



City of Milwaukee

Meeting Agenda

200 E. Wells Street
Milwaukee, Wisconsin
53202

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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**Italicized comments following the titles of Council files are explanatory only and not intended to limit the scope of the debate or any possible amendments.*

Monday, July 18, 2005

9:00 AM

Room 301-B, City Hall

9:00 A.M.

The JUDICIARY AND LEGISLATION COMMITTEE may convene into closed session at 9:00 A.M. on Monday, July 18, 2005, in Room 301-B, City Hall, 200 East Wells Street, Milwaukee, Wisconsin, 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 pending litigation in which the City is involved and then will go into open session for the regular agenda.

9:30 A.M.

- 1) [050421](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 7/6/2005
Appointment of Annie Wacker to the Ethics Board by the Mayor. (9th Aldermanic District)
[Resume.PDF](#)
[Appt. Letter.PDF](#)
- 2) [050417](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 7/6/2005
Appointment of Robert Spindell, Jr., to the Election Commission by the Mayor. (3rd Aldermanic District)
[Appt. Letter.PDF](#)
[Resume.PDF](#)
- 3) [050415](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 7/6/2005
Reappointment of Victoria Toliver to the Election Commission by the Mayor. (15th Aldermanic District)

[Appt. Letter.PDF](#)

- 4) [050416](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 7/6/2005
Reappointment of Al Campos to the Election Commission by the Mayor. (14th Aldermanic District)
[Appt. Letter.PDF](#)
- 5) [050081](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/3/2005
Resolution relative to various legislative bills.

Items below will be heard no earlier than 10:15 A.M.

- 6) [050328](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 7/6/2005
Resolution authorizing payment of attorneys' fees to Eggert & Cermele, S.C., and Fuchs, DeStefanis & Boyle, S.C. in MPA, et al. v. Hegerty, et al. (City Attorney)
[Fiscal Note.DOC](#)
[City Atty. Letter.DOC](#)
- 7) [050303](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 6/14/2005
Resolution relating to a claim of Matthew Quist.
[City Atty. Letter.DOC](#)
[Claim.PDF](#)
---Claim related to denial of an extension of the Milwaukee Police Department eligible list for promotion to lieutenant of detectives. The Fire and Police Commission followed its past practices in extension of the eligible list.
- 8) [050330](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 7/6/2005
Resolution relating to the appeal of Johnnie Johnson, Jr. relative to a claim for loss of dog. (15th Aldermanic District)
[Appeal.PDF](#)
[City Atty. Letter.PDF](#)
---\$5,000 claim related to a dog being shot and killed by Milwaukee police officers. The police were acting within the scope of their responsibilities and the action taken was necessary and appropriate.
- 9) [050333](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 7/6/2005
Resolution relating to a claim from Josephine Morris for property damage.

[City Atty. Letter.PDF](#)

[Appeal Part 1.PDF](#)

[Appeal Part 2.PDF](#)

[Appeal Part 3.PDF](#)

[Appeal Part 4.PDF](#)

[Appeal Part 5.PDF](#)

---\$72,231.23 claim related to the removal and destruction of a 1975 Mercedes Benz. The Department of Neighborhood Services followed appropriate procedures in this matter and therefore the city is not liable.

- 10) [050331](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 7/6/2005

Resolution relating to the appeal of Andrew Frederick relative to a claim for property damage. (5th Aldermanic District)

[City Atty. Letter.PDF](#)

[Appeal.PDF](#)

---\$451.97 claim related to damage to a private vehicle when it was allegedly struck by a city street sweeper. Since there is no evidence to support the belief that the street sweeper struck the vehicle, the city cannot be held liable.

- 11) [050332](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 7/6/2005

Resolution relating to the appeal of Mark Bolds relative to a claim for property damage. (15th Aldermanic District)

[Appeal.PDF](#)

[City Atty. Letter.PDF](#)

---\$1,007.44 claim for damage to a private vehicle when it was allegedly struck by a city fire truck/hose. Since there is no evidence to support the belief that the fire truck/hose caused the damage to the vehicle, the city cannot be held liable.

- 12) [040935](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 11/3/2004

Communication from the City Attorney's Office transmitting a communication from Erma Mills relative to a claim for property damage.

[City Atty Letter.DOC](#)

[Claim.PDF](#)

---\$5,000 claim related to backwater in a private basement. The city was not aware of the backwater incident until a town hall meeting was held in the area, and therefore cannot be liable for the damages.

