JUDICIARY, LICENSE AND CEMETERY COMMITTEE
MINUTES OF OCTOBER 5, 2004

Meeting called to order by Chairman Bennington at 5:00 p.m., in the Common Council Chambers, City Hall Plaza.
PRESENT: Jerry Bennington, Sr., Don Krueger and Edward Beaudry, Jr. (arrived at 5:04 p.m.)
ABSENT: None
ALSO PRESENT: Police Chief Stroik, City Clerk Hall, Brandon Fox and John Derkez.

JLC04-085 Motion by Bennington, second by Krueger to grant three (3) Beverage Operator Applications for the 2003-2005 License Year to: Chris Buersken, Gale Buersken and Connie Church. All Ayes
Motion carried

JLC04-086 Motion by Krueger, second by Bennington to grant a Temporary Class "B"/"Class B" Retailer's License (Picnic) to the Marshfield Area Catholic Schools for November 5-6, 2004. All Ayes
Motion carried

JLC04-087 Motion by Krueger, second by Bennington to grant the request of Kwik Trip to transfer their Class "A" Fermented Malt Beverage License from 148 N. Central Avenue to 100 N. Central Avenue. All Ayes
Motion carried

Brandon Fox, John Derkez, Lisa Wallis and Laurie Breu all filed claims against the City alleging damage was done to their vehicles by loose gravel on the road on August 26, 2004. On this day, Fahrner Asphalt was seal coating the streets.

The City has a contract with Fahrner Asphalt and section 1.1.7; Responsibility For Damage Claims, states that the Contractor shall indemnify and save harmless the Owner, and the Owner's officers and employees, from all suits, actions, or claims of any sort brought because of injuries or damages to any person, persons, or property on account of the operations of said contractor; or on account of or in consequence of any neglect in safeguarding the work, or through the use of unacceptable materials in constructing the project.

Ms. Breu called the Clerk's office and said that she was unable to make the meeting. She did file a claim with Fahrner Asphalt and she said that Fahrner denied her claim and was going to send a letter to the City. At this time, the City has not received that letter. The reason for their denial is that they told Ms. Breu that it was not their trucks that were carrying the materials.

Mr. Fox and Mr. Derkez said that they were not notified by Midwest Claims to file a claim with Fahrner Asphalt. The City Clerk gave them the information that they needed to file a claim with Fahrner Asphalt.

JLC04-088 Motion by Beaudry, second by Krueger to deny the claim of Brandon Fox pursuant to Wisconsin Statute for disallowance of claim 893.80 (1g). The basis of the denial is that there was no negligence on behalf of the City of Marshfield. Furthermore, the City did not cause or contribute to their property damage. The City hired a contractor to do this asphalt work. All Ayes
Motion carried

JLC04-089 Motion by Beaudry, second by Krueger to deny the claim of John Derkez pursuant to Wisconsin Statute for disallowance of claim 893.80 (1g). The basis of the denial is that there was no negligence on behalf of the City of Marshfield. Furthermore, the City did not cause or contribute to their property damage. The City hired a contractor to do this asphalt work. All Ayes
Motion carried

JLC04-090 Motion by Bennington, second by Krueger to deny the claim of Lisa Wallis pursuant to Wisconsin Statute for disallowance of claim 893.80 (1g). The basis of the denial is that there was no negligence on behalf of the City of Marshfield. The City contracted with Fahrner Asphalt Sealers, Inc. to handle this road surfacing project. All Ayes
Motion carried

JLC04-091 Motion by Krueger, second by Bennington to deny the claim of Laurie A. Breu pursuant to Wisconsin Statute for disallowance of claim 893.80 (1g). The basis of the denial is that there was no negligence on behalf of the City of Marshfield. The asphalt truck is not owned by the City. The City hired a contractor to do this asphalt work. All Ayes
Motion carried

Motion by Krueger, second by Bennington to adjourn at 5:09 p.m.
Motion carried

Deb M. Hall
City Clerk