

**AMENDED MINUTES
SPECIAL COMMITTEE ON RISK MANAGEMENT
MARCH 28, 2011**

PRESENT: Chairperson Kath, Ald. Hammond, and Ald. Wangemann

OTHERS PRESENT: Jim Amodeo, Steve McLean, Laurie Suhrke and Lee Grosenick

1. **MEETIING WAS CALLED TO ORDER BY CHAIRPERSON KATH.**
2. **PLEDGE OF ALLEGIANCE WAS RECITED BY THOSE PRESENT.**
3. **APPROVE MINUTES OF LAST MEETING – JANUARY 20, 2011, MOTION: ALD. HAMMOND, SECOND: ALD. WANGEMANN, MOTION CARRIED, ALL AYE.**

4. **ITEMS TO FILE**

RC 509-09-10(26-51) RO 433-09-10(22-25)	Amended Summons and Complaint in the matter of Jason S. Pacey vs. the City of Sheboygan et al.	FILE MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE
RO 25-10-11(3-28)	Communication from Kohner, Mann & Kailas, S.C. stating that there is a scheduled Sheriff's Sale in the foreclosure matter of U.S. Bank vs. John Eisner, et al. on June 10, 2010.	FILE MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE
RO 114-10-11(6-74)	Notice of sheriff's sale in the foreclosure matter of U.S. Bank National Association vs. John F. Eisner et al.	FILE MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE
RO 213-10-11(11-58)	Summons and Complaint in the matter of BAC Home Loans Servicing, L.P. vs. Stephanie Krenzer, et al.	FILE MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE
RO 308-10-11 (16-38)	Summons and Complaint in the matter of BAC Home Loans Servicing, L.P. vs. Senka Jakupovic, et al.	FILE MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE
RO 327-10-11(17-29)	Summons and Complaint in the matter of WI Housing & Economic Development Authority, assignee of Community Bank and Trust vs. Angela Puddy, et al.	FILE MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE

RO 328-10-11(17-48)	Summons and Complaint in the matter of PHH Mortgage Corp vs. Derrick Lee, et al.	FILE MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE
RO 246-10-11(13-26)	Summons and Complaint in the matter of BAC Home Loans Services vs. Jeanette Grunewald, et al.	FILE MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE
RO 374-10-11(20-57)	Summons and Complaint in the matter of WI Housing & Economic Develop Authority vs. Chad Coisman et al.	FILE MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE
RO 247-10-11(13-27)	Petition and (proposed) order to void sheriff's sale and certificate of service in the matter of US Bank vs. John Eisner, et al.	FILE MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE
RO 442-10-11 (23-46)	Summons and Complaint in the matter of US Bank vs. May Yia Vue et al.	FILE MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE
RO 27-10-11(3-36)	Summons and Complaint in the matter of Margaret M. Rammer et al. vs. Vinton Construction Co. et al.	FILE MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE

5. ITEMS TO CARRY FORWARD TO 2011-12 COMMON COUNCIL

RC 509-09-10(26-51) RO 502-09-10(25-46)	Summons and Complaint in the matter of Ronald Behr vs. the City of Sheboygan.	REFER TO THE SPECIAL COMMITTEE ON RISK MANAGEMENT OF THE 2011- 2012 COMMON COUNCIL MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE
RO 173-10-11 (9-27)	Summons and Complaint in the matter of Schwiebl Holdings LLC et al. vs. the City of Sheboygan et al.	REFER TO THE SPECIAL COMMITTEE ON RISK MANAGEMENT OF THE 2011- 2012 COMMON COUNCIL MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE

