



MINUTES
CITY OF WAUPUN COMMITTEE OF THE WHOLE
MEETING
Waupun City Hall – 201 E. Main Street, Waupun WI
Tuesday, July 30, 2019 at 5:30 PM

CALL TO ORDER

Mayor Nickel called the Waupun Committee of the Whole meeting to order at 5:30pm.

ROLL CALL

Council in attendance on roll call is Mayor Nickel, Alderman Westphal, Alderman Kaczmariski, Alderman Mielke, Alderman Vossekuil, Alderman Matoushek, and Alderman Vanderkin. No members are absent.

Management Staff present is Attorney VandeZande, Clerk Hull, Administrator Schlieve, Finance Director Oosterhouse, Library Director Jaeger, Fire Chief Demaa, Recreation Director Kaminski, Public Works Director Daane, and Utility General Manager Posthuma. Chief Loudon is absent and excused.

Other City Staff present is Lieutenant Pfalzgraf, Code Enforcer Mike Beer, and Records Clerk/Support Staff Deboer.

Those in the audience is Timmy Rahn.

Media present is Ken Thomas of the Daily Citizen.

PERSONS WISHING TO ADDRESS THE COMMITTEE OF THE WHOLE

1. Introduction of Danyelle Deboer, Police Department Records Clerk/Support Staff

Lieutenant Pfalzgraf introduces Danyelle Deboer who was hired January 21, 2019 as a part-time Records Clerk and Support Staff for the Waupun Police Department. Deboer has successfully completed her six-month probation period and is considered a regular status employee. The Council welcomes Deboer.

CONSENT AGENDA

2. Consideration for Payment of Expenses

3. Approval of Licenses and Permits

Motion Matoushek, second Vossekuil to approve the Consent Agenda. Motion carried 6-0 on roll call.

RECOMMENDATIONS FROM BOARDS, COMMITTEES, AND COMMISSIONS (Roll Call)

4. Painting of the Waupun Family Aquatic Center Pool

Daane informs the Committee that the Board of Public Works has made the painting of the Waupun Aquatic center pool a priority. Pool painting generally should be repainted every three to five years. The Waupun aquatic center is going on six years. If waiting any longer, the costs will increase.

Proposals were received from Omni (\$100,000) and Coplien Painting Inc. (\$25,000), in which the Board of Public Works is recommending Coplien Painting Inc. Daane has been informed from Coplien Painting Inc., this needs to be scheduled now for spring painting. Daane is seeking approval today so he is assured this will be included in the 2020 budget.

Kaczmariski questions possible funding from other sources such as the City of Fox Lake received donations from the Agnesian Foundation, Waupun Memorial, local Chamber of Commerce, and holding a brat fry. He wishes for awareness to finding other funding sources whenever possible. Schlieve spoke with Agnesian. She was informed that Agnesian decides how they are going to allocate funds within all the communities they serve. In Waupun, they just invested \$40,000 in handicapped accessible playground equipment. Agnesian is open to meeting with the City in the future to see what our needs are.

Motion Vossekuil, second Matoushek to award the proposal to Coplien Painting Inc. for the painting of the Waupun Aquatic Center pool in the spring of 2020. Motion carried 6-0 on roll call.

5. Consideration for the Hiring for the Vacant Position of Fire Department Cadet

Demaa informs the Committee of a vacancy in the position of Cadet. The Waupun Fire and Police Commission have made recommendation for this position to be filled.

Motion Matoushek, second Vanderkin to approve the hiring of a Cadet in the Waupun Fire Department. Motion carried 6-0 on roll call.

RESOLUTIONS AND ORDINANCES

6. Resolution to Establish Permit Application Fees for Keeping and Maintaining Backyard Chickens

The Council approved an ordinance for the keeping of chickens in the City limits. Due to this, the rate of the permit must be approved by resolution.

Motion Westphal, second Mielke to approve Resolution 07-30-19-01 to Establish Permit Application Fees for Keeping and Maintaining Backyard Chickens in the City of Waupun, which provides a \$15.00 permit fee. Motion carried 6-0 on roll call.

CONSIDERATION - ACTION

7. Rahn vs City of Waupun

The City received a liability claim from Timmy Rahn of 606 Grace Street, Waupun. According to the claim, on May 25, 2019 at approximately 8:45am, Rahn was traveling on his bicycle on the riding/walking trail near Meadowview Park and hit a water patch, which caused the bike to slip and Rahn to fall onto his right shoulder. Rahn was taken to Waupun Hospital emergency room and found to have a broken rib. Rahn submitted for estimated expenses of \$3,000.

Daane recalls receiving a call from Rahn's wife, following the fall, stating Rahn was riding his bike that morning on the boardwalk and it was wet from dew or rain the night before, and that the bike had slipped from underneath him and fell. She asked if there were any wet/slippery signs that could be posted. Daane recalls signs posted stating "slow for pedestrians" and informed her that he would see if we had any signs relating to her request. Daane did located some signs and had them posted. Daane was not told by his wife, during their conversation that he had gone to the emergency room.

The written claim was submitted to Hull on July 8, 2019. Hull provided to Cities and Villages Mutual Insurance Company (CVMIC) for review and recommendation. CVMIC responded, stating Wis. Stat. 895.52 provides immunity to municipalities for injuries that occur on city property as a result of a recreational activity. The riding of a bicycle on a city boardwalk would fall under this statute. Also, Wis. Stat. 895.52(2) provides that there is no duty to keep the property safe for recreational activity, no duty to inspect and no duty to give warning of an unsafe condition. The decision to put up warning signs on the boardwalk was a discretionary decision and would provide immunity under Wis. Stat. 893.80 (4). Based on these facts, a recommendation to deny was received.

Motion Vossekuil, second Kaczmariski to deny the liability claim received from Timmy Rahn due to the injuries he sustained while riding his bicycle on the boardwalk on May 25, 2019. Motion carried 6-0 on roll call.

8. Amend Building Permit Fee Schedule

Due to the permit fees required for the keeping of chickens, the building inspector has provided the inspections fees for inspection and review of chicken coops for consideration. The building inspector fees for this service will be at a minimum of \$50.00.

Motion Kaczmariski, second Vossekuil to accept the building permit fees for the inspections and review of chicken coops at a minimum of \$50.00 and to be incorporated in the building permit fee schedule. Motion carried 6-0 on roll call.

CLOSED SESSION

The Waupun Committee of the Whole will adjourn in closed session under Section 19.85 (1) (e)] of the WI Statutes for the following:

- 9. Potential Investment of Public Funds - 120 E Franklin St.**
- 10. Potential Investment of Public Funds – 520 McKinley St.**
- 11. Land Negotiations for Tanager Street TID 8**
- 12. Land Negotiations for Former MVP Site in TID 5**
- 13. Land Negotiations for Spirit Fields in TID 5**

Motion Vanderkin, second Matoushek to adjourn in closed session under Section 19.85 (1) (e)] of the WI Statutes.
Motion carried 6-0.

OPEN SESSION

The Waupun Committee of the Whole will reconvene in open session under Section 19.85(2) of the WI Statutes.

Motion Vanderkin, second Matoushek to reconvene in open session. Motion carried 6-0.

ACTION FROM CLOSED SESSION

No Action.

ADJOURNMENT

Motion Matoushek, second Vossekuil to duly call the meeting adjourned at 7:02pm. Motion carried 6-0.

Angie Hull, Clerk