

**CITY OF SPARTA
FINANCE AGENDA
February 9, 2022**

CITY HALL

AMENDED

6:00 P.M.

- 1. Call Meeting to Order**
- 2. Consent Agenda: Consisting of minutes of the regular meeting on January 5, 2022**
- 3. Consideration of Notice of Disallowance of Claim for Patricia Dailey**
- 4. Consideration of Notice of Disallowance of Claim for David Colbert**
- 5. *Consideration of Increase in Aldermen Pay***
- 6. Items for Future Consideration**
- 7. Motion by roll call vote to go into Closed Session per Wis. Stat. 19.85 (1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
Re: Land Sale in South Pointe Business Park
And
Wis. Stat. 19.85 (1) (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
Re: Library Employee Wages**
- 8. Motion by roll call vote to adjourn from Closed Session.**

A possible quorum of the Common Council may be in attendance at this meeting but no action will be taken by the Council.

Posted: 2-7-2022

CITY OF SPARTA
FINANCE MINUTES
January 5, 2022

PRESENT: Kevin Riley, Matthew Hoffland, Josh Lydon

ABSENT: None

ALSO PRESENT: Mark Sund, Todd Fahning, Kevin Brueggeman, Michelle Tryggestad, Jim Church, Booker Ferguson, George Glanzer

Kevin Riley called the meeting to order at 6:00 p.m.

A motion was made by Josh Lydon and seconded by Matthew Hoffland to approve the Consent Agenda consisting of the minutes of the regular meeting of December 8, 2021. Motion carried 3-0.

The Park Board had approved deeding a portion on the Southeastern corner of the football field to the Sparta School District. There is an area where the retaining walls will be taken down, filled in and sloped down gradually towards the road in Memorial Park so there is no drop off. The football field will be expanding, have a walking track, new bleachers and other improvements. This extra area being deeded to them will help them out with this project. The City will no longer have to continue with the upkeep of this area. **A motion was made by Matthew Hoffland and seconded by Josh Lydon to approve deeding this portion of land in Memorial Park to the Sparta School District. Motion carried 3-0.**

The Blue Ribbon Committee for the Library and the Friends of the Sparta Free Library have chosen the contract from FEH Associates to be the contractor for engineering, design and consulting for the library expansion and construction project. The City had agreed to pay 70% of the amount not to exceed \$231,000. Right now the Friends of the Library have \$108,000 to put towards there portion of this project. The plan is to start digging in September of 2022 and in December 2023 be done with this phase of the project. It was recommended that a Special Council meeting be set up to meet in closed session and get everyone on the same page with this project. Jim Church made a request to have a statement on the resolution or agreement noting that if this project should stop for some reason, the City would be reimbursed for funds they have put forth. **A motion was made by Josh Lydon and seconded by Matthew Hoffland to approve the Library Contract with FEH. Motion carried 3-0.**

George Glanzer purchased approximately 3 acres in the Eastside Business Park and would like to build an office building with storage on a vacant lot. The City will enter into a Covenant and Agreement to Repurchase property with George. **A motion was made by Matthew Hoffland and seconded by Kevin Riley to approve the land sale to George Glanzer in the Eastside Business Park. Motion carried 3-0.**

Mark had put together a spread sheet for the losses the City incurred during COVID and the departments affected. He also put together a spread sheet listing the businesses

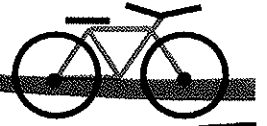
that have applied for funding from the American Recovery Funds Act and the amount of loss they incurred from COVID and amount of funds they are requesting. The total amount of loss to the City departments was \$347,150.00 and the total amount requested from businesses was \$514,500.00. There was discussion on how much to give the businesses per categories and total amount to disburse this time from the \$1.020 million the City will receive. The amounts Mark had on his spread sheet was just a starting point for discussion so the Committee could change the amounts as they saw fit. After discussion they agreed upon amounts and categories for the disbursements to be presented to Council for their approval. **A motion was made by Kevin Riley and seconded by Matthew Hoffland to recommend to Council an amount of \$167,700 to divide among the businesses that applied along with the list of amounts per business category. Motion carried 2-0-1 with Josh Lydon abstaining.**

Items for future consideration were:
Alderman Pay

A motion was made by Josh Lydon and seconded by Matthew Hoffland to adjourn at 6:55 p.m. Motion carried 3-0.

