JUDICIARY, LICENSE AND CEMETERY COMMITTEE MINUTES OF MAY 15, 2007

Meeting called to order by Chairperson Wagner at 4:45 p.m., in the Common Council Chambers, City Hall Plaza.

PRESENT: Don Krueger, Ed Wagner and Alanna Feddick

ABSENT: None

ALSO PRESENT: Alderperson Hansen, City Clerk Hall and Police Chief Stroik

<u>JLC07-034</u> Motion by Krueger, second by Feddick to grant three (3) Beverage Operator Licenses for the 2005-2007 License Year to: David Campbell, Judy Oestreich and Meghan Smith. All Ayes **Motion carried**

<u>JLC07-035</u> Motion by Feddick, second by Krueger to grant twenty-four (24) Beverage Operator Licenses for the 2007-2009 License Year to: John Arkulary, Nathan Barth, Danyl Bohn, Jacqueline Bower, Ashley Borek, Jose Guzman, Donna Haldeman, Melanie Haldeman, Jacqueline Kappel, Robert Lindau, Robert Lingford, William Mader, Ann Marx, Bette Odegard, Susan Pohlod, Laura Punke, Richard Quirt, Tina Roggenbauer, Felix Aca-Romano, Michelle Schroeder, Daniel Spencer, Duane Wintrone, Jane Zettler and James Zoellner. All Ayes

Motion carried

<u>JLC07-036</u> Motion by Feddick, second by Krueger to grant a Direct Seller's Permit (Transient Merchant) to Cornellier Fireworks Co. (6-month license). All Ayes **Motion carried**

<u>JLC07-037</u> Motion by Feddick, second by Krueger to grant a Temporary Class "B"/"Class B" License (Picnic) to the Marshfield Optimist Club for June 1-2, 2007 (Dairyfest) contingent upon them hiring two (2) police officers to be present during the hours as determined by the Police Chief. All Ayes

Motion carried

<u>JLC07-038</u> Motion by Feddick, second by Krueger to grant a Temporary Class "B"/"Class B" License (Picnic) to Main Street Marshfield Inc. for July 26, 2007 (Hot Time in the City) and July 27-29, 2007 (Hub City Days) contingent upon them hiring a police officer(s) for Hub City Days to be present during the hours as determined by the Police Chief. All Ayes

Motion carried

<u>JLC07-039</u> Motion by Krueger, second by Feddick to grant a 6-month Class "B" Fermented Malt Beverage License to the Marshfield Softball Association located at 513 E.. 17th Street (May 1 – October 31, 2007). All Ayes

Motion carried

<u>JLC07-040</u> Motion by Krueger, second by Feddick to grant thirty-four (34) "Class B" Combination Liquor and Fermented Malt Beverage Licenses for the 2007-2008 licensing year per the attached list. All Ayes

Motion carried

<u>JLC07-041</u> Motion by Krueger, second by Feddick to grant twelve (12) "Class A" Combination Liquor and Fermented Malt Beverage Licenses for the 2007-2008 licensing year per the attached list. All Ayes

Motion carried

<u>JLC07-042</u> Motion by Feddick, second by Krueger to grant three (3) Class "A" Fermented Malt Beverage Licenses for the 2007-2008 licensing year per the attached list. All Ayes **Motion carried**

<u>JLC07-043</u> Motion by Feddick, second by Krueger to grant two (2) Class "B" Fermented Malt Beverage Licenses for the 2007-2008 licensing year per the attached list. All Ayes **Motion carried**

<u>JLC07-044</u> Motion by Feddick, second by Krueger to grant two (2) Reserve "Class B" Combination Liquor and Fermented Malt Beverage Licenses for the 2007-2008 licensing year to: El Mezcal, Inc., Victor Ceron, Agent, 2312 N. Central Avenue and Razz Enterprises, Inc., Rick Zorman, Agent, 501 S. Washington Avenue. All Ayes

Motion carried

<u>JLC07-045</u> Motion by Feddick, second by Krueger to grant a Reserve "Class B" Combination Liquor and Fermented Malt Beverage License for the 2007-2008 licensing year to Elixir Nite Club, LLC, Scott Kurzynski, Agent, 434 S. Central Ave. All laws related to the operation of a Licensed Premises shall be strictly followed especially during authorized non-alcoholic activities on Sunday nights. Any violations of laws during non-alcoholic nights will subject Elixers to immediate closure of that night activities by the Police Department and a hearing by the Judiciary, License and Cemetery Committee as soon as the hearing can be scheduled. All Ayes **Motion carried**

Phil Vouers filed a claim with the City alleging that he sustained damage to his vehicle due to striking potholes located on Central Avenue on February 28, 2007. 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 city did not have any prior notice that the patch had come out of the pothole and have been in the area on a daily basis re-patching potholes as necessary. A municipality has no liability unless it knew, or should have known, of the existence of a defect and had a reasonable amount of time to repair the defect.

<u>JLC07-046</u> Motion by Krueger, second by Feddick to deny the claim of Phil Vouers 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

Garrett Frankwick filed a claim with the City alleging that he sustained damage to his vehicle due to striking a pothole located on Central Avenue on April 1, 2007. 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 there was no negligence on behalf of the City. The city was aware of this pothole and had temporarily patched the pothole just days prior to this incident. Weather conditions (rain) washed the temporary patch out of the pothole and the City of Marshfield did not have notice of this situation until this incident was reported. A municipality has no liability unless it knew, or should have known of the defect and had a reasonable amount of time to respond.

<u>JLC07-047</u> Motion by Feddick, second by Krueger to deny the claim of Garrett Frankwick (Glenn Frankwick) 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**

Motion by Feddick, second by Krueger to adjourn at 5:08 p.m. **Motion carried**

Deb M. Hall City Clerk