



City of Milwaukee

City Hall
200 East Wells Street
Milwaukee, WI 53202

Meeting Agenda

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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Monday, November 7, 2005

1:30 PM

Room 301-B, City Hall

Amended 11-4-05

1:30 P.M.

The JUDICIARY AND LEGISLATION COMMITTEE may convene into closed session at 1:30 P.M. on Monday, November 7, 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 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 then will go into open session for the regular agenda.

2:15 P.M.

1. [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](#)

2. [050901](#) Resolution relative to various legislative bills.

Sponsors: THE CHAIR

Attachments: [Legislative Hearing Calendar](#)
[Fiscal note](#)

3. [050699](#) Resolution directing the Intergovernmental Relations Division- Department of Administration to seek introduction and passage of state legislation permitting parking in certain residential T-intersections.

Sponsors: Witkowski

Attachments: [Fiscal Note](#)
[Letter from Department of Public Works](#)

---May be referred from the Public Safety Committee

2:45 P.M.

4. [050823](#) Resolution to cancel real estate taxes levied against certain parcels bearing various key numbers on the 2004 tax roll, plus interest applicable to date of repayment, if appropriate.

Sponsors: THE CHAIR

Attachments: [Assessment Reduction Letters.PDF](#)
[Assessor's Cover Letter.DOC](#)
[Fiscal Note.doc](#)
[Table of Assessment Reductions.XLS](#)

5. [050840](#) Resolution relative to the cancellation of a special improvement bill placed on the 2005 Tax Roll.

Sponsors: THE CHAIR

Attachments: [Fiscal Note.doc](#)

6. [041127](#) Communication from the City Attorney relative to expenditures from the Outside Counsel/Expert Witness Fund Special Purpose Account.

Sponsors: THE CHAIR

Attachments: [2005 Expenditures through 3-1-05.PDF](#)
[2005 Expenditures through 1-14-05.pdf](#)
[2005 Expenditures through 5-31-05.pdf](#)
[Letter from ALD. D'Amato.pdf](#)
[2005 Expenditures through 4-19-05.PDF](#)
[2005 Expenditures through 9-13-05.pdf](#)
[Retention of Dr. William Lewinski - Sept. 2005](#)
[Retention of Foley & Lardner - October 2005](#)

7. [050528](#) Communication from the City Attorney transmitting a semiannual report as to the determination and disposition of all claims filed from January 1, 2005 through June 30, 2005 pursuant to Section 304-7, Milwaukee Code of Ordinances.

Sponsors: THE CHAIR

Attachments: [Semi-annual report](#)
[Cover letter for Revised Semi-annual report](#)
[Revised Semi-annual report of all claims pending and closed](#)
[Revised Semi-annual report of closed matters](#)

8. [050545](#) Substitute resolution authorizing the return of real estate located at 2062-64 N. 28th St., in the 15th 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. (Tony Brookens)

Sponsors: THE CHAIR

Attachments: [Request for Vacation of In Rem Judgment.PDF](#)
[Fiscal Note.doc](#)
[City Treasurer's Reply.PDF](#)
[DNS Reply.pdf](#)
[DCD Letter](#)
[health dept letter](#)
[Treasurer Office](#)
[Health Dept Letter 10-4-05](#)
[rev DCD Letter](#)
[Updated Treasurer's response](#)
[DNS Response - 11/2/05](#)

9. [050672](#) Substitute resolution authorizing the return of real estate located at 1422 W. Wright St., in the 15th 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. (Cornelius Onyemachi)

Sponsors: THE CHAIR

Attachments: [Request for Vacation of In Rem Judgment.PDF](#)
[Fiscal Note.doc](#)
[Treasurer Office Reply](#)
[Health Dept letter 10-4-05](#)
[DNS letter](#)
[DCD Letter](#)
[Updated treasurer's response](#)
[DNS Response - 11/02/05](#)

10. [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](#)

11. [050538](#) Substitute resolution authorizing the return of real estate located at 2454-56 W. Keefe 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. (Florance Hess)

