

JUDICIARY, LICENSE AND CEMETERY COMMITTEE
MINUTES OF JANUARY 15, 2008

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: Alderpersons Kraus, Buttke and Hendler, City Attorney Hutchinson and City Clerk Hall.

JLC08-001 Motion by Feddick, second by Krueger to grant eleven (11) Beverage Operator Licenses for the 2007-2009 License Year to: Jeff Cherrier, Calli Dampier, Gregory Griebel, Nikita Keding, Jennifer Kohls, Martin Mann, Barry Pince, Bradly Shinkle, Michelle Stuttgen, Katie VanRixel and Terry Zillmer, Jr. All Ayes

Motion carried

JLC08-002 Motion by Feddick, second by Krueger to grant a Secondhand Article Dealer License to 2nd Chance Consignment; Karen Jensen, Owner; located at 222 S. Central Avenue. All Ayes

Motion carried

Discussion was held on the wording for the referendum question on the smoking ordinance.

City Attorney Hutchinson's suggested language for the Referendum question is as follows:

"Should the Common Council of the City of Marshfield, Wisconsin adopt Ordinance No. 1108 as presented to the Common Council on July 24, 2007 which, subject to specific definitions and exceptions, prohibits smoking in indoor places including any indoor place that is a place of employment or that is open to the public or to which members of the public may be invited or have lawful access, retail establishments, taverns, theatres, educational facilities and other indoor places enumerated therein but does not apply to a private residence, a room used by a person in a retirement home as a private residence or a room in a lodging establishment that has been designated as a room where smoking is allowed?"

Aldersperson Krueger was concerned about listing such things as retail establishments, taverns, etc.

Aldersperson Feddick stated that she was also concerned because if we list all of those things, we better list more than that because this is not all inclusive. We are actually saying, "and other indoor places enumerated therein" which refers back to the ordinance. If we take that reference to the ordinance out, than we need to take the reference to specific places out.

Attorney Hutchinson said that his intent when he drafted this language was to try to convey the places that appeared to be most controversial.

Aldersperson Kraus has been in contact with the American Cancer Society and the Smoke Free Wisconsin who has tested this in different cities. Oshkosh and a couple of others have been law suit havens because they listed some and not all. They have suggested redlining from the word "adopt" in the first section all the way through the word "exceptions" in the third section. The reason being is when they did take it to referendum in other cities they had to have copies of the ordinance present and give everybody an opportunity to read the ordinance before they

voted on the referendum. Appleton took the reference to an ordinance out and just asked the question. They also suggested redlining the wording "retail establishments, taverns, theatres, educational facilities and other indoor places enumerated therein" because than you don't have to worry about listing everything. You are generalizing it and encapsulating it and it is spelled out in the ordinance. They recommended the following wording:

"Should the Common Council of the City of Marshfield, Wisconsin, prohibit smoking in indoor places including any indoor place that is a place of employment or that is open to the public or to which members of the public may be invited or have lawful access, but does not apply to a private residence, a room used by a person in a retirement home as a private residence or a room in a lodging establishment that has been designated as a room where smoking is allowed?"

Attorney Hutchinson said that he has no problem with the changes.

JLC08-003 Motion by Krueger, second by Feddick to approve the following language for the referendum question to be placed on the April 2008 Spring ballot:

"Should the Common Council of the City of Marshfield, Wisconsin, prohibit smoking in indoor places including any indoor place that is a place of employment or that is open to the public or to which members of the public may be invited or have lawful access, but does not apply to a private residence, a room used by a person in a retirement home as a private residence or a room in a lodging establishment that has been designated as a room where smoking is allowed?"

All Ayes

Motion carried

Motion by Krueger, second by Feddick to adjourn at 5:15 p.m.

Motion carried

Deb M. Hall
City Clerk