- 13) [050393](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 7/6/2005

Resolution relating to a claim from American Family Insurance on behalf of Beatrice Bratkowski for property damage.

[City Atty. Letter.DOC](#)

[Claim.PDF](#)

---\$10,379.32 claim related to backwater in a private basement. The Milwaukee Water Works was not negligent related to its response, repair or minimization of damage and therefore the city cannot be held liable.

- 14) [050204](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 6/14/2005

Resolution relating to the appeal of Kevin Peyton, Acuity Field Claim Representative, on behalf of Peter and Gladys Katzfey relative to a claim for property damage. (14th Aldermanic District)

[Appeal.PDF](#)

[City Atty. Letter.PDF](#)

---\$4,879 claim related to damage to a private vehicle from a non-barricaded, improperly covered excavation. The Infrastructure Department noted that the excavation was properly barricaded, covered with plywood and "Advance Warning signs" were properly set up when the work crew left the area.

15) [050348](#)

SPONSORED BY: THE CHAIR

INTRODUCED ON: 7/6/2005

Resolution relating to the appeal of Lizzie Henderson relative to a claim for property damage. (2nd Aldermanic District)

[Appeal.PDF](#)

[City Atty. Letter.PDF](#)

---\$226.02 claim related to damage to a private vehicle from a pothole. Because the city had no notice of the street defect prior to this incident, it cannot be held liable.

16) [050202](#)

SPONSORED BY: THE CHAIR

INTRODUCED ON: 6/14/2005

Resolution relating to the appeal of Johnny Bryant relative to a claim for personal injuries. (15th Aldermanic District)

[City Atty. Letter.PDF](#)

[Appeal.PDF](#)

---\$2,950 claim related to injuries sustained by an individual after falling on ice in an alley. As the city does not salt or plow the alleys, it was not negligent in this matter.

17) [050228](#)

SPONSORED BY: THE CHAIR

INTRODUCED ON: 6/14/2005

Resolution relating to a claim from American Family Insurance on behalf of Alfredo Martinez for property damage.

[City Atty. Letter.DOC](#)

[Claim.PDF](#)

[Missed Mailing.PDF](#)

[Notice of Disallowance.PDF](#)

[Notice of Disallowance to American Fam Ins..PDF](#)

[Sent in Error \(AFI\) Notice of Disallowance.PDF](#)

[Sent in Error Notice of Disallowance.PDF](#)

---\$8,114.42 claim related to a missing stop sign, which resulted in a motor vehicle accident. Prior to the accident, the city had no notice of this missing stop sign and, therefore, cannot be held liable.

18) [050327](#)

SPONSORED BY: THE CHAIR

INTRODUCED ON: 7/6/2005

Resolution authorizing settlement of the lawsuit entitled Phil Tolkan Leasing Co., Inc. v. City of Milwaukee, Milwaukee County Circuit Court Case No. 04CV007572. (City Attorney)

[Fiscal Note.DOC](#)

[City Atty. Letter.DOC](#)

19) [050329](#)

SPONSORED BY: THE CHAIR

INTRODUCED ON: 7/6/2005

Resolution authorizing settlement of the lawsuit entitled Tower Automotive Products Co., Inc. v. City of Milwaukee, Milwaukee County Circuit Court Case No. 04CV004983. (City Attorney)

[City Atty. Letter.DOC](#)

[Fiscal Note.DOC](#)

This meeting will be web-cast live at [www.milwaukee.gov/channel 25](http://www.milwaukee.gov/channel_25).

NOTE: a) Members of the Common Council, and members of its Standing Committees who are not members of this Committee, may attend this meeting to participate or to gather information. Therefore, notice is given that this meeting may constitute a meeting of the Common Council or any of its Standing Committees, and must be noticed as such, although they will not take any formal action at this meeting.

b) Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities through sign language interpreters or auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at 286-2998, (FAX)286-3456, (TDD)286-2025 or by writing to the Coordinator at Room 205, City Hall, 200 E. Wells Street, Milwaukee, WI 53202.

c) Limited parking for persons attending meetings in City Hall is available at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of East Kilbourn and North Water Street. Parking tickets must be validated in Room 205, (City Clerk's Office) or the first floor Information Booth in City Hall.

d) Effective July 1, 2005, persons engaged in lobbying as defined in s. 305-43-4 of the Milwaukee Code of Ordinances are required to register with the City Clerk's Office License Division. More information is available at www.milwaukee.gov/lobby or by calling 414-286-2238.