

JUDICIARY, LICENSE AND CEMETERY COMMITTEE
MINUTES OF SEPTEMBER 20, 2005

Meeting called to order by Chairperson Bennington at 5:00 p.m., in the Common Council Chambers, City Hall Plaza.

PRESENT: Jerry Bennington, Sr., Don Krueger and Edward Beaudry, Jr.

ABSENT: None

ALSO PRESENT: Police Chief Stroik, Fire Chief Cleveland, City Clerk Hall and Maureen Lindekugel.

JLC05-069 Motion by Krueger, second by Beaudry to grant eleven (11) Beverage Operator Licenses for the 2005-2007 License Year to: David Breu, Mitchell Butler, Amber Dawson, Anthony Dike, Richard Duerr, Alyssa Jicinsky, Molly Keyser, Rebeccah Maghrak, Jessica Rossman, Amana Vanderhoof and Russell Williams. All Ayes

Motion carried

JLC05-070 Motion by Beaudry, second by Krueger to grant a Temporary Class "B"/"Class B" Retailer's License to the American Legion for October 7-9, 2005. All Ayes

Motion carried

JLC05-071 Motion by Krueger, second by Beaudry to grant a Temporary Class "B"/"Class B" Retailer's License to the Chestnut Avenue Center for the Arts for October 15, 2005. All Ayes

Motion carried

LSS Housing Wood Co., Inc. filed a claim with the City alleging damage to the apartment door of unit 205 when the fire department used force to enter this apartment on June 25, 2005. The claim was filed with the City's insurance company, Midwest Claims Service. They have completed their investigation and are recommending that the City deny this claim.

The basis of the denial is that the City of Marshfield is entitled to governmental immunity. The City of Marshfield fire department was performing a governmental function. Immunity is allowed if discretionary acts of public employees involved are "governmental."

JLC05-072 Motion by Beaudry, second by Krueger to deny the claim of LSS Housing Wood Co., Inc. pursuant to the Wisconsin statute for disallowance of claim 893.80 (1g). The basis of the denial is that the City of Marshfield is entitled to governmental immunity. All Ayes

Motion carried

Jana Michalski filed a claim with the City alleging damage to her vehicle when an unknown vehicle drove past her on a freshly paved road causing gravel chips to damage her windshield on August 5, 2005. The claim was filed with the City's insurance company, Midwest Claims Service. They have completed their investigation and are recommending that the City of Marshfield deny this claim.

The basis of the denial is that they did not find any negligence on behalf of the City of Marshfield. Her vehicle sustained damage when an unknown vehicle drove past her and caused gravel chips to damage her windshield. Regardless where the gravel chips came from, this is considered a road hazard and the City has no control over such occurrences.

JLC05-073 Motion by Krueger, second by Beaudry to deny the claim of Jana Michalski pursuant to the 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. All Ayes
Motion carried

Maureen Lindekugel filed a claim with the City alleging damage to her vehicle when she struck a sink hole on Peach Avenue on February 8, 2004. The claim was filed with the City's insurance company, Midwest Claims Service. They have completed their investigation and are recommending that the City of Marshfield deny this claim.

The basis of the denial is that they did not find any negligence on behalf of the City of Marshfield. The City did not have prior notice of this sink hole and upon notice they repaired the hole in a timely fashion. A municipality has no liability unless it knew, or should have known, of the existence of a defect and had a reasonable amount of time to repair the defect.

The sink hole was caused by a water main break. The Marshfield Utility patched this hole but then it settled. This is when Ms. Lindekugel struck the sink hole with her vehicle. She needs to file a claim with the Marshfield Utility so the City Clerk will contact Dave Wasserburger from the Marshfield Utility and have him contact Ms. Lindekugel.

JLC05-074 Motion by Krueger, second by Beaudry to deny the claim of Maureen Lindekugel pursuant to the 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. All Ayes
Motion carried

Motion by Krueger, second by Beaudry to adjourn at 5:10 p.m.
Motion carried

Deb M. Hall
City Clerk