



# City of Milwaukee

## Meeting Minutes

### JUDICIARY & LEGISLATION COMMITTEE

**ALD. MICHAEL S. D'AMATO, CHAIR**

**Ald. Ashanti Hamilton, Vice-Chair**

**Ald. Robert Bauman, Ald. Michael Murphy, Ald. James Bohl, Jr.**

**Staff Assistant, Linda Elmer, (414)-286-2232**

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**File Specialist: Joanna Polanco, 286-3926, E-mail: [jpolan@milwaukee.gov](mailto:jpolan@milwaukee.gov)**

City Hall  
200 East Wells Street  
Milwaukee, WI 53202

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Monday, November 28, 2005

1:30 PM

Room 301-B, City Hall

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*Meeting convened: 1:37 P.M.*

**Present** 4 - D'Amato, Hamilton, Bauman , Bohl

**Excused** 1 - Murphy

*Ald. Hamilton moved that the Judiciary and Legislation Committee convene into closed session pursuant to Section 19.85 (1)(g), Wisconsin Statutes, for the purpose of conferring with the City Attorney who is rendering advice concerning strategy to be adopted by the City with respect to Item #1...Resolution to authorize settlement of alleged discrimination case based upon sex or gender and retaliation, filed in the Equal Rights Division, Department of Workforce Development, ERD Case No. CR200303860 and also filed with the United States Equal Employment Opportunity Commission, EEOC Case No. 26GA4000061 and item #2...Resolution approving settlement of a lawsuit to be filed by the State of Wisconsin relative to compliance with certain water pollution control laws and then go into open session for the regular agenda.*

*Roll call:*

*Ayes: Ald. Hamilton, Ald. Bauman, Ald. Bohl and Ald. D'Amato - 4*

*Excused: Ald. Murphy - 1*

*Individuals present:*

*Rudy Konrad, Leonard Tokus, Linda Burke and Grant Langley City Attorney's Office*

*David Heard - Fire and Police Commission*

*Tim McMurtry - Ald. Hines's office*

*Martin Aquino - Dept. of Public Works*

**2:00 P.M.**

- 050721** Resolution to authorize settlement of alleged discrimination case based upon sex or gender and retaliation, filed in the Equal Rights Division, Department of Workforce Development, ERD Case No. CR200303860 and also filed with the United States Equal Employment Opportunity Commission, EEOC Case No. 26GA4000061.

**Sponsors:** THE CHAIR

**Attachments:** [City Atty. Letter.DOC](#)  
[Fiscal Note.DOC](#)  
[Settlement.PDF](#)  
[Communication from Ald. D'Amato](#)

A motion was made by ALD. HAMILTON that this Resolution be RECOMMENDED FOR PLACING ON FILE This motion PREVAILED by the following vote:

**Aye** 3 - D'Amato, Hamilton Bauman

**No** 1 - Bohl

**Excused** 1 - Murphy

2. [051025](#) Substitute resolution approving settlement of a lawsuit to be filed by the State of Wisconsin relative to compliance with certain water pollution control laws.

**Sponsors:** THE CHAIR

**Attachments:** [Cover letter from City Attorney 11-22-05](#)  
[Draft Settlement Stipulation](#)  
[Fiscal Note](#)  
[Presentation Overview of State's "Communities-Only Settlement"](#)

A motion was made by ALD. BAUMAN that this Resolution be RECOMMENDED FOR ADOPTION This motion PREVAILED by the following vote:

**Aye** 4 - D'Amato, Hamilton, Bauman Bohl

**No** 0

**Excused** 1 - Murphy

3. [051048](#) Appointment of Jennifer Havas to the Administrative Review Appeals Board by the Mayor.

**Sponsors:** THE CHAIR

**Attachments:** [Appt. Letter.doc](#)  
[Resume.PDF](#)

A motion was made by ALD. HAMILTON that this Appointment be RECOMMENDED FOR CONFIRMATION This motion PREVAILED by the following vote:

**Aye** 4 - D'Amato, Hamilton, Bauman Bohl

**No** 0

**Excused** 1 - Murphy

4. [051011](#) Resolution relative to various legislative bills.

