JUDICIARY, LICENSE AND CEMETERY COMMITTEE
MINUTES OF MAY 10, 2004

Meeting called to order by Chairman Bennington at 5:10 p.m., in the Executive Conference Room, City Hall Plaza.
PRESENT: Jerry Bennington, Sr., Don Krueger and Edward Beaudry, Jr.
ABSENT: None
ALSO PRESENT: Alderman Parks, Lt. Wenzel, City Clerk Hall and Jeff Eisberner.

Alderman Beaudry nominated Alderman Bennington for Chairman. There being no further nominations:
JLC04-027 Motion by Beaudry, second by Krueger to close the nominations and cast a unanimous ballot for Alderman Bennington, Sr. for Chairman. All Ayes
Motion carried

Alderman Bennington nominated Alderman Beaudry for Vice Chairman. There being no further nominations:
JLC04-028 Motion by Bennington, second by Krueger to close the nominations and cast a unanimous ballot for Alderman Beaudry for Vice Chairman. All Ayes
Motion carried

JLC04-029 Motion by Beaudry, second by Krueger to grant seventeen (17) Beverage Operator Applications for the 2003-2005 License Year per the attached list. (Megan Boe, Dorothy Drew, Thomas Drexler, Darlene Fahey, Rebecca Green, Kathy Hansen, Jon Hatala, Marilyn Hoffmann, Tammie Hubing, Ann Marx, Bobbie Nevarez, Darlene Pierre, Cheryl Reigel, Ashley Schaefer, Mary Solberg, Debra Staudenraus and Jane Zettler) All Ayes
Motion carried

Jeff & Nicole Eisberner, owners of Utopia Lounge filed a claim with the city alleging that they had a sewer backup in their place of business on three separate occurrences; January 28, 2004, February 19 and 21, 2004 because of a faulty drain system that was installed after the new parking lot was completed.

Midwest Claims Service completed their investigation of this claim and recommended that the City of Marshfield deny the claim. The basis of the denial is due to the fact that the cause of the sewer backup was due to the contractor, Trierweiler Construction & Supply Co., Inc., who was hired by the City to pave a parking lot, crushing the claimant's lateral sewer line. As the result of the claimant's lateral line being crushed by the contractor, the claimant experienced a sewer backup. Since the contractor damaged the claimant's lateral, then the City is not negligent for this incident and the claimant will have to file a claim through the contractor's insurance carrier.

Jeff Eisberner stated that the City contracted with Trierweiler Construction who paved the parking lot but then they hired a subcontractor, Nikolai Construction who ended up doing the work on the lateral. All party's involved have acknowledged the damage but no one has yet taken responsibility. He has filed a claim with Trierweiler Construction but that is when he found out that they subcontracted out that work. Should not the City of Marshfield or Midwest Insurance pursue the subcontractors or their insurance companies?

JLC04-030 Motion by Beaudry, second by Kreuger to hold over the claim of Jeff & Nicole Eisberner, owners of Utopia Lounge and have the Director of Public Works and City Attorney present at the next meeting to discuss this claim. All Ayes
Motion carried

JLC04-031 Motion by Beaudry, second by Krueger to approve the request from Utopia Lounge to amend their premise description on their "Class B" Combination Liquor License for August 7, 2004 (rain date: August 8, 2004). All Ayes
Motion carried

JLC04-032 Motion by Beaudry, second by Krueger to grant a Temporary Class "B"/"Class B" Retailers License (Picnic) to the Optimist Club of Marshfield. All Ayes
Motion carried

JLC04-033 Motion by Krueger, second by Beaudry to approve the change of agent on the Schierl Companies "Class A" Combination Liquor License located at 1304 S. Central Avenue to Tami Young. All Ayes
Motion carried

JLC04-034 Motion by Bennington, second by Beaudry to grant a 6-month Class "B" Beer license to the American Legion Baseball Corp.; Agent - Randall L. Rapp located at Hackman Field, 2nd and Oak Avenue. (renewal; May 1, 2004 - October 31, 2004). All Ayes
Motion carried

Closed session was not held.

JLC04-035 Motion by Bennington, second by Beaudry to deny the Operator Application of Dominick Manzella. All Ayes
Motion carried

Motion by Beaudry, second by Krueger to adjourn at 5:42 p.m.
Motion carried

Deb M. Hall
City Clerk