City of Milwaukee

City Hall
200 East Wells Street
Milwaukee, Wi 53202

Meeting Agenda

JUDICIARY & LEGISLATION COMMITTEE

ALD. ASHANTI HAMILTON, CHAIR
Ald. Terry Witkowski, Vice-Chair
Ald. James Bohl, Jr., Ald. Joe Davis, Sr., and Ald. Robert Donovan

Staff Assistant, Linda Elmer, 286-2232
Fax: 286-3456, lelmer@milwaukee.gov

Legislative Liaison, Richard Withers, 286-8532, rwithe@milwaukee.gov

Monday, April 26, 2010 | **2:15 PM** | **Room 301-B, City Hall**

PLEASE NOTE: The Committee will begin at 2:15 P.M.

1. **091645** Resolution to cancel real estate taxes levied against certain parcels bearing various key numbers on the 2009 tax roll, plus interest applicable to date of repayment, if appropriate.

Sponsors: THE CHAIR

Attachments: Fiscal Note.doc
Cover Letter
Spreadsheet.xls
Claim Forms.pdf
Hearing Notice List

2. **091531** Communication from the City Attorney relative to expenditures from the Outside Counsel/Expert Witness Fund Special Purpose Account.

Sponsors: THE CHAIR

Attachments: Expenditures Through March 30
Outside Counsel - March 15
Outside Counsel - March 3
Hearing Notice List

3. **091610** Substitute resolution directing the City Clerk to contract for consulting/lobbying services.

Sponsors: Ald. Bauman

Attachments: Fiscal Note
Transportation Federal Lobbying Prospectus
Lobbying Services (10139-3) - Bauman.RTF
Hearing Notice List

4. **091667** Resolution authorizing expenditures for attendance at meetings of the National League of Cities' Transportation Infrastructure Steering Committee.

Sponsors: Ald. Bauman

Attachments: Fiscal Note
Hearing Notice List

5. **091662** Resolution authorizing payment of the claim of Mary Arterbridge.

Sponsors: THE CHAIR

Attachments: City Attorney Letter
Fiscal Note.doc
Claim

6. **091529** Substitute resolution to settle claims of Cermele & Associates for defense of various police officers.

Sponsors: THE CHAIR

Attachments: Fiscal Note
David Gabbard.pdf
Viera, Sullivan, Harris, Szedziewski.pdf
Wesam Yaghnam.pdf
Gerald Schmidt.pdf
Bohlen, Justus, Groszczyk, Moore.pdf

---This file includes payment of legal fees for the following police officers: Todd Bohlen, Dennis Justus, Allen Groszczyk, Marc Moore, Jeffrey Sullivan, Derrick Harris, Jose Viera, Rachel Szedziewski, David Gabbard, Gerald Schmidt and Wesam Yagham.

2:30 P.M.

7. **091641** Resolution relating to an appeal from Atty. Lynne Mueller on behalf of Walter Lowe regarding a special improvement payment. (5th Aldermanic District)

Sponsors: THE CHAIR

Attachments: City Attorney Letter
Appeal
Hearing Notice List

---$2,777.50

8. **091638** Resolution relating to an appeal from Debra Lewandowski for loss of property. (11th Aldermanic District)

Sponsors: THE CHAIR

Attachments: City Attorney Letter
Appeal
Hearing Notice List

---$3,861.00

9. **091654** Resolution relating to an appeal from Peter and Christine Geiger for property damage.

Sponsors: THE CHAIR

Attachments: City Attorney Letter
Appeal
Hearing Notice List

---$921.15

10. **091614** Resolution relating to an appeal from Atty. Marc Christopher, Agent for Secura Insurance Companies on behalf of Randy Michalzik for property damage. (14th Aldermanic District)

Sponsors: THE CHAIR

Attachments: City Attorney Letter
Appeal
Hearing Notice List

---$855.34

11. **091608** Resolution relating to the claim of Atty. Michael Hart on behalf of Claudia Gomez for personal injuries. (12th Aldermanic District)

Sponsors: THE CHAIR

Attachments: City Attorney Letter.doc
Claim
Hearing Notice List

---$87,247.57

3:10 P.M.

12. **091571** Resolution relative to legislative bills.

Sponsors: THE CHAIR

Attachments: Hearing Notice List

---Update on bills previously presented to the committee.

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

Members of the Common Council and its standing committees who are not members of this committee may attend this meeting to participate or to gather information. Notice is given that this meeting may constitute a meeting of the Common Council or any of its standing committees, although they will not take any formal action at this meeting.

City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin 53202

Legislation Details (With Text)

File #:	091645 **Version:** 0		
Type:	Resolution	**Status:**	In Committee
File created:	4/13/2010	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Resolution to cancel real estate taxes levied against certain parcels bearing various key numbers on the 2009 tax roll, plus interest applicable to date of repayment, if appropriate.		
Sponsors:	THE CHAIR		
Indexes:	TAX CANCELLATIONS		
Attachments:	Fiscal Note.pdf, Cover Letter, Spreadsheet.pdf, Claim Forms.pdf, Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
4/13/2010	0	COMMON COUNCIL	ASSIGNED TO		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

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Number
091645
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution to cancel real estate taxes levied against certain parcels bearing various key numbers on the 2009 tax roll, plus interest applicable to date of repayment, if appropriate.
Analysis
This resolution requires the cancellation of taxes because of Board of Review reductions in assessments on certain parcels, the issuance of checks to the City Treasurer or taxpayer as applicable, and the proper reductions of State Tax Credits by journal entries.
Body
Whereas, Assessments were made against certain parcels of real estate for the year 2009 as contained in Common Council Resolution File No. 091645; and

Whereas, The Board of Review has decreased these assessments as shown in this file; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, That the proper city officers are authorized and directed to issue city checks in the amounts as shown in this file, payable to the City Treasurer or taxpayer as applicable, to be refunded to the taxpayer where appropriate, plus interest at the rate applicable pursuant to Section 70.511 of Wisconsin Statutes, for an appeal that was filed as shown in this file, applicable from date of payment to date of repayment, said amounts to be charged to the Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300, and said checks to be delivered to the Customer Services Unit of the Treasurer's Office for disbursement; and, be it

Further Resolved, That the proper city officers are authorized and directed to reflect the reduction in State Tax Credits as shown in this file by means of journal entries, charging the Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300, and crediting the State Tax Credit Fund; and, be it

Further Resolved, That interest for Key No. 392-1941-110-7 shall be applicable from date of payment to November 21, 2009 for the year 2009, and, be it

Further Resolved, That delinquent interest and penalties on any account covered by this resolution are hereby canceled.
Requestor
Assessor's Office
Drafter
mpr/kat
4/8/10

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CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)

A) DATE: April 8, 2010

FILE NUMBER: _____

Original Fiscal Note ☒ **Substitute** ☐

SUBJECT: *Resolution to cancel real estate taxes levied against certain parcels bearing various Key Numbers on the 2009 tax rolls, plus interest applicable to date of repayment, if appropriate*

B) SUBMITTED BY (name/title/dept./ext.): *Mary P. Reavey, Assessment Commissioner, Assessor's Office, Ext. 3101.*

C) CHECK ONE:
☒ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
☐ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO:
☐ DEPARTMENTAL ACCOUNT (DA)
☐ CAPITAL PROJECTS FUND (CPF)
☐ PERM. IMPROVEMENT FUNDS (PIF)
☐ OTHER SPECIFY)
☐ CONTINGENT FUND (CF)
☒ SPECIAL PURPOSE ACCOUNTS (SPA)
☐ GRANT & AID ACCOUNTS (G & AA)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER *0001 Org 9990*	*Remission of Taxes Fund*		*$41,450.41*		
Prog 0001 Sub-cl S163					
Acct 006300					
TOTALS:			*$41,450.41*		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

☐ 1-3 YEARS	☐ 3-5 YEARS	
☐ 1-3 YEARS	☐ 3-5 YEARS	
☐ 1-3 YEARS	☐ 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

April 8, 2010

The Honorable, The Common Council
City of Milwaukee

Dear Members of the Common Council:

Attached is a resolution to cancel real estate taxes levied against certain parcels bearing various key numbers on the 2009 tax roll, plus interest applicable to date of repayment, if appropriate.

Reductions have been made in the assessments of these properties by the Board of Review under authority of Section 70.511 (2), Wisconsin Statutes. It is now necessary to accomplish the reduction of taxes by means of the attached resolution.

Your favorable approval of the attached resolution is respectfully requested.

Yours very truly,

Mary P. Reavey
Assessment Commissioner

mpr/kat

Key Number and Address Date of Objection	Name of Taxpayer	Assesment Reduction by B.O.R.	Canceled NET Total Tax	STATE TAX CREDITS SECTION 79.10 (2) City Portion	County Portion	Total Credit
2009						
032-0161-000-0 8260 W. Northridge Mall Rd. December 29, 2009	RRW LLC	$ 465,000	$ 12,082.46	$ 623.84	$ 175.96	$ 799.80
392-1941-110-7 1333-39 N. Milwaukee St. May 18, 2009	1339 North Milwaukee LLC	$ 200,100	$ 5,199.37	$ 268.45	$ 75.72	$ 344.17
398-0702-000-9 1635 W. St. Paul Av. May 18, 2009	Wisc Investment Co. LLC	$ 582,100	$ 15,151.16	$ 782.30	$ 220.63	$ 1,002.93
594-1007-110-4 110 E. Layton Av. May 17, 2009	Lucky Petroleum LLC	$ 248,000	$ 6,443.96	$ 332.71	$ 93.85	$ 426.56
		$ 1,495,200	**$ 38,876.95**	**$ 2,007.30**	**$ 566.16**	**$ 2,573.46**

TOTAL GROSS **$ 41,450.41**

Assessor's Office
April 8, 2010
mpr/kat

TO THE HONORABLE, THE COMMON COUNCIL

City of Milwaukee

Dear Members of the Common Council:

In re: **032-0161-000-0**
8260 W. Northridge Mall Rd.
RRW LLC

Year: 2009

Amount of Assessment Reduction: $465,000

Amount of Tax Reduction: $12,082.46

As the result of action by the Board of Review, the assessment of my property was reduced as indicated above. Under Section 70.511 (2)(b) of the Wisconsin Statutes, I hereby make application to your Honorable Body for a tax refund/reduction in the amount shown.

Signed: Alan Marcuvitz

Date: 4/8/10

Federal laws require that Form 1099 be filed by the City Comptroller's Office at the year-end for payment of earned interest. The Tax Equity and Fiscal Responsibility Act of 1982 has increased the penalties for non-compliance.

Therefore, on the enclosed Form W-9, we request that you furnish us with the **Social Security Number** and the **signature** of the person listed first on the name line **OR** the **Employer I.D. Number** of the business and the appropriate person's **signature**.

TO THE HONORABLE, THE COMMON COUNCIL

RECEIVED
2010 MAR 23 PM 12:08
ASSESSOR'S OFFICE
CITY OF MILWAUKEE

City of Milwaukee

Dear Members of the Common Council:

In re: **392-1941-110-7**
1333-39 N. Milwaukee St.
1339 NORTH MILWAUKEE LLC

Year: 2009

Amount of Assessment Reduction: $200,100

Amount of Tax Reduction: $5,199.37

As the result of action by the Board of Review, the assessment of my property was reduced as indicated above. Under Section 70.511 (2)(b) of the Wisconsin Statutes, I hereby make application to your Honorable Body for a tax refund/reduction in the amount shown.

Signed: _____

Date: 3/15/10

Federal laws require that Form 1099 be filed by the City Comptroller's Office at the year-end for payment of earned interest. The Tax Equity and Fiscal Responsibility Act of 1982 has increased the penalties for non-compliance.

Therefore, on the enclosed Form W-9, we request that you furnish us with the **Social Security Number** and the **signature** of the person listed first on the name line **OR** the **Employer I.D. Number** of the business and the appropriate person's **signature**.

RECEIVED

2010 APR -6 PM 11:21

ASSESSOR'S OFFICE
CITY OF MILWAUKEE

TO THE HONORABLE, THE COMMON COUNCIL

City of Milwaukee

Dear Members of the Common Council:

In re: **398-0702-000-9**
1635 W. St. Paul Ave.
WISC INVESTMENT CO LLC

Year: 2009

Amount of Assessment Reduction: $583,100

Amount of Tax Reduction: $15,151.16

As the result of action by the Board of Review, the assessment of my property was reduced as indicated above. Under Section 70.511 (2)(b) of the Wisconsin Statutes, I hereby make application to your Honorable Body for a tax refund/reduction in the amount shown.

Signed: by WISC INVESTMENT CO. LLC
DeRead, member

Date: 3/31/10

Federal laws require that Form 1099 be filed by the City Comptroller's Office at the year-end for payment of earned interest. The Tax Equity and Fiscal Responsibility Act of 1982 has increased the penalties for non-compliance.

Therefore, on the enclosed Form W-9, we request that you furnish us with the **Social Security Number** and the **signature** of the person listed first on the name line **OR** the **Employer I.D. Number** of the business and the appropriate person's **signature**.

TO THE HONORABLE, THE COMMON COUNCIL

RECEIVED

2010 MAR 19 PM 12: 31

ASSESSOR'S OFFICE
CITY OF MILWAUKEE

City of Milwaukee

Dear Members of the Common Council:

In re: **594-1007-110-4**
100 E. Layton Ave.
Lucky Petroleum LLC

Year: 2009

Amount of Assessment Reduction: $248,000

Amount of Tax Reduction: $6,443.96

As the result of action by the Board of Review, the assessment of my property was reduced as indicated above. Under Section 70.511 (2)(b) of the Wisconsin Statutes, I hereby make application to your Honorable Body for a tax refund/reduction in the amount shown.

Signed: _____

Date: 3/25/10

Federal laws require that Form 1099 be filed by the City Comptroller's Office at the year-end for payment of earned interest. The Tax Equity and Fiscal Responsibility Act of 1982 has increased the penalties for non-compliance.

Therefore, on the enclosed Form W-9, we request that you furnish us with the **Social Security Number** and the **signature** of the person listed first on the name line **OR** the **Employer I.D. Number** of the business and the appropriate person's **signature**.

NOTICES SENT TO FOR FILE 091645:

NAME	ADDRESS	DATE NOTICE SENT		
Mary Reavey	Assessor	4/15/10		

City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin 53202

Legislation Details (With Text)

File #:	091531 **Version:** 0		
Type:	Communication	**Status:**	In Committee
File created:	3/2/2010	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Communication from the City Attorney relative to expenditures from the Outside Counsel/Expert Witness Fund Special Purpose Account.		
Sponsors:	THE CHAIR		
Indexes:	CITY ATTORNEY, CONSULTANTS, REPORTS AND STUDIES		
Attachments:	Expenditures Through March 30, Outside Counsel - March 15, Outside Counsel - March 3, Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
3/2/2010	0	COMMON COUNCIL	ASSIGNED TO		
3/29/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/6/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

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Number
091531
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title

Communication from the City Attorney relative to expenditures from the Outside Counsel/Expert Witness Fund Special Purpose Account.

Requestor

Drafter
CC-CC
lme
3/4/10

powered by Legistar™

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

CITY OF MILWAUKEE
Office of the City Attorney

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

April 22, 2010

Alderman Ashanti Hamilton, Chair
Judiciary & Legislation Committee
City Hall – Room 205

Re: Expenditures for Outside Counsel and Experts

Dear Alderman Hamilton:

Pursuant to Common Council FN 030083, I am enclosing for your information an itemization of 2010 expenditures posted year-to-date from the Outside Counsel/Expert Witness Fund Special Purpose Account. Please contact me if you have any questions.

Very truly yours,

GRANT F. LANGLEY
City Attorney

GFL:bgw
#157221

2010 OUTSIDE COUNSEL/EXPERT EXPENDITURES

April 22, 2010

Account	Dept	Class	Amount	ShortName	Descr	Year
634005	1490	S157	2,061.00	BLOCK PETER	JUDE v. CITY	2010
634005	1490	S157	1,578.00	BLOCK PETER	JUDE v. CITY	2010
634005	1490	S157	2,172.00	BLOCK PETER	JUDE v. CITY	2010
634005	1490	S157	2,106.00	BLOCK PETER	JUDE v. CITY	2010
634005	1490	S157	1,767.00	BLOCK PETER	JUDE v. CITY	2010
			9,684.00			
634005	1490	S157	-4,760.65	CRIVELLO CARLSON	ADJO TO VOUCHER 00970075	2010
634005	1490	S157	4,760.65	CRIVELLO CARLSON	UNINSURED MOTORIST CLAIMS	2010
634005	1490	S157	174.00	CRIVELLO CARLSON	SWANSON v. LENA'S FOOD MARKET	2010
			174.00			
634005	1490	S157	207.50	FOLEY & LARDNER	KAYE v. CITY	2010
			207.50			
634005	1490	S157	4,103.11	FRIEBERT & FINERTY	MPSO v. City	2010
634005	1490	S157	23,756.80	FRIEBERT & FINERTY	MPSO v. CITY	2010
634005	1490	S157	4,103.11	FRIEBERT & FINERTY	MPSO v. City Amendment 12/10/0	2010
634005	1490	S157	-4,103.11	FRIEBERT & FINERTY	ADJ TO PO 0000120432	2010
634005	1490	S157	23,756.80	FRIEBERT & FINERTY	MPSO v. City Amendment 12/10/0	2010
634005	1490	S157	-23,756.80	FRIEBERT & FINERTY	ADJ TO PO 0000120432	2010
			27,859.91			
634005	1490	S157	6,779.07	GUNTA & REAK	JUDE v. CITY	2010
634005	1490	S157	9,733.25	GUNTA & REAK	JUDE v. CITY	2010
634005	1490	S157	3,228.14	GUNTA & REAK	JACOBY v. DUDLEY	2010
634005	1490	S157	1,206.39	GUNTA & REAK	JACOBY v. DUDLEY	2010
634005	1490	S157	1,206.39	GUNTA & REAK	Jacoby v. Dudley	2010
634005	1490	S157	-1,206.39	GUNTA & REAK	ADJ TO PO 0000130074	2010
634005	1490	S157	3,228.14	GUNTA & REAK	Jacoby v. Dudley	2010
634005	1490	S157	-3,228.14	GUNTA & REAK	ADJ TO PO 0000130074	2010

Account	Dept	Class	Amount	ShortName	Descr	Year
			20,946.85			
634005	1490	S157	1,768.65	HAYES THOMAS	Outside Consultant	2010
634005	1490	S157	2,028.10	HAYES THOMAS	Outside Consultant	2010
			3,796.75			
634005	1490	S157	616.00	PYZYCK ROGER	SPECIAL PROSECUTOR	2010
			616.00			
634005	1490	S157	688.50	TARTER KRINSKY	CHRYSLER LLC BANKRUPTCY	2010
634005	1490	S157	688.50	TARTER KRINSKY	Chrysler LLC Bankruptcy	2010
634005	1490	S157	-688.50	TARTER KRINSKY	ADJ TO PO 0000126135	2010
			688.50			
634005	1490	S157	396.00	VON BRIESEN & ROPER	NUISANCE ABATEMENT	2010
634005	1490	S157	-396.00	VON BRIESEN & ROPER	ADJ TO PO 0000121204	2010
			0.00			
			63,973.51	**Grand Total**		

NOTICES SENT TO FOR FILE 091531:

NAME	ADDRESS	DATE NOTICE SENT		
Barb Woldt	CA	3/29/10	4/15/10	

City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin 53202

Legislation Details (With Text)

File #:	091610 **Version:** 2		
Type:	Resolution	**Status:**	In Committee
File created:	3/24/2010	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Substitute resolution directing the City Clerk to contract for consulting/lobbying services.		
Sponsors:	ALD. BAUMAN		
Indexes:	CITY CLERK		
Attachments:	Fiscal Note, Transportation Federal Lobbying Prospectus, Lobbying Services (10139-3) - Bauman.pdf, Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
3/24/2010	0	COMMON COUNCIL	ASSIGNED TO		
4/1/2010	1	CITY CLERK	DRAFT SUBMITTED		
4/1/2010	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/1/2010	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/6/2010	1	JUDICIARY & LEGISLATION COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
4/15/2010	2	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/15/2010	2	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

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Number
091610
Version
SUBSTITUTE 2
Reference

Sponsor
ALD. BAUMAN
Title
Substitute resolution directing the City Clerk to contract for consulting/lobbying services.
Analysis
This resolution directs the City Clerk to contract up to $24,000 from the City Clerk's professional services account for consulting/lobbying services related to the planning, design and construction of the Downtown Streetcar Circulator funded in part by the $54.9 million in federal transportation funds which Congress has appropriated to the City of Milwaukee.
Body
Whereas, $91.5 million in federal transportation funds for Milwaukee local transit projects have remained unspent since 1991; and

Whereas, As part of a federal omnibus bill signed by the President on March 11, 2009, Congress appropriated $54.9 Million of those funds to the City of Milwaukee for a downtown streetcar line and appropriated $36.6 million to Milwaukee County for buses; and

Whereas, Ssince March, 2009, the City of Milwaukee has been engaged in the planning and design of the Downtown Streetcar Circulator under the jurisdiction of the Federal Transit Administration which is the federal agency that oversees the expenditure of federal transit funds including the $54.9 million appropriated to the City of Milwaukee; and

Whereas, It would be in the best interest of the City of Milwaukee to employ a lobbyist/consultant experienced in dealing with the Federal Transit Administration to assist the City of Milwaukee in the planning, design and construction of the Downtown Streetcar Circulator and, in particular, advising the city on the most prudent and expeditious use of the $54.9 million; and

Whereas, Additional funding opportunities have arisen and will arise which would enable to the City of Milwaukee to expand the size and scope of the Downtown Streetcar Circulator and a lobbyist/consultant experienced in dealing with the Federal Transit Administration would assist the City of Milwaukee in securing those additional funds; and

Whereas, The funds for lobbying/consultant services shall come from the City Clerk professional services account to ensure Common Council participation in the lobbyist/consultant's activities; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that up to $24,000 shall be appropriated from the City Clerk's professional services account for lobbying services related to the development of a downtown streetcar line, and that the City Clerk is directed to enter into a contract for such lobbying services in accordance with the prospectus for scope of services attached to this file.