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note](#)

A motion was made by ALD. BOHL that this Resolution be HELD TO CALL OF THE CHAIR This motion PREVAILED by the following vote:

**Aye** 4 - D'Amato, Hamilton, Bauman Bohl

**No** 0

**Excused** 1 - Murphy

5. [050670](#) Substitute resolution authorizing the return of real estate located at 907 W. Atkinson Ave., in the 6th Aldermanic District of the City of Milwaukee to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate. (Lincoln Creek Development, Inc. and KSB Construction Development, LLC)

**Sponsors:** THE CHAIR

**Attachments:** [Request for Vacation of In Rem Judgment.PDF](#)  
[Fiscal Note.doc](#)  
[Treasurer Office](#)  
[Health Dept letter 9-29-05](#)  
[DNS LETTER](#)  
[DCD Letter 1](#)  
[Updated Treasurer's response](#)  
[DNS Response - 11/2/05](#)  
[Treasurer Office's Letter 11-18-05](#)

*Held at the owner's request.*

*RECESS: 2:13 P.M.*

*RECONVENE: 2:35 P.M.*

**A motion was made by ALD. HAMILTON that this Resolution be HELD TO CALL OF THE CHAIR This motion PREVAILED by the following vote:**

**Aye** 4 - D'Amato, Hamilton, Bauman Bohl

**No** 0

**Excused** 1 - Murphy

**Items below will be heard no earlier than 2:30 P.M.:**

6. [051044](#) Resolution directing the Election Commission to place an advisory referendum on the withdrawal of American armed forces from Iraq on the Spring, 2006, ballot.

**Sponsors:** D'Amato, Bauman, Hamilton, McGee Jr., Hines Jr. and Murphy

**Attachments:** [Original Fiscal Note](#)  
[Exhibit 1](#)  
[Exhibit 2](#)  
[Amended Fiscal Note](#)

*Speakers:*

*Sue Edman - Election Commission Director*

*George Martin - Peace Action Center*

*Ald. Witkowski - opposed to the resolution*

*Supporters:*

Arthur Heitzer  
Brother William Ferguson, Jr.  
Joan Janus  
Mike Trokan  
Ald. Hamilton moves to make Q&A provided by Arthur Heitzer and article titled, "Local Costs of the Iraq War" provided by Mr. Trokan part of the record. Prevailed. (Exhibits 1 and 2)  
Brian Fardine  
Mark Foreman  
Rob Steinhoffer  
Keith Martin  
Don Wescher

**A motion was made by ALD. BAUMAN that this Resolution be RECOMMENDED FOR ADOPTION This motion PREVAILED by the following vote:**

**Aye** 3 - D'Amato, Hamilton Bauman

**No** 1 - Bohl

**Excused** 1 - Murphy

7. [050920](#) Communication from the Comptroller's Office transmitting a report relative to the creation of a City website to report potential fraud, waste and abuse within City government.

**Sponsors:** THE CHAIR

**Attachments:** [Report.PDF](#)

**A motion was made by ALD. HAMILTON that this Communication-Report be RECOMMENDED FOR PLACING ON FILE This motion PREVAILED by the following vote:**

**Aye** 4 - D'Amato, Hamilton, Bauman Bohl

**No** 0

**Excused** 1 - Murphy

**Items below will be heard no earlier than 3:00 P.M.:**

8. [050797](#) Resolution relating to the appeal of Antonio Jones relative to a claim for property loss. (7th Aldermanic District)

**Sponsors:** THE CHAIR

**Attachments:** [Appeal.PDF](#)  
[City Atty. Letter.PDF](#)

**A motion was made by ALD. HAMILTON that this Resolution be HELD TO CALL OF THE CHAIR This motion PREVAILED by the following vote:**

**Aye** 4 - D'Amato, Hamilton, Bauman Bohl

**No** 0

**Excused** 1 - Murphy

9. [050936](#) Resolution relating to a claim from Hercules Malone for property damage. (1st Aldermanic District)
- Sponsors:** THE CHAIR
- Attachments:** [City Atty. Letter.DOC](#)  
[Claim.PDF](#)

**A motion was made by ALD. BAUMAN that this Resolution be RECOMMEND TO DISALLOW & INDEF. POSTPONE This motion PREVAILED by the following vote:**

