

**JUDICIARY, LICENSE AND CEMETERY COMMITTEE**  
**MINUTES OF MAY 1, 2012**

Meeting called to order by City Clerk Hall at 4:40 p.m., in the Common Council Chambers, City Hall Plaza.

**PRESENT:** Alderpersons Ed Wagner, John Spiros and Alanna Feddick-Goodwin (arrived at 5:07 p.m.)

**ABSENT:** None

**ALSO PRESENT:** Alderpersons Earll, Feirer, Hendler and Cummings, City Administrator Barg, Police Chief Jepsen, Attorney Wolfgram, Municipal Judge Kruse, Lt. Rick Gramza, City Clerk Hall, Liz Welter, Gary Gray and Harry Dolan.

The City Clerk asked for nominations for Chairperson.

Aldersperson Spiros nominated Aldersperson Wagner

There being no further nominations the City Clerk declared nominations closed.

**JLC12-035** Motion by Spiros, second by Wagner to approve Aldersperson Wagner as Chairperson.  
**Motion carried**

Chairperson Wagner asked for nominations for Vice-Chairperson.

Aldersperson Wagner nominated Aldersperson Feddick-Goodwin

There being no further nominations the Chairperson declared nominations closed.

**JLC12-036** Motion by Wagner, second by Spiros to approve Aldersperson Feddick-Goodwin as Vice-Chairperson.

**Motion carried**

**JLC12-037** Motion by Spiros, second by Wagner to approve the minutes of the April 17, 2012 meeting.

**Motion carried**

**CITIZEN COMMENTS**

None

**JLC12-038** Motion by Spiros, second by Wagner to approve by unanimous consent the following:

- a. Nine (9) Beverage Operator Licenses for the 2011-2013 license year to: Lori Boyer, Stephani Drake, Christina Kirsch, Amanda Lekies, Amy Maslanka, Victoria Meyer, Joe Pyatt, Camia Seiler and Paul Williquette.
- b. Temporary "Class B" Retailer's License for the American Legion Baseball, Inc. for various dates throughout the season.

**Motion carried**

**JLC12-039** Motion by Spiros, second by Wagner to grant a Beverage Operator License to Daniel Stelzer with 25 demerit points assessed for failure to list his violations.

**Motion carried**

## Social Hosting Ordinance

Judge John Adam Kruse pointed out that he is a member of MACY (Marshfield Area Coalition for Youth). He has chaired numerous juvenile crime reduction as well as prevention committees, the Marshfield Alternative School, and the YES Committee. He is very interested in juvenile law issues. This Social Hosting ordinance is coming about because they have seen situations where a particular parent is somewhat of an enabler and as a buddy to their child they will purchase a ½ barrel and let kids drink in their basement. As part of the municipal court there is a Diversion Program for underage drinking. One of the things that they do is they let them know where they get their alcohol. It is not the Class A and B liquor license establishments, the overwhelming majority is from their parents and from a parent that knows what is going on. Underage alcohol consumption has an impact to the brain. It has been shown that a person has reduced cognitive functioning. You also have a significantly greater percentage of someone abusing alcohol later on. He is hoping that this ordinance will provide a culture change aimed at not people with wedding receptions or family reunions, but is aimed at that parent who knowingly allows underage people to gather at their house and purchases the alcohol.

Harry Dolan of 904 N. Schmidt Avenue. He served for 5 years on the Marshfield School Board. During that time he frequently had to sit at expulsion hearings often for drug and alcohol offenses. Most of us do our best to protect our kids from the dangers of alcohol and drugs. But once they leave the house we have less control. They run into bad influences from other kids and irresponsible adults. He works diligently to protect his kids from dangerous activities and attitudes and he doesn't need irresponsible adults undermining his efforts. He asked the committee to pass this ordinance.

Police Chief Jepsen commented that an issue that was brought up is that if we adopt this ordinance that we are going to become an island to ourselves. He appealed to the committee that this is anything but truthful. This ordinance became first apparent in the Sheboygan area. Within a very short period of time it spread throughout the Fox River Valley area. The language in this ordinance is boiler plate language that has been adopted throughout the State of Wisconsin. If we wait and don't take a look at it seriously we will be an island to ourselves in a completely different manner. It is a bit difficult to prove procurement. It becomes a ridiculous proposition through the procurement statutes in an attempt to try to prove who the actual purchaser of that alcohol was. But if you have a Social Hosting ordinance it allows you to take a look at a number of other manners in which you can prove somebody's involvement.

Aldersperson Feirer is concerned about section 2 (b) prohibited acts. When you talk about public property and having alcohol, if someone is having a wedding how do you control minors drinking. The bartender checks ID's and sells the alcohol to an individual and that individual takes the alcohol back to a table and shares it with minors, who is going to be held responsible?

Aldersperson Spiros is concerned about public vs. private property and the penalty.

Attorney Wolfgram explained that this provision in section 2 (b) does require a proof element of knowledge which is distinct from a lot of the types of ordinances that are typically prosecuted in the municipal court. Most are not those that require some type of intent or knowledge but this ordinance does. What that would mean is that you would have to prove that an event or gathering was allowed and that there would be knowledge that the person knows that an underage person does consume alcoholic beverages.

Aldersperson Wagner questioned why we can't enforce this through state statute 125.07?

Police Chief Jepsen responded that these are forfeitures. If they are Class A or B forfeitures they are not crimes. So you would have to adopt a municipal ordinance in order to enforce them.

Aldersperson Wagner said that the language in the Social Hosting ordinance is far more stringent and broader than anything that is in the state statutes. This concerns him.

The committee would like the Council to debate this issue.

**JLC12-040** Motion by Spiros, second by Wagner to send the Social Hosting Ordinance to the Common Council for consideration.

**Motion carried**

Future Agenda Items

None

Motion by Spiros, second by Wagner to adjourn at 5:20 p.m.

**Motion carried**

Deb M. Hall  
City Clerk