

JUDICIARY, LICENSE AND CEMETERY COMMITTEE
MINUTES OF FEBRUARY 7, 2012

Meeting called to order by Chairperson Wagner at 4:50 p.m., in the Common Council Chambers, City Hall Plaza.

PRESENT: Alderpersons Ed Wagner, Pete Hendler and Alanna Feddick-Goodwin

ABSENT: None

ALSO PRESENT: Alderpersons Buttke, Earll and Feirer, Mayor Meyer, City Administrator Barg, City Attorney Wolfgram, Police Chief Jepsen, Planner/Zoning Administrator Miller, City Clerk Hall and members of the public.

JLC12-008 Motion by Hendler, second by Wagner to approve the minutes of the January 17, 2012 meeting.

Motion carried

CITIZEN COMMENTS

None

Alderperson Feddick-Goodwin arrived at 4:53 p.m.

JLC12-009 Motion by Hendler, second by Feddick-Goodwin to approve by unanimous consent the following:

- a. Eleven (11) Beverage Operator Licenses for the 2011-2013 license year to: Frank Baltus, Danielle Banks, David Feeney, Trevor Fleischman, Heather Hensiak, Leah Hoffman, Elizabeth Salisbury, Dawn Smetak, Daniel Spencer, Paul Weber and Melissa Wehrman.
- b. Change of agent on the "Class A" Combination Liquor License of Markfest, Inc. (Festival Foods) located at 1613 N. Central Avenue from Andrew Cveykus to Mark Gayhart.

Motion carried

JLC12-010 Motion by Hendler, second by Wagner to deny a Beverage Operator license to Jeffrey Makkos with 50 demerit points assessed for his two violations for underage drinking and drug paraphernalia. Feddick-Goodwin voted Nay.

Motion carried

JLC12-011 Motion by Hendler, second by Feddick-Goodwin to recommend approval of Ordinance No. 1221, Payday Lenders to the Common Council.

Motion carried

Franny Holdings, LLC (Clearwater's) Liquor License

Chairperson Wagner explained that Clearwater's Hotel and Convention Center closed about a week ago. They had been operating under the protection of Chapter 11 of the Federal Bankruptcy law which meant that their uncollected property taxes for the year 2010 could not be held against them in taking their license away. But now the Chapter 11 protection has been removed by the court. It is his understanding that the bank out of California is going to initiate foreclosure proceedings but the question is what happens to the liquor license in the meantime. The city can go through the due process and summon Franny Holdings to appear before the committee to show cause why the license should not be taken away for nonpayment of property taxes or wait until the bank appoints a receiver.

The committee talked about waiting for a while to see what happens with the bank before they make a decision on how to proceed.

JLC12-012 Motion by Hendler, second by Feddick-Goodwin to postpone this until the next JLC meeting.

Motion carried

Concealed Weapons

Scott Noble, 1506 W. 7th Street. He talked about the two legal opinions that Dennis Juncer received from the League of Wisconsin Municipalities. Municipal ordinances may not be more stringent than state law. It is Dennis Juncer's opinion that municipal authority to limit concealed carry is limited to posting public buildings owned or leased by the municipality and the municipality can't regulate concealed carry in privately owned property or property other than government bodies. The authority to regulate weapons other than firearms should apply equally to other weapons. He requested that the City not have a city ordinance but instead just adopt the state law.

Attorney Wolfgram said that all of our ordinances apply only within the city limits of the City of Marshfield. As far as the language in our code it is consistent with what the state statute is as far as the municipality's ability to post and prohibit the carrying of concealed or open weapons on government property. The language is identical to that of the state statute. The only difference under our code is that we expanded this to deal with the concept of dangerous weapons. Under state statute it is not addressed at all.

Lawrence Hutchinson, resident of Stratford and a businessman in Marshfield. He struggles with the definition of weapon. Not having a defined definition for what you want to accomplish opens up a can of worms. This will be challenge down the road if there isn't a better definition. He doesn't feel that pepper spray is a weapon. He has taught weapon classes and they have often recommended that pepper spray be carried by women rather than a firearm or a knife. He asked the committee to eliminate the pepper spray and defensive sprays from the ordinance because they are not designed to cause injury, they are designed to incapacitate someone.

The police chief said that they did recognize some issues that they would like to address regarding this ordinance. He has spoken to the city attorney about it. There are some areas that need to be adjusted so he recommended that they rethink the issue as it relates to weapons.

JLC12-013 Motion by Hendler, second by Feddick-Goodwin to direct the police chief and city attorney to work together to make some changes to the ordinance and then come back to the committee to present their recommended changes.

Motion carried

Future Agenda Items

1. Franny Holding, LLC (Clearwaters) liquor license
2. Concealed Weapons Ordinance
3. Cable Ordinance

Motion by Hendler, second by Feddick-Goodwin to adjourn at 5:44 p.m.

Motion carried

Deb M. Hall
City Clerk