**Aye** 2 - D'Amato Bauman

**No** 1 - Bohl

**Excused** 2 - Hamilton Murphy

10. [051020](#) Substitute resolution relating to the appeal of Natalia Stanley relative to a claim for property damage. (14th Aldermanic District)
- Sponsors:** THE CHAIR
- Attachments:** [Appeal.PDF](#)  
[Sub fiscal Note](#)

*Ald. Bauman moves to grant in the amount of \$57.*

**A motion was made by ALD. BAUMAN that this Resolution be RECOMMENDED FOR ADOPTION This motion PREVAILED by the following vote:**

**Aye** 3 - D'Amato, Hamilton Bauman

**No** 1 - Bohl

**Excused** 1 - Murphy

11. [050886](#) Resolution relating to a claim from Beverly Bothe for loss of property.
- Sponsors:** THE CHAIR
- Attachments:** [City Atty. Letter.DOC](#)  
[Claim.PDF](#)

**A motion was made by ALD. BOHL that this Resolution be HELD TO CALL OF THE CHAIR This motion PREVAILED by the following vote:**

**Aye** 3 - D'Amato, Bauman Bohl

**No** 0

**Excused** 2 - Hamilton Murphy

12. [050950](#) Resolution relating to the appeal of Keith Sommers relative to a claim for property damage. (14th Aldermanic District)
- Sponsors:** THE CHAIR

**Attachments:** [Appeal.PDF](#)  
[City Atty. Letter.PDF](#)

A motion was made by ALD. BAUMAN that this Resolution be RECOMMEND TO DISALLOW & INDEF. POSTPONE This motion PREVAILED by the following vote:

**Aye** 3 - D'Amato, Bauman Bohl

**No** 0

**Excused** 2 - Hamilton Murphy

13. [050873](#) Resolution relating to a claim from Carolyn Northern for property damage.

**Sponsors:** THE CHAIR

**Attachments:** [City Atty. Letter.DOC](#)  
[Claim.PDF](#)

A motion was made by ALD. BOHL that this Resolution be RECOMMEND TO DISALLOW & INDEF. POSTPONE This motion PREVAILED by the following vote:

**Aye** 3 - D'Amato, Bauman Bohl

**No** 0

**Excused** 2 - Hamilton Murphy

14. [050666](#) Resolution relating to a claim from Mark Zera for personal injuries.

**Sponsors:** THE CHAIR

**Attachments:** [City Atty. Letter.PDF](#)  
[Claim.PDF](#)

A motion was made by ALD. BAUMAN that this Resolution be RECOMMEND TO DISALLOW & INDEF. POSTPONE This motion PREVAILED by the following vote:

**Aye** 3 - D'Amato, Bauman Bohl

**No** 0

**Excused** 2 - Hamilton Murphy

15. [050927](#) Substitute resolution relating to the appeal of James Gradel relative to a claim for property damage.

**Sponsors:** THE CHAIR

**Attachments:** [Appeal.PDF](#)  
[City Atty. Letter.PDF](#)  
[Sub Fiscal Note](#)

*Make photos provided by Mr. Gradel part of the record, by Ald. Hamilton, Prevailed. (Exhibit 1)*

*Motion to approve claim in the amount of \$96, by Ald. Bauman. Prevailed. 3-1 (Ald. Bohl voting "no")*

A motion was made by ALD. BAUMAN that this Resolution be RECOMMENDED FOR ADOPTION This motion PREVAILED by the following vote:

**Aye** 3 - D'Amato, Hamilton Bauman

**No** 1 - Bohl

**Excused** 1 - Murphy

16. [050970](#) Resolution authorizing payment of the claim of Shrea Smith, C.I. File No. 04-L-80.

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note.DOC](#)  
[Settlement Draft Request.DOC](#)  
[City Atty. Cover Letter.DOC](#)

A motion was made by ALD. HAMILTON that this Resolution be RECOMMENDED FOR ADOPTION This motion PREVAILED by the following vote:

**Aye** 4 - D'Amato, Hamilton, Bauman Bohl

**No** 0

**Excused** 1 - Murphy

*Meeting adjourned: 4:03 P.M.*  
*Linda M. Elmer*  
*Staff Assistant*

**This meeting can be viewed in its entirety in the web-casting archives found at [www.milwaukee.gov/channel25](http://www.milwaukee.gov/channel25).**