



AGENDA

City of Milton

Personnel & Finance Committee Meeting

Tuesday, October 4, 2016

6:45 PM

MILTON CITY HALL

Council Chambers, 710 S. Janesville Street

1. **Call to Order**
2. **Approval of Agenda**
3. **Approval of Minutes - Personnel & Finance Committee Minutes – September 20, 2016.**

Documents:

[09-20-2016 Personnel and Finance Committee Minutes.pdf](#)

4. **Discussion and Possible Action Regarding Treasurer's Report – September 2016.**
5. **Discussion and Possible Action Regarding a Claim Against the City of Milton from Sara Knutson, 39 E. Evergreen Lane.**

Documents:

[Memo - Claim Against the City - Knutson.pdf](#)  
[Notice of Claim \(Tree\).pdf](#)  
[CVMIC Response \(Tree\).pdf](#)

6. **Discussion and Possible Action to Allow Payments on Hazardous Tree Removal Enforcement Actions.**

Documents:

[Memo - Payments on Hazardous Tree Removal Enforcement Actions.pdf](#)  
[Ordinance 66-212 Hazardous and Infected Trees.pdf](#)

7. **General Items**
8. **Next Meeting Date – Tuesday, November 15, 2016 at 6:30 p.m.**
9. **Motion to Adjourn**

\*\*Please note that upon reasonable notice, at least 48 hours in advance, efforts will be made to accommodate the needs to disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's Office at 868-6900, 710 S. Janesville Street, Milton, WI 53563.

Notice is hereby given that a majority of the City of Milton Common Council may be present at the Personnel & Finance Committee meeting at the above mentioned date and time to gather information over which they have decision-making responsibility.

Posted by Elena Hilby September 30, 2016 at Dave's Ace Hardware, Piggly Wiggly, Milton City Hall.

**City of Milton**  
**Personnel and Finance Committee Minutes**

9/20/2016 - Minutes

**1. Call to Order**

Ald. Dave Adams called the September 20, 2016 meeting of the Personnel & Finance Committee to order at approximately 6:30 p.m.

Present: Ald. Dave Adams, Ald. Nancy Lader, and Ald. Maxine Striegl.

Also Present: City Administrator Al Hulick, Finance Director Dan Nelson, Police Chief Scott Marquardt, and City Clerk/Deputy Treasurer Elena Hilby.

**2. Approval of Agenda**

Ald. Striegl moved to approve the agenda. Ald. Lader seconded, and the motion carried.

**3. Approval of Minutes - Personnel & Finance Committee Minutes – July 19, 2016.**

Ald. Lader moved to approve the minutes. Ald. Striegl seconded, and the motion carried.

**4. Discussion and Possible Action to Approve Operator's Licenses.**

Ald. Lader moved to recommend to the Common Council to approve the operator licenses as presented. Ald. Striegl seconded, and the motion carried unanimously.

**5. Discussion and Possible Action Regarding Treasurer's Report – August 2016.**

Ald. Lader moved to accept the Treasurer's Report. Ald. Striegl seconded, and the motion carried unanimously.

**6. Discussion and Possible Action Regarding a claim against the City of Milton from William and Catrina Schoen, 1015 W. Madison Avenue.**

Ald. Lader moved to recommend to the Common Council to deny the claim from William and Catrina Schoen. Ald. Striegl seconded, and the motion carried unanimously. The City will help the resident with guidance for next steps.

**7. General Items**

**8. Next Meeting Date – Tuesday, October 18, 2016 at 6:30 p.m.**

**9. Motion to Adjourn**

Ald. Lader moved to adjourn the meeting of the Personnel & Finance Committee at 6:42 p.m. Ald. Striegl seconded, and the motion carried.

Respectfully submitted,  
Elena Hilby  
City Clerk



## Office of the City Administrator

**To:** City of Milton Personnel & Finance Committee  
**From:** Inga Cushman, Assistant to the City Administrator  
**Date:** October 4, 2016  
**Subject:** Discussion and Possible Action Regarding a claim against the City of Milton from Sara Knutson, 39 E. Evergreen Lane

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### Summary

The City of Milton received a claim from Sara Knutson, 39 E. Evergreen Lane, for tree removal and replacement for a total of \$1,873.15. It is the recommendation of the City of Milton's insurance company, CVMIC, to deny the claim. This amount is below the City's self-insured retention of \$25,000, so this amount would be paid by the City if the Council chooses to pay the claim.

