

JUDICIARY, LICENSE AND CEMETERY COMMITTEE
MINUTES OF SEPTEMBER 15, 2009

Meeting called to order by Chairperson Wagner at 5:03 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, Buttke and Feirer, Mayor Meyer (arrived at 5:27 p.m.), Attorney Wolfgram, Police Chief Stroik, City Clerk Hall, Lorrie Krokstrom, Jason Angell, Lisa and Duane Schutz, Ryan Jakobi, Todd Jensen and Richard VanDerGeest.

CITIZEN COMMENTS

Lisa Schutz, owner of Nutz Deep II. She asked the committee to not suspend her "Class B" Combination liquor license. Many measures have been taken to help stop underage drinking. They want to set good examples for the community because they are proud of who they are and what they stand for. They work hard each and every day to support their family and she finds it unjust that she has been put into this situation and have to appear before the committee for something she did not do. Her livelihood is at stake because of the bad judgments of others while they go on working and earning a living without citations or judgments against them. She asked the committee to approve the recommendation of the police chief.

JLC09-115 Motion by Krueger, second by Feddick to grant fifteen (15) Beverage Operator Licenses for the 2009-2011 License Year to: Lindsey Anderson, Donald Bloczynski, Rebecca Ford, Eliot Graham, Naomi Hanson, Lauren Helf, Dani Hembrook, Megan Hocking, Heather Mancl, Kathy Marx, Arielle Noble, Carol Pongratz, Barbara Robus, Nina Winistorfer and Jana Young. All Ayes

Motion carried

Ordinance No. 1161, Special Event Services.

When the Clerk's office receives an application for a Temporary Class "B"/"Class "B" Retailer's License (picnic), they will scan in the document and send it to the Police Chief. After he has reviewed it he will email it back to the Clerk's office with his recommendation which will then be attached to the application.

A suggestion was made to add the following language to paragraph (2), second line, "Police Officers billed at the overtime rate of pay."

The ordinance was referred back to the City Attorney for revisions.

JLC09-116 Motion by Krueger, second by Feddick to go into closed session pursuant to Wisconsin Statute chapter 19.85 (1)(b) considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person. Specifically, the Chairperson had requested a closed session to discuss; 1) "Class B" Liquor and Fermented Malt Beverage license of Nutz Deep II and 2) Bartender Licenses. Roll call vote, all Ayes. (Time: 5:20 p.m.)

Motion carried

Presented in closed session: Alderpersons Wagner, Feddick, Krueger, Earll, Buttke and Feirer, Mayor Meyer, Attorney Wolfgram, Police Chief Stroik and City Clerk Hall.

Lisa and Duane Schutz (5:20 p.m. – 5:44 p.m.)

Ryan Jakobi (5:44 p.m. – 6:06 p.m.)

Richard VanDerGeest (6:06 p.m. – 6:16 p.m.)

JLC09-117 Motion by Feddick, second by Krueger to return to open session. Roll call vote, all Ayes. (Time: 6:45 p.m.)

Motion carried

JLC09-118 Motion by Krueger, second by Wagner to deduct 10 demerit points from each violation Ms. Schutz has on her record, thereby decreasing the number of demerit points assessed against Ms. Schutz from 125 down to 95 demerit points. The reason for the reduction in demerit points is that Ms. Schutz has made solid good faith efforts in taking serious measures to attempt to prevent these violations. Nutz Deep has purchased and installed an ID card scanning device; Participates in the Marshfield Cares Program; and Employs ID card checking people for busy business nights.

Feddick abstained from voting because she represents Duane Schutz (husband of Lisa Schutz) in other legal matters.

Krueger and Wagner voted Aye.

Motion carried

JLC09-119 Motion by Feddick, second by Wagner to disregard the points that were assessed to the 8/27/08 event based upon no citation being issued to Ryan Jakobi. This will leave him with 25 demerit points. Therefore Ryan Jakobi's Beverage Operator License will be granted for the 2009-2011 licensing year.

Alderperson Feddick said that the reason for her motion is that the current code says that you will have points assessed to your server's license even if a citation goes to the bar and you were the server in that instance. On 8/27/08, it was confirmed by the Police Chief that Ryan Jakobi was not cited for selling alcoholic beverages to an underage person. Because he didn't receive notice of that and did state the same during the administrative hearing she doesn't believe it would be appropriate to revoke his license based upon him not even being aware that a citation was issued.

Vote on motion **JLC09-119**; Krueger voted Naye, rest Aye.

Motion carried

JLC09-120 Motion by Feddick, second by Krueger to table the matter regarding the Beverage Operator licenses of Daniel Gebelein and Charles Gilbert based upon the nonservice of the summons to both bartenders. All Ayes

Motion carried

Beverage Operator license application of Richard VanDerGeest.

Aldersperson Wagner stated the Findings of Fact:

* The application for the license does relate to a past felony record in the sense that it will deal with the applicant being alone and working unsupervised with alcohol present and in the presence of minors.

JLC09-121 Motion by Krueger, second by Wagner to deny the Beverage Operator License Application of Richard VanDerGeest based upon the Findings of Fact and on the recommendation of the Police Chief. Feddick voted Naye, rest Aye.

Motion carried

Future Agenda Items

1. Demerit Points for Compliance Checks

Motion by Krueger, second by Feddick to adjourn at 6:50 p.m. All Ayes

Motion carried

Deb M. Hall
City Clerk