JUDICIARY, LICENSE AND CEMETERY COMMITTEE MINUTES OF APRIL 6, 2004

Meeting called to order by Chairman Bennington at 5:04 p.m., in the Executive Conference Room, City Hall Plaza.

PRESENT: Jerry Bennington, Sr., Brad Parks and Edward Beaudry, Jr.

ABSENT: None

ALSO PRESENT: Alderman Gougeon, Police Chief Stroik, Cemetery Sexton Baltus, City Clerk Hall and John Barwick.

Attorney Kenneth Schmeige filed a claim on behalf of his clients Marsha and John Barwick. The claimant alleged damage to their real property, including their residence and lot, because the natural flow of water around their lot had been diverted onto their lot in part because the City of Marshfield, by the City Engineer and/or the City Building Inspector issued a building permit to Mark Hastreiter, the owner of the abutting property to the east of the claimant's property, that allowed him to build a residence on this property at a grade, substantially, higher than is necessary or prudent given the local topography. The consequence is diverted water onto claimant's property on approximately August 1, 2003.

Midwest Claims Service denied the claim because they found no negligence on behalf of the City of Marshfield. The City does not issue a grade or formal statements for private property.

Mr. Barwick said that when he built his home in 1995, the Building Inspector told him that he had to conform to the lots around him. He never had problems with water before until Mr. Hastreiter started to build homes around him. Mr. Hastreiter would bring in a lot of fill. If he had to conform to the lots around him, why didn't Mr. Hastreiter?

<u>JLC04-016</u> Motion by Parks, second by Beaudry to table the claim of Marsha and John Barwick until the next meeting and have the Building Inspector and City Engineer present at that meeting. All Ayes

Motion carried

<u>JLC04-017</u> Motion by Parks, second by Beaudry to grant six (6) Beverage Operator Applications for the 2003-2005 License Year to: Jeremy Crocker, Kevin Kortuem, Lori Lanke, Shawn Polster, Dawn Quinlin (Reg. and Provisional) and Gary Schutz. All Ayes **Motion carried**

<u>JLC04-018</u> Motion by Beaudry, second by Parks to grant a Temporary Class "B"/"Class B" Retailers License (Picnic) to the Marshfield Area Catholic Schools. All Ayes **Motion carried**

<u>JLC04-019</u> Motion by Beaudry, second by Parks to direct the Cemetery Sexton to renegotiate the Maintenance Contracts with the Catholic and Lutheran Cemeteries and bring back to the committee for consideration. All Ayes

Motion carried

Joni Larson filed a claim with the City alleging bodily injury when she slipped and fell on a build up of snow on March 11, 2004.

Midwest Claims Service denied the claim because the City of Marshfield has no liability. The claimant fell due to a natural accumulation of snow that resulted from the weather conditions. The City is not liable for natural accumulations of snow. The basis of the denial should be that the City is entitled to governmental immunity in this matter.

<u>JLC04-020</u> Motion by Parks, second by Beaudry to deny the claim of Joni Larson pursuant to the Wisconsin Statute for disallowance of claim 893.80 (1g). The basis of the denial is that the City is entitled to governmental immunity in the matter. All Ayes

Motion carried

Motion by Beaudry, second by Parks to adjourn at 5:17 p.m. **Motion carried**

Deb M. Hall City Clerk