

CITY OF ELKHORN
Legislative and Regulatory Committee
Lower Conference Room, 9 S. Broad Street, Elkhorn, Wisconsin

May 24, 2007

Chairman Julie Taylor called the Legislative and Regulatory Committee meeting at 5:30 p.m. followed by Roll Call.

ROLL CALL

Present: Aldermen Julie Taylor, Ronald Dunwiddie, Gary Payson Sr.

Also present: City Administrator Sam Tapson, City Clerk Nancy Jacobson, Police Captain Patrick Slattery

EX-OFFICIO MEMBERS OF COMMITTEES, BOARDS AND COMMISSIONS: VOTING PRIVILEGES

Motion (Payson/Dunwiddie) to recommend to Council an ordinance amending the Elkhorn Municipal Code at Chapter 1: General Government and Chapter 2: The Governing Body to make ex-officio members of committees, boards and commission non-voting members. Motion carried by the majority present.

LIQUOR LICENSE/CONTINUATION OF OPERATIONS

Committee continued discussion of liquor licenses belonging to businesses that are no longer operating but have not surrendered their license. Alderman Payson expressed concern over situations like the fire that occurred at Moy's and would such businesses be safeguarded from an ordinance that requires businesses not operating for a certain number of days or months. Committee directed the City Administrator to prepare an ordinance addressing the issue of businesses not operating for an extended time and to safeguard situations like Moy's. The ordinance will be brought back to Committee for review.

COMMERCIAL VEHICLE PARKING IN PUBLIC RIGHT-OF-WAY/PLAIN VIEW ON PRIVATE PROPERTY

Committee discussed a neighborhood concern Alderman Taylor received from her constituents. A property owner parks his Semi-tractor on the property. Neighbors complained about the noise and diesel fuel odor from the vehicle. City Administrator Tapson said there is no ordinance about parking semis on private property, but it may be in the subdivision's covenants. The City does not enforce covenants, but today they become part of the development agreement and can be addressed by the City. The issue is whether the City should adopt an ordinance that addresses vehicles parked in plain view private property. Committee decided to postpone further discussion until the June meeting.

ORDINANCE TO BAN THE SALE AND USE OF LAWN FERTILIZER CONTAINING PHOSPHOROUS

Motion (Payson/Dunwiddie) to recommend to Council an Ordinance banning the sale and use of lawn fertilizer containing phosphorous to be effective January 1, 2008. Motion carried by the majority present. In discussion, Committee asked the City Administrator to notify the stores and lawn companies of the pending ordinance and its effective date.

BARTENDER OPERATOR’S LICENSE/ADAM TIMOTHY KNIGHT

Motion (Payson/Taylor) to deny the Bartender Operator’s License for Adam Timothy Knight.
Motion carried by the majority present.

RENEWAL LICENSES

- 1) Motion (Payson/Dunwiddie) to recommend to Council approval of the Class “A” Beer / “Class A” Liquor licenses as follows:
 - a. Deakin Isle, Ltd., dba Deakin Isle, Ltd., 41 N. Wisconsin St.
 - b. Elkhorn Wine & Spirits LLC, dba Elkhorn Wine & Spirits, 41 N. Lincoln St.
 - c. Market Plaza of Elkhorn Inc., dba Frank’s Liquor, 58 W. Market St. C
- 2) Motion (Payson/Dunwiddie) to recommend to Council approval of the Class “B” Beer/ “Class B” Liquor licenses as follows:
 - a. Aune Enterprises, Inc., dba Sperino’s Little Italy, Monte Carlo Room & Accustom Catering, 720 N. Wisconsin St.
 - b. Howard Bennett Knight, dba The Jury Room, 39 N. Wisconsin St.
 - c. The Nucleus LLC, dba The Reddroom, 15 E. Walworth St.
 - d. Elk Restaurant, Inc., dba Elk Restaurant, 13 W. Walworth St.
 - e. Kud’s Limited, Inc., dba Two Seasons Bowl, 830 N. Wisconsin St.
 - f. Moy’s Incorporated, dba Moy’s Restaurant, 3 N. Wisconsin St.
 - g. 9 East, Inc., dba Elkhorn Saloon, 9 E. Walworth St.
 - h. Sports Page, Inc., dba Sports Page, Inc., 29 1/2 S. Wisconsin St.
 - i. Duggan Management, LLC, dba Duggan’s, 35 N. Wisconsin St.
 - j. Someplace Else, Inc., dba Someplace Else, 1 W. Walworth St.
 - k. Mark Jennison, dba Breakers Family Billiards, 41 S. Wisconsin St.
- 3) Motion (Payson/Dunwiddie) to recommend to Council approval of the Class “B” Beer Liquor licenses as follows:
 - a. Roni LLC, dba Fiddlesticks, 101 Evergreen Parkway, Unit #7
 - b. Four Lakes Athletic Club, dba Four Lakes Athletic Club, 351 E. Morrissy Drive
 - c. Wildflower Café Elkhorn LLC, dba Wildflower Café, 18 S. Wisconsin St.
 - d. Brian Taylor, dba Portabella Grill, 1 N. Lincoln St.
- 4) Motion (Payson/Dunwiddie) to recommend to Council approval of the Class “C” Wine license as follows:
 - a. Brian Taylor, dba Portabella Grill, 1 N. Lincoln St.

ORIGINAL LICENSES

- 1) Motion (Payson/Dunwiddie) to recommend to Council approval of the Class “B” Beer license as follows:
 - a. Palazzo Xhabiri, Inc. dba Calabria Restaurant, 31 N. Wisconsin St.
- 2) Motion (Payson/Dunwiddie) to recommend to Council approval of the Class “B” Beer/ “Class B” Liquor licenses as follows:
 - a. Wildflower Café Elkhorn LLC, dba Wildflower Café, 18 S. Wisconsin St.
 - b. Palazzo Xhabiri, Inc. dba Calabria Restaurant, 31 N. Wisconsin St.
- 3) Motion (Payson/Dunwiddie) to recommend to Council approval of the “Class B” Liquor license as follows:
 - a. Roni LLC, dba Fiddlesticks, 101 Evergreen Parkway, Unit #7

BARTENDER OPERATOR’S LICENSE RENEWALS

Committee forwarded on to Council the Bartender Operator’s License Renewals as presented by the City Clerk.

ADJOURNMENT

Motion (Dunwiddie/Payson) to adjourn at 6:07 p.m. Motion carried by the majority present.

Nancy B. Jacobson
City Clerk