Requestor

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Drafter
LRB10139-3
MET
4/14/10

powered by Legistar™

CC-170 (REV. 6/86)

CITY OF MILWAUKEE FISCAL NOTE

A) DATE 3/31/10 **FILE NUMBER:** 091610

Original Fiscal Note [x] Substitute [ ]

SUBJECT: Resolution directing the city clerk to contract for lobbying services.

B) SUBMITTED BY (Name/title/dept./ext.): Mary Turk, Legislative Fiscal Bureau, x8680

C) CHECK ONE:

- [X] ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
- [ ] ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
- [ ] NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO:

- [X] DEPARTMENT ACCOUNT(DA)
- [ ] CONTINGENT FUND (CF)
- [ ] CAPITAL PROJECTS FUND (CPF)
- [ ] SPECIAL PURPOSE ACCOUNTS (SPA)
- [ ] PERM. IMPROVEMENT FUNDS (PIF)
- [ ] GRANT & AID ACCOUNTS (G & AA)
- [ ] OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	Consultant Services	City Clerk 0001-1310-R999-634-000	$10,000		
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS			$10,000		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

[ ] 1-3 YEARS	[ ] 3-5 YEARS	
[ ] 1-3 YEARS	[ ] 3-5 YEARS	
[ ] 1-3 YEARS	[ ] 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE [ ]

Transportation Federal Lobbying Prospectus

The City of Milwaukee Common Council is seeking an experienced professional lobbyist to represent the City in dealing with the Federal Transit Administration related to developing a downtown streetcar line in the City of Milwaukee. Activities will include presenting policy recommendations to the Federal Transit Administration and other federal government agencies and officials; monitoring legislation and policy as it pertains to transportation programs and administration; and securing public sector funding.

Specific to dealing with federal transportation issues, the lobbyist must have demonstrated experience lobbying the Federal Transit Administration, sound knowledge of public policy, clear understanding of the legislative process, solid political networks, knowledge of key agency programs and staff, familiarity with current federal transportation programs and issues, effective communication skills, and a successful track record in securing federal appropriations on behalf of public sector clients.

Scope of Work: Lobbyist

The lobbyist will interact with the Federal Transit Administration and be responsible for monitoring, identifying and prioritizing opportunities and challenges for the Common Council with respect to expenditure of federal funds already allocated for a downtown streetcar line and obtaining additional federal funding to support the line.

Activities may include:

1. Develop and implement strategies to increase federal funding for a downtown streetcar line.

2. Identify and act appropriately on federal legislative proposals that may impact on a proposed downtown streetcar line in the City of Milwaukee.

3. Lobby Federal Transit Administration officials relating to the Common Council's position on federal transportation legislation, support for additional federal funding to support a Milwaukee downtown streetcar line, and other matters of interest.

4. Draft legislation, appropriation requests and amendments, as necessary.

5. Provide assistance to Common Council members and staff in arranging and conducting visits and meetings with Federal Transit Administration officials.

6. Maintain close working relationships with the Common Council's staff and in-house lobbyists.

7. Provide regular briefing reports for the Common Council on key issues and legislative activity.

rdl.trans prospectus-1

..Number
091610
..Version
PROPOSED SUBSTITUTE
..Reference

..Sponsor
ALD. BAUMAN
..Title
Substitute resolution directing the City Clerk to contract for consulting/lobbying services.
..Analysis
This resolution directs the City Clerk to contract up to $24,000 from the City Clerk's professional services account for consulting/lobbying services related to the planning, design and construction of the Downtown Streetcar Circulator funded in part by the $54.9 million in federal transportation funds which Congress has appropriated to the City of Milwaukee.
..Body
Whereas, $91.5 million in federal transportation funds for Milwaukee local transit projects have remained unspent since 1991; and

Whereas, As part of a federal omnibus bill signed by the President on March 11, 2009, Congress appropriated $54.9 Million of those funds to the City of Milwaukee for a downtown streetcar line and appropriated $36.6 million to Milwaukee County for buses; and

Whereas, Since March, 2009, the City of Milwaukee has been engaged in the planning and design of the Downtown Streetcar Circulator under the jurisdiction of the Federal Transit Administration which is the federal agency that oversees the expenditure of federal transit funds including the $54.9 million appropriated to the City of Milwaukee; and

Whereas, It would be in the best interest of the City of Milwaukee to employ a lobbyist/consultant experienced in dealing with the Federal Transit Administration to assist the City of Milwaukee in the planning, design and construction of the Downtown Streetcar Circulator and, in particular, advising the city on the most prudent and expeditious use of the $54.9 million; and

Whereas, Additional funding opportunities have arisen and will arise which would enable to the City of Milwaukee to expand the size and scope of the Downtown Streetcar Circulator and a lobbyist/consultant experienced in dealing with the Federal Transit Administration would assist the City of Milwaukee in securing those additional funds; and

Whereas, The funds for lobbying/consultant services shall come from the City Clerk professional services account to ensure Common Council participation in the lobbyist/consultant's activities; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that up to $24,000 shall be appropriated from the City Clerk's professional services account for lobbying services related to the development of a downtown streetcar line, and that the City Clerk is

directed to enter into a contract for such lobbying services in accordance with the prospectus for scope of services attached to this file.

..Requestor

..Drafter
LRB10139-3
MET
4/14/10

Holland & Knight

2099 Pennsylvania Avenue, N.W., Suite 100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Jeffrey F. Boothe
202 828 1896
jeff.boothe@hklaw.com

Memorandum

Date: April 8, 2010

To: Robert J. Bauman

From: Jeffrey F. Boothe

Re: Proposal for Services

This memorandum is intended to follow-up our meeting on March 16th in Washington, DC and subsequent e-mails requesting that I prepare a scope of services to assist the city of Milwaukee.

Initial Phase of the Engagement

Per our conversation, I understand the need of the city to develop a project advancement and approval strategy with the Federal Transit Administration (FTA) to advance the streetcar project in light of the provision by Congress of $54.9 million in the Interstate Construction Estimate (ICE) program. It is my understanding that the project is not yet in the New Starts program and the request of $24.99 million though the Urban Circulator program would enable the project to remain outside of the New Starts project rating and evaluation process. However, given the total cost of the project, FTA may seek to apply some elements of the New Starts project review process to the project.

Per your e-mail, the current need of the city of Milwaukee is to reach agreement with the FTA regarding what actions are necessary at the local level to advance the project into preliminary engineering (PE), to enter into agreement with FTA regarding the scope of environmental review under the National Environmental Policy Act (NEPA) and to secure agreement with FTA to allow the project to proceed utilizing a design-build contract. This scope would include a visit to Milwaukee to tour the project and meet with individuals familiar with the project to educate me regarding the alignment, environmental issues, initial engineering issues and the status of local match for the federal funds. I would also request any project related documents prepared to-date in support of the request to enter into PE so that I could review what has been submitted to FTA in support of the request. I propose fees of $20,000 plus the following expenses for this phase of the engagement: air travel to Milwaukee, per approval of the city; hotel, travel and meals while in Milwaukee; and, any copying expenses, phone calls and local travel while in Washington, DC.

Services Not Covered Under this Phase of Engagement

This scope does not include negotiation of a Project Development Agreement (PDA), Project Construction Grant Agreement (PCGA), Full Funding Grant Agreement (FFGA) or comparable

grant agreement with the FTA. This would be covered by a subsequent engagement with the city of Milwaukee.

Potential Services to be Provided Under a Future Engagement

The proposed scope does not cover the services set forth below. We would like to discuss which of these services would be of assistance to the city of Milwaukee subsequent to approval into PE. We would structure a proposal per your need. Moreover, whether the engagement is directly with the city or through the entity selected by the city for the next phase of project development would be determined by the city and dictated by the services requested. For example, if the subsequent scope includes legislative or agency advocacy services, these services should be provided under a direct engagement with the city for lobby compliance purposes.

- **Federal Transit Administration** - I work extensively with both career and political staff at the FTA to resolve project related issues as the project advances through the Small Starts/New Starts process or the parallel process that FTA may establish given the unique nature of the federal funding for the project. I would set up meetings with the Administrator and career staff for the city, as appropriate, and present issues and potential resolution of those issues as the project winds through the FTA project review process. I have also negotiated several Full Funding Grant Agreements for transit properties.

- **Procurement** – We have negotiated several design-build or similar contracting arrangements for projects funded by the Federal Transit Administration and have extensive knowledge of the FTA procurement requirements that apply to those contracts.

- **Identify Federal Funding Opportunities** – As we discussed, there are emerging funding opportunities at the federal level. In addition to New Starts/Small Starts funding, we are seeing more opportunities to apply for grants at the Department of Transportation (DOT) through the TIGER program, at FTA since Congress does not earmark all of the New Starts/Small Starts monies, and at the Department of Housing and Urban Development (HUD) with the emerging focus on livability and sustainability that takes the form of integrated housing and transportation planning as well as challenge grants to areas willing to make hard choices to locate transit, affordable housing, greater densities, parking limitations and adopt zoning ordinances. We are able to both identify and then help the City position the project to secure funding as these opportunities emerge.

- **Legislative** – To the extent necessary, we are able to educate Congressional staff about the New Starts/Small Starts program and be your advocate with them on behalf of the project. On behalf of the New Starts Working Group, I prepared a 40 page guide titled, *Congressional Staff Handbook on New Starts*, that walks Congressional staff through each stage of the New Starts/Small Starts process, explains the process, explains the terms used by FTA and outlines where and how their Member of Congress or Senator should engage the FTA on behalf of the project. If additional funding is needed, we can assist the city to seek project funding through annual earmarks, the surface transportation authorization, or annual grant opportunities announced by federal agencies.

Jeffrey F. Boothe represents public and private sector clients in the area of federal transportation law. He has substantial experience in representing public transit authorities and metropolitan areas through the Federal Transit Administration ("FTA") approval process for new start projects, on matters relating to federal transportation policy and legislative and regulatory affairs, and transit oriented development.

Mr. Boothe earned a B.A. from Stanford University in 1977 and is a 1987 graduate from George Mason University Law School. Prior to graduation from law school, he served as a legislative assistant to Senator Mark O. Hatfield (R-OR) and as a professional staff member on the U.S. Senate Appropriations Committee.

Mr. Boothe is an active participant in several organizations that work with Congress and the federal agencies in the formation of surface transportation policy. Since 1995 he has chaired the New Starts Working Group ("Working Group"), which is a coalition of transit properties, cities and private sector companies which actively support expansion of federal funding for the construction of mass transit rail projects. The Working Group is extremely active in developing federal policy to ensure that growing metropolitan areas retain a broad array of surface transportation options to respond to concerns regarding climate change, transit oriented development, and promoting economic development to improve the quality of life for local citizens. The Working Group has also been active in shaping the FTA criteria for evaluating new start and small start projects.

He also serves as Executive Director of the Community Streetcar Coalition ("CSC"). The CSC is an organization of cities, transit authorities and architectural and engineering firms established to affect federal legislative and regulatory issues that impact the funding and advancement of streetcar projects nationwide. He served as counsel to the first transit oriented development project in Portland, Oregon, worked intimately on the statutory and regulatory framework for FTA's transit oriented development ("TOD") policies, and has represented clients seeking to use federal funds to undertake TOD projects.

He is an original board member and current vice chair of Reconnecting America, which was created to provide to promote an intermodal transportation to addressing the nation's transportation needs. Reconnecting America also houses the Center for Transit Oriented Development that is a leading industry voice in support of linking transit, housing and development at the local level and in Federal policy actions. He is a board member for the Center for Transportation Excellence, which was established to assist local areas to respond to transit critics and conduct successful elections for transit ballot initiatives.

He has substantial experience in representing public transit authorities to secure FTA bus and rail project approval. Specifically, he has been actively involved in working with Congress, the FTA, elected officials, transit authorities and business leaders in developing strategies to secure FTA approval for the following fixed guideway projects that are either completed and open for revenue service or that are currently under construction:

- Portland Banfield Light Rail Project (1986)
- Portland Westside Light Rail Project (1998)
- Portland Airport MAX Project (2001)
- Portland Interstate Avenue Project (2004)
- Sacramento Southline Phase I (September 2003)
- Washington Metropolitan Area Transit Authority Rail Car Acquisition (2006)
- Charlotte South Corridor Light Rail Project (November 2007)
- Norfolk Light Rail Project (Fall 2011)

He has substantial experience at the project level working with project teams to help transit authorities and other project sponsors navigate the FTA New Starts and Small Starts requirements and develop successful approaches to secure FTA project approvals. He is currently working as part of project teams on the following projects to assist them in advancing through the FTA project approval process:

- Sacramento Southline Phase II
- Grand Rapids BRT Project
- Grand Rapids Downtown Streetcar Project
- Northern Indiana Commuter Rail District Southshore Extension
- West Sacramento - Sacramento Streetcar Project
- MARTA General Planning (several project corridors)
- Columbus Light Rail/Streetcar Project
- Detroit Woodward Avenue Light Rail Project
- Tampa Regional Rail Project
- Lansing Alternatives Analysis

Mr. Boothe has been instrumental in developing comments and leading industry efforts in response to the 2007 FTA published a Notice of Proposed Rulemaking (NPRM) regarding Major Capital Projects which sought to implement changes made to the New Starts program in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). He led industry opposition to those proposed changes that resulted in Congress blocking any funding to FTA in the FY 2008 and FY 2009 Transportation, Housing and Urban Development Appropriations Acts to advance to a final rule.

He was elected in 2005 to serve on the American Public Transportation Association ("APTA") Business Member Board of Governors. He is also an active member of the APTA Legislative, Legal Affairs and Policy and Planning Committees; the Major Capital Investment, Environmental and Land Use and Development Subcommittees; and the Surface Transportation Authorization Task Force.

8994293_v1

NOTICES SENT TO FOR FILE 091610:

NAME	ADDRESS	DATE NOTICE SENT		
Ron Leonhardt	City Clerk	4/1/10	4/15/10	
Jim Owczarski	Deputy City Clerk	x	x	
All Council members		x	x	
Kim Montgomery	Mayor's Office	x	x	
Brenda Wood	CC-CC	x	x	
Audra Brennan	DOA-IRD	x	x	

City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin 53202

Legislation Details (With Text)

File #:	091667 **Version:** 0		
Type:	Resolution	**Status:**	In Committee
File created:	4/13/2010	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Resolution authorizing expenditures for attendance at meetings of the National League of Cities' Transportation Infrastructure Steering Committee.		
Sponsors:	ALD. BAUMAN		
Indexes:	CONVENTIONS, ECONOMIC DEVELOPMENT, TRANSPORTATION, TRAVEL BENEFITS		
Attachments:	Fiscal Note, Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
4/13/2010	0	COMMON COUNCIL	ASSIGNED TO		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

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Number
091667
Version
ORIGINAL
Reference
Sponsor
ALD. BAUMAN
Title
Resolution authorizing expenditures for attendance at meetings of the National League of Cities' Transportation Infrastructure Steering Committee.
Analysis
Ald. Robert Bauman has been appointed a member of the National League of Cities' Transportation Infrastructure Steering Committee by the National League of Cities (NLC) President Ronald O. Loveridge. This resolution authorizes Ald. Bauman to attend meetings and to travel on official NLC business related to his role as a member of the NLC's Transportation Infrastructure Steering Committee, with funding for costs expended from the
City Clerk Office's Other Operating Services Account.
Body
Whereas, National League of Cities (NLC) President Ronald O. Loveridge has appointed Ald. Robert Bauman a member of the National League of Cities' Transportation Infrastructure Steering Committee; and

Whereas, It is a significant honor for the City of Milwaukee to have a member of its Common Council selected for this important post in the national organization that represents the interests of cities throughout the nation; and

Whereas, Participation on the NLC's Transportation Infrastructure Steering Committee will require the expenditure of funds for travel, lodging and related expenses; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council authorizes the participation of Ald. Robert Bauman as a member of the NLC's Transportation Infrastructure Steering Committee; and, be it

Further Resolved, That the City Clerk is authorized to expend funds from the City Clerk Office's Other Operating Services Account (Account Number 0001-1310-R999-636500)for travel, lodging and per diem expenses related to Ald. Bauman's attendance and participation at meetings of the NLC's Transportation Infrastructure Steering Committee and related official NLC business in his role as a member of this committee.

Requestor

Drafter
LRB10147-1
TWM:sd
4/12/2010

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CC-170 (REV. 6/86)

CITY OF MILWAUKEE FISCAL NOTE

A) DATE 4/15/10 **FILE NUMBER:** 091667

Original Fiscal Note [x] Substitute [ ]

SUBJECT: Resolution authorizing expenditures for attendance at meetings of the National League of Cities' Transportation Infrastructure Steering Committee.

B) SUBMITTED BY (Name/title/dept./ext.): Linda Elmer and Marian Hartner – City Clerk's Office

C) CHECK ONE:

- [x] ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
- [ ] ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
- [ ] NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO:

- [x] DEPARTMENT ACCOUNT(DA)
- [ ] CONTINGENT FUND (CF)
- [ ] CAPITAL PROJECTS FUND (CPF)
- [ ] SPECIAL PURPOSE ACCOUNTS (SPA)
- [ ] PERM. IMPROVEMENT FUNDS (PIF)
- [ ] GRANT & AID ACCOUNTS (G & AA)
- [ ] OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	Travel/loding/per diem expenses	0001-1310-R999-636500	$400-$800		
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

[ ] 1-3 YEARS	[ ] 3-5 YEARS	
[ ] 1-3 YEARS	[ ] 3-5 YEARS	
[ ] 1-3 YEARS	[ ] 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE [ ]

NOTICES SENT TO FOR FILE 091667:

NAME	ADDRESS	DATE NOTICE SENT		
Ald. Bauman		4/15/10		
Ron Leonhardt	City Clerk	x		
Jim Owczarski	City Clerk	x		

City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin 53202

Legislation Details (With Text)

File #:	091662 **Version:** 0		
Type:	Resolution	**Status:**	In Committee
File created:	4/13/2010	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Resolution authorizing payment of the claim of Mary Arterbridge.		
Sponsors:	THE CHAIR		
Indexes:	CLAIMS PAYMENT		
Attachments:	City Attorney Letter, Fiscal Note.pdf, Claim		

Date	Ver.	Action By	Action	Result	Tally
4/13/2010	0	COMMON COUNCIL	ASSIGNED TO		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

powered by Legistar™

Number
091662
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution authorizing payment of the claim of Mary Arterbridge.
Analysis
This Resolution authorizes payment of the claim of Mary Arterbridge in the amount of $7,350.
Body
Whereas, The claimant, Mary Arterbridge, C.I. File No: 09-L-130, has filed a claim against the City of Milwaukee in the amount of $9,705.81; and

Whereas, The City has agreed to pay the claim in the amount of $7,350; and

Whereas, The City Attorney recommends and the Common Council of the City of Milwaukee deems it expeditious and just to pay this claim; now, therefore, be it

Resolved, by the Common Council of the City of Milwaukee that the proper City officers be and hereby are authorized and directed to issue a City check in the amount of $7,350.00, payable to the order of Mary Arterbridge, 4924 North 26 th Street, Milwaukee, WI 53209, in full and final payment of this claim, upon receipt of a release of claim, approved as to form and execution by the City Attorney; said amount to be charged to Damages and Claims Account-636506 - Fund No. 0001 - Organization 1490 - Program 2631 - Sub Class S118.
Requestor
City Attorney
Drafter
JAS:ms
April 8, 2010
1053-2009-3031:156804

powered by Legistar™

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

CITY OF MILWAUKEE
Office of the City Attorney

Milwaukee's Future: IT'S IN OUR HANDS
www.milwaukee.gov/2010census

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

April 9, 2010

To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: Resolution relating to the claim of Mary Arterbridge
C.I. File No.: 09-l-130

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary & Legislation, with the following recommendation.

Claimant, Mary Arterbridge, 4924 North 26th Street, Milwaukee, WI 53209, and her insurance company, State Farm Insurance by Ned Beyer, P.O. Box 2375, Bloomington, IL 61702-2375, allege that on October 6, 2009, a dying City tree fell on Ms. Arterbridge's home. They claim damages in the amount of $9,705.81.

Our investigation reveals that the Forestry Section (FS) received an emergency request for service on the date in question for this location. The FS removed the City tree from Ms. Arterbridge's home. The FS records further reflected they had marked this tree for removal on August 21, 2009, but had failed to remove it prior to this loss. The FS indicates that it should have conducted a further evaluation of this tree to reveal its priority hazardous condition before the branch fell.

