

Nov. 5, 2020

SPECIAL COUNCIL MEETING

3:30 p.m.

Mayor Jim Wilkie called the Special Council Meeting of the Common Council of the City of Alma to order.

Pledge of Allegiance was said.

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

Also, present: City Attorney Jon Seifert, William Haggerty – owner of 107 N. Main St., Sean O’Flaherty counsel for William Haggerty, all appearing by zoom.

Motion by Earney seconded by Grisen to enter into CLOSED SESSION under exemptions set under Wis. Stats. 19.85 (1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advise concerning strategy to be adopted by the body with respect to litigation to which it is or is likely to become involved. All members voting yes by roll call vote.

CLOSED SESSION

Motion by Earney seconded by Grisen to reconvene into Open Session. All members voting yes by roll call vote.

Motion by Jepsen seconded by Earney on behalf of the City of Alma hereby agrees to pay a maximum of \$9,250 for restoration of the wall at 107 N. Main Street with the following conditions:

1. The City of Alma has no admission of contributing to the cause of the failure of the wall.
2. The City of Alma has no liability for the contractor’s work being done.
3. The City of Alma has no liability for future failure of the wall.
4. The City of Alma is released of liability for future costs.
5. The wall must be constructed in a manner to allow proper road repair and restoration.
6. The City of Alma will grant an easement for the soil nails at no charge to the landowner.
7. The City of Alma would not be responsible for the hiring of a contractor to do the work.
8. The City of Alma would have no liability for lost employment time.

Sean O’Flaherty, Haggerty’s attorney, was concerned about releasing the City from future failure of the wall if such as a water break or other disaster directly coming from the City would cause the wall to fail.

Discussion was held regarding the use of the street after the wall and street are repaired. The City will continue using the street as it has done in the past. The only weight bearing vehicles that occasionally use the street are LP trucks to fill their customers along the street, Mayor Wilkie commented.

Attorney Seifert suggested language in the agreement to address the use of the street to remain with no change.

O'Flaherty stated he will talk with his client and they will be in touch. O'Flaherty will work on drawing up an easement consulting with City Attorney Seifert to present at the next City Council meeting.

Motion by Ruff seconded by Jepsen to adjourn. All members voting yes.