

ATTACHMENT

2.

5d. Position Vacancies, Administrator, Public Works – Street Laborer

Discussion was held on both positions.

Administration advised the COW would be advertised with revised and updated information relative to benefits, wages etc.

Motion by Nelson, 2nd by Taylor to begin the City Administrator recruitment and entertain the proposal from PAA to start in March 2022, knowing that the process could take several months+/- . This recommendation would be forwarded to the City Council. Motion passed 6-0, all ayes.

5e. Building Inspection Services – Presentation and Discussion

Brett Guilette of Inspection Services gave a presentation to the COW outlining fees, work efforts and expectations

Motion by Taylor, 2nd by Shelton to recommend Inspection Services to provide Building Inspection Services to the City of Kewaunee and it's residents. Recommendation was to be forwarded to the City Council.

Motion passed 6-0, all ayes.

5f. Building Inspection Services – Request for payment and Discussion.

Mr. Davister addressed the COW and requested payment for services - \$23,925 – June to December 2021.

Concerns were brought forward relative to addresses, property owners and accuracy.

Mr. Davister's attorney made the following statement:

1. Mr. Davister's contract was a valid contract
2. Contract was fulfilled
3. Request for payment was accurate

He further suggested that a payment of \$21,750 should be processed at this time, with the remaining payment made at a time that the City of Kewaunee was satisfied with the software data.

Motion by Shelton, 2nd by Taylor to table. Motion passed 4-2 with Brewster and Vollenweider in opposition.

5g. Resolution 2011-2022, Credit Card Authorized Business Officer

Motion by Nelson, 2nd by Zimmerman to approve the resolution as presented and to forward to City Council for approval.

Motion passed 6-0, all ayes.

5h. Part Time Officer/ Crossing Guard – Pay Increase

CITY OF KEWAUNEE COMMITTEE OF THE WHOLE MEETING

Monday, January 24, 2022 – 6 PM

1. Committee of the Whole meeting was called to order by Chairman Brewster at 6:05 PM.
Roll Call – Members present – Brewster, Vollenweider, Shelton, Nelson, Zimmerman, Taylor
Members excused: Jelenik, Stangel, Blaha

2. Meeting Minutes – December 20, 2021
Motion by Nelson, 2nd by Shelton to approve the minutes as presented.
Motion approved 6-0, all ayes.

3. Public Comment
Mr. Joe Mills questioned the agenda item – 5 f, Building Inspection Services – Request for payment & Discussion

4. Old Business – 4a, Clerk Treasurer Position- Job Description/Advertisement
Discussion was held relative to salary, job advertisement and description. Modifications were made as recommended by the COW.
Motion by Vollenweider, 2nd by Nelson at approve as modified with a salary range of 55-65K.
Motion was approved 6-0, all ayes.

5. New Business – 5a- Harbor/Marina Presentation
A Presentation was made by Cedar Corporation, Edgewater, Dramm and Augie Kinjerski which gave an in depth analysis of work efforts necessary for grant acquisition and the necessity of updating and integrating the Harbor/Marina Master Plan. This update would open the door for possible grants that would significantly upgrade the Harbor/ Marina and surrounding properties.
Motion by Vollenweider, 2nd by Taylor to authorize Cedar Corp. and Edgewater to work in concert with City Staff to apply for 365 and LNRP grants and not to exceed budgeted dollars of \$40,000 with the hope that these expenditures would be covered by the grants.
Motion passed 6-0, all ayes.
Motion by Nelson, 2nd by Zimmerman to approve \$12,000 for Dockage Analysis and Design to make sure that any improvements were long term and successful.
Motion passed 6-0, all ayes.

5b. Fishermans Point Update- Cedar Corp
Jim Loreti of Cedar Corp gave an update on what's been done, what are the current issues and what are the steps going forward on this project. General discussion on the subject was held. This was for informational purposes only- No action taken.

5c. Cedar Corp. Municipal Services Agreement Report – 2021-2022
Jim Loreti of Cedar Corp gave a presentation what has been accomplished in 2021 and what is expected to be addressed in 2022. Informational only – No action.