Because settlement of this matter is deemed expeditious to the City of Milwaukee, we recommend payment of this claim in the amount of $7,350.00 and have attached the appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney
JAS:ms
Enclosure
1053-2009-3031:156797

CITY OF MILWAUKEE FISCAL NOTE

A) DATE: April 8, 2010

FILE NUMBER:

ORIGINAL FISCAL NOTE X **SUBSTITUTE** ☐

SUBJECT: Resolution authorizing settlement of the claim of Mary Arterbridge, C.I. File No. 09-L-130

B) SUBMITTED BY name/title/dept./ext.): Jan A. Smokowicz, Assistant City Attorney, ext. 2601

C) CHECK ONE:
X ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
☐ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO:
X DEPARTMENTAL ACCOUNT (DA)
☐ CONTINGENT FUND (CF)
☐ CAPITAL PROJECTS FUND (CPF)
☐ SPECIAL PURPOSE ACCOUNTS (SPA)
☐ PERM. IMPROVEMENT FUNDS (PIF)
☐ GRANT & AID ACCOUNTS (G & AA)
☐ OTHER (SPECIFY) Damages and Claims Fund

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
	$7,350.00				
TOTALS	$7,350.00				

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY.**

☐ 1-3 YEARS	☐ 3-5 YEARS	
☐ 1-3 YEARS	☐ 3-5 YEARS	
☐ 1-3 YEARS	☐ 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

#1053-2009-3031:156806

State Farm Insurance Companies

Subrogation Services
PO Box 2375
Bloomington, IL 61702-2375

November 2, 2009

Certified Mail-Return Receipt Requested

City Of Milwaukee / Dept. Of Neighborhood Services
841 N Broadway
Milwaukee, WI 53202

CITY OF MILWAUKEE
2009 NOV -6 AM 9:43
RONALD D. LEG...
CITY CLERK

RE: Claim Number: 49-F321-184
Our Insured: Mary Arterbridge
Date of Loss: October 6, 2009
Your Insured; City Of Milwaukee / Dept. Of Neighborho
Your Claim Number:
Your Policy Number:
Loss Location: 4924 N 26th St
Milwaukee, WI

Dear City of Milwaukee:

Facts of Loss: Tree that was dying fell during wind storm and damaged insured's property. Name insured had reported tree.

It is our understanding that you are self insured. Our investigation indicates you are responsible for this claim. Therefore, we are seeking recovery from you. This letter is to notify you of our subrogation claim and request your cooperation in settling this matter.

To assist you in your review, here is a breakdown of the amounts State Farm paid by Cause of Loss:

Building/Structure	$11,135.85
Contents/Personal Property	$
Additional Living Expenses	$
Other	$
Amount State Farm Paid	$9,205.81
Insured Deductible	$500.00
Total Claim Amount	$9,705.81

CITY OF MILWAUKEE
RECEIVED
2009 NOV -6 PM 2:57
OFFICE OF
CITY ATTORNEY

Based on the assessment of liability between the parties, State Farm Fire and Casualty Company is seeking 100% of the Total Claim Amount listed above. The amount payable to State Farm Fire and Casualty Company for this loss is $9,705.81.

Please remit payment of this claim and include our claim number on the payment. If you have any questions or concerns, please contact me or a member of my team at the number listed below. Thank you for your cooperation.

In order to assist you in evaluating and processing the subrogation claim we are asserting, we may provide nonpublic personal information about our customer. We are sharing this information to effect, administer, or enforce a transaction authorized by the consumer. However, you are neither authorized nor permitted to: (1) use the customer information we provided for any purpose other than to evaluate and process the subrogation claim, or (2) disclose or share the customer information we provide for any purpose other than to evaluate and process the subrogation claim.

Sincerely,

Sandra R. Silvers pab

Sandra R. Silvers
Claim Representative
(866) 457-8276 Team 80

State Farm Fire and Casualty Company

Enclosure(s)

MAINTAIN AMERICA
10/29/2009

Estimate:	ARTERBRIDGE__MARY	Claim Number:	49F321184
Insured:	ARTERBRIDGE, MARY	Policy Number:	49EN76196
Property:	4924 N 26TH ST	Type of Loss:	Wind Damage
	MILWAUKEE, WI 53209	Deductible:	$500.00
Home:	(414) 449-0956	Price List:	WIMW8F_SEP09A
Business:	(414) 333-6374		Restoration/Service/Remodel
			F = Factored In, D = Do Not Apply
		Date of Loss:	10/6/2009
		Date Inspected:	10/9/2009

Summary for Dwelling

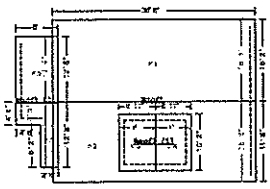
Line Item Total				10,274.23
Material Sales Tax	@	5.600% x	3,363.80	188.37
Subtotal				10,462.60
General Contractor Overhead	@	10.0% x	10,462.60	1,046.26
General Contractor Profit	@	10.0% x	10,462.60	1,046.26
Replacement Cost Value (Including General Contractor Overhead and Profit)				12,555.12
Less Deductible				(500.00)
Net Payment				$12,055.12

Bernhardt, Bob
(262) 650-9799

ALL AMOUNTS PAYABLE ARE SUBJECT TO THE TERMS, CONDITIONS AND LIMITS OF YOUR POLICY.

ARTERBRIDGE__MARY

Main Level



Roof1

1,505.12 Surface Area	15.05 Number of Squares
265.48 Total Perimeter Length	57.17 Total Ridge Length

CAT	SEL VAR/QUAN	DESCRIPTION QUAN UNIT	REMOVE	REPLACE	TOTAL
1. RFG	ARMVN	- Remove Tear off composition shingles (no haul off)			
	15.05	15.05SQ [D]	45.00		677.25
2. RFG	ADDRM>	- Remove Add. layer of comp. shingles, remove & disp. - 30-40 year			
	15.05	15.05SQ	32.77		493.19
22. RFG	ADDRM>	- Remove Add. layer of comp. shingles, remove & disp. - 30-40 year			
	7.5	7.50SQ	32.77		245.78
Two layers of shingles on the south slope. Three layers of shingles on north side of roof.					
3. RFG	IWS	+ Ice & water shield			
	310	310.00SF		1.38	427.80
4. RFG	FELT30	+ Roofing felt - 30 lb.			
	15.05-3.10	11.95SQ		29.28	349.90
5. RFG	400IS	+ Laminated - 40 yr - impact resistant shingle - w/out felt			
	16.55	16.55SQ		218.98	3,624.12
6. RFG	DRIP>	& R&R Drip edge/gutter apron			
	187	187.00LF	0.22	1.83	383.35
7. RFG	RIDGC+	+ Ridge cap - High profile - composition shingles			
	46.5	46.50LF		5.31	246.92
8. RFG	VENTT	& R&R Roof vent - turtle type - Metal			
	7	7.00EA	6.04	37.88	307.44
9. RFG	FLPIPE	& R&R Flashing - pipe jack			
	2	2.00EA	4.74	25.09	59.66

CONTINUED - Roof1

CAT	SEL	DESCRIPTION			
	VAR/QUAN	QUAN UNIT	REMOVE	REPLACE	TOTAL
10. RFG	VMTL	& R&R Valley metal			
	16	16.00 LF	0.39	3.69	65.28
11. RFG	STEEP	& R&R Additional charge for steep roof - 7/12 to 9/12 slope			
	15.05	15.05 SQ	9.40	25.57	526.30
12. SFG	GUTA	& R&R Gutter / downspout - aluminum - up to 5"			
	69	69.00 LF	0.33	4.19	311.88
13. SFG	FACM8	& R&R Fascia - metal, 8"			
	51	51.00 LF	0.22	3.13	170.85
Replace damaged fascia on both front gables as they are both scrached and dented.					
14. SFG	SFTM	& R&R Soffit - metal			
	33	33.00 SF	0.20	3.06	107.58
15. DMO	DUMP	- Dumpster load - Approx. 20 yards, 4 tons of debris			
	1	1.00 EA [D]	418.65		418.65
16. ELS	DISH++	- Remove 7' 6" Diameter satellite dish with controller and receiver			
	1	1.00 EA	50.40		50.40
17. FEN	CL5	& R&R Chain link fence w/posts & top rail - 5' high			
	12	12.00 LF	1.80	9.46	135.12
18. FEN	CLGTS5	& R&R Chain link fence gate - 5' high - swinging			
	3	3.00 LF	4.58	28.72	99.90
21. FEN	TRMTL	& R&R Post - 2 1/2" dia. metal - terminal			
	2	2.00 EA	10.08	41.93	104.02
Fence is being put out for multiple bids to verify pricing.					
19. ORI	MISC	+ Ornamental iron handrail w/ twisted pickets, 3' high			
	1	1.00 EA [D]		1,125.00*	1,125.00
Railing is a heavy rail. Badger Railing will cost job to reflect what customer currently has.					
20. LND	MISC	+ LANDSCAPING			
	1	1.00 EA		75.00*	75.00
Customer					
23. FRM	1X8	M (Material Only) 1" x 8" lumber (.667 BF per LF)			
	127	127.00 LF		0.50	63.50*
Totals: Roof1					10,068.89

Totals: Main Level

399.11	Exterior Wall Area				
1,505.12	Surface Area	15.05	Number of Squares	265.48	Total Perimeter Length
57.17	Total Ridge Length				

Total: Main Level	**10,068.89**
Line Item Subtotals: ARTERBRIDGE__MARY	**10,068.89**

Adjustments for Base Service Charges	**Adjustment**
Fencing Installer	89.48
Siding Installer	115.86
Total Adjustments for Base Service Charges:	205.34
Line Item Totals: ARTERBRIDGE__MARY	**10,274.23**

Grand Total Areas:

0.00	SF Walls	0.00	SF Ceiling	0.00	SF Walls and Ceiling
0.00	SF Floor	0.00	SY Flooring	0.00	LF Floor Perimeter
0.00	SF Long Wall	0.00	SF Short Wall	0.00	LF Ceil. Perimeter
0.00	Floor Area	0.00	Total Area	0.00	Interior Wall Area
399.11	Exterior Wall Area	0.00	Exterior Perimeter of Walls		
1,505.12	Surface Area	15.05	Number of Squares	265.48	Total Perimeter Length
57.17	Total Ridge Length	0.00	Total Hip Length		

route to: Pat Benko x5120

STATE FARM FIRE AND CASUALTY COMPANY

FIRE PAYMENTS BY COL/LN

claim number
49-F321-184
named insured
ARTERBRIDGE, MARY

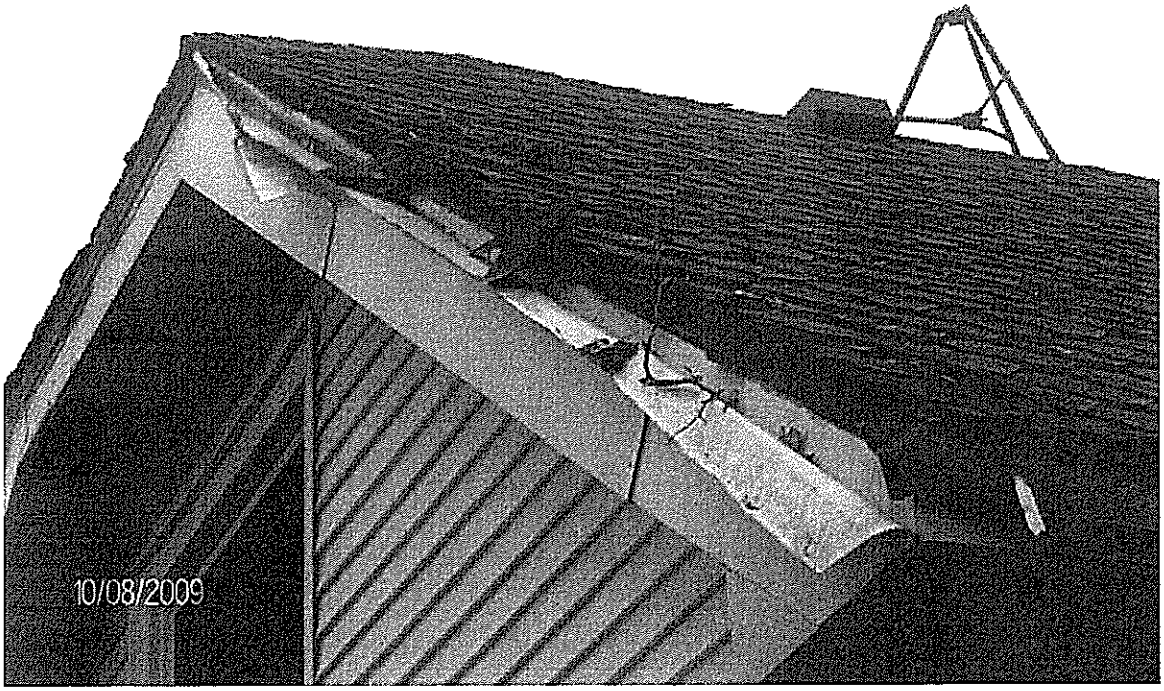
policy number
49-EN-7619-6
date of loss
10-06-09

COL/Ln 35/001

C denotes consolidated payment
E denotes EFT payment

COL/Ln: 35/001 indemnity: 11,481.84 dir rcov: 0.00 expense: 0.00

	payment number	payee	amount	issued	status	trans	pay code
E	EFT PYMT	Maintain Americ	345.99	- -		D	3
	105956393J	MAINTAIN AMERIC	8,502.94	10-29-09	O/S	D	1
E	105649195K	Menard, Inc.	62.09	10-23-09	PAID	D	2
E	105648077K	ABC SUPPLY CO.	2,570.82	10-21-09	PAID	D	2

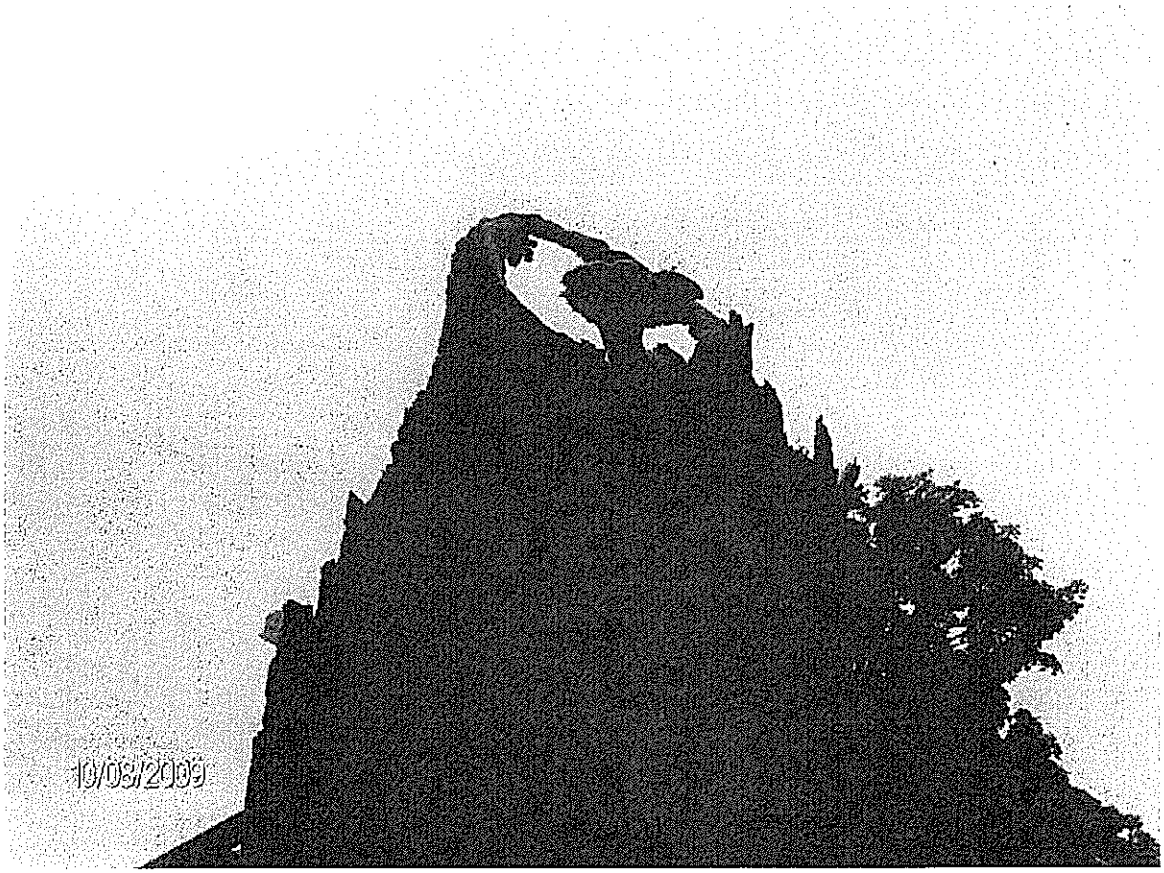

10/08/2009

10/08/2009

10/08/2009

10/08/2009

0/08/2009


10/08/2009

10/08/2009

0/08/2009

10/08/2009

City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin 53202

Legislation Details (With Text)

File #:	091529 **Version:** 1		
Type:	Resolution	**Status:**	In Committee
File created:	3/2/2010	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Substitute resolution to settle claims of Cermele & Associates for defense of various police officers.		
Sponsors:	THE CHAIR		
Indexes:	CLAIMS PAYMENT		
Attachments:	Fiscal Note, David Gabbard.pdf, Viera, Sullivan, Harris, Szedziewski.pdf, Wesam Yaghnam.pdf, Gerald Schmidt.pdf, Bohlen, Justus, Groszczyk, Moore.pdf		

Date	Ver.	Action By	Action	Result	Tally
3/2/2010	0	COMMON COUNCIL	ASSIGNED TO		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

powered by Legistar™

Number
091529
Version
Substitute 1
Reference

Title
Substitute resolution to settle claims of Cermele & Associates for defense of various police officers.
Body
Substitute resolved, By the Common Council of the City of Milwaukee, that the proper city officers be and they hereby are authorized and directed to issue a city check in the sum of $10,365.96 payable to Cermele & Associates, 6310 West Bluemound Rd., Suite 200, Milwaukee, WI 53213 to reimburse him for legal fees for defense of the following police officers:

POLICE OFFICERS	AMOUNT	
David Gabbard	$385.00	
Gerald Schmidt	$1,320.00	
Todd Bohlen, Dennis Justus, Allen Groszczyk, Marc Moore	$1,909.04	
Jose Viera, Jeffrey Sullivan, Derrick Harris, Rachel Szedziewski	$6,300.92	
Wesam Yaghnam	$451.00	
TOTAL		$10,365.96

; and, be it

Further Resolved, that the check for $10,365.96 is to be delivered upon presentation of a proper release, approved by the City Attorney; said amount to be charged to the Damages and Claims Account -636506- Fund No. 0001 - Organization 1490- Program 2631 - Sub Class S118.

Drafter
City Attorney
enm
04-21-10

1032-2010-268/157187

powered by Legistar™

CITY OF MILWAUKEE FISCAL NOTE

A) DATE: April 21, 2010

FILE NUMBER: 091529

ORIGINAL FISCAL NOTE ____ **SUBSTITUTE 1** __X__

SUBJECT: Substitute 1 Resolution to settle claims of Cermele & Associates for defense of various police officers

B) SUBMITTED BY name/title/dept./ext.): Jan A. Smokowicz, Assistant City Attorney; City Attorney; Ext. 8014

C) CHECK ONE:

xx ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.
____ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.
____ LIST ANTICIPATED COSTS IN SECTION G BELOW.
____ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO:

☐ DEPARTMENTAL ACCOUNT (DA)
☐ CONTINGENT FUND (CF)
☐ CAPITAL PROJECTS FUND (CPF)
☐ SPECIAL PURPOSE ACCOUNTS (SPA)
☐ PERM. IMPROVEMENT FUNDS (PIF)
☐ GRANT & AID ACCOUNTS (G & AA)
X OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER: -	Damages and claims special purpose account Cermele & Associates	0001 1490 S118 006300	$10,365.96		
TOTALS			**$10,365.96**		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY.**

☐ 1-3 YEARS	☐ 3-5 YEARS	
☐ 1-3 YEARS	☐ 3-5 YEARS	
☐ 1-3 YEARS	☐ 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

1032-2009-1414/155214

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

CITY OF MILWAUKEE
Office of the City Attorney

Milwaukee's Future: IT'S IN OUR HANDS
www.milwaukee.gov/2010census

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

April 21, 2010

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Jon Cermele
for legal fees for Police Officer David Gabbard

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officer David Gabbard. The claim is in the amount of $385.00 for 3.50 hours of service billed at the rate of $110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by the filing of a citizen complaint against the officer with the Fire and Police Commission. The complaint was dismissed by the Commission.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Wis. Stat § 895.35, *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm
Enc.

1032-2010-268/157189

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213

(414) 276-8750
FAX (414) 276-8906

January 14, 2010

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

RE: Citizen Complaint of Mr. Corey Golden
Against PO David Gabbard
Complaint No.: 09-20
Date of Incident: July 28, 2009

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

The above-named police officer has retained us to represent him in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent him and, as he was performing the duties of his office at the time of the events giving rise to the incident, this claim is hereby made on his behalf for the indicated legal fees. This incident involved a traffic stop.

The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice and an itemization of the time and services rendered.

1/20/10
O.K.
JMS
Letter # 2291

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -

WWW.CERMELELAW.COM

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213

(414) 276-8750
FAX (414) 276-8906

January 14, 2010

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall, Room 205
200 East Wells Street
Milwaukee WI 53202

RE: Citizen Complaint of Mr. Corey Golden
Against PO David Gabbard
FPC No: 09-230
Date of Incident: July 28, 2009
Professional services

			Hours	Amount
8/19/2009	SJJ	Office conference with PO Gabbard regarding new citizen complaint; review complaint and correspondence from FPC; open file.	1.20	132.00
8/24/2009	SJJ	Office conference with client; discuss mediation process and facts of the case.	0.50	55.00
9/25/2009	JC	Intra-office conference with Jess regarding status, strategy; direction to same.	0.20	22.00
9/29/2009	JC	Receive and review file; direction to Matthews.	0.40	44.00
	BPM	Review file; meeting with Mediator.	0.40	44.00
10/16/2009	BPM	Receive and review correspondence from Mediation Center.	0.10	11.00
10/20/2009	BPM	Review of correspondence from FPC dismissing Complaint; correspondence to clients; close file.	0.50	55.00

		Hours	Amount
10/27/2009 JC	Intra-office conference with Matthews; direction to same.	0.20	22.00
	For professional services rendered	3.50	$385.00
	Balance due		$385.00

(Rate: $110.00 per hour)

RECEIVED
OCT 1 ? 2009
CERMELE & ASSOCIATES, S.C.

