

JUDICIARY, LICENSE AND CEMETERY COMMITTEE
MINUTES OF OCTOBER 20, 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, Feirer and Buttke, Police Chief Stroik, City Clerk Hall, Finance Director Strey, Asst. Finance Director Hanson and Scott Kurzynski

CITIZEN COMMENTS

None

JLC09-129 Motion by Feddick, second by Krueger to grant five (5) Beverage Operator Licenses for the 2009-2011 License Year to: Jennifer Fischer, Douglas Mauritz, Ryan Kipp, Jenna Schlagenhaft and Adams Specht.

Motion carried

Police Chief Stroik discussed the Beverage Operator's application of Daniel Schuld. He had an underage alcohol arrest in October of 2006 and also in May of 2009. He did not list these on his application. He also had an arrest for disorderly conduct in 2007. With these issues they believe the 50 demerit points are met therefore the recommendation is to deny. He added that Mr. Schuld may have not listed these issues on his application because they were citations. So to be consistent the committee may not want to consider assessing 25 demerit points for the filing of an untrue, incorrect and/or incomplete application.

Alderperson Feddick said that the disorderly conduct and the underage alcohol in 2007 and 2006 were outside the two year license period therefore she doesn't know if you can quantify that as habitual. The only one that would make a difference would be the 2009 underage alcohol and does this affect his ability to serve in a bar.

Alderperson Krueger felt that his record shows that he is a habitual law offender and it does affect the performance on the job.

Alderperson Feddick disagreed. She does agree with assessing him 25 demerit points for the 2009 Underage Alcohol violation.

Alderperson Wagner also felt that the 2009 Underage Alcohol Violation has a direct bearing on the job and he should be assessed 25 demerit points.

The committee finds that the one violation in 2009 of underage drinking is relevant to the job and 25 demerit points will be assessed and to grant the license.

JLC09-130 Motion by Feddick, second by Wagner to grant a Beverage Operator license to Daniel Schuld with 25 demerit points assessed because of the 2009 Underage Alcohol violation. Krueger voted Nay.

Motion carried

Police Chief Stroik discussed the Beverage Operator's application of Robert Krueger. There is a clear history of having a total disregard for the laws regardless of what laws they are. Operating while revoked in 2009 (OWI related and amended to operating w/o a valid drivers license; citation in October

2008 of operating while suspended second offense; May of 2008 drinking open intoxicants in a motor vehicle & operating while suspended; December of 2007 operating while intoxicated although that citation was dismissed because Mr. Krueger declined to take the blood test therefore he was cited and found guilty for operating while intoxicated with a BAC over .08; 2000 there was another OWI with a guilty plea; and there was another OWI in 1993. These are very significant traffic violations that relate to alcohol involvement and should weigh heavily on the committee as far as denying this license.

Aldersperson Feddick clarified that in 2007 when Mr. Krueger was found guilty; they dismissed the OWI because he pled to the BAC which is the blood alcohol content in his blood and the blood was a point .206.

Police Chief Stroik said that she was correct.

Aldersperson Wagner said that within the past two years at least from 2007 – 2009 he sees enough violations that would show he is a habitual violator of the law. In this case he is someone that has a high disregard for the statutes and the law and may be a risk in serving alcohol.

Aldersperson Feddick understands the habitual comments but she still runs into the discrimination. Just because someone makes a poor choice of alcohol on their own and they decide to drink and get behind a wheel and endanger peoples life's that is why we have OWI laws and this guy was arrested. Does it matter if he drinks and drives if conversely he goes into a job, not drunk, takes somebody's money, checks their ID and serves them a drink? She doesn't feel it has anything to do with it.

JLC09-131 Motion by Wagner, second by Krueger to deny the Beverage Operator Application of Robert Krueger based on the committee finds that the record of offenses are habitual; they relate to the licensed activity because they show a pattern which says that this person is quite likely to have a disregard for the laws regarding serving underage persons alcohol and recommend assessment of 50 demerit points. Feddick voted Nay.

Motion carried

JLC09-132 Motion by Wagner, second by Feddick to grant a Beverage Operator license to Wendy King with the finding that the 2009 conviction of an intoxicant in a motor vehicle is relevant to the case and will be assessed 25 demerit points. Krueger voted Nay.

Motion carried

JLC09-133 Motion by Krueger, second by Feddick to grant a Transient Merchant License to Boston Inc. d/b/a Furniture & Appliance Mart. (Annual License)

Motion carried

Director of Planning and Economic Development Director Angell stated that last year when Furniture & Appliance Mart was having a sale in Marshfield they were placing signs throughout the community. Some of them were along Veterans Parkway.

The City Clerk will notify Furniture & Appliance Mart about the sign ordinance and they need to speak to the Planning and Economic Development office regarding their signs.

Police Chief Stroik added that they would be issuing citations if it is reported to them or found that they are in violation after the initial warning they would give them like they do everyone. Ultimately if it becomes an issue he will bring it back to the committee.

Reserve "Class B" Combination Liquor License of Elixir Nite Club.

The City Clerk explained that on June 16, 2009, the Common Council approved the granting of a Reserve "Class B" Combination Liquor License to Elixir Nite Club, LLC located at 434 S. Central Avenue. The license was granted but not issued because Mr. Kurzynski owed money to the City per municipal code 9-02 (16)(a) and 9-29 (1). Wood County notified the City Clerk that he has back taxes for 2007 and 2008 for three parcels in the City of Marshfield. It has been more than 90 days since the license was granted and he has not paid the back taxes. Per municipal code 9-32 (11) there is a time limit of 90 days to be up and running.

Police Chief Stroik said that Elixir's Nite Club has been open for the past couple of years on what is called soda pop permits issued by him on Friday nights. Since Mr. Kurzynski has not picked up his license, meaning he is no longer a licensed establishment, he has been having the teen nights on Friday and Saturday nights. What he would like the committee to do, if they are not issuing him a license, is to order that all liquor and beer be removed prior to any underage activity occurring on that premise from this point forward.

Scott Kurzynski explained that the smoking ban completely destroyed his business. Then the next step was the road construction started and that took a big hit on his business too. He has the money to pay his taxes for Elixir. Right now he is in the process of refinancing with his bank so that he can pull some equity out of it to pay off the taxes on the other two properties. It has been delayed because his accountant has been piled up with stuff. He sold the other two properties on land contracts and those individuals have not paid the county the taxes. His refinancing should be done within the next ten days.

Alderspersion Wagner pointed out that under a land contract the property is still in his name so he is still responsible for those property taxes.

Alderspersion Feddick asked Mr. Kurzynski what he intended to do if he gets the liquor license.

Mr. Kurzynski responded that they would be open on Thursday nights to serve alcohol. He also agreed to turn off his beer signs during teen nights.

JLC09-134 Motion by Feddick, second by Krueger to postpone this item until the Judiciary, License and Cemetery meeting of November 17, 2009.

Motion carried

Future Agenda Items

1. It was suggested to schedule the JLC meetings at a different time so that they don't run into the Finance meetings.

Motion by Feddick, second by Krueger to adjourn at 5:55 p.m.

Motion carried

Deb M. Hall
City Clerk