

City of Beaver Dam, Wisconsin
ADMINISTRATIVE COMMITTEE
Monday March 4, 2019
7:00 pm
MUNICIPAL BUILDING
ROOM 54

AGENDA:

1. Consider approval of the minutes from the February 18, 2019 Administrative Committee meeting.
2. Consider a request from Jim and Ruth Metz for a variance of section 6-1 (a)(1) 4 of the municipal code relative to ingress/egress for the outdoor patio area of Ooga Brewery.
3. Consider approval of a resolution to deny the claim of Yvonne Kahler.
4. Consider approval of a resolution to appropriate funding for a Fire and Emergency Medical Service Staffing and Facilities Study.
5. Consider approval of a resolution to deny the claims filed by Attorney William Gergen on behalf of Patricia John and Baylie Smothermon.
6. Consider approval of taxi operator license(s).
7. Consider approval of a resolution granting beverage operator licenses.
8. Questions concerning invoices scheduled for Council approval.
9. Items for future agendas - for discussion only.

Posted: February 28, 2019
at 4:23 PM.

"A quorum of the Common Council may attend this meeting."

"Requests from persons with disabilities, who need assistance to participate in this meeting, or hearing, should contact the City Clerk's office at 887-4600, ext. 338, with as much advance notice as possible."

Statewide Services, Inc.

Claim Division

**1241 John Q Hammons Dr.
P.O. Box 5555
Madison, WI 53705-0555**

VIA E-MAIL ONLY

February 27, 2019

City of Beaver Dam
Attn: Mr. John Somers, Administrator
205 South Lincoln Ave.
Beaver Dam, WI 53916

RE: Our Claim #: WM000140040199
Date of Loss: 10/26/2018
Claimant: Yvonne Kahler
513 Gould St.
Beaver Dam, WI 53916

Loss location: 513 Gould St.,
Beaver Dam, Wi 53916

Dear Mr. Somers:

As you know, Statewide Services, Inc. administers the claims for the League of Wisconsin Municipalities Mutual Insurance, which provides the insurance coverage for the City of Beaver Dam. We are in receipt of the above-captioned claim involving damage to the garage of the claimant's home when a bullet fired from a City police officer's gun struck the garage.

Our investigation has revealed that the City was not negligent for this incident. Therefore, we recommend that the City disallow this claim pursuant to the Wisconsin Statute for disallowance of claim 893.80(1g). The disallowance of the claim in this manner will shorten the statute of limitations period to six months.

I spoke with Police Chief John Kreuzlger to learn that his officer responded to a domestic violence call near the claimant's home, and that the matter became contentious wherein the suspect threatened the officer by pointing a rifle at him as well as aggressive dogs being at hand, and the officer was forced to fire his weapon. Unfortunately, a discharged bullet fired by the officer struck the side of the claimant's garage causing damage to the siding as well as the garage door. Chief Kreuzlger advised the officer followed standard procedures, and that he did not deviate from any ministerial duty—or written mandate—when handling the situation; and absent a ministerial duty, WI Statute 893.80 affords the Officer and the City discretionary immunity for their "governmental" actions on behalf of the public welfare. Once more, the Chief advised that the District Attorney had recently reported that the officer's shooting was "justified". Therefore, we recommend that the City disallow the claim.

I have enclosed a sample Notice of Disallowance for your use, should you choose to use it, or you may use your own. Please send your disallowance, on your letterhead, directly to the claimant at the above listed address. These should be sent certified

or registered (restricted) mail, and it must be received by the claimant within 120 days after you received the claim. Please send me copies of the letters for our file.

Thank you for your attention to the above, John, and please do not hesitate to contact me with any questions.

Best regards,

Doug Detlie

Douglass A. Detlie

Casualty Claims Specialist

Office: 608-828-5503

Fax: 800-720-3512

E-mail: ddetlie@statewidesvcs.com

Cc: Rhonda Steiner, Agent



Memo

To: City of Beaver Dam Common Council
From: Chief Alan D. Mannel *ADM*
CC: File, PFC, Ad Hoc Committee
Date: February 1, 2019
Re: Fire and Emergency Medical Service Staffing and Facilities
Analysis Request for Proposals

The Ad hoc committee formed to review facilities and staffing needs for the Fire Department has met on two occasions to discuss our future needs. As a result, the membership of the committee strongly feels there needs to be an outside independent study to help determine these needs.

While there is an obvious void in our ability to adequately service the North end of the City, the remedy remains unclear. The thought is the Council will need, and the public will demand the information provided in this study in order to make an educated decision in future considerations.

The more I think about it, the more I believe it is the right decision – I want another set of eyes on this. Considering this is a multi-million dollar project that the City will have to live with for a long time it's wise to seek the advice of people who have experience and expertise in these matters. We need to do our due diligence and hire some experts.

We understand that the funding for this study will need to be appropriated from the general fund. In 2018, the Fire Department was able to complete over 140 more inter-facility transports than we did in 2017. Using 2017 figures this call increase should net the City about \$42,000.00 over last year. We are asking that a portion of that additional net income we generated be used to fund the study.

I will be asking the Council to pass a resolution to authorize a request for proposal and fund a study. I would expect the study to not exceed \$15,000.00.

Thank you for your consideration.

Sale, service, or consumption outside bar room. Sale, service, or consumption of alcohol beverages outside the bar room is permissible only if the area in questions (e.g., porch, outdoor volleyball court, terrace, "beer garden" or lawn area) is described in the license as being part of the licensed premises. (Area must have controlled ingress and egress access.)