Richard C. Cox
Chair
Carolina M. Stark
Vice-Chair
Ernesto A. Baca
Kathryn A. Hein
Paoi X. Lor
Sarah W. Morgan
Commissioners

Fire and Police Commission

Michael G. Tobin
Executive Director

October 15, 2009

Mr. Corey Golden
4902 North 68th Street
Milwaukee, WI 53218

RE: FPC Complaint No. 09-230
Corey Golden v. Police Officer David M. Gabbard

Dear Mr. Golden:

Your complaint has been received by the Fire and Police Commission. Upon receipt of a complaint, we conduct an intake investigation. During the intake investigation, complaints are screened according to established internal guidelines.

On August 7, 2009 you spoke with our investigator, Cheryl Patané, and agreed to mediation with Police Officer David Gabbard. The Milwaukee Mediation Center attempted to contact you via telephone and letter to schedule mediation. Due to no response from you, we are closing your complaint at this time.

If you have any questions regarding the actions we have taken, please contact Cindy Janusz of the Fire and Police Commission at (414) 286-5055.

Sincerely,

Michael G. Tobin
Executive Director

MGT:cj

cc: Chief Edward A. Flynn
Police Officer David M. Gabbard
Jonathan Cermele, Esq.

200 East Wells Street, Room 706, Milwaukee, Wisconsin 53202 • Phone (414) 286-5000
Fax (414) 286-5050 • E-mail fpc@milwaukee.gov • www.milwaukee.gov/fpc

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

CITY OF MILWAUKEE
Office of the City Attorney

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Assistant City Attorneys

April 21, 2010

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Jon Cermele
for legal fees for Police Officers Jose Viera, Jeffrey Sullivan,
Derrick Harris and Rachel Szedziewski

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officers Jose Viera, Jeffrey Sullivan, Derrick Harris and Rachel Szedziewski. The claim is in the amount of $6,300.92, including $41.92 in disbursements for 57.20 hours of service billed at the rate of $110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by the filing of a citizen's complaint against the officers with the Fire and Police Commission. The complaint was dismissed by the Commission.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Wis. Stat. § 895.35, *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney
JAS:enm
Enc.
1032-2009-1414.001/157198

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
SCOTT J. JESS

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

April 27, 2009

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

RE: Citizen Complaints
Linda Riley-Glenn vs. PO Jose Viera and Det. Jeffrey Sullivan (03-52)
Avan Riley vs. Det. Jeffrey Sullivan and Derrick Harris and PO Rachel Szedziewski (03-53)
Alexis Riley vs. PO's Jose Viera and Rachel Szedziewski and Det. Jeffrey Sullivan (03-54)
Date of Incident: August 26, 2003
Location of Incident: 28th and Michigan

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

The above-named detective and police officers have retained us to represent them in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent them and, as they were performing the duties of their office at the time of the events giving rise to the incident, this claim is hereby made on their behalf for the indicated legal fees. This incident involved an arrest.

The Fire and Police Commission dismissed the complaints. Attached is a copy of the letter and an itemization of the time and services rendered.

4/20/09
O.K.
JBS
Letter # 2295

Thank you.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs
Attachments
SULLIVAN, et al

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -

WWW.CERMELELAW.COM

JONATHAN CERMELE
SCOTT J. JESS

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

April 27, 2009

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall, Room 205
200 East Wells Street
Milwaukee WI 53202

RE: Citizen Complaints of:
Linda Riley-Glenn vs. PO Jose Viera and Det. Jeffrey Sullivan (03-52)
Avan Riley vs. Det. Jeffrey Sullivan and Derrick Harris and PO Rachel Szedziewski (03-53)
Alexis Riley vs. PO's Jose Viera and Rachel Szedziewski and Det. Jeffrey Sullivan (03-54)
Date of Incident: August 26, 2003
Location of Incident: 28th and Michigan
Professional services

			Hours	Amount
8/21/2006	LAE	Review amended charge filed by Alexis Riley adding Det. Sullivan and PO's Viera and Szedziewski.	0.30	33.00
	LAE	Review of correspondence from FPC regarding Linda Riley's complaint against Det. Sullivan and PO Viera; memo to file; correspondence to FPC; telephone call to FPC.	0.30	33.00
	LAE	Review of correspondence from FPC regarding Alexis Riley's complaint against PO's Viera and Szedziewski and Det. Sullivan; memo to file; telephone call to FPC; correspondence to FPC.	0.40	44.00

			Hours	Amount
8/21/2006	LAE	Review of correspondence from FPC regarding Linda Riley's complaint against PO Viera.	0.10	11.00
8/23/2006	LAE	Open file for Det. Sullivan regarding Linda and Alexis Riley complaints; review documents.	0.50	55.00
8/25/2006	LAE	Open file for PO Viera regarding Linda Riley complaint.	0.40	44.00
8/28/2006	LAE	Office conference with PO Viera regarding Linda Riley complaint; review amended Linda Riley complaint; correspondence to FPC.	0.60	66.00
8/30/2006	MG	Prepare for meeting with PO Szedziewski regarding Alexis Riley complaint; office conference with same.	0.90	99.00
8/31/2006	LAE	Correspondence to FPC regarding Alexis Riley complaint against PO Szedziewski.	0.10	11.00
9/18/2006	LAE	Correspondence to FPC regarding Linda Riley complaint against Sullivan and Viera.	0.10	11.00
	LAE	Telephone call to PO Szedziewski regarding Linda and Alexis Riley complaints.	0.40	44.00
9/25/2006	LAE	Correspondence to FPC regarding Alexis Riley complaint against PO Szedziewski.	0.10	11.00
10/16/2006	LAE	Review FPC notices regarding Linda Riley complaint against PO Viera and Det. Sullivan; review notices regarding Alexis Riley complaint against Det. Sullivan and PO's Viera and Szedziewski; memo to file.	0.40	44.00

			Hours	Amount
10/19/2006	LAE	Review documents from MPD regarding PO's Viera and Szedziewski (Linda Riley complaint).	0.60	66.00
	LAE	Preparation for and appearance at Linda Riley's conciliation involving Det. Sullivan and PO Viera; memo to file; conference with Sullivan and Viera.	0.90	99.00
	LAE	Preparation for and appearance at Alexis Riley's conciliation involving Det. Sullivan and PO's Viera and Szedziewski.	0.80	88.00
10/23/2006	LAE	Review of correspondence from FPC regarding conciliation of Alexis Riley complaint against Det. Sullivan and PO's Viera and Szedziewski; memo to file; telephone call from PO Viera; correspondence to PO's Viera and Szedziewski; telephone call to and from PO Szedziewski.	1.20	132.00
11/6/2006	LAE	Telephone call to and from FPC; memo to file regarding remaining complaints.	0.30	33.00
	LAE	Telephone call to and from FPC regarding status of Linda Riley complaint; memo to file.	0.30	33.00
11/14/2006	LAE	Telephone call from Det. Sullivan; review FPC Notice; open file; correspondence to Det. Sullivan; correspondence to FPC; telephone call to Det. Harris; review complaint; Motion to FPC; memo to file regarding scheduling order.	1.70	187.00

		Hours	Amount
11/14/2006 LAE	Review FPC's reinstatement and amendment to Avan Riley complaint against Det. Sullivan and PO's Viera and Szedziewski; open files regarding same.	1.00	110.00
1/9/2007 LAE	Review scheduling order regarding Alexis Riley complaint; review file; memo to file.	0.40	44.00
1/17/2007 LAE	Regarding Alexis Riley complaint: draft Witness and Exhibit List; review file; telephone call to PO Viera; telephone call to and from Det. Harris; memo to file; CCAP update; correspondence to FPC.	3.80	418.00
1/23/2007 LAE	Preparation for office conference; review file; telephone call to VCD; telephone call to client; memo to file.	0.80	88.00
1/26/2007 LAE	Telephone call to Det. Harris; Notice of Retainer and open file regarding Det. Harris.	0.30	33.00
1/29/2007 LAE	Review file; telephone call to PO Viera; memo to file.	0.20	22.00
2/1/2007 LAE	Conference with Det. Harris; memo to file; telephone call to Atty. Rettko; draft Witness and Exhibit Lists for Avan Riley complaint and Linda Riley complaints; telephone call to FPC; correspondence to FPC regarding dismissal of charges for lack of prosecution and request for clarification of charges.	4.20	462.00
2/21/2007 LAE	Correspondence to MPD Open Records; correspondence to Milwaukee Circuit Court; CCAP update showing conviction for resisting in same incident.	0.70	77.00

		Hours	Amount
3/2/2007 LAE	Review Fax from and telephone call to and from Milwaukee County Crim. Court Clerk.	0.30	33.00
3/7/2007 LAE	Review correspondence from FPC regarding Linda and Alexis Riley's failure to file Witness and Exhibit List.	0.10	11.00
3/8/2007 LAE	Review complaint and judgment of conviction regarding Marcus Glenn; review Court record events regarding conviction.	0.60	66.00
3/21/2007 LAE	Review documents from MPD Open Records on Marcus' arrest and conviction; CCAP search regarding new arrest for Marcus and arrest warrant and charges against Avan Riley.	0.80	88.00
3/23/2007 LAE	Review Witness and Exhibit List from Linda and Alexis Riley; revise same; update CCAP regarding arrest warrant for Avan Riley.	0.70	77.00
5/15/2007 LAE	Review file; telephone call to Fronk; telephone call to Det. Harris; telephone call to Det. Sullivan; telephone call to PO Viera; telephone call to and from PO Szedziewski; memo to file; CCAP update regarding Avan Riley arrest warrant.	0.90	99.00
5/16/2007 LAE	Telephone call from Det. Sullivan; memo to file; conference with MPD regarding existence of warrant for complainant's arrest; telephone call to Atty. Rettko regarding hearing dates.	0.60	66.00

			Hours	Amount
5/18/2007	LAE	Review of correspondence from Atty. Rettko; review file regarding prior correspondence to FPC; correspondence to FPC.	0.70	77.00
5/21/2007	LAE	Review file.	0.10	11.00
6/4/2007	LAE	Review correspondence from FPC; review witness lists; receive and review correspondence to Avan Riley from FPC.	0.70	77.00
6/11/2007	LAE	CCAP update regarding criminal charge against Avan Riley and his recent arrest on warrant; memo to file.	0.10	11.00
6/21/2007	RLP	Receive and review file from Eggert; intra-office conference with Eggert; memo to file.	0.30	NO CHARGE
	LAE	Review file; intra-office conference with Pings.	0.60	66.00
7/19/2007	RLP	Telephone call from and to PO Viera regarding status.	0.20	22.00
12/3/2007	RLP	Receive and review Notice of Hearing and calendar same; review file and begin to organize same; correspondence to clients.	2.00	220.00
12/20/2007	RLP	Receive and review e-mail from Atty. Rettko regarding FPC cases scheduled for 01/23/08.	0.10	11.00
12/21/2007	RLP	E-mail to Hearing Examiner; telephone call from FPC confirming cancellation of scheduled hearing; e-mail confirming same; review file for underlying Circuit Court case information; intra-office conference	0.90	99.00

		Hours	Amount
	with KS regarding obtaining transcript from same; correspondence to clients.		
1/4/2008 RLP	Review and organize file.	0.30	33.00
1/8/2008 RLP	Receive and review Transcript of criminal proceeding.	0.20	22.00
2/14/2008 RLP	Receive and review Notice of Hearing; calendar hearing date; correspondence to clients.	0.30	33.00
6/2/2008 MG	Telephone call from FPC; receive and review correspondence from FPC regarding hearing adjournment; correspondence to clients regarding same.	0.30	33.00
6/3/2008 MG	Receive and review correspondence from FPC.	0.10	11.00
7/1/2008 MG	Receive and review correspondence from FPC regarding hearing; correspondence to clients regarding same; calendar same.	0.30	33.00
7/2/2008 MG	Receive and review correspondence from FPC.	0.10	11.00
7/14/2008 MG	Review e-mail from FPC.	0.10	11.00
9/10/2008 MG	Review file.	0.50	55.00
9/13/2008 MG	Review file.	0.60	66.00
9/15/2008 MG	Amend Witness and Exhibit List; calendar office conference with clients.	0.30	33.00

		Hours	Amount
9/16/2008 MG	Receive and review correspondence from FPC regarding hearing; telephone call to witness regarding hearing testimony.	0.30	33.00
9/17/2008 MG	Lengthy office conference with Det. Sullivan; Lengthy office conference with PO Szedziewski; lengthy office conference with Det. Harris.	3.70	407.00
9/19/2008 MG	Receive and review correspondence from FPC; office conference with PO Viera; office conference with witness; draft Motion to Dismiss citizen complaint of Avan Riley; organize file.	2.10	231.00
9/22/2008 MG	Receive and review correspondence from FPC; telephone call to FPC.	0.20	22.00
9/23/2008 MG	Hearing preparation.	3.90	429.00
9/24/2008 MG	Complete hearing preparation; telephone call from and to FPC; telephone calls to clients and witnesses.	3.50	385.00
10/8/2008 MG	Review file.	0.20	22.00
10/10/2008 MG	Telephone call from FPC; memo to file.	0.30	33.00
10/21/2008 MG	Receive and review e-mails from Mediator; e-mails in response.	0.30	33.00
10/24/2008 MG	Correspondence to clients.	0.20	22.00
10/30/2008 MG	E-mail to Mediator.	0.10	11.00
10/31/2008 MG	Receive and review e-mail from Mediator; calendar possible mediation date.	0.10	11.00

		Hours	Amount
11/4/2008 MG	E-mail from Mediator; e-mail in response.	0.20	22.00
11/6/2008 MG	E-mail from Mediator.	0.10	11.00
11/14/2008 MG	Several e-mails from Mediator; e-mails in response; telephone calls to clients; memo to file.	0.50	55.00
11/21/2008 MG	Telephone call from Det. Sullivan regarding mediation; telephone call to PO Viera; e-mail to Mediator; e-mail from Mediator; correspondence to clients regarding mediation; calendar same.	0.70	77.00
12/1/2008 MG	Receive and review correspondence from Mediation Center.	0.10	11.00
12/8/2008 MG	Review file.	0.20	22.00
12/9/2008 MG	Mediation preparation; telephone call regarding mediation cancellation; telephone calls to clients advising of same.	0.50	55.00
12/10/2008 MG	Telephone call to FPC.	0.10	11.00
12/15/2008 MG	E-mail to Mediator.	0.10	11.00
12/17/2008 MG	E-mail from Mediator; e-mail in response.	0.10	11.00
1/7/2009 MG	Several e-mails regarding possible mediation dates.	0.20	22.00
1/12/2009 MG	E-mail to and from Mediation Center; review office note pertaining to Det. Harris' availability; e-mail from Mediation Center.	0.20	22.00

			Hours	Amount
1/13/2009	MG	Telephone call from Mediation Center; correspondence to clients regarding mediation.	0.20	22.00
1/14/2009	MG	Receive and review correspondence from Mediation Center.	0.20	22.00
1/21/2009	MG	Telephone call from Mediation Center.	0.10	11.00
1/22/2009	MG	Review file, prep for mediation, travel to mediation, meeting with clients, appearance at mediation, return travel.	3.10	341.00
1/26/2009	MG	Telephone call to FPC seeking case status, memo to file.	0.20	22.00
1/27/2009	MG	Telephone call from FPC, memo to file.	0.30	33.00
2/3/2009	MG	Receive and review correspondence from mediation center.	0.10	11.00
4/1/2009	JC	Receive and review FPC's confirmation of dismissal of citizen complaints; correspondence to clients regarding same; close file.	0.50	55.00
		For professional services rendered	57.20	$6,259.00
		Additional charges:		
3/9/2007	LAE	Circuit Court request for Marcus Glenn		8.75
3/30/2007	LAE	MPD Open Records request		5.12
1/11/2008	RLP	Transcript of State v. Glenn; 02/02/07 plea and sentencing		19.25

			Amount
9/18/2008	MG	Photocopies - color copies of exhibit	3.62
9/23/2008	MG	Photocopies - Exhibits	5.18
		Total costs	$41.92
		Total amount of this bill	$6,300.92
		Balance due	$6,300.92

(Rate: $110.00 per hour)

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CERMELE & ASSOCIATES, S.C.

Fire and Police Commission

Michael G. Tobin
Executive Director

Richard C. Cox
Chair
Carolina M. Stark
Vice-Chair
Ernesto A. Baca
Kathryn A. Hein
Paoi X. Lor
Commissioners

March 30, 2009

Ms. Linda F. Riley-Glenn
2818 West Michigan Street
Milwaukee, WI 53208

Mr. Alexis E. Riley
2818 West Michigan Street
Milwaukee, WI 53208

Mr. Avan K. Riley
2818 West Michigan Street
Milwaukee, WI 53208

RE: Complaint of Linda F. Riley-Glenn, Avan K. Riley and Alexis E. Riley v. Sergeant M'Johno R. Foster, Detective Derrick L. Harris, Detective Jeffrey S. Sullivan, Police Officer Jose A. Viera and Police Officer Rachel J. Szedziewski
FPC Complaint Nos. 03-52, 03-53 and 03-54

Dear Ms. Riley-Glenn and Messrs. Riley:

Mediation was held on January 22, 2009 regarding the complaints listed above. We have been informed by the Milwaukee Mediation Center that mediation was unsuccessful because Alexis Riley did not attend, and Linda Riley-Glenn and Avan Riley left before mediation was completed.

Due to your unwillingness to complete mediation, or discuss why you did not attend, your complaints have been dismissed.

If you have any questions, please contact Cindy Janusz at (414) 286-5055.

Sincerely,

Michael G. Tobin
Executive Director

MGT:cj
cc: Milwaukee Mediation Center
Chief Edward A. Flynn
Scott J. Jess, Esq.
Alan R. Johnson, Esq.
Police Officers Involved

200 East Wells Street, Room 706, Milwaukee, Wisconsin 53202 • Phone (414) 286-5000
Fax (414) 286-5050 • E-mail fpc@milwaukee.gov • www.milwaukee.gov/fpc

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

CITY OF MILWAUKEE
Office of the City Attorney

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BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

April 21, 2010

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Jon Cermele
for legal fees for Police Officer Wesam Yaghnam

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officer Wesam Yaghnam. The claim is in the amount of $451.00 for 4.10 hours of service billed at the rate of $110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by the filing of a citizen complaint against the officer with the Fire and Police Commission. The complaint was dismissed by the Commission.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Wis. Stat § 895.35, *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm
Enc.

1032-2010-268/157193

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213

(414) 276-8750
FAX (414) 276-8906

January 14, 2010

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

RE: Citizen Complaint of Ms. Crill Evans
Against PO Wesam Yaghnam
Complaint No.: 08-116
Date of Incident: November 14, 2008

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

The above-named police officer has retained us to represent him in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent him and, as he was performing the duties of his office at the time of the events giving rise to the incident, this claim is hereby made on his behalf for the indicated legal fees. This incident involved a call for service.

The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice and an itemization of the time and services rendered.

4/20/10
O.K.
JDS

Letter 2291

CERMELE & ASSOCIATES, S.C.

– ATTORNEYS AT LAW –

WWW.CERMELELAW.COM

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213

(414) 276-8750
FAX (414) 276-8906

January 14, 2010

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall, Room 205
200 East Wells Street
Milwaukee WI 53202

RE: Citizen Complaint of Ms. Crill Evans
Against PO Wesam Yaghnam
FPC No: 08-116
Date of Incident: November 14, 2008
Professional services

			Hours	Amount
7/16/2009	SJJ	Office conference with PO Yaghnam regarding new citizen complaint; open file; memo to file.	0.70	77.00
7/30/2009	SJJ	Receive and review correspondence from FPC regarding mediation; review citizen complaint; review client's written response; search Court records.	0.60	66.00
8/5/2009	SJJ	Telephone call to client regarding mediation; e-mail to Mediation Center regarding same.	0.20	22.00
8/12/2009	SJJ	Receive and review e-mail from Mediation Center regarding scheduling; telephone call to client regarding same; e-mail to Mediation Center.	0.30	33.00
8/19/2009	SJJ	E-mail to Mediation Center.	0.10	11.00

			Hours	Amount
9/16/2009	SJJ	Receive and review e-mail from Mediation Center; telephone call to client regarding same; e-mail to Mediation Center; telephone call to FPC regarding mediation process.	0.60	66.00
9/25/2009	JC	Intra-office conference with Jess regarding status, strategy.	0.20	22.00
9/29/2009	JC	Receive and review file; direction to Matthews.	0.40	44.00
	BPM	Meeting with Mediator regarding dismissal of complaint.	0.20	22.00
10/5/2009	BPM	Review file; correspondence to client.	0.40	44.00
10/7/2009	BPM	Receive and review correspondence from FPC dismissing Complaint; correspondence to client; close file.	0.40	44.00
		For professional services rendered	4.10	$451.00
		Balance due		$451.00

(Rate: $110.00 per hour)

City of Milwaukee

Fire and Police Commission

Michael G. Tobin
Executive Director

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OCT 05 2009
CERMELE & ASSOCIATES, S.C.

