

**JUDICIARY, LICENSE AND CEMETERY COMMITTEE**  
**MINUTES OF FEBRUARY 21, 2006**

Meeting called to order by Chairperson Bennington at 6:00 p.m., in the Common Council Chambers, City Hall Plaza.

**PRESENT:** Jerry Bennington, Sr., Don Krueger and Edward Beaudry, Jr.

**ABSENT:** None

**ALSO PRESENT:** Alderpersons Feirer and Buttke, Ed Englehart, City Clerk Hall, Roy Herrell representing the Schierl Companies and Jim Smith and Mike Vold representing Kwik Trip Tobacco Outlet.

**JLC06-009** Motion by Krueger, second by Beaudry to grant six (6) Beverage Operator Licenses for the 2005-2007 License Year to: Leah Bento, Stephanie Garbisch, Robin Kubatzki, Denise Kmiec, Robert Obradovich and Jeremy Schecklman. All Ayes

**Motion carried**

Jerome Rossman filed a claim with the City alleging that he sustained bodily injury due to a slip and fall on the Wildwood Station Trail, due to snow and ice accumulation on December 17, 2005. The claim was filed with the City's insurance company, Midwest Claims Service. They have completed their investigation and are recommending that the City of Marshfield deny this claim.

The basis of the denial is that they did not find any negligence on behalf of the City of Marshfield. The City is diligent with regard to snow and ice removal. Additionally, the City of Marshfield is entitled to governmental immunity. The City is entitled to governmental immunity for the accumulation of ice and snow, as long as the snow/ice was present for less than 3 weeks.

**JLC06-010** Motion by Beaudry, second by Krueger to deny the claim of Jerome Rossman pursuant to the Wisconsin statute for disallowance of claim 893.80 (1g). The basis of the denial is that there was no negligence on behalf of the City of Marshfield. All Ayes

**Motion carried**

Discussion on Class A quotas.

Currently the quota on Class "A" fermented malt beverage licenses are 1 for each 1,750 population or fraction thereof and "Class A" liquor licenses are 1 for each 3,500 population or fraction thereof. All of these licenses have been issued so there are none available.

At the December 6, 2005 JLC meeting, the committee stated that they were interested in pursuing this issue. The clerk was directed to publish a public notice to notify all interested parties that the Judiciary, License and Cemetery Committee would be discussing this issue at a future meeting. The public notice was published as a display ad on February 7 and 14, 2006. The clerk did not receive any phone calls for or against changing the quota but Fritz Schierl, CEO of the Schierl Companies faxed a letter in support of repealing the existing license quota.

Roy Herrell, of Plover, WI, Director of Operations for the Schierl Companies spoke in support of repealing the existing license quota. They are building another store on the corner of Lincoln and McMillan and would like to obtain a license so that they can be competitive with the other retailers who are able to sell alcohol. The restriction of the Class A licenses currently creates an uneven competitive environment within the city

Alderman Feirer said that this was brought up about 5 years ago and the city changed the quota to allow a few more businesses to sell alcohol. At that time they were going to wait and see if it created more problems. He doesn't know of any problems with the facilities that are open now. He feels that the quota should be opened up and see what the market will bear.

Alderman Buttke agrees and when this was discussed the last time, the police chief was in favor of opening it up because he didn't see any issues with the kids with alcohol it was more to make sure that it is not young kids selling it. He is in favor of opening up the quota and this is what they said they would do after a year if they didn't have any problems.

Alderman Beaudry hasn't seen any problems and as long as the city has the vehicle to make sure that it is handled correctly and the proper procedures are in place, than he doesn't have a problem with it.

Alderman Krueger also doesn't have a problem with opening up the quota. If there is a problem with the licensee the police chief will notify the committee and than they can take steps to do what they need to do at that time.

The representatives of Kwik Trip Inc. are also in favor of opening up the quota.

**JLC06-011** Motion by Krueger, second by Beaudry to direct staff to draft an ordinance to repeal the quotas on Class "A" Fermented Malt Beverage licenses and "Class A" Liquor Licenses. All Ayes

**Motion carried**

Motion by Krueger, second by Bennington to adjourn at 6:12 p.m.

**Motion carried**

Deb M. Hall  
City Clerk