person, and he was appearing via Zoom. The council agreed to the recess, and Attorney Cormell used the time to explain some of what the City Council had just seen in Attorney Hitchcock's cross examination.
- j. Attorney Hitchcock returned from his recess and requested to bring in Lieutenant Jason Hickok who was acting Interim Police Chief at the time of a prior verbal warning Ms. Eskro had received due to Facebook comments. Attorney Cormell advised the Council they did not have to allow this and Attorney Cormell did not recommend allowing it. The council discussed amongst themselves and ultimately decided not to allow Lieutenant Hickok to be interviewed as the information did not have a direct bearing on the termination and the current hearing.
- k. Attorney Hitchcock returned to cross examining Chief Hainzl about the various items that had been discussed.
- l. Attorney Hitchcock stated he was leaving and turned his camera and sound off and had a meeting with Ms. Eskro. During the time he was gone Attorney Cormell discussed with the City Council how they could move forward.
- m. Attorney Hitchcock returned to his Zoom screen and attempted to continue where he had left off. Mayor Leonard stopped him and informed him that the Council was not granting him permission to continue.
- n. Attorney Cormell asked if the council would like to move on to hearing his rebuttal of the cross examination and they agreed they would like to. Attorney Cormell conducted his rebuttal of Attorney Hitchcock's cross examination.
- o. Attorney Hitchcock conducted a one question rebuttal to Attorney Cormell's rebuttal.
- p. Closing Statements began with Attorney Hitchcock giving his closing statement to what had been discussed.
- q. Attorney Cormell gave his closing statements. As part of his closing, he stated that Ms. Eskro had not spoken, and Attorney Hitchcock interrupted and stated Ms. Eskro was not allowed to speak. Alderperson Thompson stated she had asked if Ms. Eskro would like to speak and Attorney Cormell stated that he would allow Ms. Eskro to speak as he had questions for her. Ultimately Attorney Hitchcock did not have her speak and Attorney Cormell continued with his closing.
- r. Following the closings, the council discussed and decided they would like time to digest the information before deciding. Mayor Leonard reminded the council they were not to discuss the information with each other outside of the council meeting. It was determined the council will decide at the normal council meeting on June 7th in open session which Attorney Hitchcock said

he and Ms. Eskro found agreeable. Discussion at the meeting will be limited to the council and will not be a continuation of the attorney's questioning.

Motion by Alderperson, Elkin; seconded by Alderperson, Manor; to adjourn at 8:32 P.M.

Ayes – 5

Nays – 0

Motion Carried.

Respectfully submitted,

Taylor Larson
Deputy Clerk-Treasurer
June 5th, 2023