Richard C. Cox
Chair
Carolina M. Stark
Vice-Chair
Ernesto A. Baca
Kathryn A. Hein
Paoi X. Lor
Sarah W. Morgan
Commissioners

October 1, 2009

Ms. Crill A. Evans
2657 North 55th Street
Milwaukee, WI 53210

RE: Complaint of Crill A. Evans v. Police Officer Wesam F. Yaghnam
FPC Complaint No. 08-116

Dear Ms. Evans:

Your complaint was forwarded to the Milwaukee Mediation Center for mediation with the above police officer. The Milwaukee Mediation Center sent you a letter with available dates for mediation and asked you to respond by September 25, 2009. Cindy Janusz of our office has attempted telephone contact with you to determine if you still wish to participate in mediation, but the cell number you gave us has a recording that states the number is incorrect. She also attempted to contact you at the work number you gave us but she was informed that you no longer work there.

Due to not being able to contact you, and you not contacting us, we are closing our file and dismissing the complaint against the police officer.

Sincerely,

Michael G. Tobin
Executive Director

MGT:cj

cc: Chief Edward A. Flynn
Jonathan Cermele, Esq.
Police Officer Wesam F. Yaghnam

200 East Wells Street, Room 706, Milwaukee, Wisconsin 53202 • Phone (414) 286-5000
Fax (414) 286-5050 • E-mail fpc@milwaukee.gov • www.milwaukee.gov/fpc

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
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Deputy City Attorneys

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ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

April 21, 2010

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Jon Cermele
for legal fees for Police Officer Gerald Schmidt

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officer Gerald Schmidt. The claim is in the amount of $1,320.00 for 12.0 hours of service billed at the rate of $110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by the filing of a citizen complaint against the officer with the Fire and Police Commission. The complaint was dismissed by the Commission.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Wis. Stat § 895.35, *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm
Enc.

1032-2010-268/157192

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213

(414) 276-8750
FAX (414) 276-8906

January 14, 2010

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

RE: Citizen Complaint of Mr. Robert Smith
Against PO Gerald Schmidt
Complaint No.: 09-171
Date of Incident: May 27, 2009

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

The above-named police officer has retained us to represent him in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent him and, as he was performing the duties of his office at the time of the events giving rise to the incident, this claim is hereby made on his behalf for the indicated legal fees. This incident involved an accident investigation.

The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice and an itemization of the time and services rendered.

4/20/10
O.K.
JRS
Letter 2291

Thank you.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs
Attachments
SCHMIDT

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -

WWW.CERMELELAW.COM

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213

(414) 276-8750
FAX (414) 276-8906

January 14, 2010

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall, Room 205
200 East Wells Street
Milwaukee WI 53202

RE: Citizen Complaint of Mr. Robert Smith
Against PO Gerald Schmidt
FPC No: 09-171
Date of Incident: May 27, 2009
Professional services

			Hours	Amount
7/20/2009	JC	Intra-office conference with Jess regarding new citizen complaint; direction to same.	0.30	33.00
	SJJ	Office conference with PO Schmidt regarding new citizen complaint; open file; review FPC documents; research MPD rules and regs.; intra-office conference with Cermele.	1.60	176.00
7/21/2009	SJJ	E-mail to FPC; review MPD documents.	0.70	77.00
7/29/2009	SJJ	Receive and review e-mail from FPC investigator; e-mail in response; research pertinent MPD Policies and SOP's.	1.30	143.00
8/5/2009	SJJ	E-mail to FPC regarding scheduling.	0.10	11.00
8/10/2009	SJJ	Telephone call to client regarding mediation.	0.20	22.00
8/14/2009	SJJ	Telephone call from FPC regarding mediation.	0.10	11.00

			Hours	Amount
9/16/2009	SJJ	Telephone call to client regarding scheduling mediation; receive and review e-mail from Mediation Center regarding same.	0.20	22.00
9/25/2009	JC	Intra-office conference with Jess regarding status and strategy.	0.40	44.00
9/29/2009	BPM	Review file; office conference with Cermele and MPA; telephone call to client; travel; attend Mediation; return travel.	4.90	539.00
	JC	Direction to Matthews; review file; intra-office conference with Matthews regarding strategy, mediation preparation, etc.; lengthy telephone call to client; direction to Matthews.	0.90	99.00
	JC	Intra-office conference with Matthews regarding procedure, strategy, etc.	0.40	44.00
10/5/2009	BPM	Review file; correspondence to client.	0.60	66.00
10/16/2009	BPM	Receive and review correspondence from FPC dismissing Complaint; correspondence to client regarding same; close file.	0.30	33.00
		For professional services rendered	12.00	$1,320.00
		Balance due		$1,320.00

(Rate: $110.00 per hour)

RECEIVED
OCT 1 5 2009
CERMELE & ASSOCIATES, S.C.

Fire and Police Commission

Michael G. Tobin
Executive Director

Richard C. Cox
Chair
Carolina M. Stark
Vice-Chair
Ernesto A. Baca
Kathryn A. Hein
Paoi X. Lor
Sarah W. Morgan
Commissioners

October 15, 2009

Mr. Robert T. Smith
P. O. Box 12333
Milwaukee, WI 53212

RE: Complaint of Robert T. Smith v. Police Officer Gerald L. Schmidt
FPC Complaint No. 09-171

Dear Mr. Smith:

We have been informed by the Milwaukee Mediation Center that you are satisfied with the mediation that took place on September 29, 2009 with Police Officer Gerald Schmidt. Police Officer Schmidt will not receive any formal discipline as it relates to your complaint. The complaint does remain on file with the Fire and Police Commission for future reference.

Your input at the mediation is very helpful to us in revising the procedures the police officers follow while performing their jobs. The police officers participate in yearly updates to their training wherein these procedures are implemented.

Thank you for giving us the opportunity to assist you with your complaint. Feel free to contact us in the future, should the need arise. We are closing our file on your complaint.

Sincerely,

Michael G. Tobin
Executive Director

MGT:cj

cc: Chief Edward A. Flynn
Police Officer Gerald L. Schmidt
Jonathan Cermele, Esq.

200 East Wells Street, Room 706, Milwaukee, Wisconsin 53202 • Phone (414) 286-5000
Fax (414) 286-5050 • E-mail fpc@milwaukee.gov • www.milwaukee.gov/fpc

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
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Office of the City Attorney

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ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
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THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

April 21, 2010

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Jon Cermele
for legal fees for Police Officers Todd Bohlen, Dennis Justus,
Allen Groszczyk and Marc Moore

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officers Todd Bohlen, Dennis Justus, Allen Groszczyk and Marc Moore. The claim is in the amount of $1,909.04, including $72.04 in disbursements for 16.70 hours of service billed at the rate of $110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by the filing of a citizen's complaint against the officers with the Fire and Police Commission. The complaint was dismissed by the Commission.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Wis. Stat. § 895.35, *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney
JAS:enm
Enc.
1032-2009-1414/157195

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
SCOTT J. JESS

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

April 27, 2009

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

Re: Citizen Complaint of Ms. Carol Valeriano, Mr. Matthew Valeriano and Mr. Ralph Valeriano
Against PO's Todd Bohlen, Dennis Justus, Allen Groszczyk and Marc Moore
FPC No.'s: 07-94, 08-01 and 08-03
Date of Incident: December 5, 2007

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

The above-named police officers have retained us to represent them in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent them and, as they were performing the duties of their office at the time of the events giving rise to the incident, this claim is hereby made on their behalf for the indicated legal fees. This incident involved executing a search warrant.

The Fire and Police Commission dismissed the complaint. Attached is a copy of the letter and an itemization of the time and services rendered.

4/20/10
O.K.
JMF
Letter # 2295

Thank you.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs
Attachments
BOHLEN, et al

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -

WWW.CERMELELAW.COM

JONATHAN CERMELE
SCOTT J. JESS

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

April 27, 2009

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall, Room 205
200 East Wells Street
Milwaukee WI 53202

RE: Citizen Complaint of Ms. Carol Valeriano, Mr. Matthew Valeriano and Mr. Ralph Valeriano
Against PO's Todd Bohlen, Dennis Justus, Allen Groszczyk, and Marc Moore
FPC No: 07-94, 08-01 and 08-03
Date of Incident: December 5, 2007
Professional services

			Hours	Amount
6/23/2008	MG	Receive and review correspondence from FPC regarding new citizen complaint; open file.	0.40	44.00
7/17/2008	CA	Office conference with PO Justus regarding citizen complaint; office conference with PO Groszczyk regarding citizen complaint; research MPD Policies and Procedures; Open Records request.	2.10	231.00
7/18/2008	CA	Draft Open Records requests for each complainant.	0.30	33.00
7/21/2008	CA	Telephone call to FPC regarding conciliation.	0.20	22.00
7/23/2008	CA	Office conference with PO Bohlen; draft Open Records request for pictures taken of property at scene.	1.60	176.00

		Hours	Amount
8/4/2008 CA	Telephone call from and to FPC regarding retainer; fax copy of same to FPC; telephone call from FPC.	0.40	44.00
8/20/2008 CA	Telephone call from FPC; telephone call to PO Moore.	0.30	33.00
8/22/2008 CA	Telephone call from PO Moore; add PO Moore to file; telephone call to FPC.	0.20	22.00
8/25/2008 CA	Correspondence to FPC confirming representation of PO Moore.	0.20	22.00
8/29/2008 CA	Telephone call from FPC.	0.10	11.00
9/8/2008 CA	Receive and review MPD Open Records requests for complainants and police reports from incident.	0.30	33.00
10/6/2008 CA	Telephone call from FPC.	0.10	11.00
10/13/2008 CA	Telephone call from FPC regarding scheduling mediation.	0.20	22.00
10/14/2008 CA	Receive and review correspondence from Mediator; telephone call to same.	0.20	22.00
12/2/2008 CA	Telephone call from FPC.	0.20	22.00
12/4/2008 CA	Receive and review additional complaint.	0.30	33.00
12/9/2008 CA	Office conference with PO Groszczyk.	0.40	44.00
1/26/2009 MG	Reviewed e-mail correspondence from Milwaukee Mediation Center; calendared possible mediation date/time; instruction to KS.	0.20	22.00

		Hours	Amount
2/10/2009 MG	Review file; e-mail to mediation center.	0.20	22.00
2/11/2009 MG	Receive and review correspondence from mediation center confirming mediation date and time; correspondence to clients regarding same; calendar same; intra-office conference with Jess regarding case status.	0.80	88.00
2/16/2009 MG	Office conference with PO Justus regarding mediation; intra-office conference with Jess regarding same.	0.50	55.00
2/19/2009 SJJ	Review file.	0.60	66.00
2/26/2009 SJJ	Prepare for mediation.	1.20	132.00
2/27/2009 SJJ	Prepare for mediation; travel; attend mediation with officers; return travel.	3.80	418.00
3/2/2009 SJJ	Memo to Cermele; research FPC citizen complaint rules; intra-office conference with Cermele.	1.30	143.00
3/12/2009 SJJ	Receive and review letter from Milwaukee Mediation Center on mediation session.	0.10	11.00
3/25/2009 SJJ	Receive and review FPC's confirmation of dismissal of citizen complaint.	0.10	11.00
3/27/2009 SJJ	Correspondence to clients regarding dismissal of citizen complaint; close file.	0.40	44.00
	For professional services rendered	16.70	$1,837.00

Additional charges:

			Amount
8/29/2008	CA	MPD Open Records request	32.68
9/26/2008	CA	MPD Open Records request	39.36
		Total costs	$72.04
		Total amount of this bill	$1,909.04
		Balance due	$1,909.04

(Rate: $110.00 per hour)

MAR 26 2009

City of Milwaukee

Fire and Police Commission

Michael G. Tobin
Executive Director

Richard C. Cox
Chair
Carolina M. Stark
Vice-Chair
Ernesto A. Baca
Kathryn A. Hein
Paoi X. Lor
Commissioners

March 25, 2009

Ms. Carol L. Valeriano
2348 South 11th Street
Milwaukee, WI 53215

Mr. Matthew B. Valeriano
2348 South 11th Street
Milwaukee, WI 53215

Mr. Ralph Valeriano
2348 South 11th Street
Milwaukee, WI 53215

Mr. Sonny D. Valeriano
2348 South 11th Street
Milwaukee, WI 53215

RE: Complaint of Carol L. Valeriano, Matthew B. Valeriano, Ralph Valeriano and Sonny D. Valeriano v. Police Officers Todd Bohlen, Dennis Justus, Allen Groszczyk and Marc Moore
FPC Complaint Nos. 07-94, 08-01, 08-03 and 08-106

Dear Ms. and Messrs. Valeriano:

We have been informed by the Milwaukee Mediation Center that mediation, which was held on February 27, 2009 with the above-referenced police officers, was unsuccessful because you left before it was completed.

Numerous telephone messages had been left for Carol Valeriano by Cindy Janusz to discuss why the family left mediation, but a telephone call was not returned. Due to your unwillingness to complete mediation, or discuss why you left, your complaint has been dismissed.

If you have any questions, please contact Cindy Janusz at (414) 286-5055.

Sincerely,

Michael G. Tobin
Executive Director

MGT:cj
cc: Milwaukee Mediation Center
Chief Edward A. Flynn
Scott J. Jess, Esq.
Police Officers Involved

200 East Wells Street, Room 706, Milwaukee, Wisconsin 53202 • Phone (414) 286-5000
Fax (414) 286-5050 • E-mail fpc@milwaukee.gov • www.milwaukee.gov/fpc

DPW - ANNUA RPT. - 2003

2003 Statistics

GENERAL INFORMATION ABOUT MILWAUKEE

Altitude (City datum)	581.2 feet
City Area	96.1 square miles
Geographic Center	North 42nd Street and West North Avenue
Shoreline of Lake Michigan in City	10.2 miles
Incorporated by Wisconsin Charter	January 31, 1846

GENERAL INFORMATION ABOUT MILWAUKEE'S INFRASTRUCTURE

Alleys, total	414.6 miles
Freeways	40.1 miles
Paved City Streets	1,417 miles
Unpaved City Streets	15 miles
Total city streets	1,432 miles
Miles of lighted streets	1,288.54 miles
City maintained bridges	220
Movable bridges	20
Total bridge openings	18,119
Total sewer mileage in operation (sanitary, storm and combined)	2,437
Main line sewers in the City	120 miles
Streets with interim lighting	81.84 miles
Unlit streets	43.69 miles
Street lighting units	66,871
Alley lighting units	8,790
Traffic control signals	728 intersections
Traffic control signs	102,058
Underground conduit	546.3 miles
Bus stops, signage maintained	4,267

MILWAUKEE WATER WORKS

Howard Avenue plant capacity	105 million gallons/day (MGD)
Linnwood plant capacity	275 million gallons/day (MGD)
Total annual pumpage (gallons)	46.1 billion
Consumption per capita per day (gallons)	65
Meters in service	160,966
Water hydrants	19,726
Water mains in service (miles)	1,954
Revenue	$74.5 million

Milwaukee Water Works' purification process is comprised of ozone disinfection, alum coagulation, dual media filtration, fluoridation, corrosion control, and chloramine post-disinfection.

Retail customers: Franklin, Greenfield, Hales Corners, St, Francis, West Milwaukee

Wholesale customers: Brown Deer, Butler, Greendale, Menomonee Falls, Milwaukee County Grounds, New Berlin, Shorewood, Wauwatosa, West Allis, WE Energies Water Services

SANITATION

Residential Waste collected	179,784 Tons
Recyclables collected	26,100 Tons
Leaves and Yard Waste collected & composted	25,285 Tons
Snowfall (January – December)	32.6 Inches
General snow plowings	2
Ice control operations	23

FORESTRY DIVISION

Trees on city streets	200,000
Shade trees planted	2,731
Trees pruned	50,258
Trees removed (all causes)	3,529
Stumps removed	4,143
Boulevard medians & greenspaces maintained	476 acres
Flowers produced, annuals	371,546
Flowers planted, annuals	185,448
Flowers planted, perennials & bulbs	7,455
Shrubs planted	1,497
Evergreens planted	107
Landscaped boulevard medians	121.8 miles
Greenspaces maintained	59
Totlots maintained	57
City properties maintained	20
Service requests	9,620

INFRASTRUCTURE SERVICES – SEWER DESIGN AND MAINTENANCE

Sewers examined	84 miles
Sewers cleaned	422.2 miles
New sewers	81 miles
Replacement sewers	13.11 miles
Sewer lining	2.0 miles
Service calls answered	7,937

FLEET SERVICES

Work Orders	31,415
Preventive Maintenance Inspections Performed	7,359
Tires Mounted	3,933
Field Service Calls, Tires	4,392
Field Service Calls, Other	7,212
Stockroom Activity	$4,710,704
Vehicles Serviced	
Passenger Vehicles	1,047
Packers, Rear Load	144
Packers, Front Load and Roll-off	22
Packers, Recycling	51
Tractors	65
Street Sweepers	29
Sewer cleaners, flushers, etc.	7
Construction equipment	487
Trucks, all other	842
Compressors	96
Vehicle Total	2,790
Non-automotive equipment	1,395
Total Serviced	4,185

STREET AND BRIDGE MAINTENANCE

Bridges, inspected	180
Bridges, number of openings	14,119
Pavement seal coating (square yards)	261,288
Asphalt surface by contract (tons)	3,057
Production of asphalt mixes (tons)	15,012

Average Total DPW Employees, 2003	2,400

Rec'd 2/24/2005

City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin 53202

Legislation Details (With Text)

File #:	091641 **Version:** 0		
Type:	Resolution	**Status:**	In Committee
File created:	4/13/2010	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Resolution relating to an appeal from Atty. Lynne Mueller on behalf of Walter Lowe regarding a special improvement payment. (5th Aldermanic District)		
Sponsors:	THE CHAIR		
Indexes:	CLAIMS APPEAL		
Attachments:	City Attorney Letter, Appeal, Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
4/13/2010	0	COMMON COUNCIL	ASSIGNED TO		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

powered by Legistar™

Number
091641
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution relating to an appeal from Atty. Lynne Mueller on behalf of Walter Lowe regarding a special improvement payment. (5th Aldermanic District)
Drafter
CC-CC
dkf
4/7/10

powered by Legistar™

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
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THOMAS J. BEAMISH
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JOHN J. HEINEN
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JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

March 22, 2010

received
3-29-10

Litchfield Cavo LLP
Attn: Attorney Lynne M. Mueller
13400 Bishops Lane, Suite 290
Brookfield, WI 53005-6237

RE: Your Client: Walter Lowe
C.I. File No.: 10-S-16

Dear Attorney Mueller:

We have received your client's claim in the amount of $2,777.50, relating to funds that he allegedly remitted to the City of Milwaukee, which were not due, in payment of a special improvement bill for the property located at 4426 North 88th Street purchased by him in May, 2005.

Our investigation reveals that the Treasurer's Office records indicate that on May 25, 2005 a check for $2,780.00 was received from Metropolitan Title Company. The check did not indicate it was intended to be applied to the outstanding contemplated special improvement. The Treasurer's Office applied it to outstanding real estate taxes. They received a second check from Metropolitan Title Company, that same day, for $2,923.45. This was also applied to the outstanding taxes. The checks came in separate envelopes and were processed by two different employees on a batch update system. The second employee could not have known about the first payment received and applied that same day. Consequently, the second payment generated an over payment of $2,780.00. This was refunded to the sellers, the homeowner of record at the time. A judgment has been entered against them but, at present, the City has not been able to collect the erroneous refund.

On May 4, 2007, $2,777.50 was taken from the contemplated specials escrow account to pay off the special improvement bond. Your client never paid any funds towards this bond. The receipt submitted by your client only confirms this transfer. As such, the contemplated specials escrow account has not been reimbursed for the $2,777.50 that was used to pay this bond.

The City followed proper procedure in this matter. As such, the City would not be liable. Therefore, we are denying your client's claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

GRANT F. LANGLEY
City Attorney

Steven M. Carini

STEVEN M. CARINI
Investigator Adjuster

SMC:ms
1060-2010-201:156333

LITCHFIELD CAVO
Attorneys at Law

WRITER'S ADDRESS:
Lynne M. Mueller
13400 Bishops Lane, Suite 290
Brookfield, Wisconsin 53005-6237
Phone: (262) 784-8908
Fax: (262) 784-8812
Email:mueller@litchfieldcavo.com

CITY OF MILWAUKEE
RECEIVED
2010 APR -1 PM 3:03
OFFICE OF
CITY ATTORNEY

March 30, 2010

CITY OF MILWAUKEE
2010 APR -1 PM 12:03
RONALD D. LEONHARDT
CITY CLERK

MILWAUKEE CITY CLERK
200 East Wells Street, Room 205
Milwaukee, WI 53202-3567

Re: Walter Lowe
C.I. File No. 10-S-16

Dear Clerk:

Please accept this letter as our appeal of the decision of the City of Milwaukee dated March 22, 2010 with respect to the above referenced claim. The claimant, Walter Lowe, disagrees with the determination by the City and requests a hearing with respect to this matter.

Thank you for your attention to this matter. We would appreciate it if you would date stamp the extra copy of this letter and return it to us in the enclosed envelope.

Very truly yours,

Lynne M. Mueller

LMM/jak
Enclosure
cc: Walter Lowe

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

CITY OF MILWAUKEE
Office of the City Attorney

Milwaukee's Future: IT'S IN OUR HANDS
www.milwaukee.gov/2010census

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
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DANIELLE M. BERGNER
Assistant City Attorneys

March 22, 2010

received
3-29-10

Litchfield Cavo LLP
Attn: Attorney Lynne M. Mueller
13400 Bishops Lane, Suite 290
Brookfield, WI 53005-6237

RE: Your Client: Walter Lowe
C.I. File No.: 10-S-16

Dear Attorney Mueller:

We have received your client's claim in the amount of $2,777.50, relating to funds that he allegedly remitted to the City of Milwaukee, which were not due, in payment of a special improvement bill for the property located at 4426 North 88th Street purchased by him in May, 2005.