Motion by Vollenweider, 2nd by Zimmerman to approve the request as presented. Motion passed as presented 6-0, all ayes.

6. Announcements:

- a. RW Baird will be meeting with staff on 2/8/2022 to review debt service, TIF #2 & #3.
- b. Kewaunee Lighthouse will be considered for placement on the Wisconsin State Register of Historic Places and the National Register of Historic Places.
- c. RFQ's for the Riverfront 3.3 acre site are due on Friday – 1/28/2022

7. Adjournment;

Motion to Adjourn by Nelson, 2nd by Vollenweider at 8:01 PM. Motion passed 6-0, all ayes.

Steve Kubacki – Interim City Administrator

ATTACHMENT

4.a.

CITY OF KEWAUNEE – Committee of the Whole – Monday – 2/28/2022

AGENDA ITEM : 4a.- PAA City Administrator Recruitment – Update – Old Business

PAA will make a brief presentation to the Committee of the Whole initiating the City Recruitment Processes. A handout is attached for your review. This handout and your collective responses will help PAA better define the qualities and traits of candidates for this position. More will be verbally presented on Monday night.



Public Administration Associates, LLC

1155 W. South Street
Whitewater, WI 53190
414-788-7028
mcschwartz57@gmail.com
public-administration.com

City of Kewaunee City Administrator Assessment

Please indicate your assessment of the **five most important** areas of experience and personal qualities that the next City Administrator of Kewaunee should possess.

Experience in Certain City Government Functions: (indicate the five most important ranking with one (1) as most important and five (5) as least important of the five identified)

- _____ Budget Development and Management
 - _____ Capital Improvement Planning and Execution
 - _____ Commercial Development/Redevelopment
 - _____ Community Planning (incl. Land Use and Zoning)
 - _____ Community Marketing
 - _____ Contract/Project Management
 - _____ Diversity, Equity, and Inclusion
 - _____ Elections
 - _____ Economic Development
 - _____ Environmental Stewardship/Sustainability
 - _____ Governmental Accounting
 - _____ Grant Writing (County, State and Federal)
 - _____ Human Resources (Pay, Performance and General Personnel Management)
 - _____ Information Technology/Social Media
 - _____ Intergovernmental Relations
 - _____ Organizational Change and Development
 - _____ Parks/Open Space/Trail Development
 - _____ Project Management
 - _____ Public Safety
 - _____ Public Works and Engineering Management
 - _____ Tourism Development/Promotion
 - _____ Other _____
-

Personal Qualities: (indicate the five most important by ranking with one (1) as most important and five (5) as least important of the five identified)

- _____ Collaborative Style in Carrying out Governing Body Policies
- _____ Dynamic Leadership Skills
- _____ Emotional Intelligence

- _____ History of Stable Tenures in Previous Positions
- _____ Innovative (Thinks Outside the Box)
- _____ Listening Skills (Seeking to Understand rather than Respond)
- _____ Open and Positive Communication Skills (Public Marketing and Relations)
- _____ Team Builder and Leader in Addressing Community Issues/Problems
- _____ Verifiable Record of Organizational Accomplishments in Past Employment Vision
- _____ Works Harmoniously with Elected Officials (including other governmental entities)
- _____ Other _____

Please list the top five priorities for the new Kewaunee City Administrator:

Other Comments:

Thank you for your input! This assessment tool will be used in developing the position announcement for the next Kewaunee City Administrator and the position profile that will be used in the recruitment phase. Please return to Chris Swartz, Public Administration Associates, LLC at mcswartz57@gmail.com by Thursday, March 3rd.

ATTACHMENT

4.b.

CITY OF KEWAUNEE – Committee of the Whole – Monday – 2/28/2022

AGENDA ITEM: 4b. Harbor Marina Planning Process – Update and Discussion – Old Business

Augie and Wendy will update the Committee on the progress being made in planning and grant applications to upgrade the infrastructure of the Harbor/Marina. Much needs to be done and much has been accomplished. It appears a HAP grant has been awarded and more will be discussed on Monday night.

