



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-8145
Fax: 262-242-9655

www.ci.mequon.wi.us

Public Works Department

PUBLIC WORKS COMMITTEE

Tuesday, July 9, 2024

6:30 PM

South Conference Room

Agenda

1) Call to Order, Roll Call

2) Approval of Minutes

a. June 11, 2024 Minutes

3) Action Item

Discussion and Possible Action

a. Invoice Waiver Request - Bill 8201

4) Discussion Items

1. Community Survey Topics - Public Works Committee

2. Public Works Work Plan (7.9.24)

5) Adjourn

Dated: July 9, 2024

/s/ Jeffrey Hansher, Chair

.....
Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the Public Works Department at 262-236-2913, Monday through Friday, 7:00 AM – 3:30 PM.



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Public Works Department

PUBLIC WORKS COMMITTEE

Tuesday, June 11, 2024

6:30 PM

South Conference Room

Minutes

1) Call to Order, Roll Call

Meeting called to order at 6:30 PM.

Present:

Chair Jeffrey Hansher
Alderman Kelly Tolocko
Alderman Peter Bratt

Also present: Director of Public Works/City Engineer Lundeen, Deputy Director of Public Works Weyker, and Administrative Assistant Schlereth.

2) Approval of Minutes

a. May 14, 2024, Minutes

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Alderman Tolocko
SECONDED BY: Alderman Bratt

AYES:	Hansher, Tolocko, Bratt
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3) Resolutions

Action requested: review and recommend approval

a. **RESOLUTION 4128** A Resolution Awarding a Design Services Contract for the City Brush Site to The Sigma Group, Milwaukee, Wisconsin, in the Amount of \$84,914

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Alderman Tolocko
SECONDED BY: Alderman Bratt

Attachment: 6-11-24 (9513 : June 11, 2024 Minutes)

AYES: Hansher, Tolocko, Bratt

4) Discussion Items

Discussion and Possible Action

- a. Public Works Work Plan (6.11.24)

5) Adjourn

- a. Motion to Adjourn

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Bratt

SECONDED BY: Alderman Tolocko

AYES: Hansher, Tolocko, Bratt

Respectfully Submitted,

Ren Schlereth
Administrative Assistant

Attachment: 6-11-24 (9513 : June 11, 2024 Minutes)



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Office of Public Works

TO: Public Works Committee
FROM: Brian Sajdak, City Attorney
DATE: July 9, 2024
SUBJECT: Invoice Waiver Request - Bill 8201

Background

Mr. Stanford wishes to appeal the fact that his family was billed for damage to City property (a street sign was knocked over) resulting from a traffic accident in which his wife was involved. Per Mr. Stanford, his wife's vehicle was hit by another vehicle which resulted in her vehicle leaving the road surface and striking the road sign. While his request does not specifically specify the basis for the appeal, based upon prior conversations with him it is clear that he believes that they should not have received the bill because his wife was not at fault in the accident. Ultimately, Mr. Stanford is looking to have the invoice amount waived in this appeal.

Analysis

While Mr. Stanford raises a sympathetic position, his suggestion that the other driver should be invoiced is inconsistent with the law. In this case, it was Ms. Stanford's vehicle that hit and damaged the sign. Accordingly, she is the one responsible for the damage. However who ultimately pays for damage is subject to other legal concepts like contributory negligence, contribution and indemnification. Generally, the law relating to automobile liability places the bulk of liability upon the striking vehicle. But contributory negligence might change that. For example, in a two-car crash where one vehicle is turning left in an intersection and hits a car proceeding straight through the intersection, the default analysis would be that the striking vehicle is responsible for the damages sustained. However, that analysis will change depending on a myriad of factors: who had a green/red light, was the straight vehicle speeding, did the straight vehicle have its headlights on and the crash occurred at 1am, etc. Each of these factors might result in the non-striking vehicle having more responsibility for damages caused. The ultimate determination as to who is responsible is a fact-based matter decided by a judge or jury.