Sponsors: THE CHAIR

Attachments: [Request for Vacation of In Rem Judgment.PDF](#)
[Fiscal Note.doc](#)
[City Treasurer's Reply.PDF](#)
[DNS Reply.pdf](#)
[DCD Letter](#)
[Health dept letter](#)
[Treasurer Office](#)
[Health Dept letter 9-29-05](#)
[Updated treasurer's response](#)
[DNS Response 11/3/05](#)

12. [050673](#) Substitute resolution authorizing the return of real estate located at 2635-37 N. 37th St., in the 15th 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. (Kym Gregory)

Sponsors: THE CHAIR

Attachments: [Request for Vacation of In Rem Judgment.PDF](#)
[Fiscal Note.doc](#)
[Treasurer Office Reply](#)
[Health Dept letter 9-29-05](#)
[DNS letter](#)
[DCD Letter](#)
[Updated treasurer's response](#)
[DNS Response 11/3/05](#)

---Please Note: Item #13 will not be heard at this time.

13. [050675](#) Substitute resolution authorizing the return of real estate located at 831-33 E. Clarke St., in the 3rd 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. (HMS Grocery, 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](#)
[Updated treasurer's response](#)
[DNS Response - 11/2/05](#)

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

14. [050877](#) Resolution relating to the appeal of Bill and Judy Janicek relative to a claim for property damage. (14th Aldermanic District)
Sponsors: THE CHAIR
Attachments: [Appeal.PDF](#)
[City Atty. Letter.PDF](#)
---\$610 claim related to damage to a private home as a result of forced entry. The Milwaukee police acted appropriately in this matter and therefore the city cannot be held liable.
15. [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](#)
---\$1,503.20 claim related to property stolen from a private garage as a result of an alleged inadequate search by the police. The loss of the property was not caused by negligence on the part of the police and therefore the city is not liable.
16. [050802](#) Resolution relating to the appeal of Robert Jones relative to a claim for property damage. (4th Aldermanic District)
Sponsors: THE CHAIR
Attachments: [Appeal.PDF](#)
[City Atty. Letter.PDF](#)
---\$594 claim related to damage to private property as a result of forced entry. The police acted appropriately in this matter and appeals for any board-up charges must be filed with the Administrative Review Appeals Board, which was not done.
17. [050801](#) Resolution relating to the appeal of Prudence Holland relative to a claim for property damage. (6th Aldermanic District)
Sponsors: THE CHAIR
Attachments: [Appeal.PDF](#)
[City Atty. Letter.PDF](#)
---\$1,435 claim related to damage to private property as a result of forced entry. The police acted appropriately in this matter.
18. [050886](#) Resolution relating to a claim from Beverly Bothe for loss of property.
Sponsors: THE CHAIR
Attachments: [City Atty. Letter.DOC](#)
[Claim.PDF](#)
---\$40,000 claim related to removal of private property. The city acted appropriately in the clean-up of a nuisance property.
19. [050876](#) Resolution relating to the appeal of Bernard Harvieux relative to a claim for property damage. (5th Aldermanic District)
Sponsors: THE CHAIR

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

---\$4,559 claim related to damage to a basement wall as a result of a water main break. The city responded to the break in a timely manner and followed standard repair procedures.

20. [050873](#) Resolution relating to a claim from Carolyn Northern for property damage.

Sponsors: THE CHAIR
Attachments: [City Atty. Letter.DOC](#)
[Claim.PDF](#)

---\$17,197 claim related to sewer backwater in a basement. The sewer is on a regular cleaning schedule and there was no prior notice of problems at this address, so the city cannot be held liable.

Items below will be heard no earlier than 3:30 P.M.:

21. [050835](#) Resolution relating to the appeal of Atty. Werner Reis, on behalf of Jennifer Reis relative to a claim for property damage. (4th Aldermanic District)

Sponsors: THE CHAIR
Attachments: [Appeal.PDF](#)
[City Atty. Letter.PDF](#)

---\$4,359 claim related to towing and destruction of a private vehicle. The city followed proper procedure and therefore cannot be held liable.