RO 329-10-11(17-55)	Summons and Complaint in the matter Alexandra Heyn and the City of Sheboygan vs. Toni Albert et al.	REFER TO THE SPECIAL COMMITTEE ON RISK MANAGEMENT OF THE 2011-2012 COMMON COUNCIL MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE
CLAIM #52-08 RC 509-09-10(26-51) RO 504-08-09(26-41)	Claim from David Schults for alleged damages to his vehicle and license plate when police officers attempted to remove the rear license plate.	REFER TO THE SPECIAL COMMITTEE ON RISK MANAGEMENT OF THE 2011-2012 COMMON COUNCIL MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE
CLAIM #23-09 RC 509-09-10(26-51) RO 299-09-10(15-28)	Claim from Ernest Evraets for alleged injuries when he tripped on the uneven sidewalk near North 6 th Street and St. Clair Avenue.	REFER TO THE SPECIAL COMMITTEE ON RISK MANAGEMENT OF THE 2011-2012 COMMON COUNCIL MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE
CLAIM #26-09 RC 509-09-10(26-51) RO 342-09-10(17-30)	Communication from McLario, Helm & Bertling, S.C. regarding their client, Frank S. Lubotsky, who was allegedly wrongfully imprisoned pursuant to a Writ of Commitment signed by the Municipal Court Judge.	REFER TO THE SPECIAL COMMITTEE ON RISK MANAGEMENT OF THE 2011-2012 COMMON COUNCIL MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE
CLAIM #46-09 RC 509-09-10(26-51) RO 505-09-10(25-87)	Notice of Injury in the matter of Amanda J. McGettrick and the Sheboygan Transit System for alleged injuries while alighting from a bus operated by a Sheboygan Transit bus driver on the corner of S. 8 th Street and Georgia Avenue.	REFER TO THE SPECIAL COMMITTEE ON RISK MANAGEMENT OF THE 2011-2012 COMMON COUNCIL MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE
CLAIM #01-10 RO 26-10-11(3-35)	Claim from Lawrence Frazier for alleged injuries when he fell down on un-cleared snow in front of a house at 1416 Indiana Avenue.	REFER TO THE SPECIAL COMMITTEE ON RISK MANAGEMENT OF THE 2011-2012 COMMON COUNCIL MOTION: ALD. HAMMOND SECOND: ALD. WANGEMANN MOTION CARRIED, ALL AYE

**CLAIM #03-10
RO 113-10-11(6-47)**

Notice of Violation/Notice of Claim from the DNR stating they have reason to believe that the City's Wastewater Treatment Plant is in violation of regulations related to land spreading of wastewater treatment sludge.

**REFER TO THE SPECIAL COMMITTEE ON RISK MANAGEMENT OF THE 2011-2012 COMMON COUNCIL
MOTION: ALD. HAMMOND
SECOND: ALD. WANGEMANN
MOTION CARRIED, ALL AYE**

**CLAIM #05-10
RO 55-10-11(4-30)**

Notice of Intent to Pursue Claim from Progressive Northern Insurance Co. on behalf of their insured Gary Gabryel regarding a claim arising out of a motor vehicle vs. bicyclist accident.

**REFER TO THE SPECIAL COMMITTEE ON RISK MANAGEMENT OF THE 2011-2012 COMMON COUNCIL
MOTION: ALD. HAMMOND
SECOND: ALD. WANGEMANN
MOTION CARRIED, ALL AYE**

**CLAIM #16-10
RO 393-10-11(21-33)**

John Prinsen claim for alleged damages to his vehicle while pulling out of a parking spot and pulling forward, a Police Dept. employee began backing out of his parking spot and struck the vehicle.

**REFER TO THE SPECIAL COMMITTEE ON RISK MANAGEMENT OF THE 2011-2012 COMMON COUNCIL
MOTION: ALD. HAMMOND
SECOND: ALD. WANGEMANN
MOTION CARRIED, ALL AYE**

- 6. MOTION BY ALD. WANGEMANN, SECOND BY ALD. HAMMOND TO CONVENE IN CLOSED SESSION. Under the exemption provided in 19.85 (1)(g) of the Wisconsin Statutes for the purpose of conferring with legal counsel for the City who is rendering oral or written advice concerning strategy to be adopted with respect to litigation in which it is or is likely to become involved. MOTION CARRIED, ALL AYE.**
- 7. MOTION BY ALD. WANGEMANN, SECOND BY ALD. HAMMOND TO RECONVENE IN OPEN SESSION FOR THE PURPOSE OF POSSIBLE ACTION ON ITEMS DISCUSSED IN CLOSED SESSION. MOTION CARRIED, ALL AYE.**
- 8. CLAIMS REGARDING EXCESSIVE ASSESSMENT**

**CLAIM #20-10
RO 394-10-11(21-34)**

JFM1, LLC – Excessive Assessment

**REFER TO THE SPECIAL COMMITTEE ON RISK MANAGEMENT OF THE 2011-2012 COMMON COUNCIL, WITH THE UNDERSTANDING THAT THE CITY ATTORNEY AND THE CITY ASSESSOR HAVE BEEN GIVEN THE AUTHORITY TO NEGOTIATE THE CLAIM BEFORE THE NEW COUNCIL YEAR.
MOTION: ALD. WANGEMANN
SECOND: ALD. HAMMOND
MOTION CARRIED, ALL AYE**

