JUDICIARY, LICENSE AND CEMETERY COMMITTEE
MINUTES OF MAY 6, 2008

Meeting called to order by City Clerk Hall at 5:00 p.m., in the Common Council Chambers, City Hall Plaza.
PRESENT: Ed Wagner, Alanna Feddick and Don Krueger
ABSENT: None
ALSO PRESENT: Mayor Meyer, Alderpersons Spiros, Feirer and Hansen, Police Chief Stroik, Building Services Supervisor Donath, Cemetery Sexton Baltus, City Clerk Hall and Gary Gray.

Alderperson Feddick nominated Alderperson Wagner for Chairperson. There being no further nominations:

JLC08-029 Motion by Feddick, second by Krueger to close the nominations and cast a unanimous ballot for Alderperson Wagner for Chairperson. All Ayes
Motion carried

Alderperson Wagner assumed the chair.

Alderperson Feddick nominated Alderperson Krueger for Vice Chairperson. There being no further nominations:

JLC08-030 Motion by Wagner, second by Feddick to close the nominations and cast a unanimous ballot for Alderperson Krueger for Vice Chairperson. All Ayes
Motion carried

JLC08-031 Motion by Krueger, second by Feddick to grant twelve (12) Beverage Operator Licenses for the 2007-2009 License Year to: Barbara Anderson, Melissa Bill, Jessica Carter, Pamela DeVoss, Greg Dietzler, Nicole Ellis, Brian Fogarty, Melissa Gerlach, Robert Hall, Diane Jonas, Sara Oppman and Carrie Vogel. All Ayes
Motion carried

JLC08-032 Motion by Krueger, second by Feddick to grant a Temporary Class "B"/"Class B" Retailer's License to Main Street Marshfield, Inc. for May 30, 2008 and July 26, 2008. One police officer will need to be hired for Hub City Days to monitor the grounds from noon – 11:00 p.m. All Ayes
Motion carried

JLC08-033 Motion by Feddick, second by Krueger to grant a Temporary Class "B"/"Class B" Retailer's License to the WI Trappers Association, Inc. for September 4 – 7, 2008. All Ayes
Motion carried

Building Services Supervisor Donath said that the request from the Viaduct Bar specified a 20' x 20' area. There is nothing indicating that it was to be fenced-in. It is his recommendation that if establishments are going to license outside of their buildings they should have fenced-in areas for enforcement purposes.

Police Chief Stroik agreed. Some sort of fencing or boundaries to keep people in should be required otherwise we would be setting the bars up for failure.

JLC08-034 Motion by Feddick, second by Krueger to grant the request to amend the premise description of the "Class B" Combination Liquor License of the Viaduct Bar with the stipulation that the 20' x 20' area be fenced-in or some sort of boundary put in place as long as it is acceptable by the Planning and Zoning Department. All Ayes
Motion carried

JLC08-035 Motion by Feddick, second by Krueger to grant the request to amend the premise description of the "Class B" Combination Liquor License of Goodfella's Pub, Inc. to include the fenced in deck area. All Ayes
Motion carried

JLC08-036 Motion by Krueger, second by Feddick to grant a Transient Merchant License to Cornellier Fireworks Co. (6-month license). All Ayes
Motion carried

JLC08-037 Motion by Krueger, second by Feddick to grant a "Class B" Liquor License to El Jalapeno LLC located at 126 N. Central Avenue. All Ayes
Motion carried

Cemetery Sexton Baltus explained that Elaine Zopfi had contacted him about transferring a cemetery space she owned to her son. After doing some research, he found out that the space was sold to another customer with an interment. In 1949 Elaine Zopfi who was Elaine Lange at the time, purchased 2 cemetery spaces. Her first husband is buried in one of these spaces. Up until 1970, perpetual care was billed out yearly. According to the perpetual care records, Elaine Zopfi or someone else paid the perpetual care on these spaces from October 1949 until October 1955. According to the rules and regulations it stated that when the assessments have been unpaid for five consecutive years upon notice, title to all unoccupied part(s) of the lot shall pass to the municipality and may be sold. So as far as he can tell, the city took back the space and resold it.

JLC08-038 Motion by Feddick, second by Krueger to give Mrs. Elaine Zopfi a burial space but she has to pay the perpetual care fee of $230.00. All Ayes
Motion carried

Kari Machtan filed a claim with the City alleging that her vehicle sustained damage when she hit a pile of snow on February 20, 2008. 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 of Marshfield.

JLC08-039 Motion by Feddick, second by Krueger to deny the claim of Kari Machtan as recommended by Midwest Claims Service pursuant to the Wisconsin statute for disallowance of claim 893.80 (1g). All Ayes
Motion carried

Stacey Gabel filed a claim with the City alleging that her vehicle sustained damage when she hit a pothole on Central Avenue on February 24, 2008. 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 of Marshfield. Their investigation revealed that the City did not have prior notice that there was another pothole on Central Avenue, and upon notice, the pothole was filled. A municipality has no liability unless it knew, or should have known, of the existence of the defect and had a reasonable amount of time to repair the defect.

JLC08-040 Motion by Feddick, second by Krueger to deny the claim of Stacey Gabel as recommended by Midwest Claims Service pursuant to the Wisconsin statute for disallowance of claim 893.80 (1g). All Ayes
Motion carried

Motion by Feddick, second by Krueger to adjourn at 5:27 p.m.
Motion carried

Deb M. Hall
City Clerk