22. [050799](#) Resolution relating to the appeal of Antonio Mann relative to a claim for property loss. (5th Aldermanic District)

Sponsors: THE CHAIR
Attachments: [Appeal.PDF](#)
[City Atty. Letter.PDF](#)

---\$2,610 claim related to amplifiers missing from a vehicle that was towed by the city. The city followed proper procedure and no evidence was provided to show that the amplifiers were stolen while in the city's custody; therefore, the city cannot be held liable.

23. [050885](#) Resolution relating to a claim from Atty. James Hall, Jr. on behalf of Loretta Graham for personal injuries.

Sponsors: THE CHAIR
Attachments: [City Atty. Letter.DOC](#)
[Claim.PDF](#)

---\$32,000 claim related to a fall on a public sidewalk. Prior to the incident, the city had no notice of a hazard at this location.

24. [050878](#) Resolution relating to the appeal of Goran Filipovic relative to a claim for property damage. (11th Aldermanic District)

Sponsors: THE CHAIR
Attachments: [Appeal.PDF](#)
[City Atty. Letter.PDF](#)

---\$316.59 claim related to damage to a private vehicle caused by a sunken sewage cover. Prior to this incident, the city had no notice of the defect and therefore cannot be held liable.

25. [050872](#) Resolution relating to a claim from Attorney Jerome Hierseman on behalf of Ada Sprewer for personal injuries.

Sponsors: THE CHAIR

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

---\$9,001 claim related to a fall on a city sidewalk. Prior to the event, the city had no notice of the defect and therefore cannot be held liable.

26. [050798](#) Resolution relating to the appeal of Daphne Jackson relative to a claim for property damage. (4th Aldermanic District)

Sponsors: THE CHAIR

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

---\$1,137.23 claim related to a city tree falling on a private vehicle. The tree fell as a result of high winds and not as a result of negligence by the city.

27. [050869](#) Resolution relating to a claim from Brian and Jo Ellen Wichman for property damage.

Sponsors: THE CHAIR

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

---\$5,264 claim related to damage to a private vehicle from a falling tree limb. Prior to the incident, the tree was alive, healthy and the limb showed no sign of decay.

28. [050887](#) Resolution relating to claims from Carmen Falcon for property damage and personal injuries.

Sponsors: THE CHAIR

Attachments: [City Atty. Letter.DOC](#)
[Claim.PDF](#)
[City Atty. Letter for Property Damage.DOC](#)

---\$300,000 claim related to personal injuries and property damage as a result of an allegedly malfunctioning street light. City records show that this streetlight was functioning properly and the city, therefore, is not negligent in this matter.

29. [050870](#) Resolution relating to a claim from MetLife Auto and Home Economy Premier Assurance Company on behalf of Gary Taxman for property damage.

Sponsors: THE CHAIR

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

---\$8,601.72 claim related to an allegedly malfunctioning traffic light. The intersection and traffic light are in the city of Glendale, not Milwaukee.

30. [050816](#) Resolution relating to the appeal of Paul Gorzalski relative to a claim for property damage.

Sponsors: THE CHAIR

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

---\$818.31 claim related to damage to a private vehicle struck by a street sign. There is no evidence that the city was negligent in this matter.

31. [050849](#) Resolution relating to the appeal of Stevo Matic relative to a claim for property damage. (6th Aldermanic District)

Sponsors: THE CHAIR

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

---\$1,305 claim related to damage allegedly caused by city employees picking up garbage at the alley. There is no evidence that the damage was caused by city employees.

32. [050800](#) Resolution relating to the appeal of Leon Wanzo relative to a claim for property damage. (2nd Aldermanic District)

Sponsors: THE CHAIR

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

---\$655.77 claim related to damage to a private vehicle scratched by a garbage cart upon exiting a garage. The city is not liable in this incident as the claimant had a full view of the garbage cart, which he struck.

33. [050871](#) Resolution authorizing payment of the claim of We Energies (2005162495), C.I. File No. 05-S-167.

Sponsors: THE CHAIR

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

34. [050880](#) Resolution Authorizing the Settlement of Lawsuit regarding Options for Community Growth, Inc., et al. v. City of Milwaukee, et al., Case No. 03-C-1275.

Sponsors: THE CHAIR

This meeting will be webcast live at www.milwaukee.gov/channel25.

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.