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

Meeting called to order by Chairperson Wagner at 6:00 p.m., in the Common Council Chambers, City Hall Plaza.

PRESENT: Alderpersons Ed Wagner, Donald Krueger and Alanna Feddick

ABSENT: None

ALSO PRESENT: Alderperson Earll, Police Chief Stroik, City Clerk Hall, Jason Angell, John Baltus,

Gary Gray and William Penker.

CITIZEN COMMENTS

None

<u>JLC09-156</u> Motion by Feddick, second by Krueger to grant twenty (20) Beverage Operator Licenses to: Amy Apfel, Melissa Bill, Pamela DeVoss, Joseph Fischer, Beverly Gibson, Ashley Hale, Karen Holland, Michael Holman, Anna Lee, Cory Lesar, Nancy Moeller, Angela Nowaczyk, Brandon Pluemer, Lynn Schneider, Karin Shafer, Gene Smazal, Chad Steiner, Daniel Stelzer, Kathleen Werner and Samantha Young.

Motion carried

Discussion was held on the Beverage Operator application of William Roehrborn. The recommendation from the Police Department was to approve the application but he does have a PAC violation in 2008, OWI in 2008 and he didn't check on his application that he had any violations, so he should have about 75 demerit points.

<u>JLC09-157</u> Motion by Krueger, second by Feddick to send back the Beverage Operator License application of William Roehrborn to the Police Department for further review.

Motion carried

Police Chief Stroik discussed the Beverage Operator's application of Chel Hutchins. He has quite a record and he believes that there is enough for denial based on points but more importantly their recommendation is going to rest solely on the fact that he is on probation and under supervision for past events. They contacted the probation officer and they had no knowledge of him even applying for a license and they said very clearly that they do not want him working there or getting a license.

Mr. Hutchins has three pages of history that would indicate he is a habitual offender.

The committee finds that Mr. Hutchins is a habitual offender and he is under supervision and the probation officer recommended that the license not be issued. The criminal acts which occurred in 2009 and again in 2007 are within the one license year.

<u>JLC09-158</u> Motion by Krueger, second by Feddick to deny the Beverage Operator Application of Chel Hutchins based upon the findings of the committee.

Motion carried

Police Chief Stroik discussed the Beverage Operator's application of Daniel Baltus. On 6/18/09 he sold tobacco products to minors; Underage drinking on 4/06/08; Resisting/Obstructing & Underage Drinking on 2/16/08 which was brought forth by Daniel's father, John; Underage Drinking on 12/30/07. The wording on the application was changed to have you been cited or arrested for any other offenses, and he indicated no on his application when in fact yes he was.

Daniel Baltus was not able to make the meeting so he sent a letter to the committee which was included in the packets. In the letter he stated that when he answered the question as to whether he had been cited or arrested for any other offenses, he accidentally checked no. He did not try to intentionally deceive the City of Marshfield and hoped that his mistake could be understood. He addressed his past record, consisting of a disorderly conduct, an underage drinking violation, and the sale of tobacco to minors. These citations have occurred in the past and since then he has changed. He is currently in school full time and working about 25 to 30 hours a week. He has been tested by Wood County twice for the sale of alcohol and passed. In the instance where he sold tobacco to a minor, he actually carded the individual and did the math wrong in his head as was shown in the surveillance tape. Just recently he was tested again and passed. He has been a cashier for over 3 years and last summer was the first he had failed with the sale of tobacco to a minor. He felt that his mistakes in the past are outweighed by the good things he has done up until this point in his life and in no way will his past record have any effect on his job performance related to selling alcoholic beverages. He asked the committee to renew his beverage license.

John Baltus, his father and employer, spoke on his behalf. By no means is he diminishing the bad decision making that the committee sees before them in some of the charges that the police chief spoke about. Daniel has made some ridiculous choices in the past. He was probably the hardest on Daniel of anybody, including the police department, when some of these things came down. But he has really begun to turn the corner in the way that he is conducting himself. Some of the things that he has done in the past, he has matured enough now where he would no longer be doing those kinds of things that would put him in jeopardy of this beverage operators license like tonight. He did sell tobacco to an underage person during a compliance check this past year. When they looked back at the video tape, he did card the individual but he did not do the math properly. The fine was about \$150 or \$160 and he had to pay that and now he makes sure he does the math right. The company has a no tolerance policy for alcohol but they don't have one for tobacco but they are considering one. They contract with a private company that conducts checks at their stores so that they can check to make sure that they are doing what they are suppose to and their employees are doing what they are suppose to. Daniel has passed all of those checks also. He was working while there was another compliance check and successfully did not sell to a minor. He has a track record of about 95% of not selling to minors. He asked the committee to grant the license to Daniel. If he does not get the license he will lose his job.

Chief Stroik said that one thing that he has always practiced is if there is some clear and convincing support mechanisms in place, people who have made relatively minor errors should be given a second chance. The main crux of his recommendation was the incomplete application or what appeared to be a false application. He is going to change his recommendation to the committee that they issue the license to Daniel Baltus with 25 demerit points assessed so that if he has one more violation he will lose his license based on his record.

Alderperson Feddick would like the application changed because she feels the question regarding if the person has been cited or arrested for any other offense is still confusing.

Alderperson Wagner stated that in the meetings that he has had with the Tavern League, Police Department and Outreach Center at the Clinic, there has been a tremendous amount of empathy and sympathy for the Baltus Companies for the compliance checks because Baltus is one of those companies that does everything that they can to try and train their employees. They probably do a higher level of training on their employees than anybody else.

<u>JLC09-159</u> Motion by Feddick, second by Krueger to grant a Beverage Operator License to Daniel Baltus with 25 demerit points.

Motion carried

<u>JLC09-160</u> Motion by Feddick, second by Wagner to grant a Temporary Class "B"/"Class B" Retailer's License (Picnic) to the Marshfield Area Catholic Schools for January 20, 2010.

Motion carried

<u>JLC09-161</u> Motion by Krueger, second by Feddick to grant a Secondhand Article Dealer license to the following:

- a. Second Time Around; Kim Lewis, owner
- b. Dress 4 Less; Natlie Tomczak, owner
- c. 2nd Chance; Denise Sutton, owner
- d. Kids Korner Clothes 7 More; Dana Veers, owner

Motion carried

Secondhand Article Dealer license application of AJ's Buy Sell & Pawn. Police Chief Stroik said that this business has not been open for business for at least three years.

There is nothing in the statutes or the municipal code that states that these businesses have to be up and operating in a certain amount of time. There is no quota for secondhand article dealer licenses.

<u>JLC09-162</u> Motion by Feddick, second by Krueger to grant a Secondhand Article Dealer license to AJ's Buy Sell & Pawn; Joel Lutz, owner.

Motion carried

<u>JLC09-163</u> Motion by Feddick, second by Krueger to grant a Taxicab Operator License to Radio Cab of Marshfield.

Motion carried

The closed session regarding the Beverage Operator Application of Robert Krueger was not held.

Future Agenda Items

None

Motion by Feddick, second by Krueger to adjourn at 6:33 p.m.

Motion carried

Deb M. Hall City Clerk