Our investigation reveals that the Treasurer's Office records indicate that on May 25, 2005 a check for $2,780.00 was received from Metropolitan Title Company. The check did not indicate it was intended to be applied to the outstanding contemplated special improvement. The Treasurer's Office applied it to outstanding real estate taxes. They received a second check from Metropolitan Title Company, that same day, for $2,923.45. This was also applied to the outstanding taxes. The checks came in separate envelopes and were processed by two different employees on a batch update system. The second employee could not have known about the first payment received and applied that same day. Consequently, the second payment generated an over payment of $2,780.00. This was refunded to the sellers, the homeowner of record at the time. A judgment has been entered against them but, at present, the City has not been able to collect the erroneous refund.

On May 4, 2007, $2,777.50 was taken from the contemplated specials escrow account to pay off the special improvement bond. Your client never paid any funds towards this bond. The receipt submitted by your client only confirms this transfer. As such, the contemplated specials escrow account has not been reimbursed for the $2,777.50 that was used to pay this bond.

The City followed proper procedure in this matter. As such, the City would not be liable. Therefore, we are denying your client's claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

GRANT F. LANGLEY
City Attorney

Steven M. Carini

STEVEN M. CARINI
Investigator Adjuster

SMC:ms
1060-2010-201:156333

LITCHFIELD CAVO LLP
Attorneys at Law

WRITER'S ADDRESS:
Lynne M. Mueller
13400 Bishops Lane, Suite 290
Brookfield, Wisconsin 53005-6237
Phone: (262) 784-8908
Fax: (262) 784-8812
Email:mueller@litchfieldcavo.com

January 19, 2010

CITY OF MILWAUKEE
2010 JAN 21 AM 7:44
RONALD D. LUCCHINI
CITY CLERK

CITY CLERK
ATTN: CLAIMS
200 East Wells Street, Room 205
Milwaukee, WI 53202-3567

Re: Walter Lowe
Claim for return of funds paid for Property Located at 4426 N. 88th Street, Milwaukee

Dear Clerk:

I am enclosing a Notice of Claim against the City of Milwaukee that has been signed by our client, Walter Lowe. Please contact me with any questions you may have regarding this matter at the number listed above.

CITY OF MILWAUKEE
RECEIVED
2010 JAN 21 PM 2:51
OFFICE OF
CITY ATTORNEY

Very truly yours,

Lynne M. Mueller

LMM
Enclosures

NOTICE OF CLAIM OF WALTER LOWE
AGAINST THE CITY OF MILWAUKEE

The Claimant, Walter Lowe files this claim against the City of Milwaukee requesting the City return the payment of funds that he remitted to the City in payment of a special improvement bill for the property located at 4426 N. 88th Street in the City of Milwaukee in the amount of $2,777.50, which amount was not in fact due to the City.

The claimant, Walter Lowe, purchased the property at 4426 N. 88th Street on May 23, 2005. The City of Milwaukee sent the claimant a bill for alley project No. 0885-0837-2 for this property on or around March 31, 2007, in the amount of $2,777.50, which the claimant paid on May 4, 2007. A copy of the special improvement bill and the proof of payment the claimant received from the City evidencing his payment of this bill and the amount he paid is attached hereto as Exhibit "A".

The claimant has recently been working to refinance his property and learned that the special assessment that he paid in 2007 had actually been paid to the City at the time he purchased the property back in 2005. There was in fact no amount due to the City for this special assessment when the claimant remitted payment to the City in 2007. The claimant learned of these facts on December 1, 2009 when he was provided with a copy of the check that was sent to the City of Milwaukee by the Metropolitan Title Company in the amount of $2,780.00, a copy of which check is attached hereto as Exhibit "B". The claimant also obtained a copy of the closing statement with respect to this property from the same title company, which confirms that the payment to the city of Milwaukee was for the same alley assessment. A copy of this statement is attached hereto as Exhibit "C".

Wherefore, the claimant requests payment from the City of Milwaukee in the amount of $2,777.50, which is the amount that he paid on May 4, 2007 for the alley assessment. The City of Milwaukee had already received payment for this same assessment two years before that billing was issued to the claimant so the claimant is entitled to the return of these funds, which the claimant paid to the City and which the City accepted in error.

Dated this 19th day of January, 2010.

Walter Lowe

Walter Lowe

CT-202

City of Milwaukee

OFFICE OF THE CITY TREASURER

CITY HALL - ROOM 103 • 200 EAST WELLS STREET • MILWAUKEE, WISCONSIN 53202
TELEPHONE: (414) 286-2240 • FAX: (414) 286-3186 • TTY: (414) 286-2025

MAKE CHECK PAYABLE TO:

Wayne F. Whittow
CITY TREASURER

9999157856

FOR: ALLEY
PROJECT NO. 0885-0837-2

SPECIAL IMPROVEMENT BILL
05/04/07

WALTER LOWE
4426 N 88TH ST
MILWAUKEE, WI 53225

LOCATION OF PROPERTY: 4426 N 88TH ST

TAXKEY: 223-0637-X
SERIAL NUMBER: KL001977000
BILLING DATE: 03/31/07*
DUE DATE: 05/15/07
INTEREST RATE: 5.17 %

PRINCIPAL PAID: 2,777.50
INTEREST PAID: 0.00
TOTAL PAID: 2,777.50

PRINCIPAL BALANCE DUE: 0.00

*INTEREST IS CALCULATED FROM THIS DATE IF NOT PAID BY THE DUE DATE.

If payment is made by check, it must be payable in U.S. dollars and be drawn on a U.S. bank. Receipt is valid when check clears all banks.

ity of Milwaukee
PAYMENT RECEIPT
Office of the City Treasurer
City Hall, Room 103

ch Date: 05/04/07 Receipt # 00211483
ler ID: mgutie2210003

ment Tendered: 5/4/2007 8:18 AM
2 Special Improvement Bill
Key: 223-0637-000-0 (0)
l No.: 9999157856
nsaction Total: $2,777.50

$2,777.50

WAYNE F. WHITTOW
City Treasurer

ALL-STATE LEGAL®
EXHIBIT
A

Posting Date:	2005-05-27
Sequence #:	4010117772
Account #:	633421342
Routing Transit:	04411544
Amount #:	$2780.00
Check/Serial #:	000000062132
Bank #:	1
Tran Code:	000000
IRD:	0
ItemType:	P
BOFD:	000000000
Cost Center:	N/A
Teller Number:	N/A
Teller Seq Number:	N/A
Processing Date:	N/A

THE ORIGINAL DOCUMENT HAS A REFLECTIVE WATERMARK ON BACK. HOLD AT AN ANGLE TO VIEW. SEE REVERSE SIDE FOR MORE SAFETY FEATURES.

Metropolitan Title Company

ESCROW ACCOUNT
500 Elm Grove Road, Suite 102
Elm Grove, WI 53122-5170
784-4500

Bank One, NA
Circleville, Ohio Office
.00000
(800)310-1111

56/1544
441

Check Number
062132

Void After 6 Months

Order Number: 04120824 | Check Date. 05/23/2005

PAY *Two Thousand Seven Hundred Eighty Dollars And Zero Cents.* $******2,780.00

PAY ONLY 2780 00 CTS CTS

To The Order Of CITY OF MILWAUKEE TREASURER

Authorized Signature

THE MULTI-TONE BACKGROUND OF THIS DOCUMENT GRADUALLY AND EVENLY CHANGES FROM BLUE TO GREY TO BLUE WITH BLUE AREAS BOTH TOP AND BOTTOM

⑈062132⑈ ⑆04411544⑆ 633421342⑈ ⑈0000278000⑈

BANK ONE, NA
074909962
05272005
4010117772
WFB, NA MPLS 05/26/05
TRACER# 3941 007
0910-0001-9

WFB NA,MILW 05252005
9696 037504596635 3
>0910-0001-9<
177: 23 ESU 39

WAYNE F UNITIL

RESERVED FOR FINANCIAL INSTITUTION USE ONLY

WARNING THE BACK OF THIS DOCUMENT CONTAINS A SIMULATED WATER MARK. HOLD AT 45 ANGLE TO VIEW. HOLD OR RUB BLUE RECTANGLE DIRECTLY BELOW TO ACTIVATE HEAT REACTIVE INK SPOT.

ALL-STATE LEGAL®
EXHIBIT
B

Statement of Closing for Real Estate Transaction 04120824

Broker.....: HOMESTEAD REALTY

Property Location: 4426 N 88TH STREET
MILWAUKEE, WI 53225

Seller(s).....: KENNEH S. KOKER
GEORGIANA M. KOKER

Buyer(s): WALTER LOWE

Date of Closing..: 5/23/2005	DUE SELLER	CREDIT BUYER
Sales Price	127,200.00	
Down Payment		500.00
City/Town Taxes		1,226.28
Prorated on $3,152.06 From 01/01/2005 To 05/22/2005.		
WATER/SEWER PRO-RATION		94.39
Prorated on $83.06 From 02/12/2005 To 05/22/2005.		
SNOW/ICE REMOVAL		5.32
Prorated on $13.68 From 01/01/2005 To 05/22/2005.		
CLOSING COST CREDIT		5,278.99
TOTALS:	127,200.00	7,104.98
LESS CREDIT TO BUYERS	7,104.98-	
BALANCE DUE SELLERS	120,095.02	

REAL ESTATE TAX PRO-RATION BASED ON 100% AFTER
LOTTERY TAX CREDIT.

Check or Cash to Balance	120,095.02	
TOTAL SETTLEMENT DUE SELLERS	120,095.02	

BUYER: Walter Lowe SELLER:

BUYER: SELLER:

Buyer & Sellers Accept This Statement As Correct.

Down Payment Received From Buyer		500.00
Cash Balance Received From Buyer		120,095.02
TOTAL PAYMENTS DUE SELLER -->		120,595.02
Charges Against Seller:		
Title Policy Metropolitan Title Closing	751.00	
Transfer Fees	381.60	
COUNTRYWIDE HOME LOANS: PAYOFF	105,216.42	
HOMESTEAD REALTY: ADMINISTRATIVE FEE	50.00	
MILWAUKEE WATER WORKS	90.62	
CITY OF MILWAUKEE TREASURER: 2004 TAXES	2,923.45	
Commission HOMESTEAD REALTY	4,800.00	
CITY OF MILWAUKEE TREASURER: ALLEY ASSESSMENT	2,780.00	
FIRST AMERICAN HOME BUYERS PROTECTION	370.00	
TOTAL CHARGES AGAINST SELLER -->	117,363.09	117,363.09-
NET BALANCE TO BE PAID SELLER -->		3,231.93

SETTLEMENTS
$1,900.00 CHECK TO HOMESTEAD REALTY

EXHIBIT
ALL-STATE LEGAL®
C

NOTICES SENT TO FOR FILE 091641:

NAME	ADDRESS	DATE NOTICE SENT		
Atty. Lynne Mueller	13400 Bishops Lane, Suite 290 Brookfield, WI 53005-6237	4/15/10		
Walter Lowe	4426 N. 88th St. 53225	x		
Jim Klajbor	Treasurer's Office	x		

City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin 53202

Legislation Details (With Text)

File #:	091638 **Version:** 0		
Type:	Resolution	**Status:**	In Committee
File created:	4/13/2010	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Resolution relating to an appeal from Debra Lewandowski for loss of property. (11th Aldermanic District)		
Sponsors:	THE CHAIR		
Indexes:	CLAIMS APPEAL		
Attachments:	City Attorney Letter, Appeal, Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
4/13/2010	0	COMMON COUNCIL	ASSIGNED TO		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

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Number
091638
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution relating to an appeal from Debra Lewandowski for loss of property. (11th Aldermanic District)
Drafter
CC-CC
dkf
4/7/10

powered by Legistar™

Deputy City Attorneys

MILWAUKEE
Office of the City Attorney

Milwaukee's Future: IT'S IN OUR HANDS
www.milwaukee.gov/2010census

DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
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THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

March 10, 2010

Debra Lewandowski
4050 South 55th Street
Milwaukee, WI 53220

RE: Debra Lewandowski
C.I. File No.: 10-S-31

Dear Ms. Lewandowski:

We have received your claim in the amount of $3,861.00, relating to a diamond necklace that was allegedly tossed out with newspapers that were placed into your recycling cart on October 13, 2009. You also allege that the recycle cart was picked up the next morning.

Our investigation reveals that the Sanitation Division reviewed their records relative to this incident. They also reviewed your allegation that the recycled materials were picked up two weeks in a row due to a computer error. The records reflected that the recycled materials were picked up on October 6, 2009 and again on October 27, 2009.

Their records further reflected that they first learned of this alleged incident on October 26, 2009 when a call was placed to the call center. Since it appears the Sanitation Division was not negligent in this matter, the City cannot accept liability and we are denying your claim.

OFFICE OF THE CITY ATTORNEY
Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax 414.286.8550

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

GRANT F. LANGLEY
City Attorney

ROBERT OVERHOLT
Investigator Adjuster

RMO:ms
1058-2010-386:155859

March 27, 2010

CITY OF MILWAUKEE
2010 MAR 29 AM 10: 35
RONALD D. LEONHARDT
CITY CLERK

Milwaukee City Hall
Milwaukee City Clerk
200 East Wells Street Room 205
Milwaukee, WI 53202

RE: Debra Lewandowski
C.I. File No. 10-S-31

Dear City Clerk:

I wish to appeal the decision per your letter dated March 10, 2010.

According to your investigation with the Sanitation Division, recycled materials were picked up on October 6, 2009 and October 27, 2009. However, this information is not correct. An additional pickup occurred the morning of October 13th. This can be confirmed with Tom Wynn, Sanitation Supervisor for the area. He came to my residence the morning of November 5th and stated that the recycling cart was inadvertently collected two weeks in a row. He stated that this was due to a computer mistake. The Sanitation Division was negligent in this matter as recycling is to be picked up every 3rd week.

I do not recall the exact date I called the call center. This was due to the fact that I was so upset and distraught on the loss of a family heirloom. I did not know who to call or even what to do.

Sincerely,

Debra A. Lewandowski

Debra A. Lewandowski
4050 So. 55th Street, Milwaukee, WI 53220
414-327-3144

CITY OF MILWAUKEE
RECEIVED
2010 MAR 30 PM 2: 50
OFFICE OF
CITY ATTORNEY

Deputy City Attorneys

MILWAUKEE
Office of the City Attorney

Milwaukee's Future: IT'S IN OUR HANDS
www.milwaukee.gov/2010census

DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
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ELLEN H. TANGEN
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MARYNELL REGAN
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THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

March 10, 2010

Debra Lewandowski
4050 South 55th Street
Milwaukee, WI 53220

RE: Debra Lewandowski
C.I. File No.: 10-S-31

Dear Ms. Lewandowski:

We have received your claim in the amount of $3,861.00, relating to a diamond necklace that was allegedly tossed out with newspapers that were placed into your recycling cart on October 13, 2009. You also allege that the recycle cart was picked up the next morning.

Our investigation reveals that the Sanitation Division reviewed their records relative to this incident. They also reviewed your allegation that the recycled materials were picked up two weeks in a row due to a computer error. The records reflected that the recycled materials were picked up on October 6, 2009 and again on October 27, 2009.

Their records further reflected that they first learned of this alleged incident on October 26, 2009 when a call was placed to the call center. Since it appears the Sanitation Division was not negligent in this matter, the City cannot accept liability and we are denying your claim.

OFFICE OF THE CITY ATTORNEY
Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.288.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

GRANT F. LANGLEY
City Attorney

ROBERT OVERHOLT
Investigator Adjuster

RMO:ms
1058-2010-386:155859

CITY OF MILWAUKEE
RECEIVED
2010 FEB -1 PM 2:39
CITY ATTORNEY

January 29, 2010

City Clerk
ATTN: Claims
200 E. Wells St. Room 205
Milwaukee, WI 53202-3567

Claimant: Debra A. Lewandowski

Dear City Clerk,
Instructions per this request were provided by Alderman Joe Dudzik, per my phone conversation.

This letter states the circumstances of this claim:
Due to a computer error, an authorized recycling collection occurred on October 13th, 2009. In the newspaper section of container was recycled newspapers and a valuable necklace.
Early that morning, when I realized an empty container, was shocked, tried to compose myself, and later called Sanitation District to report loss. Spoke with Anthony Sherwin at 414-286-3500.
On November 5th, 2009, Tom Wynn, Sanitation Supervisor for my area, came to my house at 4050 So. 55th St., to explain that pickup was due to a computer error. Therefore, recycling cart was inadvertently collected two weeks in a row.

Additional information on claim:

Proof of amount of claim:

A. Letter from Prescott Miller Jewelers stating total retail cost of $3,861.00
B. Letter from Fred Meyer Jewelers stating retail cost of chain $470.00 and retail cost of diamond $7,000.00 for total retail cost of $7,470.00
C. Copy of receipt from Ball Manufacturing Jewelers where 20" rice chain was purchased on 10-3-2005 amount paid $125.66. This was a discounted price as store was going out of business. I do not have a receipt for the canary diamond as this was family heirloom and purchased many years ago.

Phone number claimant can be reached:
Home phone: 414-327-3144
Cell phone: 414-364-1438

Description of the incident:
Recycling bin collected early morning on October 5th, 2009. The evening of October 12th, I tossed papers in the recycling and in between the papers was necklace. The evening was very cold and dark, so retrieval would be the next morning when I could see items. The next morning I went outside, and I was shocked to seen emptied cart on sidewalk. Pickup is to occur every 28-30 days. Called Alderman Joe Dudzik to discuss and his assistant handled my calls. Later learned from Tom Wynn, Sanitation Supervisor

that a computer mistake occurred and the recycling container was emptied in error and he was very sorry.

I feel that the City of Milwaukee and employees acted negligently in that the computer records were not accurate and therefore the sanitation employees were in error in collecting the recycling bins.

I have filed an incident report with the Milwaukee Police Department if the lost jewelry is recovered.

Sincerely,

Debra A. Lewandowski

Debra A. Lewandowski
4050 So. 55th Street, Milwaukee, WI 53220

Prescott Miller
JEWELERS

November 20, 2009

To whom it may concern:

The following is the retail cost to replace a lost, misplaced or stolen diamond pendant and chain as described by: Debbie Lewandowski
4050 S. 55th Street
Milwaukee, WI 53220
414-327-3144

1 – 0.75 ct. round brilliant fancy yellow diamond, VS-SI	$3375.00
1 - 18KT yellow gold solitaire pendant w/double bail	$150.00
Setting diamond in pendant	$36.00
1 – 14KT yellow gold bead chain, 18 inches	$300.00
Retail Cost	$3861.00

Kathleen Schnagl
Graduate Gemologist, G.I.A.

CITY OF MILWAUKEE
2010 FEB -1 PM 1:47
RONALD D. LEONHARDT
CITY CLERK

5633 Broad Street • Greendale, Wisconsin 53129 • Phone 414.855.0334 • FAX 414.855.0335

Fred Meyer JEWELERS

"For All Those Special Times"

CITY OF MILWAUKEE
RECEIVED
2010 FEB -1 PM 2:40
OFFICE OF THE CITY ATTORNEY

Dominic Schelfhout
Manager
414-421-8555
414-421-8627 Fax

Southridge Mall
5300 S. 76th Street, Spc 1620
Greendale, WI 53129

CITY OF MILWAUKEE
2010 FEB -1 PM 2:40
RONALD D. LEONHARDT
CITY CLERK

(1.) one 14kt yellow gold 18" neck chain Link style. Approx 4 grams.

Retail Value $470-
Selling Price $188-

(2.) One round brilliant fancy yellow natural diamond. Approx. .75ct.

Retail Value $7000-
Selling Price $5000-

BALL

Manufacturing Jewelers Inc.

857 North Mayfair Road
Wauwatosa, WI 53226
Phone (414) 476-0910

№ 35434

Name PAU[illegible] MATER						Date 10-3-05	
Address 1200[illegible] W. UNDERWOOD PKWY							
Sold by GB	Cash	Charge AMEX	Layaway	On Acct.	Mdse. Ret'd	TUSA 53226	

Article	Stock No.	Amount	
14K [illegible]T RICE	B10 158	119	00
CHA[illegible]N 20"			
Special Instruc[illegible]tions	Amount of Sale		
	Tax	6	66
	Total	125	66
	Amount Paid	125	66
Received by	Balance	—	

All layaways, cust[illegible]om work, orders, repairs or any other delayed payment agreements must be paid on a monthly b[illegible]asis or all deposited funds will be forfeited to Ball Manufacturing Jewelers, Inc.

I agree to t[illegible]hese terms _____

All claims and returned goods MUST be accompanied by this bill.
No c[illegible]ash refunds. Merchandise exchange only within 30 days after sale.

