



City of Milwaukee

City Hall
200 East Wells Street
Milwaukee, WI 53202

Meeting Minutes JUDICIARY & LEGISLATION COMMITTEE

ALD. MICHAEL S. D'AMATO, CHAIR
Ald. Donald F. Richards, Vice Chair
Ald. Marlene E. Johnson-Odom, Ald. Michael J. Murphy,
Ald. Fredrick G. Gordon

Staff Assistant, Kathleen Marquardt, 286-2231,
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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, January 13, 2003

1:15 PM

Room 301-B, City Hall

Present 5 - D'Amato, Richards, Johnson-Odom, Murphy, Gordon

1:15 P.M.; Meeting convened: 1:23 P.M.

Ald. Gordon 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 litigation in which the City is involved relative to Item #1 - File Number 021373 - Resolution authorizing settlement of the lawsuit entitled Super Excavators, Inc. v. City of Milwaukee, Case No. 01-CV-001325 and then go into open session for the regular agenda.

Roll Call:

Ayes: Ald. Gordon, Johnson-Odom and D'Amato - 3.

Noes:

Prevailed. (Ald. Murphy and Richards arrived shortly after Roll Call was taken)

CLOSED SESSION

Ald. Murphy moved that the Committee reconvene into open session.

Prevailed.

1:30 P.M.

- 1) [021373](#) Resolution authorizing settlement of the lawsuit entitled Super Excavators, Inc. v. City of Milwaukee, Case No. 01-CV-001325.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 4 - D'Amato, Johnson-Odom, Murphy and Gordon

No 0

Excused 1 - Richards

- 2) [021292](#) Substitute resolution approving a partial settlement agreement in Rehrauer, et al. v. City of Milwaukee, et al., Circuit Case No. 90-CV-7745.

Sponsors: THE CHAIR

A motion was made by Vice Chair Richards that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

- 3) [021337](#) Substitute resolution appropriating additional funds from the Outside Counsel/Expert Witness Fund Special Purpose Account for the purpose of payment of continuing services of outside legal counsel and for the payment of an expert witness in a case involving the Board of Zoning Appeals.

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

- 4) [021234](#) Resolution to settle claim of Attorney Laurie A. Eggert, Eggert Law Office, for defense of various police officers. (City Attorney)

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

- 5) [021331](#) Resolution providing for continuance of Deferred Payment of Assessments for Worthy Indigent Resident Property Owners.

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

- 6) [021330](#) Resolution granting deferred payment of the special assessment for Marie Couillard, 6679 North 77th Street, in the 15th Aldermanic District.

Sponsors: THE CHAIR

A motion was made by Vice Chair Richards that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

1:40 P.M.

- 7) [021291](#) Resolution relative to the cancellation of cart return charges placed on the 2002 Tax Roll.

Sponsors: THE CHAIR

A motion was made by Ald. Johnson-Odom that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

- 8) [021271](#) Resolution relative to the cancellation of weed cutting charges placed on the 2001 Tax Roll. (Sanitation)

Sponsors: THE CHAIR

A motion was made by Vice Chair Richards that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

- 9) [021300](#) Resolution relative to the cancellation of weed cutting charges placed on the 2002 Tax Roll. (Sanitation)

Sponsors: THE CHAIR

A motion was made by Ald. Johnson-Odom that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

- 10) [021305](#) Resolution relative to the cancellation of weed cutting charges placed on the 2002 Tax Roll. (Sanitation)

Sponsors: THE CHAIR

A motion was made by Vice Chair Richards that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

- 11) [021270](#) Resolution relative to the cancellation of weed cutting charges placed on the 2002 Tax Roll. (Sanitation)

Sponsors: THE CHAIR

A motion was made by Ald. Johnson-Odom that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

- 12) [021212](#) Substitute resolution directing the Intergovernmental Relations Division-Department of Administration to seek introduction and passage of state legislation relating to Mayoral appointment of fire and police chiefs in first class cities.

Sponsors: Ald. Murphy and Ald. Bohl

---(Matter held in Public Safety Committee)

- 13) [021280](#) Substitute resolution expressing Common Council opposition to a unilateral, preemptive military attack by the United States against the nation of Iraq.

Sponsors: Ald. Richards, Ald. Henningsen, Ald. Johnson-Odom and Ald. Gordon

---(No speakers in opposition)

A motion was made by Vice Chair Richards that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

- 14) [020241](#) Substitute resolution relating to continuation of biennial property revaluations by the Assessor's Office.

