JUDICIARY, LICENSE AND CEMETERY COMMITTEE
MINUTES OF OCTOBER 21, 2008

Meeting called to order by Chairperson Wagner at 5:07 p.m., in the Common Council Chambers, City Hall Plaza.
PRESENT: Alderpersons Ed Wagner, Donald Krueger and Alanna Feddick (arrived at 5:15 p.m.)
ABSENT: None
ALSO PRESENT: Alderpersons Buttke, Feirer and Noble, Police Chief Stroik, Finance Director Strey and City Clerk Hall.

JLC08-094 Motion by Krueger, second by Wagner to grant three (3) Beverage Operator Licenses for the 2007-2009 License Year to: Kari Folz, Rebecca Scholzen (provisional and regular) and Nicole Teatz. All Ayes
Motion carried

Jeanne Gessert filed a claim with the City because of a sewer backup at her home on September 7, 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. The cause of the sewer backup was due to blockage in her drain stack. The City of Marshfield does not own or maintain the drain stack and would not be responsible for the repairs to her property.

JLC08-095 Motion by Krueger, second by Wagner to deny the claim of Jeanne Gessert as recommended by Midwest Claims Service pursuant to the Wisconsin Statute for disallowance of claim 893.80 (1g). All Ayes
Motion carried

At the September 16, 2008 JLC meeting, the committee made a motion to direct the Insurance Company to honor the claim of Sue Binder. Finance Director Strey contacted the insurance company and asked them to review the claim. On October 13, 2008, Dennis Tweedale, CEO of the League of Wisconsin Municipalities Mutual Insurance sent the City a letter stating that he did review the claim of Sue Binder. His review of the adjuster notes and discussion with the claims supervisor lead him to believe that the denial is appropriate. If the City wishes to pay a claim where there is no negligence, it may do so. However, the insurance policy pays for claims where the City is negligent. Absent negligence, they recommend denial. He advised not to pay claims where there is no negligence. That is a slippery slope to move off when the next claim is presented.

Alderperson Krueger said that this pothole has been a continual problem. The city needs to monitor these areas when there is a recurring problem.

JLC08-096 Motion by Krueger, second by Wagner to deny the claim of Sue Binder as recommended by Midwest Claims Service pursuant to the Wisconsin Statute for disallowance of claim 893.80 (1g). All Ayes
Motion carried

Future agenda items:
1. Ordinance No. 1138, Procedure for filling vacancies in elective offices.
2. Demerit System for Alcohol Licenses

Motion by Krueger, second by Feddick to adjourn at 5:20 p.m. All ayes
Motion carried

Deb M. Hall
City Clerk