ATTACHMENT

5.a.

CITY OF KEWAUNEE – Committee of the Whole – Monday -2/28/2022

AGENDA ITEM : 5a.- Water Tower Painting – Discussion, Direction & Possible Approval- New Business

The Water Tower is in need of painting and other minor maintenance. Please find a copy of a proposal that we feel is in the best interests of the City. We have worked with this vendor for quite some time and feel most comfortable with their quote for this work effort. A slide show will be presented and Tony Sinkula, Water Operator will be present to answer questions and provide additional information. Unfortunately costs have gone up considerably and the proposal from Water Tower Clean and Coat is attached for your review.

Water Utility Suppliers

Water Tower Clean and Coat, Inc Proposal For Services



Prepared For:
 Tony Sinkula
 City of Kewaunee
 Water Department
 tsinkula@cityofkewaunee.org

Prepared By:
 Russ Fiene ✓
 Water Tower Clean & Coat, Inc.
 608-592-7574 office
 608-279-3438 cell

1/28/22

- Slide Show
- Verbally - 5-10 yr.!
- More Comprehensive!
- Full Service!

Water Tower Clean and Coat
 W11822 Reynolds Rd.
 Lodi, WI 53555

EIN # 391-851002

Phone # (608) 592-7574
 Fax # (608) 592-7574

Customer P.O. #

Description	Quote
<p>Exterior and Interior Coating Renovation of the Kewaunee, WI 200k Gallon Water Tower.</p> <p>SPHERE : 1. Complete abrasive blast of the sphere to bare metal. 2. Prime coat of Tnemec Series 94 Zinc primer over blasted area. 3. Intermediate coat of Tnemec Series 118 Uni-Bond Mastic rust inhibiting coating over sphere and zinc primer. 4. Finish coat of Tnemec Series 1095 Endura-Shield two part urethane coating over sphere.</p> <p>STEM AND BASE BELL: 1. Aggressive high pressure wash (4500psi) in order to remove all loose and failed coating. 2. Spot repairs of any rusted or failed coating areas to include hand tool cleaning to bare metal. 3. Priming the prepared areas with 2 coats of Tnemec Series 135 Chembuild epoxy. 4. Finish coating the entire stem and bottom bell with Tnemec Series 1095 Endura-Shield. Exterior renovations: \$108,000.00</p> <p>TANK INTERIOR WET AND DRY AREAS Spot repairs of rusted areas on the platforms, access hatch, base plate and wet interior as per Interior Conditions Report (see attached report). Rusted areas are to be blasted clean, then coated with 2 layers of Tnemec Series N140 submersible duty epoxy. \$18,500.00 Installation of # 24 stainless mesh on vent in order to make it DNR compliant. \$400 Installation of a modern water tower tank mixer. \$8500</p> <p>NOTES: Stem and bottom bell will not be completely abrasive blasted. This proposal does not include containment of the water tower. Water Tower Clean & Coat, Inc. warranties the coating system for a period of two years from date of completion. Water Tower Clean & Coat, Inc. warranties all interior coatings and mixer for a period of 2 years.</p> <p>Note:</p>	<p>\$108,000.00</p> <p>Options: \$18,500.00 ✓ \$400.00 ✓ \$8500.00</p>

€ 135,400

Please sign, date and fax this proposal to (608) 592-7574

Total \$

Customer Signature _____ Date Accepted _____

ATTACHMENT

5.b.

CITY OF KEWAUNEE – Committee of the Whole – Monday – 2/28/2022

AGENDA ITEM: 5b. DPW- Snow Plow Truck Acquisition – Discussion & Direction – New Business

The City is in need of replacing a Snow Plow Truck. The current trucks are aging and really past the time of replacement. Nathan will have some up to date replacement numbers- dollar wise. More will be presented verbally on Monday night. We will be discussing possible financial options that seem to be available.

ATTACHMENT

5.c.