The suggestion that the City simply bill the other driver effectively side-steps the entire legal process. This suggestion is effectively asking the City to do is make an independent analysis of the respective responsibilities of the crash, which is not the City's responsibility. Moreover, if the City were to complete such an analysis incorrectly, the taxpayers might be on the hook for the damages instead of the responsible party. Accordingly, the best practice, and the practice utilized by the City, is to bill the party that struck the City's property.

When the City bills the striking party, they are not without recourse. The party billed, if they believe another party is responsible, can seek to recover the amount paid from the part it believes is responsible. That can take the form of an individual suit against the party, but can also be done by adding a party to a lawsuit against them under Wis. Stat. § 803.05 which authorizes adding a party "who is or may be liable to the defending party for all or part of the plaintiff's claim against

the defending party.” Further, the party that is invoiced could submit the invoice to their insurance company for payment. If the insurance company believes another party is at fault they can seek to recover the amount they paid through subrogation.

Recommendation

The City Attorney’s office recommends denying the appeal.

Attachments:

Appeal Bill 8201 (PDF)

Bill 8201 (PDF)

From: Justin Schoenemann jschoenemann@ci.mequon.wi.us
Subject: FW: Bill #8201
Date: July 3, 2024 at 10:01 AM
To: Brian Sajdak (brian@wrslegal.net) brian@wrslegal.net
Cc: Marie Keyser mkeyser@ci.mequon.wi.us, Kristen Lundeen KLundeen@ci.mequon.wi.us

Hello Brian,

Below is Mr. Stanford's formal request to appeal Bill #8201 at the July 9, 2024, Public Works Committee for inclusion in the agenda materials.

Thank You,
Justin



Justin Schoenemann
 Assistant City Administrator
 City of Mequon
 11333 N. Cedarburg Rd. | Mequon, WI 53092
 262-236-2942 | jschoenemann@ci.mequon.wi.us
[City Website](#) | [Staff Directory](#) | [Bio](#)

From: tim stanford <timmmystanford@gmail.com>
Sent: Wednesday, July 3, 2024 9:48 AM
To: Marie Keyser <mkeyser@ci.mequon.wi.us>
Cc: Justin Schoenemann <jschoenemann@ci.mequon.wi.us>; Gretchen Stanford <gretchen_stanford@yahoo.com>
Subject: Re: Bill #8201

I would like to appeal the charge to Gretchen Stanford for damaging city property.

Regards,
T.L. Stanford
414-979-1793

Attachment: Appeal Bill 8201 (9523 : Invoice Waiver Request - Bill 8201)



11333 N. Cedarburg Rd.
Mequon, WI 53092
Phone: (262) 236 2947

Tax ID: 39-6006

CUSTOMER		INVOICE DATE		INVOICE NUMBER		AMOUNT PAID		DUE DATE		INVOICE TOTAL D	
STANFORD, GRETCHEN		04/02/2024		8201		\$0.00		05/02/2024		\$435	
DESCRIPTION		QUANTITY		PRICE	UOM	ORIGINAL BILL		ADJUSTED		PAID	AMOUNT D
Highway Dept Services and Materials DAMAGES TO CITY OF MEQUON SIGN/POLE DUE TO ACCIDENT ON 3/19/2024 CASE #24-7280.		1.00		\$412.860000	EACH	\$412.86		\$0.00		\$0.00	\$412
SALES TAX		1.00		\$22.710000	TAX	\$22.71		\$0.00		\$0.00	\$22
						Invoice Total:			\$435		
INTEREST ON PAST DUE INVOICES ACCRUES AT 1.5% PER MONTH OR ANY PART THEREOF											

Attachment: Bill 8201 (9523 : Invoice Waiver Request - Bill 8201)

✂ DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT ✂



11333 N. Cedarburg Rd.
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STANFORD, GRETCHEN
5253 W WESTFIELD RD
MEQUON, WI 53092

INVOICE
Remit Por

Invoice Date	04/02/2
Invoice Number	8
Customer Number	4
Amount Paid	
Due Date	05/02/2
Invoice Total Due	\$435

