

Mayor Jim Wilkie called the regular monthly meeting of the Common Council of the City of Alma to order.

Pledge of Allegiance was said.

Clerk Torgerson took roll call with the following members present: Mayor Jim Wilkie, Richard Champeny (via Zoom), Gary Ruff, Monica Moham, Larry Farl (via Zoom), Larry Grisen, Gary Jepsen, and David Earney.

Motion by Ruff seconded by Moham to approve the September 10, 2020 Council Proceeding minutes as presented. All members voting yes.

Motion by Ruff seconded by Farl to approve the September 2020 Financial Report as presented. All members voting yes by roll call vote.

Motion by Moham seconded by Jepsen to approve the September 2020 Treasurer’s Report as presented. All members voting yes.

Citizens comments. None.

UTILITIES COMMITTEE

Chairman Dave Earney went through the committee minutes of September 28th and October 7th.

Discussion was held on the guardrail proposals for Riverview Drive. Dave Earney reported the proposal from Mattison Contractors, Inc.

Site One: South end of Riverview Drive----- \$ 73,095.00

Site Two: The dip area by 1160 Riverview Drive---- \$ 8,880.00

Site Three: North end of Riverview Drive-----\$ 6,612.50

Total-----\$ 88,587.50

Larry Grisen reported the proposal from the Buffalo County Highway Department:

Site One: South end of Riverview Drive-----\$4,427.30

Site Three: North end of Riverview Drive-----\$ 519.46

Total-----\$4,946.76

Grisen stated that Site Two: The dip area is a 75’ project and that the County will take a core sample to see what the road material is and have the County Conservation assist with water run-off information for site two before quoting a cost for the guardrail project at this location.

Motion by Grisen seconded by Jepsen to accept the proposal from the Buffalo County Highway Department for the guardrail project for site one (South end of Riverview Drive) in the amount of \$4,427.30. All members voting yes.

Motion by Grisen seconded by Ruff to accept the proposal from the Buffalo County Highway Department for the guardrail project for site three (North end of Riverview Drive) in the amount of \$519.46. All members voting yes.

Monica Moham inquired about the huge cost difference between Mattison and the County Highway Department. Mattison would use all new material and Buffalo County Highway Department is using used/like new leftover material from their highway projects.

Motion by Earney seconded by Ruff to proceed with the Buffalo County Highway Department to install guardrail at site two on Riverview Drive (the dip) if there would be no disruption to the area at a cost of \$849.19. All members voting yes.

Earney informed the Council that his committee discussed the wall behind 107 N. Main and their concerns for the city's sewer line. The committee approved an amendment to the proposed budget to fund a flashing speed sign at the north entrance into the City amounting to \$1100.00.

Mayor Wilkie then addressed agenda item 14: Update on wall behind 107 N. Main. Mayor Wilkie stated that all Council had received a copy of the September 28th email from William Haggerty, property owner of 107 N. Main, regarding his proposal for cost sharing for the wall repair.

Mr. Haggerty, present via zoom, requested that this email letter become part of the minutes.

Please send to counsel members

2 messages

william haggerty <wghaggerty@yahoo.com>
28, 2020 at 7:18 PM To: Linda Torgerson <cityalma277@gmail.com>, Jim Wilkie <mayorofalma@gmail.com>

Mon, Sep

As you all know I have submitted two proposals to have the back wall of my property repaired and the city curb supported. The price from Atlas to install soil nails to support the curb is \$9250.00. The price to restore the damage to repair my damaged wall is \$15,295.00. You all also know the mayor hired an engineer to asses the damages to my wall and the alley road. This engineer has documented his opinion that the road was a mistake to put in and that the soil underneath could never support the alley curb. He calls this a dangerous situation. A accident waiting to happen. Everyone I have spoken to has pretty much said the same thing. The curb should not have been put in. The mayor told me on Friday that this engineers report is a fraudulent document. The mayor by taking this position put Alma and its tax payers at great risk of a law suit if someone gets hurt. He is ignoring safety issues that have been documented by qualified engineer. In my opinion he is acting recklessly. This is all documented and I want you to know that if someone gets hurt it will be on the mayors

shoulders.

I was told today by Mike Moeler from Atlas construction that the city does not even have plans to the sewers' on the ally road. I think this is another indication that the alley road project was totally miss managed. He also told me that I should not need an lawyer to get a easement as the city should issue me one. The Mayor told me on Friday I needed to hire a lawyer for an easement.

I have asked the mayor if he will have the curb removed so this work can be done. He has not answered me since Friday. Again another waste of time.

I will suggest this. I will pay the \$15,295.00 to have my wall repaired. The city pays to have the soil nails put in to support the curb,\$9250.00 and the city removes the curb so the work can be done and handles any easement requirements Atlas may need.. I respectfully wait for an answer to this email.

I have sent all the documents from the engineer and contractors to the city. I cannot do anymore. Thanks for your time.
Bill Haggerty

10/6/2020, 5:03 PM

Mayor Wilkie expressed his concern regarding setting a precedence for funding for work on private property and the liability of the city's if the project does not work.

Attorney Seifert stated that the City does have to decide if they want to enter into any type of agreement, however, that each situation can be looked at separately since there may be different circumstances involved.

Attorney Jon Seifert stated that Mr. Haggerty has retained counsel and if the Council wished he would speak to his counsel to attempt to come up with an agreement.

