



City of Waupun

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"Wild Goose Center of Wisconsin"

Waupun Common Council Minutes of Special Meeting Tuesday, August 30, 2016

The Waupun Common Council met in special session on Tuesday, August 30, 2016 at 5:30pm in the Common Council Chambers of the Waupun City Hall with Mayor Nickel presiding.

City Staff present are City Attorney VandeZande, City Clerk Hull, Administrator Schlieve, Public Works Director Flynn, Library Director Jaeger, Police Chief Heeringa, Fire Chief DeMaa, Finance Director Oosterhouse, and Utility Manager Posthuma.

Audience present is Bobbi Vossekuil.

Mayor Nickel called the meeting to order at 5:30pm.

Members present on roll call are Mayor Nickel, Alderman Westphal, Alderman Mielke, Alderman Vanderkin, Alderman Matoushek, Alderman Johnson, and Alderman Kaczmariski. No members are absent.

The City of Waupun received a claim from Robert Geiger of 230 Mill Street, Waupun, for damages to his personal vehicle.

Mr. Geiger's claim states:

On July 21, 2016 at approximately 8:30am, Mr. Geiger's GMC Sierra Crew Cab was parked in the public street, in front of residence 270 S. Drummond Street, Waupun, where a large limb of a tree that was located in the terrace, had fallen on his vehicle, totaling damages of \$10,038.03. The resident of 270 S. Drummond Street informed Mr. Geiger that he has been complaining for the past 6 months to the City regarding the tree, to either trim or remove it. The City had been there with in the month trimming the tree, and the resident informed the City that they had not taken enough rotted or damaged limbs off to make it safe, even argued with the employees pointing out the unsafe conditions. As the tree is located in the terrace, Mr. Geiger believes the tree is the City's property and should be responsible for the damages sustained to his vehicle.

Utility Manager Posthuma informs the Council:

The Utility Crew was in the general area of S. Drummond Street in late winter performing line clearance but wishes to make it understood that in no way is the Utility Electrical Crew tree inspector's. The Crew's only position is to clear electrical lines of tree limbs for safety protection. On July 7, 2016, the City experienced

significant wind damage in that area which resulted in power outages and blocked streets due to fallen trees. Posthuma believes that the July 7th storm may have contributed to any damages to the S. Drummond Street tree. Posthuma notes that during the July 21st event, there were no other damages reported in the City.

Public Works Director Flynn informs the Council:

Public Works Staff was questioned if there was any reports or if they received any complaints related to the tree on the terrace, in front of 270 S. Drummond Street, in the past or recently; of which there was none. K & B Tree Service was called to remove the tree. The K & B Foreman, Chris Eggen, stated that he and his crew removed the tree and in his opinion, had the wind storm not broken the limb, the tree would not have been considered to be in hazardous condition.

City Clerk Hull informs the Council:

The application and all documentation were provided to the City's insurance company, Cities and Villages Mutual Insurance Company (CVMIC), for consideration. The weather report for the date of instance provided gusts of wind up to 45 miles per hour along with heavy rain, over 2 inches, to include thunderstorms. Although the claimant indicated that the property owner made contact with the City to trim or remove the tree, no record exists with either the Utilities or Public Works. The claimant also alleged that the City had trimmed the tree approximately a month before the incident, however indicated that not enough limbs were taken off the tree. It is CVMIC's opinion that how much limbs were taken off is a discretionary decision that was made by the crews that were doing the cutting of the limbs and as such, the City has immunity under Wis. Stat. 893.80 (4), which provides immunity for discretionary decisions. The crew doing the work made a determination as to what was the appropriate amount of limbs that needed to be removed by using their discretion. There is no mandatory rule or statute that must be followed when removing tree limbs. In review of the documents and evidence, a recommendation to deny the claim was received. Due to the weather conditions, it is the opinion that the damages that were caused as a result of the incident were an Act of God.

Motion Kaczmarek, second Westphal to deny the claim from Richard D. Geiger of 230 Mill Street, Waupun, for damages his vehicle sustained on July 7, 2016. Motion carried 4-2 on roll call with Vanderkin and Mielke voting nay.

MSA Professional Services solicited bids on behalf of the City of Waupun for the Taft Lane Utility and Street Extension. This would be an extension of Taft Lane going south to a dead end. A development project, with the Condo Association, has already been approved for this area. The housing development is a total of 4 lots which they will begin construction for two of the four. Council is informed that the development funds will be sourced from TIF 5 from sale of land and the increment from those properties.