### Recommendation

To deny the claim submitted by Sara Knutson, 39 E. Evergreen Lane.

### Attachments

- CVMIC Response
- Notice of Claim

NOTICE OF CLAIM

Name: SARA HUNTSON  
 Address: 39 E. EVERGREEN LANE  
MILTON, WI, 53563  
 Phone: 608-868-2369

Incident/Accident Information	
Date: _____	
Time: _____	
Place: _____	

CIRCUMSTANCES OF CLAIM

In the space below briefly describe the circumstances of your claim. (Attach additional sheets, if necessary.) For auto damages, attach a copy of police report, if any, and attach a diagram of the accident scene indicating north, south, east, or west corners if the accident occurred at an intersection. For bodily injury, indicate nature of injury and whether or not medical attention was given and give the name of the physician. Also identify any witnesses to the incident/accident.

*The City of Milton (about 5-6 yrs. ago) put in a sidewalk in front of my house. They had to chop on the roots of a silver maple tree (located in the front of my house) as a result it killed my tree. It slowly died, and they cracked the corner of my driveway.*

Signed: Sara Huntson Date: 8-30-2016 *overs*

\*\*\*\*\*

CLAIM

(NOTE: You are not required to make a claim at this time. As long as you have filed the above Notice of Claim you may file a claim with the City at any time consistent with the applicable statute of limitations. However, in order for the City to formally accept or deny your claim at this time, the following claim must be completed and signed.)

The undersigned hereby makes a claim against the City of Milton arising out of the circumstances described above in the amount of \$ See enclosed Estm. from "the tree farm"  
 To process this claim it is necessary to detail all damages being sought.

Signed: Sara Huntson Date: 8-30-16

Address: 39 E. EVERGREEN LANE  
MILTON, WI, 53563

I'm asking the city to take down tree, remove stump, clean, up mess and replace with new tree. Also asking city to fix the crack in my driveway "from putting these heavy machinery on it." when doing the side walk.

- (The tree died because of the stress they put on the tree by digging & chopping on its roots. The tree didn't die overnight it slowly died as a result of the city putting in a sidewalk @ the dead end street.



## That Tree Farm LLP

DOUG SQUIRE

4343 Huntington Ave. • Janesville, WI 53546 • (608) 289-9457

Sara Knutson  
39 E Evergreen Ln  
Milton WI 53563

Invoice # 8357

August 21, 2016

TOTAL AMOUNT DUE : **\$1068.71**

### PROPOSAL

Remove Silver Maple tree in front yard	\$805.00
Grind stump, cleanup chips, and add topsoil	\$208.00

Replace with Red Maple: all trees are priced at \$175 per inch trunk diameter plus \$150 for transplant

<b>Subtotal</b>	\$1013.00
<b>Tax % 5.5%</b>	<b>Tax</b> \$55.72
<b>Total</b>	<b>\$1068.71</b>

## Thank You

**Invoice is payable upon receipt.**

Finance charge 1.5% per month (annual rate 18%). Applied on unpaid balance after 30 days from original invoice date



## That Tree Farm LLP

DOUG SQUIRE

4343 Huntington Ave. • Janesville, WI 53546 • (608) 289-9457

Sara Knutson  
39 E Evergreen Ln  
Milton WI 53563

Invoice # 8363

September 19, 2016

TOTAL AMOUNT DUE : **\$804.44**

### PROPOSAL

1 - 3.5 inch trunk diameter Autumn Radiant Rubrum Maple	\$612.50
Transplant	\$150.00

<b>Subtotal</b>	\$762.50
<b>Tax % 5.5%</b>	<b>Tax</b> \$41.94
<b>Total</b>	<b>\$804.44</b>

## Thank You

**Invoice is payable upon receipt.**

Finance charge 1.5% per month (annual rate 18%). Applied on unpaid balance after 30 days from original invoice date

## Inga Cushman

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**From:** Tom Mann <tem@cvmic.com>  
**Sent:** Wednesday, September 21, 2016 4:08 PM  
**To:** Inga Cushman  
**Subject:** FW: Knutson v Milton

Inga

I am in receipt of the above claim that has been filed against the City of Milton in the amount of 1,873.15 for damages to the claimants tree. The claimant has indicated that her tree died as a result of stress put pm the tree by digging and chopping on its roots when the city put in a sidewalk.

