

JUDICIARY, LICENSE AND CEMETERY COMMITTEE
MINUTES OF SEPTEMBER 19, 2006

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

PRESENT: Edward Beaudry, Jr., Don Krueger, and Ed Wagner

ABSENT: None

ALSO PRESENT: Jeremiah Henseler and City Clerk Hall

JLC06-088 Motion by Krueger, second by Wagner to grant six (6) Beverage Operator Licenses for the 2005-2007 License Year to: Elizabeth Gneiser, Travis Haupt, Matthew Hunkins, John Koranda, Adam Leonard and Susan Roth. All Ayes

Motion carried

JLC06-089 Motion by Wagner, second by Krueger to grant a "Class B" Combination Liquor and Fermented Malt Beverage license to Jeremiah D. Henseler; Bey's Bar; location is 305 N. Central Avenue contingent upon the surrender of the license of the current owner of Bey's Bar. All Ayes

Motion carried

Steven Goff from the firm Bye, Goff & Rohde, Ltd. filed a claim with the City on his client's behalf, Richard Schroeder, alleging that he sustained an injury when he tripped and fell over a curb-stop pipe that was sticking up between two sections of cement sidewalk along South Maple Avenue, in front of the American Legion on March 29, 2006. 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 there is no negligence on behalf of the City. The City did not have actual or constructive notice of the raise in the sidewalk. 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.

JLC06-090 Motion by Wagner, second by Krueger to deny the claim of Richard Schroeder 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

Suzanne Wozniak filed a claim with the City alleging that she sustained an injury due to a trip and fall incident on a city sidewalk caused by a raised water pipe which was sticking up between two sidewalk slabs on July 24, 2006. 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 there is no negligence on behalf of the City. The City did not have actual or constructive notice that the curb-stop water pipe was sticking out of the cement, and upon notice they repaired accordingly. 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.

JLC06-091 Motion by Beaudry, second by Wagner to deny the claim of Suzanne Wozniak 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 Wagner to adjourn at 5:19 p.m.

Motion carried

Deb M. Hall
City Clerk