Respectfully submitted,

Julie Hanson
City Clerk



Bicycling Capital of America

CITY OF SPARTA
201 West Oak Street
Sparta, WI 54656
(608) 269-4340

**NOTICE OF DISALLOWANCE
OF CLAIM
AGAINST THE CITY OF SPARTA**

Patricia Ann Dailey
622 S. Court St. #208
Sparta, WI 54656-2376

Re: Claim #1570591

YOU ARE HEREBY NOTIFIED that pursuant to Wis. Stat. 893.80, the claim you filed against the City of Sparta dated November 18, 2021 is disallowed.

YOU ARE HEREBY NOTIFIED that no action on the claim may be brought after six (6) months from the date of service of this Notice of Disallowance upon you.

Dated this 9th day of February, 2022.

Kevin Riley, Finance Chairman

Julie Hanson, City Clerk

Cc: James W. Richgels
Fitzpatrick Skemp & Butler, LLC
1123 Riders Club Rd.
Onalaska, WI 54650



Milwaukee Claim Department

January 27, 2022

Ms. Julie Hanson, City Clerk
City of Sparta
201 W Oak St
Sparta WI 54656-2148

Via Email and Mail
clerk@spartawisconsin.org

Re: Our Insured: City of Sparta
Claim Number: 1570591
Date of Loss: 10/06/2019
Claimant: Patricia Ann Dailey
622 S Court St #208
Sparta WI 54656-2376

Claimant's Attorney: James W. Richgels
Fitzpatrick Skemp & Butler LLC
1123 Riders Club Rd
Onalaska WI 54650

Dear Ms. Hanson:

Our investigation reveals that there appears to be no negligence against the City of Sparta for the injuries sustained by the claimant. We ask that you formally disallow the claim of Patricia Ann Dailey.

We ask that the Notice of Disallowance be sent directly to the claimant and carbon copied (cc) to her attorney. The Notice should be sent on the City's letterhead. Due to statutory requirements, the letter must come from the governmental body itself. The letter should be sent via certified or registered mail. The certified mail receipt *must indicate "restricted delivery"* to ensure that the claimant actually receives the letter directed to her.

The letter should read as follows:

YOU ARE HEREBY NOTIFIED that pursuant to § 893.80, Wisconsin Statutes, the claim you filed against the City of Sparta dated November 18, 2021 is disallowed.

P.O. Box 327 | Brookfield, WI 53008-0327 | 262.717.3900 | 855.495.1800 | F 888.992.6125 | milwaukee.claims@emcins.com | www.emcins.com

Employers Mutual Casualty Company
EMCASC0 Insurance Company
EMC Reinsurance Company

Illinois EMCASC0 Insurance Company
Dakota Fire Insurance Company
EMC Property & Casualty Company

Union Insurance Company of Providence
Hamilton Mutual Insurance Company
EMC Risk Services, LLC

EMC Underwriters, LLC
EMC National Life Company (affiliate)



Ms. Julie Hanson
January 27, 2022
Page Two

YOU ARE HEREBY NOTIFIED that no action on the claim may be brought after six (6) months from the date of service of this Notice of Disallowance upon you.

We ask that the City provide us with a copy of the Notice. When the City receives confirmation of the certified mail or registered mail receipt, please email us a copy of the notification card or electronic signature. We can then diary the 6-month deadline for the claimant to file suit.

If you have any questions, please feel free to contact me.

Sincerely,

Arlene V. Chambers
Senior Claims Adjuster
EMC INSURANCE COMPANIES
855-495-1800, ext. 3920; direct dial 262-717-3920
Fax: 888-992-6125
Arlene.V.Chambers@emcins.com

ITEMIZED CLAIM

Section 893.80(1d)(b), Stats.

TO: City of Sparta
Attn: Julie Hanson, City Clerk
201 W. Oak St.
Sparta, WI 54656

City of Sparta
Public Works Department
Attn: Mark Von Wormer, Public Works Director
201 W. Oak St.
Sparta, WI 54656

CLAIMANT:

Patricia Ann Dailey
622 S. Court St., #208
Sparta, WI 54656

NATURE OF CLAIM:

