



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, May 16, 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, May 16, 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 relative to Items # 1... Resolution authorizing settlement of in-rem action against Molecular Biology Resources, Inc., #2...Resolution to authorize settlement of alleged discrimination case based upon disability filed in the United States District Court for the Eastern District of Wisconsin entitled Dean Monfre v. City of Milwaukee, Case No. 04-C-0352, #3...Resolution authorizing settlement of the lawsuit entitled Holmon v. City of Milwaukee, Case No. 04C0046, #4...Resolution authorizing settlement of the lawsuit entitled Hampton v. City of Milwaukee, Case No. 04C0164 and #5...Resolution authorizing settlement of the lawsuit entitled Beason v. City of Milwaukee (Water Works), ERD Case No. 200001547; EEOC Case No. 200001547, and in-rem litigation involving the Police Athletic League and then will go into open session for the regular agenda.

1) [050064](#)

SPONSORED BY: THE CHAIR

INTRODUCED ON: 5/3/2005

Resolution authorizing settlement of in-rem action against Molecular Biology Resources, Inc.

[City Atty. Letter.PDF](#)

[Letter to Elmer & Hartman.DOC](#)

[Fiscal Note.DOC](#)

[Settlement Stipulation & Order.DOC](#)

- 2) [050007](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/3/2005
Resolution to authorize settlement of alleged discrimination case based upon disability filed in the United States District Court for the Eastern District of Wisconsin entitled Dean Monfre v. City of Milwaukee, Case No. 04-C-0352. (City Attorney)
[City Atty. Letter.DOC](#)
[Fiscal Note.DOC](#)
- 3) [050086](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/3/2005
Resolution authorizing settlement of the lawsuit entitled Holmon v. City of Milwaukee, Case No. 04C0046. (City Attorney)
[City Atty. Letter.DOC](#)
[Fiscal Note.DOC](#)
- 4) [050085](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/3/2005
Resolution authorizing settlement of the lawsuit entitled Hampton v. City of Milwaukee, Case No. 04C0164. (City Attorney)
[City Atty. Letter.DOC](#)
[Fiscal Note.DOC](#)
- 5) [050084](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/3/2005
Resolution authorizing settlement of the lawsuit entitled Beason v. City of Milwaukee (Water Works) ERD Case No. 200001547; EEOC Case No. 200001547. (City Attorney)
[City Atty. Letter.DOC](#)
[Fiscal Note.DOC](#)
- 10:15 A.M.
- 6) [041707](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 4/12/2005
Resolution relative to various legislative bills.
- 7) [050061](#) SPONSORED BY: ALD. MCGEE INTRODUCED ON: 5/3/2005
Resolution directing the Intergovernmental Relations Division-Department of Administration to seek introduction and passage of state legislation amending statutory provisions to cease payment of salary and benefit compensation of police officers in cities of the First Class after termination from employment by the Chief of Police.
[Fiscal note.doc](#)
- 8) [050090](#) SPONSORED BY: ALD. BAUMAN INTRODUCED ON: 5/3/2005
Resolution expressing the City of Milwaukee's support for U.S. House Bill 1631, the Rail Infrastructure Development and Expansion Act for the 21st Century.

[Fiscal Note.doc](#)
[2 Fisca Note.doc](#)

- 9) [050089](#) SPONSORED BY: ALD. BAUMAN INTRODUCED ON: 5/3/2005

Resolution expressing the City of Milwaukee's support for U.S. House Bill 1630, the Amtrak Reauthorization Act of 2005.

[Fiscal Note.doc](#)
[2 Fiscal Note.doc](#)

- 10) [041619](#) SPONSORED BY: ALD. DONOVAN and ALD. BOHL INTRODUCED ON: 3/16/2005

Substitute resolution directing the Department of Administration - Intergovernmental Relations Division to seek introduction and passage of state legislation relating to prohibition of loud sounds emitting from radios and other electric sound amplification devices in motor vehicles.

[Fiscal Note.doc](#)
[Communication and Complaint form from Ald. D'Amato.PDF](#)
[City Attorney's Opinion.PDF](#)

The items below will be heard no earlier than 11:00 A.M.

- 11) [050010](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/3/2005

Resolution relating to a claim from William Mitchell for damages.

[Claim For Mitchell.PDF](#)
[City Atty. Letter.PDF](#)

---\$11,000 claim related to city-acquired property for non-payment of delinquent taxes. The deadline to return a signed affidavit was on September 28, 2004 but the signed affidavit was not returned until November 3, 2004. The city and its employees acted properly in this matter.

- 12) [050065](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/3/2005

Resolution relating to the appeal of Kimberly Klein relative to a claim for property damage. (4th Aldermanic District)

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

---\$115 claim related to a towing fee of a stolen vehicle. City records indicate towing was authorized by the owner, if the vehicle was recovered, therefore the city is not liable.

