# JUDICIARY, LICENSE AND CEMETERY COMMITTEE MINUTES OF JUNE 16, 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 Earll and Hendler, Police Chief Stroik, Cemetery Sexton Baltus, City Clerk Hall and Scott Kurzynski.

<u>JLC09-076</u> Motion by Krueger, second by Feddick to grant one (1) Beverage Operator License for the 2007-2009 License Year to Zachary Kaiser. All Ayes

**Motion carried** 

JLC09-077 Motion by Feddick, second by Krueger to grant sixty-seven (67) Beverage Operator Licenses for the 2009-2011 License Year to: Gary Alfredson, Tristen Barton, Kate Behselich, Linda Berkholtz, Michael Betancor, Jasmine Bonitz, Chelsea Bowen, Emilie Burrill, Terri Buttke, Thomas Cooper, James Copet, April Derkez, Jill Dettmann, Dorothy Drew, Sharon Esser, Michael Feirer, William Feirer, Kari Folz, Neil Fritz, Cody Gerlt, Ariel Gorst, Gary Greenwald, Virginia Gruenewald, Jose Guzman, Jennifer Holt, Amy Hookstadt, Pamela Jirschele, Diane Jonas, Connie Jozwiak, Jewelia Kay, Jennifer Kohls, Crystal Kopf, Noelle Kops, Justin Lang, Margo Lang, Mark Lapinski, Kelly Lenz, Kelly Lesmeister, Julie Leu, Maria Leu, Steven Leu, Kim Lewis, Stephanie Linzmeier, Amy Manecke, Amber Marty, Darcee Matthes, Sara Mayer, Pamela Messman, Melissa Mueller, Jacqueline Poppe, Ruthanne Rahm, Sarah Richards, Krystal Richardson, Lori Richmond-Butts, Tia Roggenbauer, Danielle Saindon, Kari Sawicky, Paula Schafer, Karen Schreiner, Janet Sibley, Ann Solatycki, Bruce Stargardt, Kristy Steines, Mindy Stellmach, Nicole Teatz, Amanda Vanderhoof and Kandie Willfahrt. All Ayes

**Motion carried** 

<u>JLC09-078</u> Motion by Krueger, second by Feddick to grant two (2) Temporary Class "B"/"Class B" Retailer's Licenses (Picnic) to the American Legion Post 54 for September 2-7, 2009 and September 19-20, 2009. All Ayes

Motion carried

<u>JLC09-079</u> Motion by Krueger, second by Feddick to grant a Temporary Class "B"/"Class B" Retailer's License (Picnic) to Ispanos Unidos Alludando Organisaciones, Inc. for July 11, 2009. All Ayes (See amendment to this motion after motion JLC09-085)

**Motion carried** 

<u>JLC09-080</u> Motion by Feddick, second by Krueger to grant a 6-month Transient Merchant License to American Promotional Events, Inc.; d/b/a TNT Fireworks. All Ayes

**Motion carried** 

<u>JLC09-081</u> Motion by Krueger, second by Feddick to grant a 2-day Transient Merchant License to Tree-Ripe Citrus Company. All Ayes

Motion carried

<u>JLC09-082</u> Motion by Feddick, second by Krueger to grant a "Class B" Combination Liquor and Fermented Malt Beverage License to:

- 1. Crabby Dave's LLC; Agent David Steinmetz; 501 S. Central Avenue
- 2. Wildside Billiards; Partners Timothy Moen & Jason Weinfurtner; 113 E. 4<sup>th</sup> Street
- 3. Los Girasoles Restaurant, Inc.; Agent Luis Macias; 2001 S. Roddis Avenue
- 4. Lefty's; Owner Keith Polster; 107 S. Central Avenue
- 5. Bey's Bar; Owners Jeremiah Henseler; 305 N. Central Avenue
- 6. Sunrise Family Restaurant; Owner Selim Mustafa; 511 N. Central Avenue

# All Ayes

# **Motion carried**

<u>JLC09-083</u> Motion by Feddick, second by Krueger to grant a Class "B" Beer & "Class C" Wine license to Cattail's Coffee, LLC; Agent – Tim Dickrell; 1710 N. Central Avenue. All Ayes **Motion carried** 

At the last meeting the committee tabled the application from Elixir Nite Club LLC because there was some question whether this establishment had been open in the past 90 days operating as a bar.

Mr. Kurzynski presented his sales tax return showing what he had in sales for May. They are also open for private parties and weddings. With Central Avenue under construction his business is very bad right now.

The committee discussed municipal code 9-32 (12) *Failure to remain open*. If any licensee shall fail to remain open for business for a period of 90 consecutive days or more, his "class A" retail liquor license, "class A" retail fermented malt beverage license, class "B" intoxicating liquor license or "class B" fermented malt beverage license shall be subject to revocation by the council after a public hearing.

The committee would like the city attorney to clarify 9-32 (12) before the next meeting.

<u>JLC09-084</u> Motion by Feddick, second by Krueger to grant a Reserve "Class B" Combination Liquor License for 2009-2010 to Elixir Nite Club LLC; Agent – Scott Kurzynski; 434 S. Central Avenue. All Ayes

# **Motion carried**

Police Chief Stroik asked the committee to go back to motion JLC09-079 and adjust the motion and second approving this license provided that they contact the Police Chief.

<u>JLC09-085</u> Motion by Feddick, second by Krueger to reconsider motion JLC09-079. All Ayes **Motion carried** 

Motion <u>JLC09-079 was amended to</u>: Motion by Krueger, second by Feddick to grant a Temporary Class "B"/"Class B" Retailer's License (Picnic) to Ispanos Unidos Alludando Organisaciones, Inc. for July 11, 2009 contingent upon them contacting the Police Chief so that he can evaluate the number of people attending and the circumstances to determine if they need to add additional staffing. All Ayes **Motion carried** 

<u>JLC09-086</u> Motion by Krueger, second by Feddick to approve the Catholic and Lutheran Cemetery Maintenance Contracts. All Ayes

#### Motion carried

John Smrerek filed a claim with the City alleging that his vehicle sustained damage due to striking a pothole near E. 4<sup>th</sup> Street on May 26, 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 there was no negligence on behalf of the City of Marshfield. It was the responsibility of Reigel Plumbing to maintain the road in this area due to a prior sewer project in which they had completed. As a result, any subsequent road damage that was caused, such as potholes, was the responsibility of Reigel Plumbing to repair and maintain.

<u>JLC09-087</u> Motion by Feddick, second by Krueger to deny the claim of John Smrerek as recommended by Midwest Claims Service pursuant to the Wisconsin Statute for disallowance of claim 893.80 (1g). All Ayes

Motion carried

<u>JLC09-088</u> Motion by Feddick, second by Krueger to table Ordinance No. 1154. All Ayes **Motion carried** 

# Future Agenda Items

- 1. Creating a policy for requiring police officers at events held in the city.
- 2. Ordinance No. 1154, requirements for outdoor alcohol areas.
- 3. Review the code related to the reports coming from City Departments regarding liquor licenses.
- 4. Clarification of Municipal Code 9-32 (12) Failure to Remain Open

Motion by Krueger, second by Feddick to adjourn at 5:33 p.m. All Ayes **Motion carried** 

Deb M. Hall City Clerk