Sponsors: Ald. Bohl

A motion was made by Ald. Gordon that this matter be RECOMMENDED FOR PLACING ON FILE. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

2:00 P.M.

- 15) [021231](#) Substitute resolution authorizing the return of real estate located at 4032 North 24th Street, in the 1st 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. (Joe Williams)

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Gordon that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 3 - D'Amato, Johnson-Odom and Gordon

No 0

Excused 2 - Richards and Murphy

16) [021278](#)

Substitute resolution authorizing the return of real estate located at 5032 North 33rd Street, in the 1st 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. (Kimberly M. Meyers)

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Johnson-Odom that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 3 - D'Amato, Johnson-Odom and Gordon

No 0

Excused 2 - Richards and Murphy

17) [021247](#)

Substitute resolution authorizing the return of real estate located at 4077 North 51st Street, in the 2nd 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. (Sam E. Belton)

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 3 - D'Amato, Johnson-Odom and Gordon

No 0

Excused 2 - Richards and Murphy

18) [021258](#)

Substitute resolution authorizing the return of real estate located at 1641 North Van Buren Street, 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. (Carey Patterson)

Sponsors: THE CHAIR and JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Gordon that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 3 - D'Amato, Johnson-Odom and Gordon

No 0

Excused 2 - Richards and Murphy

- 19) [021244](#) Substitute resolution authorizing the return of real estate located at 2919 North 5th Street, 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. (Winston Brown)

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be HELD TO CALL OF THE CHAIR. The motion carried by the following vote:

Aye 3 - D'Amato, Johnson-Odom and Murphy

No 0

Excused 2 - Richards and Gordon

- 20) [021230](#) Substitute resolution authorizing the return of real estate located at 2451-53 W. Fond du Lac Avenue, in the 7th 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. (Donald Lewis)

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Johnson-Odom that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 3 - D'Amato, Johnson-Odom and Murphy

No 0

Excused 2 - Richards and Gordon

- 21) [021279](#) Substitute resolution authorizing the return of real estate located at 2777 North 49th Street, in the 7th 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. (Mary Jones)

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Johnson-Odom that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 3 - D'Amato, Johnson-Odom and Murphy

No 0

Excused 2 - Richards and Gordon

- 22) [021087](#) Substitute resolution authorizing the return of real estate located at 2676 North Sherman Blvd., in the 7th 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. (Franklin Atwater, Sr.)

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Murphy that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 3 - D'Amato, Johnson-Odom and Murphy

No 0

Excused 2 - Richards and Gordon

2:20 P.M.

- 23) [021228](#) Substitute resolution authorizing the return of real estate located at 5259 North 31st Street, in the 9th 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. (Edward Majors)

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Murphy that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 3 - D'Amato, Johnson-Odom and Murphy

No 0

Excused 2 - Richards and Gordon

- 24) [021246](#) Substitute resolution authorizing the return of real estate located at 5355 North 26th Street, in the 9th 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. (Shirley Peterson)

Sponsors: THE CHAIR

A motion was made by Ald. Johnson-Odom that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 3 - D'Amato, Johnson-Odom and Murphy

No 0

Excused 2 - Richards and Gordon

- 25) [021232](#) Substitute resolution authorizing the return of real estate located at 3347 North 38th Street, in the 10th 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. (Lawrence L. Wilkerson)

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Murphy that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 3 - D'Amato, Johnson-Odom and Murphy

No 0

Excused 2 - Richards and Gordon

- 26) [021233](#) Substitute resolution authorizing the return of real estate located at 3281 North 29th Street, in the 10th 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. (Darnell Mungon)

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Gordon that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 4 - D'Amato, Johnson-Odom, Murphy and Gordon

No 0

Excused 1 - Richards

- 27) [021229](#) Substitute resolution authorizing the return of real estate located at 1532 South 22nd Street, in the 12th 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. (Timothy and Donna O'Keefe)

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Murphy that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 4 - D'Amato, Johnson-Odom, Murphy and Gordon

No 0

Excused 1 - Richards

- 28) [021245](#) Substitute resolution authorizing the return of real estate located at 1823 South 19th Street, in the 12th 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. (Daryl Antoniak)

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Gordon that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 4 - D'Amato, Johnson-Odom, Murphy and Gordon

No 0

Excused 1 - Richards

- 29) [021243](#) Substitute resolution authorizing the return of real estate located at 2303 North 46th Street, in the 17th 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. (James Rouse)

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Murphy that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 4 - D'Amato, Johnson-Odom, Murphy and Gordon

No 0

Excused 1 - Richards

30) [021259](#)

Substitute resolution authorizing the return of real estate located at 3912-14 West Cherry Street, in the 17th 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. (Penny Tracy)

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Johnson-Odom that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 4 - D'Amato, Johnson-Odom, Murphy and Gordon

No 0

Excused 1 - Richards

2:45 P.M.

