JUDICIARY, LICENSE AND CEMETERY COMMITTEE
MINUTES OF APRIL 5, 2005

Meeting called to order by Chairman Bennington at 5:45 p.m., in the Common Council Chambers, City Hall Plaza.
PRESENT: Jerry Bennington, Sr., Don Krueger and Edward Beaudry, Jr.
ABSENT: None
ALSO PRESENT: Alderperson Feirer, Mayor Meyers (left at 6:20 p.m.), City Attorney Hutchinson, Police Chief Stroik, City Clerk Hall and Christopher Burt.

JLC05-013 Motion by Beaudry, second by Krueger to grant ten (10) Beverage Operator Applications for the 2003-2005 License Year to: Elizabeth Bowman, Matthew Colby, Adam Greenwald, Raymond Housworth, Dixie Langreck, (regular & provisional), Ashley Larson (regular & provisional), Debra LeFebre (regular & provisional), Elizabeth Martine, David Metz and Casey VanMeter. All Ayes
Motion carried

JLC05-014 Motion by Bennington, second by Beaudry to grant a Temporary Class "B"/"Class B" Retailer's License (Picnic) to the Foundation of Saint Joseph's Hospital for April 21, 2005. All Ayes
Motion carried

JLC05-015 Motion by Beaudry, second by Krueger to grant a Temporary Class "B"/"Class B" Retailer's License (Picnic) to the Epilepsy Foundation of Central and Northeast Wisconsin for May 12, 2005. All Ayes
Motion carried

JLC05-016 Motion by Krueger, second by Beaudry to grant a Temporary Class "B"/"Class B" Retailer's License (Picnic) to the Wildwood Park Zoological Society, Inc. for July 16, 2005 (Zoofest). All Ayes
Motion carried

JLC05-017 Motion by Beaudry, second by Krueger to grant a Temporary Class "B"/"Class B" Retailer's License (Picnic) to the Wildwood Park Zoological Society, Inc. for August 18, 2005 (Blues in the Zoo). All Ayes
Motion carried

JLC05-018 Motion by Krueger, second by Beaudry to grant a 6-month Class "B" Beer License to the Marshfield American Legion Baseball Corp. located at 2nd and Oak, Hackman Field (May 1, 2005 - October 31, 2005). All Ayes
Motion carried

Discussion on Ordinance No. 1046 pertaining to Junk Dealers and Auto Salvage Dealers.

Chris Burt representing Asylum Scarp Services at 2304 S. Galvin Avenue felt that this ordinance was not drafted for the specific purpose of identifying auto salvage dealers. It has been specifically drafted to identify points of a business plan that he had submitted to staff over a year ago. The old ordinance should be modified but neither ordinance addresses any

potential for activities confined within a building. That is one of the major issues within the DNR, EPA and DOT. Activities confined within a building are generally exempt from those regulatory agencies. The conception of a scrap yard in its traditional sense is a thing of the past. He questioned the sections of the Ordinance regarding keeping of records, selling to minors and the waiting period.

Mayor Meyers commented that if the State is already regulating Auto Salvage Dealers then maybe the City should stick to what we allow in regards to junk.

The committee directed staff to look into what other communities are doing regarding Junk Dealers and Auto Salvage Dealers.

JLC05-019 Motion by Bennington, second by Beaudry to hold over Ordinance No. 1046 for 30 days. All Ayes
Motion carried

Appeal of Christopher Burt.

Mr. Burt is appealing the decision made by city staff that he is required to obtain a license for his business. In the current code under the definition of Junk Dealer it reads, "Any person who purchases, sells, trades, or in any way deals in junk, except where merely incidental to another trade of business." Mr. Burt believes he would fall under incidental.

Attorney Hutchinson explained that Mr. Burt's position is that he feels that his business in collection of junk and scrap is incidental to another business that he has. Mr. Burt's definition of incidental is different than the city's.

Mr. Burt had a prepared petition that he read to the committee. He requested the Judiciary, License and Cemetery Committee to direct the City Clerk to recognize the exempt status of Asylum Scrap Services to the Junk Dealers License and to further convey this exempt status to the Wisconsin Department of Transportation.

Attorney Hutchinson responded that his business is not incidental to another business. It is not subordinate to another business. Mr. Burt's ad in the yellow pages clearly suggests that they are collecting scrap aluminum and iron. His recommendation to the committee is to deny the appeal and that he is subject to getting a permit.

Mr. Burt asked how did Shapiro's obtain a 2-year renewable Department of Transportation issued salvage dealer's license for a period of 30 years?

Staff will check into this.

JLC05-020 Motion by Bennington, second by Beaudry to hold over the appeal of Christopher Burt until they get further clarification. All Ayes
Motion carried

JLC05-021 Motion by Bennington, second by Beaudry to approve the request of the Schierl Company to change the agent on their "Class A" Combination Liquor License at 1304 S. Central Avenue to Sherry Collins pending approval by the Police Chief. All Ayes
Motion carried

Motion by Krueger, second by Bennington to adjourn at 6:35 p.m.
Motion carried

Deb M. Hall
City Clerk