Please put Invoice Number on your che
Make Checks Payable to: City of Meq

Department of Public Works
REQUEST FOR INVOICE

The following are to be invoiced for work performed and/or materials supplied as follows:

Name: Bretchen Rae Stanford

Address: 5253 W Weasfield Rd

City: Mequon State: WI Zip: 53092

Customer Contact Name: _____ Phone: (414) 979-1715

Item: _____

LABOR

DATE	MAN HOURS	RATE	COST
3/26	2	\$87.00	\$174.00

EQUIPMENT

DATE	EQUIP. #	HOURS	RATE	COST
3/26	204	2	\$16.52	\$33.04

MATERIALS

DATE	ITEM	COST
3/26	12' Galvanized pole	57.52
3/26	2 Road Name Signs (48.65)	97.30
3/26	mounting brackets	31.00

Date: 3/26/2024

Subtotal Amount \$392.86

Approved by: [Signature] 3/26/24

Overhead and Administrative Costs \$20.00

Credit Account # 110000-447401

5.5% Sales Tax on Subtotal \$22.71

Submitted by: R.K.H. h41xh4

Total Invoice \$435.57

CC: City Attorney ☐
PD ☐
Finance ☐
HWY Super ☒

Attachment: Bill 8201 (9523 : Invoice Waiver Request - Bill 8201)



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Office of Engineering

TO: Public Works Committee
FROM: Kristen Lundeen, Director of Public Works/City Engineer
DATE: July 9, 2024
SUBJECT: Community Survey Topics - Public Works Committee

The Public Welfare Committee has begun work on the next Community Survey, which was last completed in 2019. Based on the Committee's current timeline to allow for vendor selection and question formulation, the next survey is scheduled to go out in May of 2025.

The Committee is currently seeking input from staff and the City's other Boards, Committees, and Commissions for topics they would be interested in seeking resident opinions.

A typical survey has approximately 30 questions and while every topic has merit, not all can be included. Based on what is submitted, the Public Welfare Committee hopes to see what themes emerge as most pressing for our community at the present time.

Staff requests that Committee members either email their top three topics ahead of the meeting, or at a minimum prepare the list to gain consensus during the discussion.



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Office of Engineering

TO: Public Works Committee
FROM: Kristen Lundeen, Director of Public Works/City Engineer
DATE: July 9, 2024
SUBJECT: Public Works Work Plan (7.9.24)

Attached for the Board's review is a copy of the proposed work plan for 2024.

Attachments:
2024 Work Plan (7.9.24) (PDF)

Month	Agenda Topics
July	• Appeal Bill No. 8201 • Community Survey Topics
October	• <i>Tentative:</i> Fiesta Lane Drainage Recap
November	• <i>Tentative:</i> Road Program Recap

Future Agenda Topics

- Drainage CIP Prioritization
- Policy language for structures (i.e. Little Free Library) within the building setback
- State/Municipal Maintenance Agreement (SMMA) for various WisDOT projects

2024 Completed Items:

• Resolution: Contract Award for City Hall HVAC Design • Resolution: Contract Award for Vendors Exceeding \$25k for Inspection Services • Resolution: Contract Award for Lift Purchase • 2024 Road Program Overview • Resolution: Road Improvements Contract Award • Resolution: Cracksealing Contract Award • Resolution: GSB-88 Contract Award • Resolution: Purchase of a Bat-wing Mower • Resolution: Approval of a Pre-Development Agreement with the Rotary Club of Thiensville-Mequon for Development of an All-User Inclusive Playground at Rotary Park • Resolution: Contract Award for an Update to the Comprehensive Park, Recreation & Open Space Plan	• Resolution: Contract Award for Bikeway Master Plan and MOU with Thiensville for Cost Share of Local Share • Resolution: Bid Rejection for City Hall HVAC • Resolution: MOU with Brown Deer for County Line Road Improvements • Resolution: Median Maintenance Contract Award • Resolution: Truck Chassis Purchase • Resolution: Rejection of CRP Grant and Authorization of We Energies Contract for Mequon Rd Street Lights • Resolution: Award of Design for Brush Site Automated Gate
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