



Police and Fire Commission

City of Stevens Point
1515 Strongs Avenue
Stevens Point WI 54481

March 8, 2010
4:31 p.m.

- 1. Roll Call:** Commissioners Rice, Schleihs, Taylor and Wescott
Commissioner Nuck, excused

Also

Present: Administrative Director Jeff Morris; Fire Chief John Zinda, City Attorney Louis Molepske, Karen Grossbier, Grossbier & Associates, Inc.

- 2. Discussion, with possible action, request to fill vacancy at Fire Department due to retirement of Captain Dennis Flanigan**

Commissioner Taylor moved, seconded by Commissioner Wescott, to fill the vacancy at the Fire Department due to the retirement of Captain Dennis Flanigan. Chief Zinda will utilize the eligibility list to fill the vacancy.

Ayes, all; nays, none. Motion carried.

- 3. Hearing pursuant to Wis. Stats. Ss. 62.13 (5)(d) in re: the Disciplinary Action Against Michael Brian Wheeler – with possible action.**

City Attorney Louis Molepske gave a brief overview of the time line of events which have occurred leading up to the disciplinary action against Michael B. Wheeler.

Under oath Fire Chief Zinda stated as follows:

- That he is the duly acting and appointed Chief of the Stevens Point Fire Department.
- That Michael B. Wheeler is employed as firefighter and EMT with the City of Stevens Point, but has been on a leave of absence from the City of Stevens Point since February 1, 2006.
- That Michael B. Wheeler was indicted by a federal grand jury in the State of New Jersey on February 7, 2007 for certain alleged criminal activity.
- That after a trial, Michael B. Wheeler was convicted by a jury of conspiracy to commit bribery, honest services wire fraud, the interstate transport of stolen property (ITSP) and the possession of unregistered firearms for which he was subsequently sentenced by Federal District Court Judge Mary Cooper on January 21, 2010 to forty-two months in prison.
- That Michael B. Wheeler is now in the custody of the federal government and is currently incarcerated in the Monmouth County Jail in the State of New Jersey pending the United States Marshall's delivery of said Michael B. Wheeler to a federal correctional institution for service of his sentence.

- That based on his incarceration and inability to return or report for duty to the Fire Department of the City of Stevens Point Chief Zinda deems such criminal conduct on that part of Michael B. Wheeler to be against the good order of the service; and further that such conduct is unbecoming an officer of the Stevens Point Fire Department and is prejudicial to the good of the Department pursuant to Wis. Stats. Sections 6.04(9)(f)(6&7) and sections 6.04(9)(g) of the revised Municipal Code for the City of Stevens Point (Rules of the Fire Department) and therefore Chief Zinda requests removal of Michael B. Wheeler from services of the Stevens Point Fire Department.

Commissioner Rice moved, seconded by Commissioner Taylor, to serve a written copy of the hearing transcript on Michael B. Wheeler. The Commission will hold the matter in abeyance until the April 6th regular meeting date in order to allow Mr. Wheeler due process. If the Commission does not hear from Mr. Wheeler the City Attorney, on behalf of the Fire Chief, will ask for the dismissal of Michael B. Wheeler from service at the Fire Department. This will be on the April agenda. If the Commission does hear from Mr. Wheeler, it will review his information prior to rendering a final decision.

Ayes, all; nays, none. Motion carried.

4. Adjournment

The meeting adjourned at 5:05 p.m.