31) [021371](#)

Communication from the City Attorney's Office transmitting a communication from Mary Gaurkee relative to a claim for personal injuries.

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be RECOMMEND TO DISALLOW & INDEF. POSTPONE. The motion carried by the following vote:

Aye 4 - D'Amato, Johnson-Odom, Murphy and Gordon

No 0

Excused 1 - Richards

32) [021235](#)

Appeal of American Family Insurance Group on behalf of Carl and Marilyn White relative to a claim for property damage. (2nd Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be RECOMMEND TO DISALLOW & INDEF. POSTPONE. The motion carried by the following vote:

Aye 4 - D'Amato, Johnson-Odom, Murphy and Gordon

No 0

Excused 1 - Richards

- 33) [021314](#) Communication from the City Attorney's Office transmitting a communication from Eli McNeely relative to a claim for property damage.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be RECOMMEND TO DISALLOW & INDEF. POSTPONE. The motion carried by the following vote:

Aye 4 - D'Amato, Johnson-Odom, Murphy and Gordon

No 0

Excused 1 - Richards

- 34) [021370](#) Substitute resolution to settle claim of Gamella Hines for property damage.

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

---(Note: Settlement amount contingent upon claimant furnishing proof to the Department of Neighborhood Services of the amount paid to her contractor).

A motion was made by Ald. Murphy that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 4 - D'Amato, Johnson-Odom, Murphy and Gordon

No 0

Excused 1 - Richards

- 35) [021242](#) Appeal of Christopher Malone relative to a claim for property damage. (4th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be HELD TO CALL OF THE CHAIR. The motion carried by the following vote:

Aye 4 - D'Amato, Johnson-Odom, Murphy and Gordon

No 0

Excused 1 - Richards

- 36) [021372](#) Communication from the City Attorney's Office transmitting a communication from James E. Ashford relative to a claim for property damage.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be RECOMMEND TO DISALLOW & INDEF. POSTPONE. The motion carried by the following vote:

Aye 4 - D'Amato, Johnson-Odom, Murphy and Gordon

No 0

Excused 1 - Richards

- 37) [021315](#) Communication from the City Attorney's Office transmitting a communication from Diego M. Heredia relative to a claim for property damage.

Sponsors: THE CHAIR

A motion was made by Ald. Johnson-Odom that this matter be RECOMMEND TO DISALLOW & INDEF. POSTPONE. The motion carried by the following vote:

Aye 4 - D'Amato, Johnson-Odom, Murphy and Gordon

No 0

Excused 1 - Richards

- 38) [021236](#) Appeal of Albert McMillon relative to a claim for property damage. (17th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be HELD TO CALL OF THE CHAIR. The motion carried by the following vote:

Aye 4 - D'Amato, Johnson-Odom, Murphy and Gordon

No 0

Excused 1 - Richards

- 39) [021188](#) Appeal of Dora Wilkins relative to a claim for property damage. (9th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be HELD TO CALL OF THE CHAIR. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

- 40) [021241](#) Appeal of Jeffrey and Dotty Miller relative to a claim for property damage. (13th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be RECOMMEND TO DISALLOW & INDEF. POSTPONE. The motion carried by the following vote:

Aye 3 - D'Amato, Johnson-Odom and Murphy

No 0

Excused 2 - Richards and Gordon

- 41) [021237](#) Appeal of Gary Kuenzle relative to a claim for property damage. (11th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be RECOMMEND TO DISALLOW & INDEF. POSTPONE. The motion carried by the following vote:

Aye 3 - D'Amato, Johnson-Odom and Murphy

No 0

Excused 2 - Richards and Gordon

- 42) [021238](#) Communication from the City Attorney's Office transmitting a communication from Crawford Subrogation & Recovery on behalf of Winterhur International/Eaton Corporation relative to a claim for property damage.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be RECOMMEND TO DISALLOW & INDEF. POSTPONE. The motion carried by the following vote:

Aye 3 - D'Amato, Johnson-Odom and Murphy

No 0

Excused 2 - Richards and Gordon

Meeting adjourned: 4:31 P.M.

*Kathleen M. Marquardt
Staff Assistant*