On or about January 14, 2020, a Notice of Circumstances of Claim and Injury was served on Julie Hanson, City Clerk, City of Sparta, Wisconsin in accordance with Wis. Stat. § 893.80(1d)(a). A similar notice was served on Mark Von Wormer, Director of Public Works of the City of Sparta, Wisconsin on January 15, 2020. All Notices advised of personal injuries sustained by Patricia Dailey that were caused by her falling on or about October 6, 2019, on an improperly constructed, maintained, and repaired and therefore dangerous sidewalk in front of, at, near, and/or in between 616 West Oak St. and 700 West Oak St. in the City of Sparta, State of Wisconsin. The Notices further advised that the injuries sustained by her were caused by the negligence of The City of Sparta; the above departments of the

same; the above persons; and/or officers, officials, agents or employees of the City of Sparta in regards to the way they constructed, inspected, repaired, and maintained the above sidewalk and/or their failure to exercise reasonable, prudent and timely care in the installation, inspection, repair, and maintenance of the above sidewalk. The Notices also stated that the failure to properly construct, inspect, repair and/or maintain the above sidewalk also created a nuisance. The Notices further advised that all of the above negligence, etc. by the above entities, persons, etc. resulted in and/or caused injuries to Patricia Dailey which may be permanent in nature, thereby causing her to suffer pain and disability in the future.

PLEASE TAKE NOTICE THAT pursuant to Wis. Stat. § 893.80(1d)(b), the above-named claimant, by her attorneys, Fitzpatrick, Skemp & Butler, LLC¹, hereby makes a claim for the following:

In accordance with §893.80(1d)(b), Wis. Stats., Patricia Dailey hereby demands the sum of \$94,162.40 in full and final settlement of all claims against the City of Sparta, the above agencies and/or departments of the same, its officers, officials, agents or employees, and its/their insurer in regards to all injuries sustained by her on or following October 6, 2019, together with interest on said sums, as outlined in the summary of damages affixed hereto as Exhibit A. As a result of the negligence of the City of Sparta, its agents, etc., Patricia Dailey suffered multiple injuries which are

¹ At the time the Notice of Claim and Circumstances and Injury was served on the above individuals in January, 2020, Patricia Dailey was represented by Attorney James Richgels, then of Egan and Richgels, S.C. Attorney Richgels has since jointed the law firm of Fitzpatrick, Skemp & Butler, LLC and, as reflected herein, he continues to represent Ms. Dailey at that firm.

permanent in nature, thereby causing her to experience pain, suffering and disability past, present and future.

Dated this 18th day of November, 2021

Fitzpatrick, Skemp & Butler, LLC

BY: 

James W. Richgels
State Bar No.: 1046173
Attorneys for Patricia Dailey
1123 Riders Club Rd.
Onalaska, WI 54650
james@fitzpatrickskemp.com
Telephone: 608-784-4370 x 232
Facsimile: 608-784-1230

Exhibit A

PAST MEDICAL EXPENSES **\$8,966.40**

Mayo Clinic Health Systems : \$8,966.40

Evaluation, follow-up care and treatment for mildly comminuted and mildly displaced distal radius fracture in left wrist

FUTURE MEDICAL EXPENSES **\$35,196**

On average, 4 follow up physical or occupational therapy appointments per year to address lingering pain and stiffness in left wrist / hand. Life expectancy 16.76 years (DoB: 3-7-1951), each visit costing \$525

**PAST PAIN, SUFFERING,
DISABILITY AND LOSS
OF ENJOYMENT OF LIFE** **\$25,000**

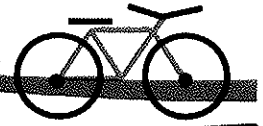
Pain and disability of fracture during acute recovery and permanent, lingering pain and stiffness in left wrist / hand

**FUTURE PAIN, SUFFERING,
DISABILITY AND LOSS
OF ENJOYMENT OF LIFE** **\$25,000**

Life expectancy 16.76 more years, has lingering pain and stiffness in left wrist / hand

TOTAL OF ABOVE: **\$94,162.40**

SPARTA



Bicycling Capital of America

CITY OF SPARTA
201 West Oak Street
Sparta, WI 54656
(608) 269-4340

**NOTICE OF DISALLOWANCE
OF CLAIM
AGAINST THE CITY OF SPARTA**

David Colbert
17479 Havenwood Road
Sparta, WI 54656

Re: Claim #1704965

The City of Sparta is providing this letter in response to the Written Notice of Claim that was sent to the City on your behalf, dated January 17, 2022.

In conformance with Wisconsin Statute 893.80, the City of Sparta has officially denied your claim. No action on this claim may be brought after six (6) months following the receipt of this communication.

Dated this 9th day of February, 2022.

