## JUDICIARY, LICENSE AND CEMETERY COMMITTEE MINUTES OF JULY 17, 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: Alderpersons Buttke and Hansen, Asst. City Attorney Wolfgram, Police

Chief Stroik and City Clerk Hall

<u>JLC07-059</u> Motion by Krueger, second by Feddick to grant nineteen (19) Beverage Operator Licenses for the 2007-2009 License Year to: Christine Bredl, Lindsey Bryant, Mitchell Butler, Amy Carley, Erin Cooper, Ryan Coss, Katrina Dunow, Kirstin Finamore, John Irwin, Jessica Olsen, Richard Podsiadlik, Michael Reed, Tonya Rehbein, Stacy Sazima, Christopher Schar, Janet Ann Sibley, Kyle Skoug, Tabitha Vogel and Ann Young. All Ayes **Motion carried** 

<u>JLC07-060</u> Motion by Feddick, second by Krueger to grant a Temporary Class "B"/"Class B" License (Picnic) to the Marshfield Curling Club for July 27, 2007 and August 29 – September 3, 2007 contingent upon the sponsor providing police officers for the events. All Ayes **Motion carried** 

Chief Stroik said that the reason he wants police officers hired for these events instead of security guards is because security guards have absolutely no authority to do anything except to pick up a phone and call the police. The police are going to be there any way responding to the complaints after the fact when perhaps it might be too late from protecting someone from getting injured.

<u>JLC07-061</u> Motion by Feddick, second by Krueger to grant a Temporary Class "B"/"Class B" License (Picnic) to Our Lady of Peace Church for September 16, 2007 contingent that fencing is set up per municipal code 12.03(13)(c). All Ayes

## Motion carried

The committee reviewed Section 9-34 of the City of Marshfield Municipal Code pertaining to revocation and suspension of licenses.

Chief Stroik commented that it is his understanding that a conviction is prima facie evidence but for the license purposes because it is a privilege primarily, we don't need a conviction to suspend an alcohol license.

Attorney Wolfgram said that what ends up being the problem here is section (5) which reads:

Effect of criminal charge dismissed without trial. A dismissal without trial of a criminal charge or civil forfeiture case on a violation which is also the subject of demerit points shall not, as a matter of law, nullify such charge for the purpose of review herein due to the differing burdens of proof and procedural requirements.

The problem is that by the language that is used there, it implies that if it is dismissed with a trial then it is not going to be used as something that would affect the points or be used for evaluating

the liquor license. He would be looking at the possibility of changing the language but taking out the words "without trail".

Alderperson Wagner said that it is his understanding that upon on investigation that this committee could hold a hearing, collect evidence and testimony and suspend or revoke a license at their discretion. Not withstanding any criminal case in a municipal or state court that takes place. Is this correct?

Attorney Wolfgram responded that this was correct.

Police Chief Stroik and Asst. City Attorney Wolfgram will work together to clarify the code to better meet statutory requirements and the Judiciary, License and Cemetery Committee authority to revoke or suspend a license.

Motion by Feddick, second by Krueger to adjourn at 5:41 p.m. **Motion carried** 

Deb M. Hall City Clerk