NOTICES SENT TO FOR FILE 091638:

NAME	ADDRESS	DATE NOTICE SENT		
Debra Lewandowski	4050 S. 55th St. 53220	4/15/10		
Ald. Dudzik		x		
Mary Bengsch	DPW	x		
Jeff Smith	DPW	x		
Don Stone	DPW	x		

City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin 53202

Legislation Details (With Text)

File #:	091654 **Version:** 0		
Type:	Resolution	**Status:**	In Committee
File created:	4/13/2010	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Resolution relating to an appeal from Peter and Christine Geiger for property damage.		
Sponsors:	THE CHAIR		
Indexes:	CLAIMS APPEAL		
Attachments:	City Attorney Letter, Appeal, Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
4/13/2010	0	COMMON COUNCIL	ASSIGNED TO		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

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Number
091654
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution relating to an appeal from Peter and Christine Geiger for property damage.
Drafter
CC-CC
dkf
4/9/10

powered by Legistar™

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

CITY OF MILWAUKEE
Office of the City Attorney

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www.milwaukee.gov/2010census

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
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THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

March 26, 2010

Peter and Christine Geiger
1350 West Armann Way
Oak Creek, WI 53150

RE: Peter and Christine Geiger
C.I. File NO.: 10-S-70

Dear Mr. and Mrs. Geiger:

We have received your claim in the amount of $921.15, relating to damage to your vehicle that was allegedly caused by a City excavation operation at South 5th Street and West Walker Street on February 19, 2010.

Our investigation reveals that the Infrastructure Services Division (ISD) reviewed its records relative to this incident. They found the ISD engaged in emergency electrical repairs. There was no time to set "No Parking" signs due to the nature of the operation. The ISD spoke with the crew on scene that day and none of the members touched your vehicle. The crew was also adamant they caused no damage to the vehicle and no stone or concrete chip were observed. The crew also noted they placed themselves between the work area and your vehicle. Since there is not evidence to support your claim and the ISD followed its normal procedures, the City cannot accept liability and we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

GRANT F. LANGLEY
City Attorney

ROBERT OVERHOLT
Investigator Adjuster

RMO:ms
1029-2010-678:156506

Milwaukee City Clerk
200 East Wells Street
Room 205
Milwaukee, WI 53202

CITY OF MILWAUKEE
2010 APR -7 AM 11:03
RONALD D. LEONHARDT
CITY CLERK

Dear Grant,

I received your letter regarding your decision on my case, # C. I. File No: 10-S-70. I have pictures and cost of repairs for the damage done. In the pictures that I sent. They show mud and cement chips on the hood. And chip in hood.

I know some repairs are an emergency for the city. But more care needs to be taken in the future for protecting vehicles. You mentioned that the workers placed themselves between my car and the work. The work that was done was from the curb and forward 2'. My car's front end hung over the curb, so there was no room for someone to stand between the works.

I'm requesting for a hearing date. Please contact me with the date and time so I contact my lawyer to attend.

Thanks
Pete & Chris Geiger
1350 W. Armann Way
Oak Creek, WI 53154
414-303-9776

CITY OF MILWAUKEE
RECEIVED
2010 APR -7 PM 2:59
OFFICE OF
CITY ATTORNEY

Peter Geiger - 1350 W. Armann Way Oakcreek 53150

OFFICE OF THE CITY CLERK
Milwaukee Wisconsin

INSTRUCTIONS FOR FILING A CLAIM AGAINST THE CITY OF MILWAUKEE

To file a claim against the City a claimant must comply with Section 893.80(1),Wis. Stats., a copy of which is printed on the reverse side of this instruction sheet. Generally the statue requires the claimant to submit to the City Clerk:

1. A document stating the circumstances of the claim which must be signed by the claimant, or his/her agent or attorney. This document should be filed within 120 days of the event.

2. A document stating the address of the claimant and a statement of the relief sought. If money damages are sought, a specific sum must be stated.

(The above information may be combined in a single document.)

The following information should also be submitted to allow the City to promptly act on your claim:

1. Proof of the amount of the claim by means of either itemized receipts or two itemized estimates.

2. A phone number where the claimant can be reached during business hours as well as the claimant's e-mail address, if any.

3. As detailed a description of the incident as possible, including the date, time and place.

All information should be submitted to:

City Clerk
ATTN: CLAIMS
200 E. Wells St., Room 205
Milwaukee, WI 53202-3567

ADDITIONAL INFORMATION

Before you can file a lawsuit against the City of Milwaukee for reimbursement, State law requires that you first follow the claim procedures established by the City Clerk.

Filing a claim against the City does not automatically guarantee reimbursement from the City. However, the City examines each claim on an individual basis in determining if reimbursement is legally required.

In order to obtain reimbursement for a claim against the City, you must prove that the City or its employees acted unlawfully. or negligently.

Only the City Attorney or the Common Council and the Mayor can authorize payment of a claim against the City. Any other representations made by City employees are not legally binding on the City.

City Clerk

200 E. Wells St., Room 205

Milwaukee, WI 53202-3567

CITY OF MILWAUKEE
MARCH 1 2010
2010 ~~FEB 29~~ AM 7:47
RONALD D. LEONHARDT
CITY CLERK

On February 19, 2010, I had damage done to the hood, grill, and fender of my car. I arrived on the corner of 5th and Walker Street at 12:15pm. My wife and friends had a meeting luncheon to be held at Botanas Restaurant. As we were pulling into a metered parking space out front, two yellow city trucks pulled up on both sides of the street. We proceeded in to Botanans for lunch at 12:15 pm; the wait was to long so we walked to La Perla instead.

When we returned to our car, we noticed the city workers now working on the side walk in front the cars parked by the meters. I asked a worker why the meters did not have a DO Not Park Sign on them or barricades placed in the spot of the cars. He did not know. I should ask the boss who was by the truck. When he came over to talk to me, I had him look at the hood of my car that had cement chips, mud, and a chip and nick in the hood. He brushed his hand to remove the debris, but that just scratch the paint. The area on the side walk should have been marked for no parking. The work was done less than a foot in front of my car. I pointed out to him that the employee was jack hammering in front of my car. The side walk concrete was removed and a hole was dug. He said the work had to get done. I asked him who do I call to report this incident, and he gave me phone # 286-8282.

I took pictures with my cell phone of the damage to the front. I also wrote done the truck numbers of the two city trucks, # 26326 and #25403. I also have a repair bill from Authentic Auto for damage to my 2010 Audi A5 car. Enclosed are pictures and repair bill. You can reach me at any time at phone #303-9776 or email petemedivan@aol.com. My address is 1350 W. Armann Way, Oak Creek, WI 53110. Thank you for your help.

Peter and Christine Geiger

CITY OF MILWAUKEE
RECEIVED
2010 MAR -1 PM 3:52
OFFICE OF
CITY ATTORNEY

"Insurance Specialists"
Late Models and Classics
Show Quality Paint

AUTHENTIC AUTOMOTIVE

Complete Auto Service
Fabrication and Welding

Jim Plimpton
Phone:(414) 483-8850
Fax: (414) 483-8914

4969 S. Packard Avenue
Cudahy, WI 53110

BODY AND FENDER REPAIRS • EXPERT REFINISHING

NAME Peter Geigher
ADDRESS 1350 Armann Way
Oak Creek WI 53154

DATE 2-19-2010
PHONE 303-9776
~~DATE WANTED~~ VIN# WAULFAFHDAN015601

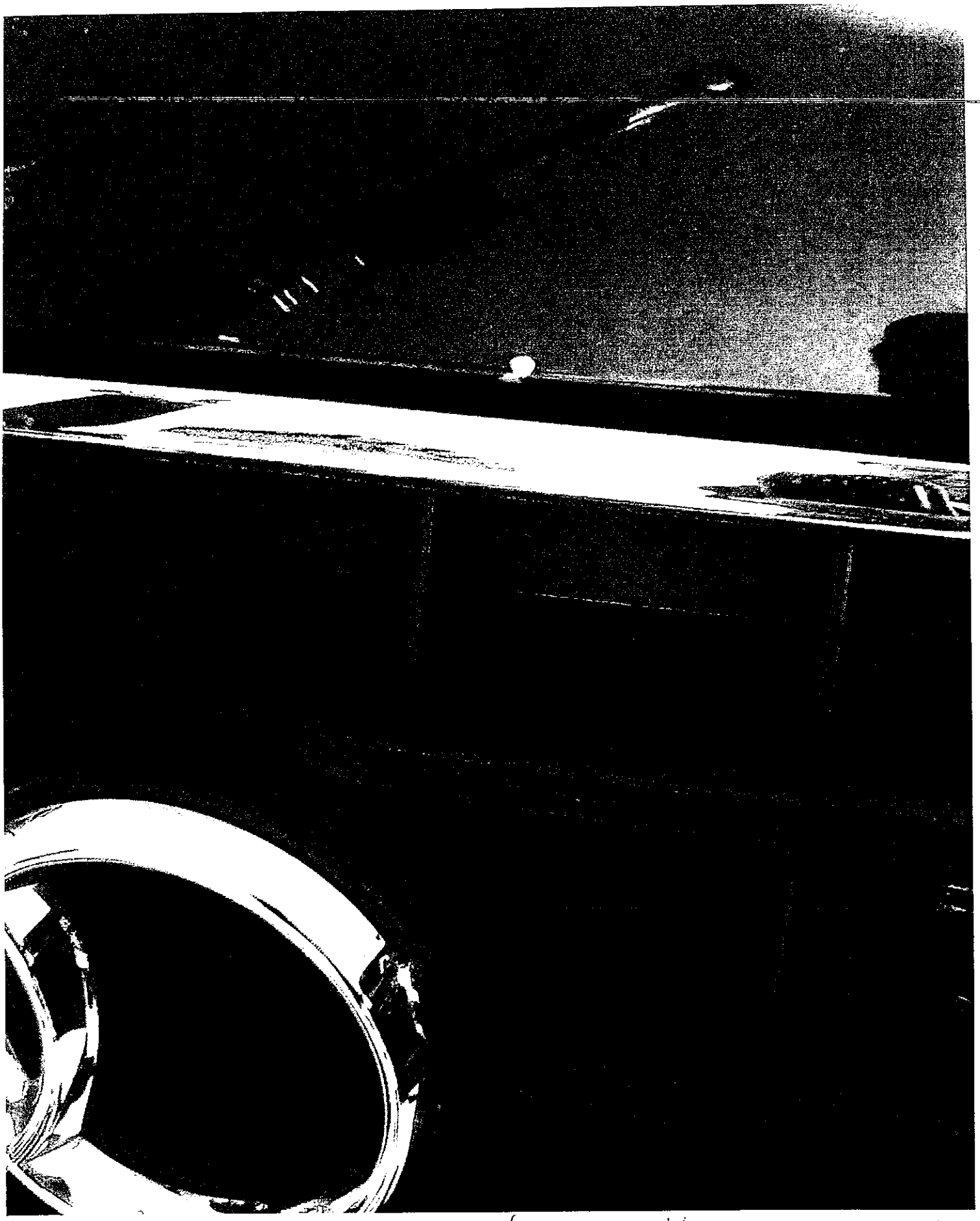
YEAR-MODEL-COLOR	MAKE OF CAR	BODY TYPE	LICENSE NO.	SERIAL NO.	MFG. PAINT NO.	MILEAGE
2010 A5 GREY MET.	Audi	Conv.	5YD-LN	Quatro		

REPAIR	REPLACE		SUBLET WORK	PARTS AND MATERIALS	LABOR	REFINISHING
	X	Grill		187.00	1.2	
X		Hood			1.5	3.8
X		Buff Front Bumper cover and Right Fender (scratched)			1.5	
		Wetsand & Buff Hood			1.0	
		tint & C/coat				.5
		Car Cover		8.00		
		Materials		154.80		
					5.2	4.3
		TOWING				
		SUB TOTALS		349.80	288.00	236.50

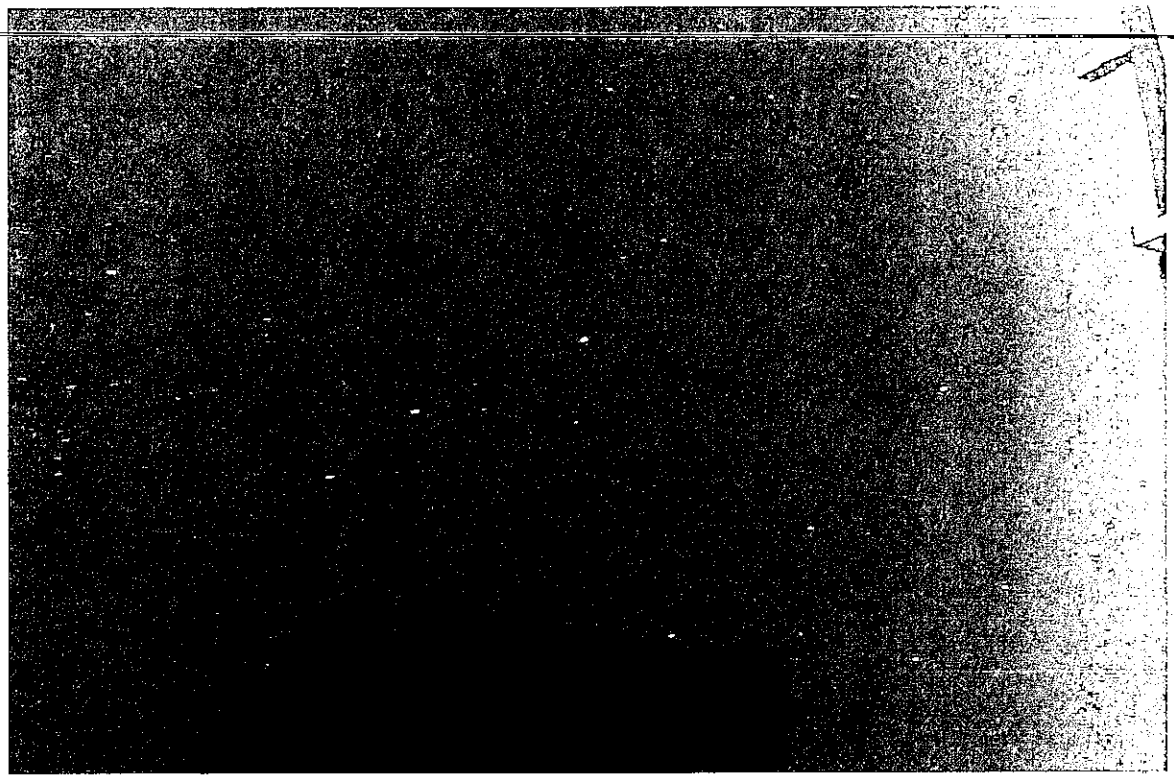
THIS ESTIMATE IS BASED ON OUR INSPECTION AND DOES NOT COVER ADDITIONAL PARTS OR LABOR WHICH MAY BE REQUIRED AFTER THE WORK HAS BEEN STARTED. AFTER THE WORK HAS STARTED, WORN OR DAMAGED PARTS WHICH ARE NOT EVIDENT ON FIRST INSPECTION MAY BE DISCOVERED. NATURALLY THIS ESTIMATE CAN NOT COVER SUCH CONTINGENCIES. PARTS PRICES SUBJECT TO CHANGE WITHOUT NOTICE. THIS ESTIMATE IS FOR IMMEDIATE ACCEPTANCE.

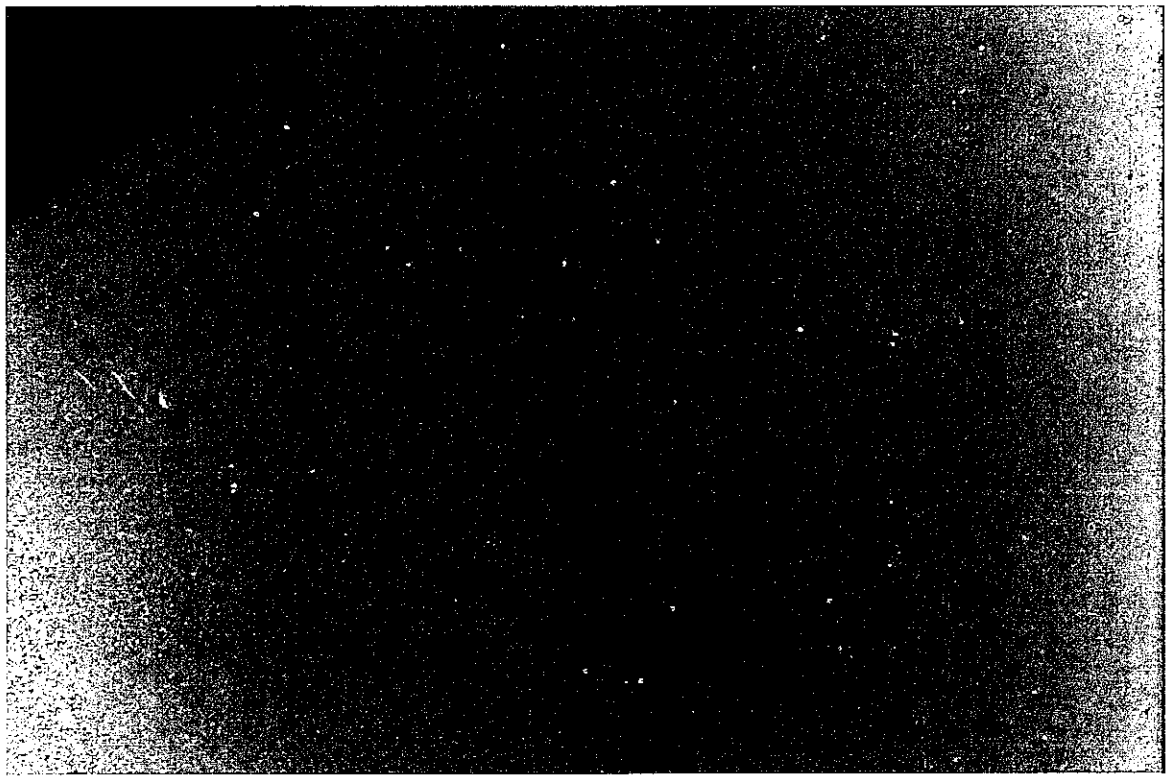
TOTAL	872.30
SALES TAX	48.85
GRAND TOTAL	921.15

THIS WORK AUTHORIZED BY _____



Chip in Hood and just below
Chip in Chrome Grill





White chips of concrete and mud

No concrete, stones for fill

My Car Was Parked

Hole

NOTICES SENT TO FOR FILE 091654:

NAME	ADDRESS	DATE NOTICE SENT		
Peter and Christine Geiger	1350 W. Armann Way Oak Creek, WI 53150	4/15/10		
Jeff Dellemann	DPW	x		

City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin 53202

Legislation Details (With Text)

File #:	091614 **Version:** 0		
Type:	Resolution	**Status:**	In Committee
File created:	4/13/2010	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Resolution relating to an appeal from Atty. Marc Christopher, Agent for Secura Insurance Companies on behalf of Randy Michalzik for property damage. (14th Aldermanic District)		
Sponsors:	THE CHAIR		
Indexes:	CLAIMS APPEAL		
Attachments:	City Attorney Letter, Appeal, Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
4/13/2010	0	COMMON COUNCIL	ASSIGNED TO		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

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Number
091614
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution relating to an appeal from Atty. Marc Christopher, Agent for Secura Insurance Companies on behalf of Randy Michalzik for property damage. (14th Aldermanic District)
Drafter
CC-CC
dkf
3/30/10

powered by Legistar™

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D MOSCHELLA
Deputy City Attorneys

CITY OF MILWAUKEE
Office of the City Attorney

Milwaukee's Future: IT'S IN OUR HANDS
www milwaukee gov/2010census

THOMAS O GARTNER
BRUCE D SCHRIMPF
SUSAN D. BICKERT
STUART S MUKAMAL
THOMAS J BEAMISH
MAURITA F HOUREN
JOHN J HEINEN
DAVID J STANOSZ
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EDWARD M EHRLICH
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MARYNELL REGAN
G O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
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THOMAS D MILLER
HEIDI E. GALVÁN
JARELY M RUIZ
ROBIN A PEDERSON
DANIELLE M BERGNER
Assistant City Attorneys

February 16, 2010

Secura Insurance Companies
Attn: Jodi Schumacher, Subrogation Representative
P.O. Box 819
Appleton, WI 54912-0819

RE: C.I File No.: 09-S-308
Your Insured. Randy Michalzik
Your Claim No P0088314

Dear Ms Schumacher:

We have received your claim in the amount of $855 34, relating to your interests and the interests of your insured arising from an August 5, 2009 loss when your insured's vehicle was damaged from falling debris while it was parked under the 16th Street viaduct, Milwaukee, WI.

Our investigation reveals that the Infrastructure Services Division indicates that at one time the viaduct spanned several railroad lines and it was subject to corrosive exhaust gasses from the locomotives Structural steel above the rail lines was protected with a cement-based coating. Department of Public Works crews remove any apparent loose concrete under this viaduct once or twice per year. In addition, netting was placed below some of the bays where the protective coating was applied. These bays do have signs allowing parking for City employees only. These signs were put up due to patrons of a nearby casino parking in these spots. The City employees that park in these spots do so at their own risk. As such, the City cannot accept liability and we are denying your claim

If you wish to appeal this decision, you may do so by sending a letter within 21 days of receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

GRANT F. LANGLEY
City Attorney

ROBERT OVERHOLT
Investigator Adjuster

RMO:ms
1047-2009-2256

YOST & BAILL
ATTORNEYS AT LAW

MARC E. CHRISTOPHER
(414) 259-0600
MCHRISTOPHER@YOSTBAILL.COM

A Professional Limited Liability Partnership

March 23, 2010

Milwaukee City Clerk
200 East Wells Street, Room 205
Milwaukee, WI 53202

CITY OF MILWAUKEE
2010 MAR 24 AM 10: 31
RONALD D. LEONHARDT
CITY CLERK

RE: ***Secura Insurance Companies v. City of Milwaukee***
Milwaukee County Case No:
Our File No: 8022W-0315
CI File No: 09-S-308

Dear Sir/Madam:

I write as an attorney for Secura Insurance Companies to request with regard to the above-mentioned matter to appeal the decision rendered by the City Attorney and request a hearing on this matter.

