JUDICIARY, LICENSE AND CEMETERY COMMITTEE
MINUTES OF APRIL 19, 2011

Meeting called to order by Chairperson Wagner at 4:45 p.m., in the Common Council Chambers, City Hall Plaza.
PRESENT: Alderpersons Ed Wagner, Pete Hendler and Alanna Feddick
ABSENT: None
ALSO PRESENT: Alderperson Earll, Police Chief Jepsen, City Clerk Hall, Tim Winch and Brian Hergert.

JLC11-049 Motion by Hendler, second by Feddick to approve the minutes of the April 5, 2011 meeting.
Motion carried

CITIZEN COMMENTS
None

JLC11-050 Motion by Hendler, second by Feddick to approve by unanimous consent the following:

a. Five (5) Beverage Operator Licenses for the 2009-2011 license year to: Amanda Bogdonovich, Ellietta Dahle, Cindy Gaetz, Kayla Eckes and Nikolas Stone.
b. Thirty-five (35) Beverage Operator Licenses for the 2011-2013 license year to: Megan Beatty, Reba Berger, Paige Blume, Dennis Brehm, Karla Brehm, Amanda Breu, Erin Cummings, Jill Dettmann, Allison Diercks, Pat Dunbar, Michael Feirer, William Feirer, Rebecca Ford, Collin Frankwick, Melissa Hartle, Araceli Hernandez, Jennifer Holt, Matthew Iwanski, Jenna Kopf, Elizabeth Krueger, George Kubatzki, Kelly Lenz, Kelly Lesmeister, Allison Lindquist, Brittney Marquardt, Susan Pohlod, Adam Severt, Kyle Sexe, Mindy Stellmach, Christopher Strey, Tavis Swanberg, Amanda Vanderhoof, Julianne Wenzel, Katelyn Willfahrt and Mark Yokimcus.
c. A Temporary Class "B"/"Class B" Retailer's License (Picnic) to the Marshfield Baseball Association for various dates during the Chaparrals Baseball season.
d. A Temporary Class "B"/"Class B" Retailer's License to Main Street Marshfield for July 28, 2011 and July 30, 2011.

Motion carried

JLC10-051 Motion by Feddick, second by Hendler to grant a Beverage Operator License to Christopher Ashton with 25 demerit points assessed for failure to list his violations.
Motion carried

JLC10-052 Motion by Hendler, second by Feddick to grant a Beverage Operator License to Bret Heiting with 25 demerit points assessed for failure to list his most recent 2010 violation.
Motion carried

JLC11-053 Motion by Feddick, second by Wagner to grant a Beverage Operator License to Trevas Stanczyk. Hendler voted Nay.
Motion carried

JLC11-054 Motion by Feddick, second by Hendler to grant a 6-month Class "B" Fermented Malt Beverage License to the Marshfield Softball Association for May 1, 2011 – October 31, 2011.
Motion carried

JLC11-055 Motion by Feddick, second by Hendler to assess 25 demerit points to Robin Kubatzki for selling alcohol to an underage person.
Motion carried

JLC11-056 Motion by Wagner, second by Hendler to assess 25 demerit points to Kathleen's Place for allowing an underage person on a licensed premise.
Motion carried

Joe Krueger filed a claim with the City alleging his property sustained damages due to a sewer backup on February 27, 2011. 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.

Their investigation revealed that certain alleged facts regarding duty or causation are in dispute or unproven and they did not find liability with the City of Marshfield with regard to this matter. The proximate cause of the sewer backup was due to grease blocking the sewer line. This was not due to the liability of the City. The City did not have prior notice of this defect and upon notice, they repaired the problem. A municipality has no liability unless it knew, or should have known, of the existence of a defect and had a reasonable amount of time to repair the defect.

JLC11-057 Motion by Hendler, second by Feddick to deny any liability regarding the claim of Joe Krueger as recommended by Midwest Claims Service pursuant to the Wisconsin Statute for disallowance of claim 893.80 (1g).
Motion carried

JLC11-058 Motion by Feddick, second by Hendler 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 reconsider the Beverage Operator Application of Brian Hergert. Roll call vote, all Ayes. (Time: 5:05 p.m.)
Motion carried

Present in closed session: Alderpersons Wagner, Feddick, Hendler and Earll, Police Chief Jepsen, City Clerk Hall, Brian Hergert and Tim Winch.

Police Chief Jepsen, Brian Hergert and Tim Winch left the closed session at 5:15p.m.

JLC11-059 Motion by Hendler, second by Feddick to return to open session. Roll call vote, all Ayes. (Time: 5:17 p.m.)
Motion carried

Chairperson Wagner said that the committee considered the appeal of Brian Hergert on the denial of his bartender license. They found that there was no valid reason for them to overturn their original decision. Mr. Hergert was aware that he needed a license to serve alcohol while working alone in the bar but he did it any way.

JLC11-060 Motion by Hendler, second by Feddick to uphold the original decision of the committee to deny the Beverage Operator application of Brian Hergert based on his recent citation for selling alcohol without a license and not listing this on this application and the 2005 THC violation.
Motion carried

Future Agenda Items
None

Motion by Hendler, second by Feddick to adjourn at 5:20 p.m.
Motion carried

Deb M. Hall
City Clerk

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