

JUDICIARY, LICENSE AND CEMETERY COMMITTEE
MINUTES OF SEPTEMBER 16, 2008

Meeting called to order by Chairperson Wagner at 5:03 p.m., in the Common Council Chambers, City Hall Plaza.

PRESENT: Alderpersons Ed Wagner, Donald Krueger and Alanna Feddick

ABSENT: None

ALSO PRESENT: Alderperson Hendler, Police Chief Stroik, City Clerk Hall and Mark Nelson.

JLC08-080 Motion by Feddick, second by Krueger to grant seven (7) Beverage Operator Licenses for the 2007-2009 License Year to: Jessica Blodgett, Kristina Evans, Britain Haley, Julie Leu, Karina Radue, Michelle Tischer and Paul Weber. All Ayes

Motion carried

JLC08-081 Motion by Krueger, second by Wagner to grant a Temporary Class "B"/"Class B" Retailer's license to the Chestnut Avenue Center for the Arts for October 18, 2008. Alderperson Feddick abstained because she is on the Chestnut Avenue Center for the Arts Board; rest Aye

Motion carried

JLC08-082 Motion by Feddick, second by Krueger to grant a Class "B" Fermented Malt Beverage license to Yeung Yau Kuen; China Buffet located at 1637 N. Central Avenue. All Ayes

Motion carried

JLC08-083 Motion by Krueger, second by Feddick to grant a "Class B" Combination Liquor license to Molitor's Steak Pit LLC; Agent-Trish Molitor; located at 1414 W. McMillan Street. All Ayes

Motion carried

American Family Insurance Group (Afn Insurance Services) filed a claim on behalf of their insured MaryAnn Heyer. Ms. Heyer sustained damage to her home due to a sewer backup on June 1, 2008. American Family Insurance Group anticipated making payments to their insured. They requested reimbursement of their payments and their insured's deductible. 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 was no negligence on behalf of the City of Marshfield. Their investigation concluded that the damages occurred due to a blockage in the main sewer line. The City had no prior notice of any blockages within the main sewer line. A municipality has no liability unless it knew, or should have known, of the existence of the defect and had a reasonable amount of time to repair the defect. The City responded immediately and made repairs to the line.

JLC08-084 Motion by Feddick, second by Krueger to deny the claim filed by American Family Insurance Group (Afn Insurance Services) on behalf of their insured MaryAnn Heyer as recommended by Midwest Claims Service pursuant to the Wisconsin Statute for disallowance of claim 893.80 (1g). All Ayes

Motion carried

Matthew Herbert filed a claim with the City alleging that his vehicle sustained damage as a result of a collision with a construction barricade on August 15, 2008. 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 was no negligence or liability on the part of the City of Marshfield.

City Clerk Hall stated that she spoke to Street Superintendent Panzer and he indicated that this was a Marshfield Utility project. The claim has been filed with the Marshfield Utility's Insurance Company.

JLC08-085 Motion by Feddick, second by Krueger to deny the claim of Matthew Herbert as recommended by Midwest Claims Service pursuant to the Wisconsin Statute for disallowance of claim 893.80 (1g). All Ayes

Motion carried

Sue Binder filed a claim with the City alleging that her vehicle sustained damage as a result of striking a pothole on July 21, 2008. 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 was no negligence on behalf of the City of Marshfield. Their investigation revealed that the City did not have prior notice of the pothole in the roadway. A municipality has no liability unless it knew, or should have known, of the existence of the defect and had a reasonable amount of time to repair the defect.

City Clerk Hall spoke to Street Superintendent Panzer regarding this claim. He indicated that he spoke to Midwest Claims Service and recommended that they pay this claim because this has been an on-going problem. There is a defect in the cracksealer.

JLC08-086 Motion by Krueger, second by Wagner to direct the Insurance Company to honor the claim of Sue Binder. All Ayes

Motion carried

Ordinance No. 1138, Procedure for filling vacancies in elective offices.

The committee reviewed the ordinance and recommended a few changes.

1. The notice should also be posted and placed on the city's website.
2. A resume should be required as well as a statement of interest.

Aldersperson Wagner will work with the City Attorney on making these changes to the ordinance and then it will be brought back for the committee's review.

The committee recommended that another ordinance be drafted for filling vacancies on committees. Specifically that a notice will be published in the local newspaper.

Motion by Feddick, second by Krueger to adjourn at 5:19 p.m. All ayes

Motion carried

Deb M. Hall
City Clerk