Mayor Wilkie clarified that the large chunk of concrete that fell is not the city curb and that it was some form of cap to the wall that collapsed. The city's curb is 1' up from this cap.

Haggerty stated that this slab of concrete was above the silo slabs.

Mayor Wilkie stated that he felt the City had done a lot to protect not only Haggerty's wall, but all the walls along Alley Street, by having the road redesigned so that water no longer goes toward their walls and felt that the city street project in no way damaged his wall.

Gary Jepsen commented that the critical component for the City is the sanitary sewer line and knowing that by installing the soil nails will not compromise the sewer line.

Haggerty stated that he will contact the contractor tomorrow and get back to the City.

Motion by Grisen seconded by Jepsen to authorize City Attorney, Jon Seifert to talk with William Haggerty's attorney, Sean O'Flaherty regarding a draft of a possible agreement. All members voting yes.

Dave Earney stated that all parties need to start somewhere, it is a tough situation with the legalities and needs everyone's cooperation to get done.

Motion by Champeny seconded by Earney to approve the Utilities Committee report as presented. All members voting yes.

SERVICES COMMITTEE

Chairperson Monica Moham informed the Council that the committee had met on October 5th, 2020.

One of the agenda items was moving the D.A.R.E. program budgeted amount for 2020 of \$1,000 to the Police Equipment Outlay account since the program could not be held this year.

Proposed budgets for 2021 were entered by the committee and employees present.

Motion by Moham seconded by Earney to transfer the 2020 budgeted amount in the D.A.R.E. program account to the Police Equipment Outlay account. All members voting yes.

Moham informed the Council that the Fire Department received a grant from the DNR for \$5500 for personnel equipment.

Motion by Earney seconded by Ruff to approve the Services Committee report as presented. All members voting yes.

PARKS AND RECREATION COMMITTEE

Chairman Larry Farl informed the Council that the committee met on October 5th to do budgets for 2021.

One of the items discussed was blacktop for South Landing parking lot where the water collects. A quote was obtained from Monarch Paving in the amount of \$14,384.59. Monarch will remove the existing blacktop, fine grade and install pavement to 3" of thickness to help with the water problem at this location, Foreman Joe Wick commented. He further stated this has been a problem area and every year blacktop were thrown there.

Motion by Earney seconded by Jepsen to proceed with funding of \$14,384.59 to blacktop a portion of South Landing's parking lot near Dairyland Power. All members voting yes by roll call vote.

Motion by Jepsen seconded by Champeny to approve the Parks and Recreation Committee report as presented. All members voting yes.

BOARD OF APPEALS

The Board of Appeals met on October 5, 2020 and approved a variance to John & Lori Lehnartz for an addition to their home at 145 Vista Drive.

Motion by Moham seconded by Ruff to approve the minutes of the Board of Appeals. All members voting yes.

FINANCE/TAX & LICENSE/ZONING COMMITTEE

Chairman Gary Ruff informed the Council that the committee met this morning and approved all vouchers, bills, and receipts for September 2020.

Ruff stated that other agenda items included the Assessor Contract for 2021, Attorney contract for 2021, Operator licenses and wages for 2021.

Motion by Ruff seconded by Earney to approve the Assessor's Contract to Kleven Property Assessment, LLC. All members voting yes by roll call vote.

Grisen stated that he thought Request for Proposals were being sought for the Assessor. Mayor Wilkie stated to him that the city can do that, however, to remember when reviewing the RFPs that the evaluation of the services is considered and not the lowest bidder.

Motion by Grisen seconded by Earney to solicit RFP's for the Assessor Contract next year. All members voting yes.

Motion by Ruff seconded by Moham to approve \$12,000 to Seifert & Schultz – Jon Seifert, City Attorney as stated in the agreement for 2021. All members voting yes by roll call vote.

Attorney Jon Seifert explained to the City Council that his retainer of \$6,000/year had not increased since he began as City Attorney. Seifert further stated that due to the increased city cases he has to represent for law enforcement and the City just being more active over the past year or so involving his advice and/or assistance is the reason for the increase.

Dave Earney thanked Seifert for his explanation.

Monica Moham commented to Jon Seifert that he represents the City of Alma well and thanks him for all he has done and will continue to do.

Motion by Ruff seconded by Grisen to approve operator licenses to Frank Lovas and Amanda Bassett. All members voting yes.

Motion by Grisen seconded by Jepsen to table the employee wages for 2021 until next month. All members voting yes.

Motion by Moham seconded by Earney to approve the Finance/Tax & License/Zoning committee report as presented. All members voting yes.

PLANNING COMMISSION

Chairman Jim Wilkie informed the Council that the commission met prior to Council and tabled the Conditional Use Permit application submitted by Suzanne Blue for a vacation rental until next month. No action was taken.

It was suggested that Halloween Hours be posted. Police Chief Johnson stated that the hours will be from 5 to 7 p.m. on Halloween. Linda will post on Facebook as well.

Upcoming meetings:

Finance/Tax & License/Zoning-----October 14, 2020 at 9:00 a.m.
Parks & Recreation-----October 28, 2020 at 9:00 a.m.
Services-----October 28, 2020 at 10:30 a.m.

Next Council will be November 12, 2020 with a Public Hearing prior to Council at 5:30 p.m.

Motion by Earney seconded by Moham to adjourn. All members voting yes.