

JUDICIARY, LICENSE AND CEMETERY COMMITTEE
MINUTES OF NOVEMBER 20, 2007

Meeting called to order by Chairperson Wagner at 5:00 p.m., in the Common Council Chambers, City Hall Plaza.

PRESENT: Don Krueger, Ed Wagner and Alanna Feddick

ABSENT: None

ALSO PRESENT: Mayor Meyers, Asst. City Attorney Wolfgram, Police Chief Stroik, City Clerk Hall and David Fischer.

JLC07-086 Motion by Krueger, second by Wagner to grant four (4) Beverage Operator Licenses for the 2007-2009 License Year to: Alexander Berger, Annamaria Brenner, Heather Freese and Beth Hollatz. All Ayes

Motion carried

JLC07-087 Motion by Krueger, second by Feddick to grant a "Class B" Combination Liquor and Fermented Malt Beverage License to David P. Fischer. Trade name of the establishment is Jack's located at 317 N. Central Avenue, Marshfield, WI. All Ayes

Motion carried

Assistant City Attorney Wolfgram said that one of the issues that had been raised was the potential delay on cases pending in Municipal Court because the outcome would affect the points assessed against a liquor license and ultimately the licensing of the various establishments. The question was raised whether there was something that could be done to address this concern. He recommended the following changes to section 9-34 (5) of the Municipal Code.

Section 9-34 (5): 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.

By taking this language out of the code, you would eliminate the incentive for various defendants to delay their cases before the Municipal or Circuit Court on various citations or violations that then may give rise to an impact on the license review procedure.

JLC07-088 Motion by Krueger, second by Feddick to have the City Attorney draft an Ordinance with the recommended changes to section 9-34 (5) as presented by Asst. City Attorney Wolfgram.

All Ayes

Motion carried

Motion by Krueger, second by Feddick to adjourn at 5:21 p.m.

Motion carried

Deb M. Hall
City Clerk