CITY OF KEWAUNEE – Committee of the Whole – Monday – 2/28/2022

AGENDA ITEM: 5c. City of Kewaunee Zoning Map -2022 Update and Improvements – Discussion & Direction – New Business

The last time a up to date Zoning Map was created was 2012. There is a need to update the map and include parcel numbers on the Map. We plan to reach out to consulting firms to see where we can get this done most cost effectively. If Council approves, we will move forward as it is badly needed and would be most beneficial. The dollars would come out of the Planning & Zoning budgeted dollars.

ATTACHMENT

5.d.

CITY OF KEWAUNEE – Committee of the Whole – Monday, 2/28/2022

AGENDA ITEM: 5d.- City of Kewaunee Insurance Carrier Response – Error & Omission Claim

After Submittal of information to our Insurance Carrier and several discussions on the matter, we have received the attached response on our request. It is denial of the claim. We felt that this would be the response, however we asked the question to be sure, as requested by the City Council.

Steve Kubacki

From: Mark Andrews <MAndrews@ruralins.com>
Sent: Saturday, February 5, 2022 1:18 PM
To: Steve Kubacki
Cc: Karen Muchowski
Subject: RE: Requested Information for New City of Kewaunee Claim

Steve, I have reviewed the documents you forwarded.. First of all, let me state that I am not the City's attorney and it is not part of my job function to provide legal advice to the City. I also have not reviewed the full employment contract, nor the full personnel manual, nor any other unknown (to me) documents that may or may not have any bearing on this matter. My primary goal is to determine whether there is any coverage available to the City in this situation, pursuant to the League of Wisconsin Municipalities Mutual Insurance Co. (LWMMI) policy.

That said, I am willing to make some observations regarding the documents your office provided. The portion of the employment contract you provided clearly states that "in the event the Employee's employment is terminated, either voluntarily or involuntarily the Employee shall be compensated for all accrued leave." The referenced "leave" surely encompasses both vacation and sick leave, since the section of the contract that contains that clause is entitled "Vacation and Sick Leave". That language seems unambiguous.

The portions of the Personnel Manual you provided indicate that both vacation and sick leave can be accrued by employees, subject of course to certain conditions. Upon termination or retirement, a regular full-time employee is entitled to "compensation for all accrued but unused vacation" The only listed exclusion is for probationary employees or those who fail to give proper notice of resignation. Again, those provisions seem unambiguous.

The provision regarding payment of accrued sick leave is somewhat different than payment of accrued vacation pay, in the respect that it essentially converts to an account that can be used to pay for continued health insurance coverage, and such payout is only available to those employees retiring or terminated with less than 15 years of service.

I have not researched statutory, administrative or case law on the issue, but it seems to me that the employment contract, presumably agreed upon with full knowledge of the terms of the Personnel Manual, supersedes the provisions of that Manual to the extent that they are in conflict. The only seeming conflict between the two is with respect to sick leave, not vacation leave.

All that said, I'll reiterate that my function is not give legal advice to the City, but to examine any potential claim for coverage. I don't know exactly how much accrued sick and vacation leave is at issue here, but it is my understanding that the former administrator was compensated for those items, the City Council (later?) voted that they did not approve such payment, and the possibility of a claim is now being explored under the LWMMI policy, presumably for reimbursement of the payments made to Mr. Schnook.

I simply don't see any insurance coverage for this situation. Specifically, we were asked whether the policy's errors and omissions coverage (Coverage D) would cover this possible claim. This is really in the nature of what we call a "first party claim". No claim is being made against the City by any third party (presumably the former administrator). Coverage D does provide third party coverage, for suits or claims for "wrongful acts" or "employment claims" brought against the insured. That simply is not the situation we are dealing with here.

Further, the policy does contain certain general exclusions, and one of those, found at page 24 of 58 of the policy, is for "Contractual Liability", specially, any liability for an amount "which the insured is obligated to pay by reason of contract or agreement". Any payment to Mr. Schnook was certainly pursuant to the employment contract the City had with him.

