JUNE 23, 2009

Regular meeting of the Common Council was called to order by Mayor Meyer at 7:00 p.m., in the Council Chambers, City Hall Plaza.
PRESENT: Michael Feirer, Alanna Feddick, Dave LaFontaine, Gordon H. Earll, Ed Wagner, Russell Stauber, Donald Krueger, John Spiros, Tom Buttke and Pete Hendler.
ABSENT: None

The flag was saluted and the pledge given.

Invocation was given by Pastor Art Scottberg, Redeemer Christian Church.

Employee Milestone Recognition

Everett Mueller, Fire and Rescue	June 28, 2004	5 years of service
Paul Needham, Street Division	July 3, 1979	10 years of service

CC09-231 Motion by Spiros, second by Feirer to approve the minutes of the Common Council meeting of June 9, 2009. All Ayes
Motion carried

No items were added to the agenda. Items J and K were moved to before item P.

PUBLIC COMMENT PERIOD
William Penker of 600 S. Sycamore Avenue. He spoke about the Fire Station project. It is time to start this project and start it as soon as possible. He asked the Council to approve the bids rather than waiting and delaying while the grant is processed. In this case he prefers that they deal with the definite rather than the indefinite.

Mayor Meyer announced that the Natural Step Training will be held on July 28, 2009 and September 15, 2009 from 8:30 a.m. – 4:30 p.m. If anyone is interested in attending they should contact the Mayor's office.

CC09-232 Motion by Wagner, second by Feddick to approve JLC motion 09-075; Motion to grant a "Class B" Liquor and Fermented Malt Beverage license to Coyote's Bar and Grill, LLC, Agent: Michael Lynn Larson, 500 N. Central Avenue subject to the Police Department making a report to the Judiciary, License and Cemetery Committee every three months to determine if there have been any violations or concerns.

Attorney Wolfgram said that he does not have a position in regard to this. One thing that he cautioned is that the city code basically has a provision in it that says that a license denial may be based on simply a felony conviction record. This is not consistent with the state statute. There is some interplay of state statutes that deal with liquor licensing. State statute says that a felony conviction is bases for denial but it goes on to say that that is subject to section 111.335 of Wisconsin Statutes which is essentially an anti-discrimination statute. What that really says is that if there is a conviction record for a felony that the felony conviction has to be substantially related to the circumstances of a particular job or licensed activity. He thinks that this could go either way.

Police Chief Stroik said that he is standing by the original recommendation that they made after reviewing all of the records and that is to deny the license. Based on the history of the applicant there is a question mark at least in this gentleman having a license.

He said that according to Municipal Code Section 9-34 (7) (7) New licenses granted subject to demerit points. New licenses may be granted subject to such number of demerit points or other conditions as the council, in its discretion, may deem appropriate, irrespective of the nature of the offense, where the council has concern as to the arrest and conviction record, moral character and business responsibility of the applicant, which is insufficient for license denial. He has mentioned this in the past that if the Council decides that they are not comfortable denying the license, he urged them to asses demerit points so that in the event of problems and issues the JLC or Council can take this matter up again after one event. He recommended assessing 90 demerit points because it takes 100 demerit points for revocation.

Motion CC09-232 was amended to include that 90 demerit points would be assessed to the license.

Vote on motion **CC09-232 as amended**; Feirer, Earll and Buttke voted Naye, rest Aye.
Motion carried

A Health Risk Assessment Results presentation was given by Dave Scheuer, Security Health Plan Health Educator and Lara Baehr, Human Resources Manager.

MINUTES OF GOVERNING BOARDS AND COMMISSIONS
CC09-233 Motion by LaFontaine, second by Spiros to receive and place on file the minutes of the Board of Review of May 28, 2009; Fire and Police Commission of June 4, 2009 and Marshfield Utilities of June 8, 2009. All Ayes
Motion carried

MINUTES OF ADVISORY BOARDS, COMMISSIONS AND COMMITTEES
CC09-234 Motion by Feirer, second by Wagner to approve the minutes of the Plan Commission of June 16, 2009; Plan Commission and Zoning Board of Appeals of June 16, 2009 special joint meeting and Industrial Park Authority of June 18, 2009. All Ayes
Motion carried

MINUTES OF COUNCIL COMMITTEES
CC09-235 Motion by Feirer, second by Feddick to approve the minutes of the Committee on Aging of June 4, 2009. All Ayes
Motion carried

CC09-236 Motion by Buttke, second by Earll to approve the minutes of the Sustainable Marshfield Committee of June 9, 2009. All Ayes
Motion carried

CC09-237 Motion by Buttke, second by LaFontaine to approve the minutes of the Parks, Recreation and Forestry Committee of June 11, 2009. All Ayes
Motion carried

CC09-238 Motion by Feirer, second by LaFontaine to approve the minutes of the Board of Public Works of June 15, 2009. All Ayes
Motion carried

CC09-239 Motion by Feddick, second by Hendler to approve the minutes of the Finance, Budget and Personnel Committee of June 16, 2009. All Ayes
Motion carried

CC09-240 Motion by Feddick, second by Earll to approve the minutes of the Judiciary, License and Cemetery Committee of June 16, 2009. All Ayes
Motion carried

CC09-241 Motion by Wagner, second by Stauber to approve the minutes of the Board of Pubic Works of June 22, 2009 special meeting as read by the Director of Public Works. All Ayes
Motion carried

CC09-242 Motion by LaFontaine, second by Feirer to approve the minutes of the Board of Public Works of June 23, 2009 special meeting as read by the Director of Public Works.

With approval of these minutes they approve moving forward with the fire station without the grant.

Vote on motion **CC09-242**; Feddick, Wagner, Stauber, Spiros and Hendler voted Naye; Feirer, LaFontaine, Earll and Buttke voted Aye.
Motion failed

CC09-243 Motion by Wagner, second by Stauber to reconsider

CC09-244 Motion by Wagner, second by Stauber to approve the bids for

CC09-245 Motion by Spiros, second by Buttke to receive and place on file the minutes of Mill Creek Business Park Covenant Committee of June 18, 2009. Feirer and Wager were not present during the vote; rest Ayes.
Motion carried

Second reading of Ordinance No. 1153, an ordinance amending Section 2-104 of the Municipal Code regarding the membership of the Convention and Visitors Bureau.

CC09-246 Motion by Feirer, second by Spiros to approve Ordinance No. 1153. All Ayes
Motion carried

CC09-247 Motion by Buttke, second by Hendler to approve Preliminary Resolution No. 2009-27, in the matter of Improvement Project No. 311881 – Sidewalk Installation – Sycamore Avenue (5th Street to Adler Road). All Ayes
Motion carried

CC09-248 Motion by Stauber, second by Hendler to approve the Pub Pilots Contract. All Ayes

Motion carried

CC09-249 Motion by Feddick, second by LaFontaine to hold over to the July 14, 2009 meeting the appointments of Zoning Board of Appeals 1st Alternate, Mr. Kenneth Bargender, 206 Hawthorn Avenue and 2nd Alternate, Mr. Scott Noble, 1506 W. 7th Street; Board of Review 1st Alternate, Mr. Scott Noble, 1506 W. 7th Street. All Ayes
Motion carried

Motion by Spiros, second by Hendler to adjourn at 9:57 p.m. All Ayes
Motion carried

Deb M. Hall
City Clerk

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