Kevin Riley, Finance Chairman

Julie Hanson, City Clerk



Milwaukee Branch
Physical Address: 16455 W. Bluemound Road
Brookfield, WI 53005
Mailing Address: P.O. Box 327 Brookfield, WI 53008-0327
Phone 262-717-3968 • WATS 855-495-1800 X 3986
Claims FAX 888-992-6125

February 1, 2022

Mailing Options: Regular and email

City of Sparta
Attn: Julie Hanson
201 W Oak Street
Sparta, Wisconsin 54656-2148

Re: EMC Claim #: 1704965
Insured: City of Sparta
Claimant: David Colbert
Date of Loss: September 19, 2021

Dear Julie Hanson:

As you are aware, we are the general liability insurance carrier for the City of Sparta and have been handling the above claim. We ask that you formally disallow the claim of David Colbert. We would issue a letter from this office; however, due to statutory requirements, the letter must come from the governmental body itself.

We are asking that the City of Sparta, on its own letterhead, forward a brief letter to David Colbert. This letter should be **sent certified, return receipt requested** and simply state the following:

The City of Sparta is providing this letter in response to the Written Notice of Claim that was sent to the City on your behalf, dated January 17, 2022.

In conformance with Wisconsin Statute 893.80, the City of Sparta has officially denied your claim. No action on this claim may be brought after six (6) months following the receipt of this communication.

The letter must be kept brief, because any addition to the above body can be viewed as a complication, which may negate the disallowance.

Please forward a copy of the letter of disallowance to our office so it can become a part of our file.

If you have any questions, please feel free to contact me.

Sincerely,

Andrew Caruso, AIC
EMC Insurance Companies
Senior Claims Adjuster
262-717-3968
Andrew.C.Caruso@emcins.com

Employers Mutual Casualty Company
EMC National Life Company
EMCASCO Insurance Company
EMC Property & Casualty Company

EMC Reinsurance Company
EMC Risk Services, LLC
EMC Underwriters, LLC

Dakota Fire Insurance Company
Hamilton Mutual Insurance Company
Illinois EMCASCO Insurance Company
Union Insurance Company of Providence



NOTICE OF CLAIM

STATE OF WISCONSIN, Statute 893.80 - Claims against governmental bodies.

In compliance with Wisconsin Statutes (893.80 and 801.11(4)(3)), the Claimant, David A. Colbert, whose address is 17479 Havenwood Road, Sparta, WI 54656, is hereby presenting, as required by WisStat 893.80(1d)(a) "written notice of the circumstances of the claim" and, per (1d)(b), "an itemized statement of the relief sought... to the appropriate clerk of person who performs the duties of a clerk or secretary to the defendant [governmental] subdivision", who in this instance WisStat 801.11(4)(a) states is: **3. If against a city, the mayor, city manager or clerk thereof.**

CIRCUMSTANCES OF THE CLAIM

David A. Colbert states, both here and in the attached Affidavit, the following:

My name is David A. Colbert, my address is 17479 Havenwood Rd, Sparta, WI 54656. On September 19, 2021, at around 5:30 pm, I was driving east on Montgomery Street in my 2014 Chevrolet Captiva, intending to visit the restaurant in the clubhouse of the city-owned River Run Golf Course. I had just passed the Barney Center when suddenly my car's windshield was struck and smashed by an object. After bringing my vehicle to a stop and trying to bring down my heart rate, and also determining that it was not a gunshot that struck my car but rather a golf ball apparently struck by a person on the adjacent driving range, I got out of the car to retrieve the ball, then proceeded to the parking lot where I noticed there were children hitting balls on the practice range but no person from the pro shop present and supervising.

I got out and approached the persons on the practice range, asking who it was that had hit the ball that had struck my car. A 12 year old boy raised his hand and volunteered that it was he who had hit that ball. I got his name, and then went to the pro shop to report the incident. In just a few minutes the boy's mother arrived and gave me her address and phone number.

I then went to the Sparta Police Department and reported the incident and the damage to my vehicle. Office Jamal Wagner completed a report, a copy of which is included in this Notice of Claim.

I note here that the Sparta city government in the past had been so concerned about golf balls from the driving range entering the parking lot of the Barney Center that they authorized the construction of a high net fence along the western extremity of the driving range, yet failed to provide a similar safety measure protecting vehicles and pedestrians entering the recreation zone on Montgomery Street, where someone is much more likely to be struck by an errant shot, and one that would be traveling at a much greater velocity than one having expended its energy after traveling 300 yard in the air. Failure to provide usual and complete standard driving range protection when the range was constructed in such a way as to direct golfers to hit their practice shots toward the people passing on Montgomery Street was obvious negligence on the part of the city personnel who approved the plans for the facility. The city is liable for damages resulting from that negligent planning, and should instruct its insurance company to pay for the repair of damages to my vehicle.