Given all that, LWMMI denies the claim asserted by the City. Please feel free to contact me with any questions.

MARK W. ANDREWS | Senior Claims Attorney
Statewide Services, Inc.
1241 John Q Hammons Drive, Ste 2
Madison, WI 53705
T: 608.828.5692
C: 608.770.8406
F: 866.351.7464
E: mandrews@statewidesvcs.com

From: Karen Muchowski <kmuchowski@cityofkewaunee.org>
Sent: Thursday, January 27, 2022 12:49 PM
To: Statewide Mark Andrews <mandrews@statewidesvcs.com>
Cc: Steve Kubacki <skubacki@cityofkewaunee.org>
Subject: Requested Information for New City of Kewaunee Claim

Hello Mark,

Please see the attached requested information.

Let us know if you have any questions.

Thank you,

ATTACHMENT

5.e.

CITY OF KEWAUNEE – Committee of the Whole – Monday, 2/28/2022

AGENDA ITEM: 5e. – City of Kewaunee Cemetery – Lawn Cutting Proposal

The City of Kewaunee has contracted out its Cemetery Lawn Cutting over the past few years. It has used Lawn and Landscape Specialists and has been very happy with the end product. Please find attached a proposal from said firm. It should be noted that they are also willing to do a one (1) year agreement/contract as well. Nathan will be available to discuss this work effort. Your thoughts or suggestions are welcome. If acceptable this proposal would be forwarded to the City Council at their next meeting.

From: Trevor Marin
Sent: Thursday, February 10, 2022 8:41 PM
To: Nathan Seiler
Subject: River View Cemetery Mowing

Nathan,

I was told to email over to you info regarding the lawn mowing at the City River View Cemetery. Last years contract was for May 1- November 30 and was billed at \$3,200.00 per month. Seven equal payments of \$3,200 were made at the start of every month. Annual total of \$22,400. The city always wrote their own contract for me since they had stipulations they wanted in there, I'm sure this is on file somewhere you can access. I would like to see us agree on a 3-year contract since that's always what we used to do with the city up until last season. Below are my rates for this term:

3-year contract: 2022-2024
2022- \$3200/month over 7 months
2023- \$3200/month over 7 months
2024- \$3350/month over 7 months

Let me know if you have any questions or need anything else from me,

Trevor Marin
Lawn & Landscape Specialists, LLC
"Where Quality Is Never Cut Short!"
(920) 495-6713

ATTACHMENT

5.f.

CITY OF KEWAUNEE – Committee of the Whole – Monday, 2/28/2022

AGENDA ITEM: 5f. – Water Utility Cross Connection Inspection – Status Report

Tony Sinkula will be making a verbal presentation to the Committee of the Whole on the progress being made in this Water Utility Annual Work Effort.

ATTACHMENT

5.g.

CITY OF KEWAUNEE – Committee of the Whole – Monday, 2/28/2022

AGENDA ITEM: 5g.- Watercraft Launching – Power Loading Prohibited – Ordinance Revision – Discussion & Direction

The City of Kewaunee boat launch has experienced significant damage to its launch site due to power loading of boats and associated watercraft. So have other launch sites on Lake Michigan. We have modeled this ordinance after the City of Algoma's and wish to implement it here in the City of Kewaunee at its launch site, as well. Your review and recommendation to City Council is requested. Augie will fill you in at Monday Nights meeting

Secs. 54-70? - Launching and loading of watercraft at municipal launch site

(a) Power Loading Prohibited. Watercraft must be loaded and unloaded from the watercraft trailer, carriage or other device used to transport said watercraft without the use of the watercraft's main, auxiliary or trolling power devices. A rope, strap or similar device is to be used. It shall be unlawful to otherwise launch or trailer a watercraft.

(b) Violations. Add it to our Disorderly chapter 54. Fines would be \$50 plus court costs which currently is \$200.50., a second violation of this section shall, upon conviction, result in the violator's loss of launching privileges at the municipal launch site for one calendar year.