JUDICIARY, LICENSE AND CEMETERY COMMITTEE
MINUTES OF MARCH 17, 2009

Meeting called to order by Chairperson Wagner at 5:00 p.m., in the Common Council Chambers, City Hall Plaza.
PRESENT: Alderpersons Ed Wagner, Alanna Feddick and Donald Krueger
ABSENT: None
ALSO PRESENT: Alderpersons Feirer, Buttke and Noble, Mayor Meyer, City Clerk Hall, Police Chief Stroik, Fire Chief Schmidt, Gordon Earll and Gary Gray.

JLC09-022 Motion by Krueger, second by Feddick to grant five (5) Beverage Operator Licenses for the 2007-2009 License Year to: Terry Anderson, Kyle Laessig, Mark Lapinksi, Sheila Miley and Jami Scherr. All Ayes
Motion carried

JLC09-023 Motion by Feddick, second by Wagner to grant a Temporary Class "B"/"Class B" Retailer's License to the Marshfield Area Catholic Schools for April 17, 2009. All Ayes
Motion carried

JLC09-024 Motion by Feddick, second by Krueger to grant a Transient Merchant License to Hyland Fireworks; Richard Hyland, owner. All Ayes
Motion carried

JLC09-025 Motion by Feddick, second by Krueger to grant the request from Franncy Holdings, LLC; 2700 S. Roddis Avenue to change the agent on their "Class B" Combination Liquor License to Frederick Scherle III. All Ayes
Motion carried

JLC09-026 Motion by Feddick, second by Krueger to grant a "Class B" Combination Liquor License to Los Girasoles Restaurant, Inc.; Luis Macias, Agent; located at 2001 S. Roddis Avenue. All Ayes
Motion carried

Jeanne Salimbene filed a claim with the City alleging that the front door to her home located at 110 N. Oak Avenue sustained damage due to a forced entry by the City of Marshfield Protective Services on February 24, 2009. 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 is entitled to governmental immunity. The City of Marshfield Police Department was performing a governmental function. Immunity is allowed if discretionary acts of public employees involved are "governmental."

Police Chief Stroik said that they were acting in a capacity which they are authorized by law as a community caretaker.

Fire Chief Schmidt added that they typically do a 360 around the house and try to figure out the least amount of damage that can be done to the house. This is not something they do haphazardly or they go running into without any causation or potential for it.

Alderperson Feddick asked what the protocol was for a welfare check.

Police Chief Stroik answered that they would make every effort to make contact with the person. If they are unsuccessful in making contact they go in.

JLC09-027 Motion by Krueger, second by Wagner to deny the claim of Jeanne Salimbene as recommended by Midwest Claims Service pursuant to the Wisconsin Statute for disallowance of claim 893.80 (1g).

Alderperson Wagner felt that this policy is too aggressive.

Alderperson Feddick said that she would be abstaining because she knows the claimant.

Vote on motion **JLC09-027**; Feddick abstained; rest Aye.
Motion carried

Agenda Preparation
Alderperson Wagner suggested the following changes to Policy No. 1.110, Agenda Preparation:

Proposed Changes to City Policy 1.110, III, F

All requests for action by the Common Council or a Council Committee shall be requested in memorandum form with a recommendation from the requesting party. ***It shall appear on the agenda as "Requested Action" and the City Administrator may indicate whether the Administrator concurs with the request.*** It shall be the policy of the Common Council that all such requests for action by the Common Council or committees of the Common Council be submitted to the City Administrator ***for placement on the agenda***. All other copies of information submitted to Council from various departments shall be copied to the City Administrator ***and forwarded in original form to the Common Council.***

Add Item III, G:

The Agenda presented to the public as the Official notification of the meeting of the governing body or any of its subcommittees shall contain the following notice:

"Citizens are advised that the Common Council will hear the items listed below and may take any legal action on any or all of those items."

This will be discussed at the next meeting

Future agenda items:
1. Tavern Owners Concerns
2. Agenda Preparation

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

Deb M. Hall
City Clerk