

JUDICIARY, LICENSE AND CEMETERY COMMITTEE
MINUTES OF OCTOBER 7, 2008

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

PRESENT: Alderpersons Ed Wagner, Donald Krueger and Alanna Feddick

ABSENT: None

ALSO PRESENT: Alderpersons Hendler, Buttker, Feirer and Noble, Mayor Meyer, Police Chief Stroik, Street Superintendent Panzer, Fire Chief Schmidt, Building Inspector Donath, City Clerk Hall, Gary Gray, Lowell Merwin, Michael Reed, Archie and Carolyn Vanderhoof.

JLC08-087 Motion by Feddick, second by Krueger to grant eighteen (18) Beverage Operator Licenses for the 2007-2009 License Year to: Kolleen Bear, Albert Bucheger, Rachel Clapper, April Derkez, Irene Ellis, Kristina Flick, Amanda Gates, Virginia Gruenewald, Amanda Guden, Barbara Hardinger, Diane Horton, Diane Kim, Alysha Nelson, Erinn Nelson, Stephanie Reis, Ashley Sampson, Pamela Tyznik and Rose Weigel. All Ayes

Motion carried

JLC08-088 Motion by Feddick, second by Krueger to grant a "Class B" Combination Liquor license to Confessions, LLC; Agent-Kenneth J. Body; located at 111 E. 2nd Street. All Ayes

Motion carried

Lowell Merwin filed a claim with the City alleging that his vehicle sustained damage as a result of striking a gutter on December 14, 2007. 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 the part of the City of Marshfield. The City did not have prior notice of the protruding gutter. 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.

JLC08-089 Motion by Feddick, second by Krueger to deny the claim of Lowell Merwin as recommended by Midwest Claims Service pursuant to the Wisconsin Statute for disallowance of claim 893.80 (1g). All Ayes

Motion carried

Carolyn Vanderhoof filed a claim with the City alleging that her vehicle sustained damage as a result of striking an open manhole on July 11, 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 the part of the City of Marshfield. The City did not have prior notice of the open manhole. 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.

JLC08-090 Motion by Feddick, second by Krueger to deny the claim of Carolyn Vanderhoof as recommended by Midwest Claims Service pursuant to the Wisconsin Statute for disallowance of claim 893.80 (1g). All Ayes

Motion carried

Ryan Pribbernow filed a claim with the City alleging that he sustained an injury when he slid out on his bike due to seal slag on the roadway on July 31, 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 the part of the City of Marshfield. There is no evidence of a hazard to the general public at this location. It is unknown if the claimant's own actions contributed to this accident. It is not possible to confirm the claimant's speed at the time of the incident, or the manner in which he was driving. Additionally, there are no eye-witnesses to this accident.

JLC08-091 Motion by Krueger, second by Feddick to deny the claim of Ryan Pribbernow as recommended by Midwest Claims Service pursuant to the Wisconsin Statute for disallowance of claim 893.80 (1g). All Ayes

Motion carried

Michael Reed filed a claim with the City alleging that his vehicle sustained damage due to an accident with a City fire truck on August 30, 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 the City of Marshfield is entitled to governmental immunity. Immunity allowed if discretionary acts of public employee involved are governmental.

JLC08-092 Motion by Feddick, second by Krueger to deny the claim of Michael Reed as recommended by Midwest Claims Service pursuant to the Wisconsin Statute for disallowance of claim 893.80 (1g). All Ayes

Motion carried

Holly Johnston filed a claim with the City alleging that her vehicle sustained damage when she backed into a pile of dirt on Chestnut Avenue on September 12, 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 the part of the City of Marshfield.

JLC08-093 Motion by Feddick, second by Krueger to deny the claim of Holly Johnston as recommended by Midwest Claims Service pursuant to the Wisconsin Statute for disallowance of claim 893.80 (1g). All Ayes

Motion carried

Discussion regarding the problem with littering.

There have been complaints regarding litter caused by the smoking ban, mostly cigarette butts. This not only affects the property owned by the business but also the neighboring properties.

At this time there is little the Police Department can do unless they see someone littering and then they can cite them.

Alderman Buttke mentioned that in the State's proposed ordinance for a smoking ban they have restricted smoking within 20 feet of the premises.

The committee felt that initially asking for help by the business owners would be the most effective approach and would reconsider other options if this was not effective.

The Mayor will send a letter to all liquor license holders asking for voluntary compliance in cleaning up the litter left behind by their patrons. This letter will also be placed in the MACCI newsletter.

Future agenda items:

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

Motion by Krueger, second by Feddick to adjourn at 5:35 p.m. All ayes

Motion carried

Deb M. Hall
City Clerk