- 13) [050013](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/3/2005

Resolution relating to the appeal of William Murphy relative to a claim for property damage. (11th Aldermanic District)

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

---\$615.12 claim related to damage allegedly sustained to a vehicle during a garbage collection. The paint on the garbage cart does not match the location

nor color of the vehicle, and, since the city did not cause the damage, it cannot be liable.

- 14) [050008](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/3/2005
Resolution relating to a claim from Action Law Offices, S.C. on behalf of Connie Williams for personal injuries.
[City Atty. Letter.DOC](#)
[Claim For Williams.PDF](#)
---\$45,000 claim related to a trip and fall on a public sidewalk. Because the city had no notice of a hazard it would not be liable.
- 15) [050009](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/3/2005
Resolution relating to a claim from Action Law Offices, S.C. on behalf of Margaret Lazarevich for personal injuries.
[City Atty. Letter.DOC](#)
[Claim For Lazarevich.PDF](#)
---\$50,000 claim related to a trip and fall on a piece of pipe sticking out of the ground. Investigation reveals that a WE Energies pipe was elevated from the surrounding soil and missing its cover, and, therefore, the city is not liable.
- 16) [050015](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/3/2005
Resolution relating to the appeal of Pamela Myers relative to a claim for property damage. (9th Aldermanic District)
[Appeal.PDF](#)
[City Atty. Letter.PDF](#)
---\$237.45 claim related to damage to a vehicle from a pothole. The city is not liable as the damage occurred while traveling on a county highway.
- 17) [050012](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/3/2005
Resolution relating to the appeal of Noah Thomas relative to a claim for property damage. (7th Aldermanic District)
[Appeal.PDF](#)
[City Atty. Letter.PDF](#)
---\$1,832.21 claim related to damage to a private vehicle during a police action. The police were acting within the scope of their responsibilities and, therefore, the city is not liable.
- 18) [050011](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/3/2005
Resolution relating to the appeal of Tukira Patterson relative to a claim for property damage. (2nd Aldermanic District)
[City Atty. Letter.PDF](#)
[Appeal.PDF](#)
---\$1,405 claim related to an alleged police search of a private home. Police records do not indicate that a search was conducted at that address, and, since the city did not cause the loss, it cannot be held liable.
- 19) [050066](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/3/2005

Resolution relating to the appeal of Robert Holland, Sr. relative to a claim for property damage. (4th Aldermanic District)

[Appeal.PDF](#)

[City Atty. Letter.PDF](#)

---\$1,943.01 claim related to damage to private property by the Milwaukee police. There is no evidence that the alleged damage was caused by city employees.

20) [050014](#)

SPONSORED BY: THE CHAIR

INTRODUCED ON: 5/3/2005

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

[Appeal.PDF](#)

[City Atty. Letter.PDF](#)

---\$692.88 claim related to damage to private property during foot pursuit of a subject. The police action in this matter was necessary and appropriate and, since the police were not negligent, the city would not be liable.

21) [050029](#)

SPONSORED BY: THE CHAIR

INTRODUCED ON: 5/3/2005

Resolution to cancel real estate taxes levied against certain parcels bearing various key numbers on the 2003 and 2004 tax rolls, plus interest applicable to date of repayment, if appropriate. (Assessor's Office)

[Fiscal Note.doc](#)

[Assessor's Cover Letter.DOC](#)

[Table of Assessment Reductions.XLS](#)

[Letters of Assessment Reductions.PDF](#)

22) [050028](#)

SPONSORED BY: THE CHAIR

INTRODUCED ON: 5/3/2005

Resolution authorizing payment of the claim of Jon Osowski, Case No. 03CV000666. (City Attorney)

[City Atty. Letter.DOC](#)

[Fiscal Note.DOC](#)

[Settlement Draft Request.DOC](#)

23) [050006](#)

SPONSORED BY: THE CHAIR

INTRODUCED ON: 5/3/2005

Resolution to settle claim of Attorney Laurie A. Eggert for defense of various police officers. (City Attorney)

[Claim For Burch.PDF](#)

[Claim For Dederich And Miller.PDF](#)

[Claim For Dineen.PDF](#)

[Claim For Fischer.PDF](#)

[Claim For Lutz And Newport.PDF](#)

[Claim For Sheehan And Bohlen.PDF](#)

[Claim For Trczinski.PDF](#)

[Claim For Wilhelm, Schulz, Rnadow and Ederesinghe.PDF](#)

[Claim For Young.PDF](#)

[Claim For Mucha And Lutz.PDF](#)

[Fiscal Note.doc](#)

This meeting will be web-cast 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.