CLAIM #21-10 RO 395-10-11(21-35)	Walgreen Co. – Excessive Assessment.	DENY MOTION: ALD. WANGEMANN SECOND: ALD. HAMMOND MOTION CARRIED, ALL AYE
CLAIM #22-10 RO 396-10-11(21-36)	Foxcroft Limited Partnership – Excessive Assessment.	APPROVE PAYMENT OF \$25,132.31 MOTION: ALD. WANGEMANN SECOND: ALD. HAMMOND MOTION CARRIED, ALL AYE
CLAIM #26-10 RO 440-10-11(23-17)	Habitat for Humanity Lakeside – Excessive Assessment.	DENY MOTION: ALD. WANGEMANN SECOND: ALD. HAMMOND MOTION CARRIED, ALL AYE

9. CLAIMS FOR DISCUSSION AND POSSIBLE ACTION.

CLAIM #25-09 RC 509-09-10(26-51) RO 341-09-10 (17-29) RO 325-10-11 (17-27)	Communication from American Family Insurance Group on behalf of their insured Carl and Marcella Blomwillis regarding alleged damages to their vehicle when struck by a police officer.	DENY MOTION: ALD. WANGEMANN SECOND: ALD. HAMMOND MOTION CARRIED, ALL AYE
CLAIM #35-09, 36-09, 37-09, 38-09, 39-09, 40- 09 RC 509-09-10(26-51) RC 428-09-10(22-16) RO 411-09-10(21-54)	City Clerk submitting sixty-four (64) claims from Blue Harbor Condominium owners for excessive assessment; recommends that the Report of Officer be placed on file.	FILE MOTION: ALD. WANGEMANN SECOND: ALD. HAMMOND MOTION CARRIED, ALL AYE
CLAIM #45-09 RC 509-09-10(26-51) RO 504-09-10(25-49)	Communication from American Family Insurance Group on behalf of their insured Ashton Hoffmann and Charnette Boyd regarding alleged injuries when their vehicle was struck by a snowplow.	APPROVE PAYMENT OF \$2,929.50 MOTION: ALD. WANGEMANN SECOND: ALD. HAMMOND MOTION CARRIED, ALL AYE
CLAIM #15-10 RO 392-10-11(21-32)	Anne Sander claim for alleged damages when her vehicle hit a snow plow stake hanging into the road.	DENY MOTION: ALD. WANGEMANN SECOND: ALD. HAMMOND MOTION CARRIED, ALL AYE
CLAIM #17-10 RO 397-10-11(21-50)	AFNI – Roger and Sandra Ruppel. Alleged damages to their windshield due to rocks coming out of a mulching machine.	FILE MOTION: ALD. WANGEMANN SECOND: ALD. HAMMOND MOTION CARRIED, ALL AYE

CLAIM #18-10 RO 399-10-11(21-54)	Michael Diekow. Alleged damages to his vehicle when a snow plow did a U-turn in front of him.	APPROVE PAYMENT OF \$1,225.00 MOTION: ALD. WANGEMANN SECOND: ALD. HAMMOND MOTION CARRIED, ALL AYE
CLAIM #19-10 RO 398-10-11(21-53)	Michael Diekow. Towing and storage of his vehicle.	APPROVE PAYMENT OF \$54.00 FOR TOWING AND DENY BALANCE OF CLAIM. MOTION: ALD. WANGEMANN SECOND: ALD. HAMMOND MOTION CARRIED, ALL AYE
CLAIM #23-10 RO 413-10-11(22-26)	Claim from American Family Insurance on behalf of their insured Anthony J. Olson for alleged damages at his home located at 1537 Martin Avenue as a result of a water main break.	DENY MOTION: ALD. WANGEMANN SECOND: ALD. HAMMOND MOTION CARRIED, ALL AYE
CLAIM #24-10 RO 414-10-11(22-43)	Claim from Aaron Kennedy, TransPac Solution for alleged damage to his vehicle when a City snow plow hit the back of his vehicle when trying to slow down because his vehicle was sliding.	APPROVE PAYMENT OF \$2,087.41 MOTION: ALD. WANGEMANN SECOND: ALD. HAMMOND MOTION CARRIED, ALL AYE
CLAIM #25-10 RO 441-10-11(23-24)	Claim from Jeanette Munnik for alleged injuries when she slipped and fell on ice because the drain at the gutter was filled with ice and snow.	DENY MOTION: ALD. WANGEMANN SECOND: ALD. HAMMOND MOTION CARRIED, ALL AYE

10. MOTION BY ALD. WANGEMANN, SECOND BY ALD. HAMMOND in regards to any additional claims not on this Agenda or filed through Monday, April 18, 2011 be referred to the Special Committee on Risk Management of the 2011-2012 Common Council. MOTION CARRIED, ALL AYE.

11. MOTION BY ALD. HAMMOND, SECOND BY ALD. WANGEMANN TO ADJOURN SINE DIE. MOTION CARRIED, ALL AYE.

RESPECTIVELY SUBMITTED

LAURIE SUHRKE