JUDICIARY, LICENSE AND CEMETERY COMMITTEE
MINUTES OF NOVEMBER 1, 2011

Meeting called to order by Chairperson Wagner at 4:00 p.m., in the Common Council Chambers, City Hall Plaza.
PRESENT: Alderpersons Ed Wagner, Pete Hendler and Alanna Feddick
ABSENT: None
ALSO PRESENT: Alderpersons Cummings, Feirer and Earll, Police Chief Jepsen, City Attorney Wolfgram, City Administrator Barg, Asst. Finance Director Hanson, City Clerk Hall and Jean Peterson from Wendy's.

JLC11-137 Motion by Hendler, second by Feddick to approve the minutes of the October 11, 2011 meeting.
Motion carried

CITIZEN COMMENTS
None

JLC11-138 Motion by Hendler, second by Feddick to approve by unanimous consent the following:

a. Thirteen (13) Beverage Operator Licenses for the 2011-2013 license year to: Michael Armbruster, Emilie Burrill, Dustin Dietel, Elizabeth Fure, Clifford Hirsch, Shannon Horstmann, Theresa Miller, Robert Popowich, Rebekah Raschke, Thomas Varjabedian, Amber Vine, Amy Zais and Sean Zillmer.
b. Change of Agent on the "Class B" Combination Liquor License of the Knights of Columbus, 400 W. Upham Street from Robert Hannum to Scott Kraft.

Motion carried

JLC11-139 Motion by Hendler, second by Wagner to approve the Beverage Operator license of Eric Cleworth with 25 demerit points assessed for the underage drinking violation. Aye – 1; Nay – 2 (Feddick and Wagner)
Motion failed

JLC11-140 Motion by Feddick, second by Wagner to deny the Beverage Operator license of Eric Cleworth based on failing to list his violations and for the underage drinking violation. Ayes - 3
Motion carried

JLC11-141 Motion by Feddick, second by Wagner to approve the Beverage Operator license of Brittany Conner with 25 demerit points assessed for failing to list her OAS's (operating after suspended). Aye – 1; Nay – 2 (Hendler and Wagner)
Motion failed

JLC11-142 Motion by Hendler, second by Wagner to deny the Beverage Operator license of Brittany Conner based on habitual offender and failure to list her violations. Aye – 2; Nay – 1 (Feddick)
Motion carried

JLC11-143 Motion by Hendler, second by Wagner to deny the Beverage Operator license of Amanda Sautner based on the failure to list her violations and the number of resisting and obstructing an officer violations. Aye - 2; Nay – 1 (Wagner)
Motion carried

Discussion was held on the agreement that the City of Marshfield has with All Point Restaurants, Inc. d/b/a Wendy's for payment of their delinquent real estate taxes. They are currently two months behind in payments.

City Administrator Barg informed the committee that there are four people involved in the organization. One member was responsible for making the payments which he did not do. The City was contacted by another member of the organization stating that she would be coming to Marshfield on Wednesday, November 2nd to discuss this issue with the Finance Director and will be making the payments. He asked the committee to not act on anything and to give them an opportunity to make those payments.

Attorney Wolfgram suggested using this meeting to make a determination of whether or not a recommendation be made for someone to issue a verified complaint which would be necessary to start this procedure to get it in front of the Council.

The options they committee has are: 1) Do nothing; or 2) Issue a verified complaint to the Council for the Council to make a decision on if the license should be revoked.

JLC11-144 Motion by Hendler, second by Feddick to direct the Chairperson to sign a verified complaint but if payment is received by Tuesday, November 8th the complaint will be withdrawn. Ayes -3
Motion carried

JLC11-145 Motion by Wagner, second by Hendler to assess 25 demerit points to the Bartender License of Connie Wavrunek for selling alcohol to an underage person. Ayes – 2; Nay – 1 (Feddick)
Motion carried

Frontier filed a claim with the City alleging that conduit was damaged during construction at the corner of Oak Avenue and Arnold Street. This incident occurred on August 1, 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. The basis of the denial is that there is no liability on behalf of the City of Marshfield. The City had hired a contractor, Pember Companies, Inc. to complete the construction project in the area. The City is not responsible for the contractor error.

JLC11-146 Motion by Feddick, second by Wagner to deny the claim of Frontier as recommended by Midwest Claims Service pursuant to the Wisconsin Statute for disallowance of claim 893.80 (1g).
Motion carried

Thomas Varjabedian filed a claim with the City alleging that he sustained bodily injury and property damage when he lost control of his motorized scooter at the intersection of Willow Avenue and Fillmore Street in the City of Marshfield on July 19, 2011. He claims the cause of this accident was an excessive amount of loose slag on the roadway, left over from a City maintenance project. 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. Their investigation revealed that certain alleged facts regarding duty of causation are in dispute or unproven. The amount of slag located on the roadway was not excessive.

JLC11-147 Motion by Feddick, second by Hendler to deny the claim of Thomas Varjabedian as recommended by Midwest Claims Service pursuant to the Wisconsin Statute for disallowance of claim 893.80 (1g).
Motion carried

Future Agenda Items
None

Motion by Hendler, second by Feddick to adjourn at 4:35 p.m.
Motion carried

Deb M. Hall
City Clerk