As you are aware, the damages claimed by Knutson are within the City's self-insured retention and should the city decide to settle this claim, any settlement would be within your retention and payment would come from the City.

Based on the information that I have received, it would be my recommendation that this claim be denied.

First of all, I do not believe that there is documented proof that this tree died as a result of the city putting a sidewalk in and that as a result of putting this sidewalk in, that definitively caused this tree to die.

Second, it is my understanding that the sidewalk was installed in the city right of way and as such, the city had the right to put the sidewalk in and that the sidewalk was put in properly.

Third, it is my opinion that the City is immune from liability under Wis. Stat. 893.80(4), which provides immunity to municipalities for discretionary actions. The fact that the city put a sidewalk in front of the claimants residence and how they put that sidewalk in are discretionary decisions and therefore the city would be immune from liability.

If one assumes that the claimants version is correct (again, there is no documented evidence to prove that tree died as a result of sidewalk being put in). one could also argue that the claimants tree had encroached on to the City right of way and therefore there was no duty on the part of the city to protect the tree roots.

Finally, I do not believe that there is negligence on the part of the City as there was no way that the city could have known that by putting a sidewalk in, that the claimants tree would die. Sidewalks are put in all over the state in which there are trees close to the sidewalk being put in and not all of these trees die. I do not believe that there was foreseeability on the part of the city that this tree would die if a sidewalk was put in.

Based on the above, it would be my recommendation that this claim be denied.

Should you have further questions regarding this matter, please feel free to contact me.



**Tom Mann, ARM**  
**Director of Liability Claims**  
tel: 414-831-5988  
office: 262-784-5666 (ext 188)  
email: [tem@cvmic.com](mailto:tem@cvmic.com)  
web: [cvmic.com](http://cvmic.com)

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## Department of Public Works

**To:** Milton Personnel & Finance Committee  
**From:** Howard Robinson, Director of Public Works  
**Date:** October 4, 2016  
**Subject:** Discussion and Possible Action to Allow Payments on Hazardous Tree Removal Enforcement Actions.

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### Summary

Current city ordinance requires the owner of hazardous trees to remove those trees at the homeowner's expense. The homeowner is sent a letter indicated the subject tree on their property has been deemed as a hazard to public safety. Upon receiving the letter the homeowner has a designated number of days to have the tree removed. If the homeowner fails to remove the tree in a timely fashion, the city can remove the tree and charge the entire cost of the tree removal to the property owner.

Due to the Emerald Ash Borer infestation, an inordinate number of "hazardous tree letters" have sent to homeowners in the last few years. That number is anticipated to increase again next year in 2017. Some homeowners have asked if the City can remove the trees, but allow them to make payments on a yearly basis. They understand the need and responsibility to remove the trees but would like to not have the expense on one invoice. Our current payment plan is a full payment invoice or full payment on the current tax invoice.

### Recommendation

Public Works is requesting permission to work with Finance Director Nelson and Administrator Hulick to set up a payment plan for people who have the city or city contractor cut their trees. The payments would be similar to other assessment payment plan situations. The City has money in its assessment fund to cover initial tree removal cost. Therefore, the City would not have to budget separate funds for this program. Property owners would still have the opportunity to remove their trees privately.

Sec. 66-212. - Hazardous and infected trees.

Any tree or part thereof, whether alive or dead, which the director of public works shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the city or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The director of public works shall give written notice to such owner to remedy the situation which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time within which the action must be taken, which shall be within not less than 24 hours nor more than 14 days as determined by the director of public works on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim such tree within the time limited, the director of public works shall cause the tree to be removed, treated or trimmed and shall report the full cost as a special charge against the property.

(Code 1968, § 6.07(2))

**Cross reference—** Environment, ch. 26.