It is my hope that the City of Sparta will not only reimburse me for the damages my vehicle sustained, but will use this incident as a wake-up call that will motivate the city to immediately fund and put in place a net along the south boundary of the range. Hopefully that will occur before some future errant drive strikes the face of a child entering the recreation area on his bicycle.

ITEMIZED STATEMENT OF THE RELIEF SOUGHT

As it is illegal to drive in Wisconsin with a windshield so severely damaged as to obstruct the driver's vision, I immediately contacted my insurance company, Geico, who made an appointment for me to get the windshield replaced at their 3rd party vendor, Safelite in La Crosse, Wisconsin. On Wednesday, September 22, 2021, I took my vehicle to Safelite in La Crosse where the windshield was replaced at a cost of \$369.19. As my Geico policy carries a \$1000 deductible, I had to pay the full amount out of my own pocket. A copy of the work order and Customer Receipt is included in the Notice of Claim.

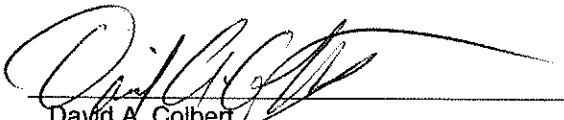
Therefore my "itemized statement of the relief sought", as required by Wisconsin Statutes, is this:

- Three hundred sixty-nine dollars and 19 cents (\$369.19) for the replacement of one (1) windshield.

Please have the check made out and mailed to:

David Colbert
17479 Havenwood Road
Sparta, WI 54656

Please present this Notice of Claim to your liability insurance provider.


David A. Colbert

1-17-2022
date

Affidavit

STATE OF WISCONSIN

COUNTY OF MONROE

The undersigned, David A. Colbert, being duly sworn, hereby declares and says:

My name is David A. Colbert, my address is 17479 Havenwood Rd, Sparta, WI 54656. On September 19, 2021, at around 5:30 pm, I was driving east on Montgomery Street in my 2014 Chevrolet Captiva, intending to visit the restaurant in the clubhouse of the city-owned River Run Golf Course. I had just passed the Barney Center when suddenly my car's windshield was struck and smashed by an object.

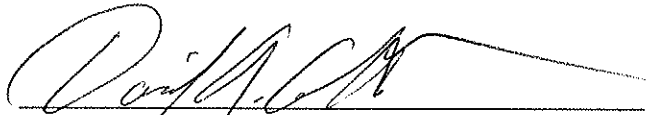
After bringing my vehicle to a stop and trying to bring down my heart rate, and also determining that it was not a gunshot that struck my car but rather a golf ball apparently struck by a person on the adjacent driving range, I got out of the car to retrieve the ball, then proceeded to the parking lot where I got out and approached the persons on the practice range, asking who it was that had hit the ball that had struck my car. A 12 year old boy raised his hand and volunteered that it was he who had hit that ball. I got his name, and then went to the pro shop attendant, Mike Kass, to report the incident. In just a few minutes the boy's mother arrived and gave me her address and phone number.

I then went to the Sparta Police Department and reported the incident and the damage to my vehicle. Office Jamal Wagner completed a report, a copy of which is included in this Notice of Claim.

A few days after the incident I had my windshield replaced at Safelite in LaCrosse, Wisconsin. As my insurance policy carries a \$1000 deductible, I had to pay the full amount of the windshield replacement, \$369.19.

I make this affidavit in support of my claim against the City of Sparta for the reimbursement of the full cost of the replacement windshield.

Executed this 17 day of January, 2022.



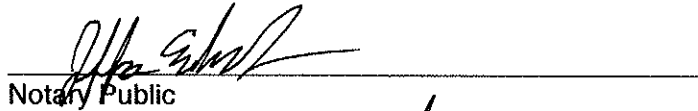
David Colbert
17479 Havenwood Rd.
Sparta, WI 54656
608-269-8976

NOTARY ACKNOWLEDGMENT

STATE OF WISCONSIN, COUNTY OF MONROE, ss:

Subscribed and sworn to before me this

17 day of JAN 2022 ~~2021~~.



Notary Public

Jeffrey Edwards

My commission expires:
03/27/2024

