JUDICIARY, LICENSE AND CEMETERY COMMITTEE
MINUTES OF DECEMBER 3, 2012

Meeting called to order by Chairperson Wagner at 4:30 p.m., in the Common Council Chambers, City Hall Plaza.
PRESENT: Alderpersons Ed Wagner, John Spiros and Gordon Earll
ABSENT: Alanna Feddick-Goodwin
ALSO PRESENT: Police Chief Jepsen, City Attorney Wolfgram, Asst. Finance Director Hanson, City Clerk Hall, Skylar Domine and Leonard Kurzynski.

JLC12-088 Motion by Spiros, second by Earll to approve the minutes of the November 20, 2012 meeting.
Motion carried

CITIZEN COMMENTS
None

JLC12-089 Motion by Spiros, second by Earll to approve by unanimous consent the following:
a) Four (4) Beverage Operator Licenses for the 2011-2013 license year to: Sara Handrick, Jacqueline Revord, April Ringersma and Rebecca Willfahrt.
b) Secondhand Article Dealer License to AJ's Buy & Sell
c) Secondhand Article Dealer License to Gamestop, Inc.
d) Secondhand Jewelry Dealer License to Jewelers Palette, LLC
e) Secondhand Jewelry Dealer License to Wickersham Jewelry, Inc.
f) Auto Salvage Dealer License to Schmidty's Auto Sales LLC
Motion carried

JLC12-090 Motion by Earll, second by Spiros to deny a Beverage Operator License to Skylar Domine based on his two OWI's within one year.
Motion carried

JLC12-091 Motion by Spiros, second by Earll to deny a Beverage Operator License to Maria Manzella based on her two violations of possession of drug paraphernalia and for failure to list her violations on her application.
Motion carried

JLC12-092 Motion by Earll, second by Spiros to grant a Beverage Operator License to Cori Richardson with 25 demerit points assessed for failure to list her violations on her application.
Motion carried

A hearing was held on the complaint filed related to the "Class B" Combination Liquor Licenses of Ashley Tavern & Ballroom LLC.

Chairperson Wagner read the verified complaint.

The City Clerk notified the committee that Mr. Kurzynski, Ashley Tavern & Ballroom, LLC paid the delinquent taxes on November 30, 2012.

Chairperson Wagner explained that the agreement that Mr. Kurzynski made with the City of Marshfield was not upheld. The complaint itself said that if it was not upheld or if any of the payments were late that the license could be revoked by recommendation of the Judiciary, License and Cemetery Committee.

Mr. Kurzynski, owner of the operations in Marshfield, explained the problem that he had was his manager prior to the one they have now was embezzling money from him and he didn't find out how many bills were out there until they took over control of the business. He had outstanding liquor bills and outstanding bills everywhere. As a result he had to negotiate with all his beverage suppliers otherwise he would not be able to get beverages. He had to pay those bills in order to keep the operation going. All the beverage people were cooperative and he now has all his bills paid with all the suppliers that he had. He tried to do the best he could with the taxes. August came along and he was hoping to make his payment but Workforce sent him a bill for $2,800 to be paid immediately. That is where he had to use the money to keep his employees employed. He apologized for anything that happened. The only reason he made the payment now is he was successful in closing a property in which he had some profit. He was able to use that money to pay the taxes by the November 30, 2012 deadline. It has been an uphill battle ever since the smoking ban started and Central Avenue was reconstructed. They have struggled and struggled and are now seeing some daylight at this time. He needs to keep the operations going.

Questions

Wagner: Mr. Kurzynski how many days a week is the Spot Bar open?

Kurzynski: It is open every day except for Sunday from 6:00 p.m. – Close

Wagner: When he ran into these financial difficulties, when he discovered the alleged embezzlement and he discovered that he couldn't make the payments per the agreement, did he notify the City Attorney?

Kurzynski: He did not notify the City Attorney.

Wagner: Did he notify the City Clerk?

Kurzynski: He thinks they had a discussion, he doesn't remember though. No he didn't have a discussion with the Clerk but he thinks he may have spoken to the City Administrator.

Wagner: Did he get written confirmation from anybody?

Kurzynski: No he didn't.

Wagner: Did he think about asking for an amendment to the agreement?

Kurzynski: I guess I was under the impression that I could meet that November 30, 2012 deadline.

Wagner: Did you sign the agreement on behalf of Ashley Ballroom, LLC?

Kurzynski: I don't know if I signed an agreement or was given the terms. He thinks he was just given the terms.

Hall: The terms were emailed to him by the City Administrator and Mr. Kurzynski accepted the terms via email but nothing was signed.

Wagner: Do you remember that?

Kurzynski: By email he corresponded with Mr. Barg.

Wagner: And you accepted the terms?

Kurzynski: And by telephone.

Wagner: Were you aware that the terms said that if he was late that the licenses could be revoked?

Kurzynski: I guess I was not cognizant. I was assuming that the 30th was going to be the day.

Wagner: But there were two missed days?

Kurzynski: Granted. It has been a real battle and he has been very busy trying to struggle with these entities. He spent day and night at that bar for three weeks, watching the bartenders so that he could get this corrected in terms of the theft. He drove up to Marshfield every day. An hour drive each way and he made the best effort he could. He has no violations that he knows of. They have been checked several times and they run a clean business. He wants to continue to see if he can continue to pay the bank back the loan.

Earll: He asked the Police Chief if his department has had any problems with either one of these bars?

Jepsen: He wished he could answer that for him definitively. He doesn't have access to detailed records at this point. Nothing really jumps out at him.

JLC12-093 Motion by Spiros, second by Earll to go into closed session pursuant to Wisconsin Statute Chapter 19.85 (1)(a) to deliberate concerning the hearing on the complaint relative to the "Class B" Combination Liquor Licenses of Ashley Tavern & Ballroom LLC. Roll call vote, all Ayes.
(Time: 5:00 p.m.)
Motion carried

Present in closed session: Alderpersons Wagner, Spiros and Earll, City Attorney Wolfgram and City Clerk Hall.

JLC12-094 Motion by Spiros, second by Earll to return to open session. Roll call vote, all Ayes.
(Time: 5:18 p.m.)
Motion carried

JLC12-095 Motion by Earll, second by Wagner to suspend the "Class B" Combination Liquor licenses of Ashley Tavern & Ballroom, LLC; 434 S. Central Avenue and 500 N. Central Avenue from January 15 – 31, 2013 and half of the 2012 taxes for these premises need to be paid by January 31, 2013.
Nay - Spiros
Motion carried

Future Agenda Items
Transferring the cemetery responsibilities from the JLC Committee to the Board of Public Works.

Motion by Spiros, second by Earll to adjourn at 5:22 p.m.
Motion carried

Deb M. Hall
City Clerk