

CALL TO ORDER: Chair Jon Lourigan called the regular Public Works & Utility Committee meeting to order at 5:00 p.m. on Monday, December 17, 2007.

1. **ROLLCALL:** Present: Jon Lourigan, Phil Harms and Randy Way. Also present: Village Administrator Mike Gracz, Public Works Director Mark Below, Assistant Public Works Director Gary Disch, Village Engineer Joe Eberle, Board President Steve Staton and Clerk Georgia Johnson.
2. **APPROVAL OF MINUTES:** Harms moved to approve the minutes of the regular meeting of November 26, 2007. Second by Way. Motion carried.
3. **PUBLIC APPEARANCES.** None.
4. **COMMUNICATIONS AND MISCELLANEOUS BUSINESS.**
 - a) None.
5. **NEW BUSINESS.**
 - a) None
6. **UNFINISHED BUSINESS.**
 - a) None
7. **INSURANCE CLAIMS.**
 - a) Discussion and Possible Recommendation to Village Board re: Claim for Damages at 239C Thomson Lane (Roger & Mary Mueller). Below advised he researched this control structure and pond and found that it is owned by the School District. Roger Mueller, 239C Thomson Lane, questioned the Committee as to why it took so long to determine who owns the property. He stated he was advised by the insurance company to clean it up and asked when to contact the School District. Below stated he contacted Andy Wieland at the School District Offices and they will keep an eye on the ditch and try to keep it cleaned out. In addition the Village will keep an eye on it and remind the School when/if it needs cleaning out. It was noted the Village does cut the ditch area behind the fence. Staton stated if necessary he would assist Mueller in contacting the School. There was discussion including the site plan, the different elevations and different plans for the project when it was built, etc.
 - b) Discussion and Possible Recommendation to Village Board re: Claim for damages at 1015 N. Main Street, Ste. F (Audio Contractors). John Deem, owner of Audio Contractors at 1015 N. Main Street, spoke to the denial of his claim for damages stating that he found the letter he received disturbing. The letter refers three times in the letter to its investigation of the circumstances for the claim yet he was never contacted by Midwest Claims Service nor did anyone from Midwest come out to view the property. Deem referred to pictures he took indicating the water is not running through the pond and asked why the Village waited until Deem contacted them to bring in the bobcat. Deem summarized the questions he is seeking answers to: (1) what constitutes an investigation by Midwest Claims Service; and (2) why the Village took his advice and came out and dug up the channel? There was discussion including the fact that since the Village was out there already they went ahead and pulled the tree out, the need to find out what constitutes an investigation by Midwest Claims, whether the retaining pond behind the fitness center is large enough, whether the issues with the pond should be referred to Ruckert Mielke, the fact that part of the problem is that the land out there is in the City of Fitchburg, Deem rents the space, the pond was build based on the old standards, whether the retaining pond spills over into the Village pond, whether to pay the claim needs to be based on whether or not the Village had any liability as to the damages received and so forth. It was concluded that Johnson will contact the Village's liability carrier and get something in writing

advising what constitutes an investigation by Midwest Claims and put this on the next agenda (January 28th) for further review.

8. **STAFF REPORT.**

- a) Status of Developments and Public Works Projects. Below stated the sewer plant is very close to being completed—should be done by the end of the week. It was noted that is the lab only.

9. **FUTURE ASSIGNMENTS.**

- a) As listed on the agenda.

10. **ADJOURNMENT.** At 5:30 p.m., Harms moved, second by Way, to adjourn the meeting. Motion carried.

Submitted by
Georgia Johnson,
Village Clerk