## JUDICIARY, LICENSE AND CEMETERY COMMITTEE MINUTES OF JUNE 6, 2006

Meeting called to order by Chairperson Beaudry at 4:30 p.m., in the Common Council Chambers, City Hall Plaza.

PRESENT: Don Krueger, Edward Beaudry, Jr. and Ed Wagner

**ABSENT:** None

**ALSO PRESENT:** Administrator Brehm, Police Chief Stroik and City Clerk Hall.

<u>JLC06-042</u> Motion by Wagner, second by Krueger to grant twenty-one (21) Beverage Operator Licenses for the 2005-2007 License Year to: Jodi Alfaro, Suzi Breit, Sara Brotzman, Cindy Brown, Jeff Cherrier, Kayla Flink, Nicole Herr, April Hill, Joshua LaQuee, Christopher Metz, Rebecca Nagel, Amber Neumann, Graham Olson, Mary Peterson, Summer Schaefer, Karen Schreiner, Ann Solatycki, Rebekah Stone, Benjamin Strohman, Christie Winkelman and Jesse Wittman. All Ayes

**Motion carried** 

<u>JLC06-043</u> Motion by Krueger, second by Wagner to grant a Direct Seller's Permit (Transient Merchant) to American Promotional Events, Inc. (6-month license). All Ayes **Motion carried** 

<u>JLC06-044</u> Motion by Krueger, second by Wagner to grant a Direct Seller's Permit (Transient Merchant) to Hyland's Fireworks LLC (6-month license). All Ayes **Motion carried** 

<u>JLC06-045</u> Motion by Krueger, second by Wagner to grant a Direct Seller's Permit (Transient Merchant) to Cornellier Fireworks Co. (6-month license). All Ayes

Motion carried

<u>JLC06-046</u> Motion by Krueger, second by Wagner to grant thirty-six (36) "Class B" Combination Liquor and Fermented Malt Beverage Licenses for the 2006-2007 licensing year per the attached list. All Ayes

**Motion carried** 

<u>JLC06-047</u> Motion by Krueger, second by Wagner to grant eleven (11) "Class A" Combination Liquor and Fermented Malt Beverage Licenses for the 2006-2007 licensing year per the attached list. All Ayes

**Motion carried** 

<u>JLC06-048</u> Motion by Wagner, second by Krueger to grant three (3) Class "A" Fermented Malt Beverage Licenses for the 2006-2007 licensing year per the attached list. All Ayes **Motion carried** 

<u>JLC06-049</u> Motion by Krueger, second by Wagner to grant one (1) Class "B" Fermented Malt Beverage License for the 2006-2007 licensing year per the attached list. All Ayes **Motion carried** 

<u>JLC06-050</u> Motion by Krueger, second by Wagner to grant two (2) Reserve "Class B" Combination Liquor and Fermented Malt Beverage Licenses for the 2006-2007 licensing year per the attached list. All Ayes

## Motion carried

Christopher Slinde filed a claim with the City alleging that he sustained bodily injury while he was skateboarding at the Marshfield Skate Park on July 16, 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 the City of Marshfield was not negligent with regard to this situation. The claimant stated that he, "went up a kick ramp and his skateboard went out from underneath him." The City of Marshfield would not have control over this type of situation. Additionally, the City is entitled to governmental immunity.

<u>JLC06-051</u> Motion by Krueger, second by Wagner to deny the claim of Christopher Slinde 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

 $\underline{JLC06-052}$  Motion by Krueger, second by Wagner to authorize a settlement proposal on the Hart Claim for \$10,000 or less. All Ayes

**Motion carried** 

Discussion on changing the City Clerk and Assessor's position from elected to appointed.

Alderperson Wagner had no problems with supporting a recommendation from the committee to the Council asking the City Attorney to draft a charter ordinance making the City Clerk's position appointed as opposed to elected as long as they can make a recommendation to go along with it as to how that might be accomplished. Specifically, who does the appointing; what is the term; and to whom the position would report. His only concern is maintaining the integrity of the City Clerk's position as a statutory position. He would not like to see this turned into an appointed, and in Marshfield the term appointed may mean simply hired, and than treat it as a regular employee. Because there is a great difference between what the statutes say is required of the City Clerk as opposed to what might be required of other employees. The City Clerk's position should be placed in such a way on the organizational chart where it recognizes that it is still a statutory officer of the City.

This would be the same for the Assessor's position as well.

Alderperson Beaudry is not in favor of changing the City Clerk or Assessor positions because it takes away another opportunity for people to have a choice.

Alderperson Krueger is in favor of keeping the positions elected. But he does feel that a charter ordinance should be drafted so that it can come before the council.

Administrator Brehm responded that he is supportive of the appointed positions for both. He feels that these positions would not be appointed by himself but by the Common Council for an indefinite term. The statutory responsibilities of both positions should remain intact. He is gathering information for the Job Evaluation Committee to take a look at this and to place it in the pay plan. Staff is reviewing the City's Code and Policy for all references to the Clerk and the Assessor to see what would need to be changed. He has also asked for organizational charts in other communities. Typically in those communities that do not have an Administrator or City Manager, these positions either report to the Mayor or the Finance Director. In those cities that have a Manager or City Administrator, typically they would report to either the Manager, City Administrator or the Finance Director. His plan was to see what direction the JLC wanted to go with this. It seems like there is a majority of the Council that wants to discuss this concept a little bit more. The City Attorney is drafting at the Council's direction an ordinance for consideration. He is planning on bringing it back to the Finance Committee as well as this committee.

Joe Stroik said that as a taxpayer he sees the benefit of a more professional individual being in these offices with the technical expertise needed to run the office. Anyone on the street could run and it could turn into a popularity contest and they could win. He doesn't feel that they would be taking anything away from him as a taxpayer by making these positions appointed.

JLC00-000 Motion by Wagner to lay this item on the table until the June 20, 2006 meeting.

Alderperson Wagner withdrew his motion.

The committee would like to see as much information as possible regarding these positions.

<u>JLC06-053</u> Motion by Wagner, second by Krueger to direct the Administrator to bring back the information necessary to proceed with a charter ordinance for the City Clerk and Assessor positions. All Ayes

**Motion carried** 

Motion by Wagner, second by Krueger to adjourn at 5:16 p.m. **Motion carried** 

Deb M. Hall City Clerk