

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

May 26, 2011

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, Jerry Anderson

Also present: Police Captain Pat Slattery, Fire Chief Rod Smith, City Clerk Darlene Igl

LICENSES

Captain Slattery stated that background checks associated with all renewal liquor license applications had been completed. Motion (Dunwiddie/Anderson) to approve renewal Class "A" Beer/Class A" Liquor licenses for:

- (1) Deakin Isle, Ltd., dba Deakin Isle, Ltd., Lorna Stone, Agent, 41 N. Wisconsin St.
- (2) Elkhorn Wine & Spirits LLC, dba Elkhorn Wine & Spirits, G. Timothy Shiroda, Agent, 41 N. Lincoln St.
- (3) Market Plaza of Elkhorn Inc., dba Frank's Liquor, Stephanie D. Lueptow, Agent, 58 W. Market St. C
- (4) Wilson Farm Meats, Inc., dba Wilson Farm Meats, Robert R. Schmaling, Agent, 406 S. Wisconsin Street

Motion carried.

Motion (Dunwiddie/Anderson) to approve renewal Class "B" Beer/Class B" Liquor licenses for:

- (1) Aune Enterprises, Inc., dba Sperino's Little Italy, Monte Carlo Room & Accustom Catering, Christopher D. Aune, Agent, 720 N. Wisconsin St.
- (2) Howard Bennett Knight, dba The Jury Room, 39 N. Wisconsin St.
- (3) The Nucleus LLC, dba The Reddroom, Eric K. Messerschmidt, Agent, 15 E. Walworth St.
- (4) Elk Restaurant, Inc., dba Elk Restaurant, Brad Wales, Agent, 13 W. Walworth St.
- (5) Kud's Limited, Inc., dba Two Seasons Bowl, Bruce Kudick, Agent, 830 N. Wisconsin St.
- (6) Moy's Incorporated, dba Moy's Restaurant, King F. Moy, Agent, 3 N. Wisconsin St.
- (7) 9 East, Inc., dba Elkhorn Saloon, Justin Ehrhardt, Agent, 9 E. Walworth St.
- (8) Sports Page, Inc., dba Sports Page, Inc., Dan Ward, Agent, 29 1/2 S. Wisconsin St.
- (9) Someplace Else, Inc., dba Someplace Else, Kristin L. Mohr, Agent, 1 W. Walworth St.
- (10) Mark Jennison, dba Breakers Family Billiards, 41 S. Wisconsin St.
- (11) Roni LLC, dba Fiddlesticks, Chad E. Steen, Agent, 101 Evergreen Parkway, Unit #7
- (12) Viviana Inc., dba Calabria, Raunel J. Torres, Agent, 31 N. Wisconsin St.

Motion amended (Dunwiddie/Anderson) to approve the renewal license for Breakers Family Billiards contingent upon compliance with the fire code (annual inspection/testing of fire extinguishers). Motion carried.

Motion (Anderson/Dunwiddie) to approve renewal Class "B" Beer licenses for:

- (1) Amy Tello, dba Tello's Restaurant, 781 E. Geneva Street

Motion carried.

Motion (Anderson/Dunwiddie) to approve renewal Reserve Class "B" Beer/Class B" Liquor licenses for:

- (1) Cali's Ventures II., dba Charley O's Stone Fire Grill, Judith M. Mann, Agent, 10 W. Evergreen Parkway Unit #1
- (2) Bernard Joaquin, dba Bernie's Pub and Gril, 39 N. Wisconsin.
- (3) David Ornelas Coronado, dba El Toro Mexican Restaurant, 56 W. Market Street

Motion carried.

SNOW EMERGENCY ORDINANCE

Draft language was presented to the Committee for further review at an upcoming meeting.

SIDEWALK CLEARING ORDINANCE

No further information was available at the time of the meeting. Further discussion will take place at a future meeting.

ANNUAL EVENTS, SPECIAL EVENTS, OTHER EVENTS

City Clerk Igl requested clarification on Code Section 12.10. The definition of Annual Events states that these events take place on the public right-of-way. The Special Events definition states that these events are open to the general public which cannot be held completely within the confines of an existing building. It is unclear in the ordinance whether special events are only those held on the public right-of-way or whether this includes events held on private property which are open to the public.

It is also unclear whether an organization is to be charged an application fee. While the practice in place has been that fees were waived for non-profit organizations, the code states that only events and activities sponsored and/or supported by the City or any of its departments and any other local taxing jurisdiction are exempt from the fees. It was agreed by the Committee that events held by departments such as the library or fire department are exempt as well as schools and the County however organizations such as churches and the Chamber of Commerce were not intended to be exempt from the application fees. The Committee asked that revised language be submitted for review at a future meeting.

TRANSIENT MERCHANT

City Clerk Igl requested clarification regarding the definition of transient merchant. The current definition exempts the sale of produce or other perishable products at retail or wholesale by a resident of this state. A business interested in operating a mobile food vending service inquired as to whether registration was necessary. Based on the exemption listed in the definition, it was believed that it was not necessary for this business to register. However, upon a second interpretation, it was found that registration was necessary. Clerk Igl asked that revisions to the definition be considered to provide a clearer basis for requiring registration.

The Committee agreed that it would be beneficial for the City to require the registrations of all transient merchants and asked that revised language be submitted for review at a future meeting.

ADJOURNMENT

Motion (Anderson/Dunwiddie) to adjourn at 6:17 p.m. Motion carried.

Darlene R. Igl
City Clerk