This dispute stems from damage incurred in a city parking area from our insured's vehicle. The vehicle was damaged from falling debris in the designed city employee parking area. According to our insured, when damage occurred his vehicle was in a location he was instructed to park, and to which he was required to obtain a permit. In addition it appears the City was aware of the falling debris from the viaduct, a serious safety hazard, yet still requested its employees to park in this location. We received the City of Milwaukee's denial letter on March 9, 2010. ***We therefore appeal this decision and request a hearing.***

As attorney for Secura and their insured, Randy Michalzik, please direct any attention to my office. I thank you in advance for your prompt attention to this matter.

Sincerely,

Marc E. Christopher

Enclosure

Yost & Baill, LLP
2300 North Mayfair Road • Suite 745 • Milwaukee, WI 53226
Telephone (414) 259-0600 • Fax/Data (414) 259-0610 • www.yostbaill.com

OFFICES IN MINNESOTA AND WISCONSIN

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D MOSCHELLA
Deputy City Attorneys

THOMAS O GARTNER
BRUCE D SCHRIMPF
SUSAN D. BICKERT
STUART S MUKAMAL
THOMAS J BEAMISH
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THOMAS D MILLER
HEIDI E. GALVÁN
JARELY M RUIZ
ROBIN A PEDERSON
DANIELLE M BERGNER
Assistant City Attorneys

February 16, 2010

Secura Insurance Companies
Attn: Jodi Schumacher, Subrogation Representative
P.O. Box 819
Appleton, WI 54912-0819

RE: C.I File No.: 09-S-308
Your Insured. Randy Michalzik
Your Claim No P0088314

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03/09/2010 07:50 AM
EB3A9 1004

If you wish to appeal this decision, you may do so by sending a letter within 21 days of receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

GRANT F. LANGLEY
City Attorney

ROBERT OVERHOLT
Investigator Adjuster

RMO:ms
1047-2009-2256

SECURA
INSURANCE COMPANIES

CITY OF MILWAUKEE
2009 AUG 14 AM 11:40
RONALD D. LEO
CITY CLERK

August 11, 2009

CITY CLERK
ATTN CLAIMS
200 EAST WELLS STREET ROOM 205
MILWAUKEE WI 53202-3567

RE:	Claim:	P0088314
	Insured:	Randy Michalzik
	Claimant:	City of Milwaukee
	Date of Loss:	08/05/2009

Dear Sir/Madam:

Enclosed please find our notice of claim and itemized statement of claim. We are making a claim against the City of Milwaukee for damages that were done to our insured's vehicle. Our insured indicated that a parking ramp area used for parking at his place of employment has been deteriating. On the above mentioned date, multiple pieces of the parking ramp crumbled and landed on his vehicle causing damage to the front end area. Our insured went to his vehicle the day in question and found debris laying on and near the front of his vehicle.

Pursuant to Wisconsin statutes, please notify us in the event the claim is disallowed.

Sincerely,

Judith Schumacher

Jodi Schumacher
Subrogation Representative
920.739.3161 Ext 4606

CITY OF MILWAUKEE
RECEIVED
2009 AUG 14 PM 2:08
OFFICE OF
CITY ATTORNEY

NOTICE OF CLAIM

Please be advised the SECURA Insurance Company hereby makes claim against you in the amount of $Eight Hundred Fifty-Five and 34/100 for damage to a 2008 Nissan Altima. This company's insured personal property, owned by Randy Michalzik, was damaged by the negligence of The City of Milwaukee by collapse of a city parking ramp.

Attached is a copy of the police report or other document which describes the nature of this loss in detail.

SECURA Insurance has coverage on the property in questions which affords subrogated rights

Jodi Schumacher

Jod Schumacher

State of Wisconsin)
)
Outagamie County)

Jodi Schumacher, being first duly sworn, certifies that she is a Subrogation Representative employed by SECURA Insurance Company, that she has read the foregoing Notice of Claim, and that the information contained in the foregoing notice of claim is true and correct.

Mary Lowery

Subscribed and sworn to me this 12 day of August 2009.

My commission expires June 19, 2011

Notary Public MARY LOWERY State of Wisconsin

SECURA INSURANCE COMPANY

Secura Insurance Company
P.O. Box 819
Appleton, WI 54912
(800)318-2136x4316 Fax: (800)318-2209

ESTIMATE OF RECORD

Written By: Greg Smith 08/07/2009 01:00 PM
Adjuster: Greg Smith

Insured: RANDY MICHALZIK
Owner: RANDY MICHALZIK
Address: 1522 E TRIPOLI AVE
MILWAUKEE, WI 53207
Cellular: (414)286-5959
Day: (414)483-7783

Claim #P0088314
Policy #
Date of Loss: 08/05/2009
Type of Loss: Comprehensive
Point of Impact: 12. Front

Inspect Location: NON_DRIVE_IN

Repair Facility: QUALITY AUTO BODY
Business: (414)481-7576
Days to Repair
License #

2008 NISS ALTIMA S 4-2.5L-FI 2D CPE GREY Int:
VIN: 1N4AL24E58C265826 **Lic:** 986NKT WI **Prod Date:** **Odometer:**

Air Conditioning	Rear Defogger	Tilt Wheel
Cruise Control	Telescopic Wheel	Intermittent Wipers
Keyless Entry	Body Side Moldings	Dual Mirrors
Console/Storage	Overhead Console	Clear Coat Paint
Metallic Paint	Power Steering	Power Brakes
Power Windows	Power Locks	Power Mirrors
Power Trunk/Tailgate	AM Radio	FM Radio
Stereo	Search/Seek	CD Player
Anti-Lock Brakes (4)	Driver Air Bag	Passenger Air Bag
Head/Curtain Air Bags	Front Side Impact Air Bag	4 Wheel Disc Brakes
Cloth Seats	Bucket Seats	Automatic Transmission
Overdrive	Full Wheel Covers	

NO.	OP.	DESCRIPTION	QTY	EXT. PRICE	LABOR	PAINT
1		FRONT LAMPS				
2	Repl	LT Headlamp assy	1	286.38	0.3	
3		Aim headlamps			0.5	
4		HOOD				
5*	Rpr	Hood			1.5	2.6
6		Add for Clear Coat				1.0
7#		Car Cover	1	5.00		
8#		Hazardous Waste Disposal	1	3.00		
9		FRONT BUMPER				
10	R&I	R&I bumper cover			1.8	

08/07/2009 at 01:03 PM
100407

P0088314
25h300e4

ESTIMATE OF RECORD

2008 NISS ALTIMA S 4-2.5L-FI 2D CPE GREY Int:

NO.	OP.	DESCRIPTION	QTY	EXT. PRICE	LABOR	PAINT
		Subtotals ==>		294.38	4.1	3.6

Parts		294.38
Body Labor	4.1 hrs @ $ 52.00/hr	213.20
Paint Labor	3.6 hrs @ $ 52.00/hr	187.20
Paint Supplies	3.6 hrs @ $ 32.00/hr	115.20
SUBTOTAL		$ 809.98
Sales Tax	$ 809.98 @ 5.6000%	45.36
TOTAL COST OF REPAIRS		$ 855.34
ADJUSTMENTS:		
Deductible		500.00
TOTAL ADJUSTMENTS		$ 500.00
NET COST OF REPAIRS		$ 355.34

NO SUPPLEMENTS WITHOUT PRIOR AUTHORIZATION

MOTOR VEHICLE REPAIR PRACTICES ARE REGULATED BY CHAPTER ATCP 132, WIS. ADM. CODE, ADMINISTERED BY THE BUREAU OF CONSUMER PROTECTION, WISCONSIN DEPT. OF AGRICULTURE, TRADE AND CONSUMER PROTECTION, P.O. BOX 8911, MADISON, WISCONSIN 53708-8911.

CHECK DETAIL SCREEN LH0099A

P0088314 ASC PB WI 033 RANDY A MICHALZIK DOL 08/05/2009

Entered By	GREG SMITH	Adjuster	G SMITH	
Check Amount	$355.34	Date	08/07/2009	
Coverage	COMPREHENSIVE			
Check #	0001445115	Status	OPEN	08/07/2009

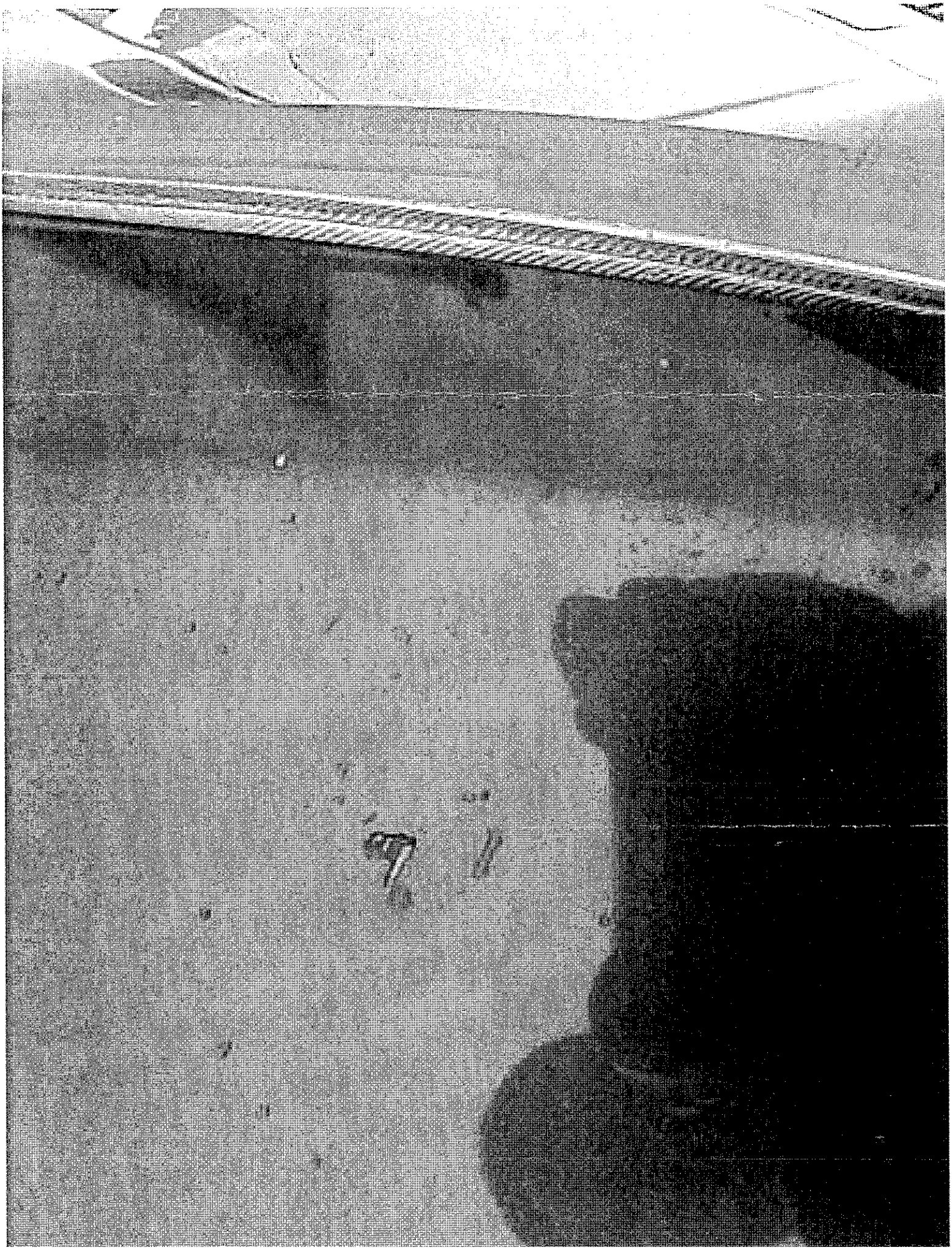
Pay to RANDY MICHALZIK AND QUALITY AUTO BODY

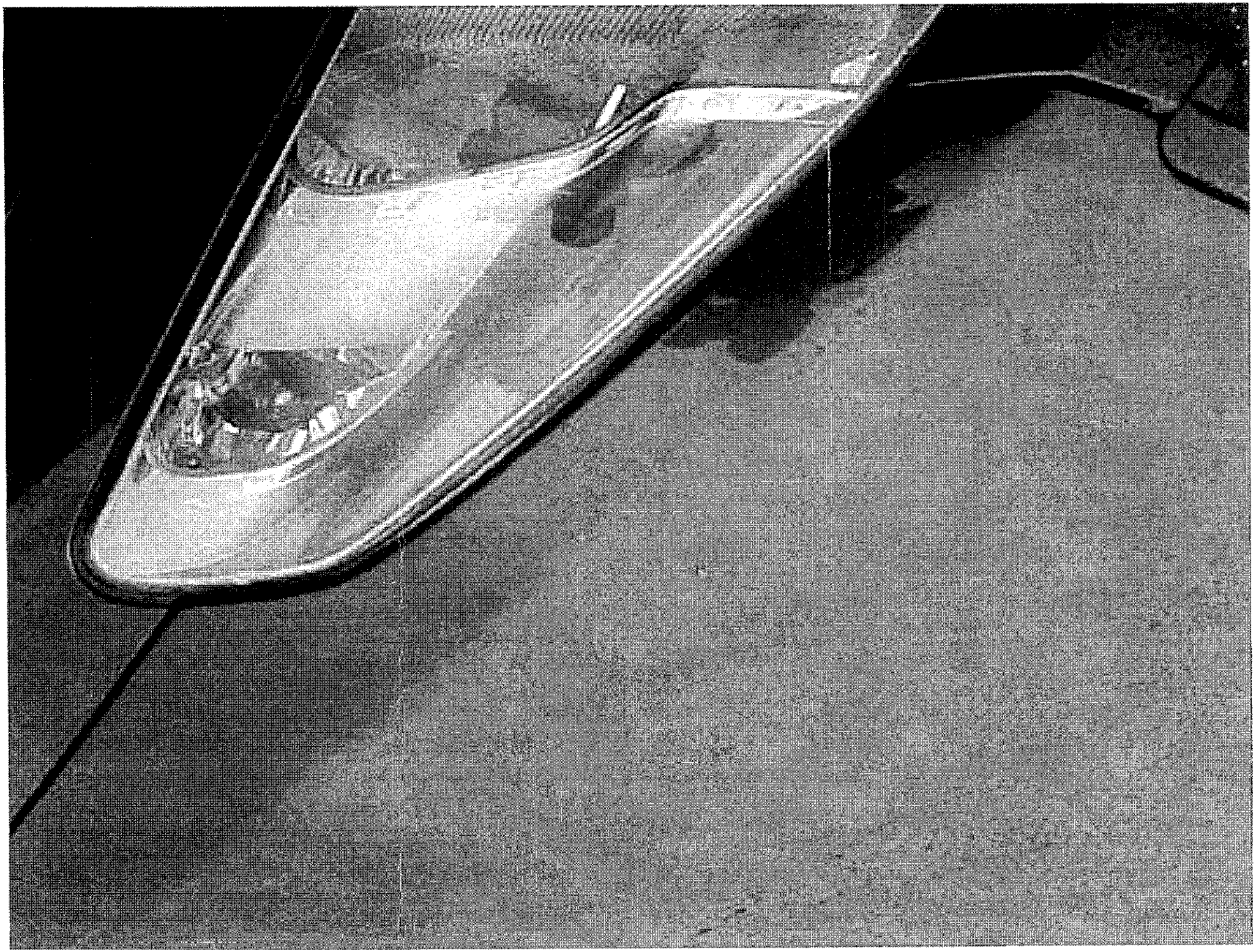
Mail to RANDY MICHALZIK
1522 E TRIPOLI AVE

MILWAUKEE WI 53207

Comments
REPRESENTS PAYMENT FOR REPAIRS TO YOUR 2008 NISSAN ALTIMA S
LESS YOUR $500 COMPREHENSIVE DEDUCTIBLE. A COPY OF THE
ESTIMATE IS ENCLOSED FOR YOUR RECORDS. THANK YOU.
Approved X

F1=Help F3=Exit F12=Cancel
SF10=Financial Screen 3





NOTICES SENT TO FOR FILE 091614:

NAME	ADDRESS	DATE NOTICE SENT		
Atty. Marc Christopher	Yost & Baill 2300 N. Mayfair Rd. Suite 745 53226	4/15/10		
Jodi Schumacher, Subrogation Rep.	Secura Insurance Companies PO Box 819 Appleton, WI 54912-0819	x		
Ald. Zielinski		x		
Jeff Dellemann	DPW	x		
Wanda Booker	DPW	x		

City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin 53202

Legislation Details (With Text)

File #:	091608 **Version:** 0		
Type:	Resolution	**Status:**	In Committee
File created:	4/13/2010	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Resolution relating to the claim of Atty. Michael Hart on behalf of Claudia Gomez for personal injuries. (12th Aldermanic District)		
Sponsors:	THE CHAIR		
Indexes:	CLAIMS		
Attachments:	City Attorney Letter.pdf, Claim, Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
4/13/2010	0	COMMON COUNCIL	ASSIGNED TO		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

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Number
091608
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution relating to the claim of Atty. Michael Hart on behalf of Claudia Gomez for personal injuries. (12th Aldermanic District)
Requestor
City Attorney
Drafter
JAS:ms
March 23, 2010
1029-2007-3220:156491

powered by Legistar™

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

CITY OF MILWAUKEE
Office of the City Attorney

Milwaukee's Future: IT'S IN OUR HANDS
www.milwaukee.gov/2010census

THOMAS O. GARTNER
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JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

March 23, 2010

To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: Resolution Relating to the Claim of Claudia Gomez
Through Attorney Kohler & Hart, LLP
C.I. File No. 07-S-414

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Claudia Gomez, 1433 West Greenfield Avenue, Milwaukee, WI 53204, alleges through her attorney, Kohler & Hart, LLP, 735 North Water Street, Suite 1212, Milwaukee, WI 53202, that on October 17, 2007 she sustained injuries when she tripped and fell on an uneven sidewalk located at or near 1577 West Greenfield Avenue. They claim damages in the amount of $87,247.57.

Our investigation reveals that the Infrastructure Services Division records indicate that prior to October 17, 2007 the City had no notice of this hazard in the sidewalk and because of this lack of notice the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
1029-2007-3220:156373

CITY OF MILWAUKEE
07 DEC -6 PM 3:02
RONALD W. LEUNIGAN
CITY CLERK

CITY OF MILWAUKEE
2007 DEC -6 PM 3:29
OFFICE OF
CITY ATTORNEY

NOTICE OF CIRCUMSTANCES
§893.80(1)(a) STATS.

TO: City Clerk
City of Milwaukee
200 E Wells Street, Room 205
Milwaukee, Wisconsin 53202

CLAIMANT: CLAUDIA GOMEZ
1433 West Greenfield Avenue
Milwaukee, Wisconsin 53204

You are hereby notified that the above named claimant, Claudia Gomez, by the law firm of Kohler & Hart, LLP, does hereby provide Notice of Circumstances to the City of Milwaukee ("City"), and make claim against the City, alleging that the City, by and through the negligence of the City of Milwaukee in its failure to maintain its sidewalks in good repair.

The circumstances of the injuries are as follows: On October 17, 2007, while walking on city property, the sidewalk located in front of 1577 West Greenfield Avenue, Ms. Gomez slipped and fell as a result of the uneven conditions of the sidewalk.

At all times material, the sidewalk was the property of and maintained by the City of Milwaukee.

As a direct and proximate result of the negligence of City of Milwaukee and its employees/agents, the claimant suffered serious and permanent injuries including but not limited to a dislocated right shoulder.

Please be advised that the claimant has retained Kohler & Hart, LLP and has an attorney lien right as prescribed by the statutes of the State of Wisconsin.

This is a notice of circumstances pursuant to Section 893.80(1) (a) of the Wisconsin Statutes. No claim for damages is made at this time.

KOHLER & HART, LLP
ATTORNEYS AT LAW
735 NORTH WATER STREET
SUITE 1212
MILWAUKEE, WI 53202
(414) 271-9595

At all times material hereto, the above-named parties had actual notice of the aformentioned incident.

Please forward all notices to the counsel signed below.

Dated this 30 day of November, 2007.

KOHLER & HART, LLP

Michael F. Hart
State Bar No. 1001528
Attorney for Claudia Gomez

KOHLER & HART, LLP
ATTORNEYS AT LAW
735 NORTH WATER STREET
SUITE 1212
MILWAUKEE, WI 53202
(414) 271-9595

06 19 08

06 19 08

CHASE
06 19 08

NOTICES SENT TO FOR FILE 091608:

NAME	ADDRESS	DATE NOTICE SENT		
Claudia Gomez	1433 West Greenfield Avenue, Milwaukee, WI 53204	4/15/10		
Michael Hart	Kohler & Hart, LLP, 735 North Water Street, Suite 1212, Milwaukee, WI 53202,	x		
Jeff Dellemann	DPW	x		
Ald. Witkowiak		x		

City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin 53202

Legislation Details (With Text)

File #:	091571 **Version:** 0		
Type:	Resolution	**Status:**	In Committee
File created:	3/24/2010	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Resolution relative to legislative bills.		
Sponsors:	THE CHAIR		
Indexes:	FEDERAL LEGISLATION, STATE LEGISLATION		
Attachments:	Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
3/24/2010	0	COMMON COUNCIL	ASSIGNED TO		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/15/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/21/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

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Number
091571
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution relative to legislative bills.
Drafter
IRD
Mo
3/22/10

powered by Legistar™

NOTICES SENT TO FOR FILE 091571:

NAME	ADDRESS	DATE NOTICE SENT		
Brenda Wood	CC-CC	4/15/10		
Audra Brennan	DOA-IRD	x		
Kim Montgomery	Mayor's Office	x		