

LIABILITY CLAIMS COMMITTEE MINUTES

Monday, September 11, 2023–9:00 a.m.

1316 N 14th Street, Superior, WI 54880

Government Center Room 300



PROCEEDINGS OF THE LIABILITY CLAIMS COMMITTEE MEETING CITY OF SUPERIOR

September 11, 2023

ROLL CALL

Members appearing: Amanda Foster, Chad Matushak, John Vaski

Members excused: Michael Hood, Thomas Kurtz

Staff appearing: City Attorney Frog Prell, Paralegal Starr Bowers, Parks, Rec & Forestry Director Linda Cadotte, Acting Parks, Rec & Forestry Supt. Ryan Wintlend, Deputy City Clerk Dawn Bacon (virtual attendance).

Staff excused: Human Resources Director Cammi Janigo, Finance Director Nicholas Rhinehart

Other appearances: CIC Representative Mark Koch (virtual attendance), Claimant Richard Morisett, Sr.

Attendees are advised that the meeting is being recorded.

There being a quorum, Vaski called the meeting to order at 9:05 a.m. and the following items were discussed:

MOTION by Matushak, seconded by Vaski to approve minutes of the July 11, 2023, meeting. Motion passes.

Claimant Richard Morisett, Sr. (Claim #23-28, Action Item 4.1.4) appeared to speak in person.

Claimant Morisett commends the City on the speed of response to the tree that fell on his chain link fence. He asks that in addition to payment for his claim, that surrounding trees be cut down or trimmed by the City.

Wis. Stat. 19.85(g) Exemptions

(1) Any meeting of a governmental body, upon motion duly made and carried, may be convened in closed session under one or more of the exemptions provided in this section. The motion shall be carried by a majority vote in such manner that the vote of each member is ascertained and recorded in the minutes. No motion to convene in may be adopted unless the chief presiding officer announces to those present at the meeting at which such motion is made, the nature of the business to be considered at such closed session, and the specific exemption or exemptions under this subsection by which such closed session is claimed to be authorized. Such announcement shall become part of the record of the meeting. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session. A closed may held for any of the following purposes:

(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

MOTION by Matushak, seconded by Vaski to move into closed session under Wis. Stat. 19.85(g) at 9:10 a.m. Motion passes.

MOTION by Matushak, seconded by Vaski, to reconvene into open session at 9:30 a.m., at which time all committee decisions were announced by City Attorney, Frog Prell:

- 4.1.1 #22-10, Damian Lee Cole – Claim approved in the amount of \$250,000.00 upon the receipt of a release of all claims
- 4.1.2 #23-26, David Kontny – Claim denied
- 4.1.3 #23-27, Lois M. Quick – Claim denied
- 4.1.4 #23-28, Richard Morisett, Sr. – Claim denied
- 4.1.5 #23-29, Karissa Lee – Claim approved in the amount of \$1,665.61 upon the receipt of a release of all claims.

Attorney Prell asked the Committee to consider claim #23-30, Safeco Insurance aso Karissa Lee at this time, even though it is not on the agenda. The claim is stemming from the same incident as 4.1.5 #23.29, Karissa Lee, which the Committee has already approved. Safeco is requesting their out of pocket for the insurance covered portion of the damages.

MOTION by Matushak, seconded by Foster to approve Claim #23-30, Safeco Insurance aso Karissa Lee for an amount up to \$9426.09 upon the receipt of a release of all claims.

MOTION by Matushak, seconded by Foster, to adjourn at 9:35 a.m. *sine die*

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