Bids received are: Woleske Construction (\$246,808), R & R Wash Materials, Inc. (\$267,417.64), Kopplin & Kinas Co., Inc. (\$272,113.20), Kruczek Construction Inc. (\$288,288.88), S & L Underground & Trucking (\$292,479), Advanced Construction (\$324,597.50), and Badgerland Excavating Corp. (\$388,833). MSA Professional Services

makes recommendation to approve and award the bid to the low bidder, Woleske Construction of Green Bay, WI, in the amount of \$246,808.

Motion Vanderkin, second Matoushek to award the bid for the Taft Lane Utility and Street Extension to Woleske Construction of Green Bay, WI, in the amount of \$246,808. Motion carried 6-0 on roll call.

Mayor Nickel asks Department Staff to inform Clerk Hull if members on their Boards, Committees, or Commissions are not attending meetings and need possible replacement as attendance at meetings and assuring a quorum is important for City business.

As Mayor Nickel was appointed as Mayor, this opened the Board seats of which she occupied. Also, Abby Buwalda resigned her seat on the Recreation Board due to personal conflicts. Due to these vacancies, Mayor Nickel makes recommendation to appoint Alderman Jason Westphal to the Alderman seats of the Negotiations Committee, Transit Committee, and Recreation Board and to appoint Bobbi Vossekuil to the Recreation Board seat.

Motion Vanderkin, second Johnson to approve the Mayoral appointments of Alderman Jason Westphal to the Alderman seats of the Negotiations Committee, Transit Committee, and Recreation Board and to accept the resignation of Abby Buwalda and appoint Bobbi Vossekuil to the Recreation Board. Motion carried 6-0.

Through much research, Schlieve had found that successful City's put a lot of attention toward marketing, branding, and how they put together their communication messages. To aid in community growth, build local competitiveness, and new business attraction, we need to have a strong marketing message and a good Community identity. During the summer, the Schlieve had an Intern who's focus was preparing a communications audit, reviewing our on line presence, our strength's and weaknesses, and what other communities best practices are to establish their community presence and get the information out. Recommendations included an official City Facebook page and coordination with the Waupun Chamber to integrate and increase our effectiveness. Schlieve requests an amount not to exceed \$30,000 from Room Tax dollars for the use towards marketing with an outside source and to issue Request for Proposals to tourism entities to evaluate capabilities and develop a recommendation for the use of room tax dollars.

Motion Mielke, second Matoushek to authorize the use existing room tax dollars, not to exceed \$30,000, for the use of marketing and promotion. Motion carried 6-0 on roll call.

Motion Vanderkin, second Westphal to authorize the issuance of Request for Proposals to tourism entities to evaluate the City of Waupun's marketing and communications capabilities and develop a recommendation for the use of room tax dollars. Motion carried 6-0 on roll call.

Mayor Nickel and Schlieve attended a meeting with the Waupun Christian Home which they were informed that a non-binding Letter of Intent has been signed between the Waupun Christian Home and Agnesian Health Care where Agnesian is exploring the idea of acquiring the Christian Home. A public informational session is being scheduled for September 20, 2016 at 7pm and October 25, 2016 at 7pm for the voting of the City of Waupun Church bodies. Both meetings to be held at the Waupun Jr/Sr. High School.

Motion Vanderkin, second Matoushek to authorize the City Clerk to release payments of the monthly expenses of the City of Waupun. Motion carried 6-0 on roll call.

Motion Vanderkin, second Matoushek to authorize the issuance of Operator Licenses to Jillian Hoffman, Abigail Wirt, Robert Nummerdor, Jamie Ruenger, Emma Gilgenbach, Elizabeth Stutzman, Sarah Johnson and a Temporary Class B Fermented Malt Beverage License to the Waupun Hockey Association on September 17, 2016 at the Waupun Community Center for Hockey Unlimited as recommended by Police Chief Heeringa. Motion carried 6-0.

Motion Vanderkin, second Johnson to adjourn to closed session under 19.85 (1) (e) (g) of the Wisconsin Statutes for reasons of personnel performance and compensation, possible sale of public properties and use of public funds, and conferring with legal counsel concerning strategy for possible litigation. Motion carried 6-0.

Staff requested to attend closed session are City Attorney VandeZande, City Clerk Hull, Administrator Schlieve, Fire Chief DeMaa, Police Chief Heeringa, Public Works Director Flynn, and Finance Director Oosterhouse.

Motion Vanderkin, second Matoushek to reconvene in open session under Section 19.85(2) of the WI Statutes. Motion carried 6-0.

No action from Closed Session.

Motion Matoushek, second Vanderkin to duly call the meeting adjourned at 8:10pm. Motion carried 6-0.

Angela Hull, Clerk