

**CITY OF ELKHORN**  
**Legislative and Regulatory Committee Minutes**  
**First Floor Conference Room, 9 S. Broad Street, Elkhorn, Wisconsin**

**April 2, 2014**

Legislative and Regulatory Committee was called to order at 5:00 p.m. by Alderman Rehberg followed by Roll Call.

**ROLL CALL**

Present: Aldermen Hoss Rehberg, Gary Payson, Sr., Gregory Huss

Also present: Police Chief Joel Christensen, City Clerk Cairie Virrueta

**E-CIGARETTES**

Administrator Tapson said that the county is looking at E-cigarette control measures and the state recently began considering legislative action on them. Administrator Tapson shared two communities ordinances on E-cigarettes. The committee decided to wait to see what the state does.

**SYNTHETIC MARIJUANA- REGULATING SALE**

The District Attorney's office sent a letter to the City regarding regulating the sale of synthetic marijuana with suggested ordinance changes. Mayor Olson recommended to err on the side of caution as it may have adverse health effects and is unregulated. **Motion (Payson/Rehberg) to send to the City Attorney for review and suggested ordinance changes. Motion carried.**

**SIGN ORDINANCE- POLITICAL CAMPAIGN SIGNS**

Administrator Tapson said the placement of campaign signs within the public right-of-way for the recent election brought to light a "conflict" between the language of the Municipal Code and the interpretive enforcement of the Code. The Zoning Code, at 17.8.5 clearly prohibits the placement of campaign signs within the right-of-way. Section 8.04.1 of the Code, which also regulates signage, does not contain a specific reference to campaign signs but it does make reference to "signs of community interest". This reference has been interpreted to include campaign signs, however the Mayor received a complaint regarding political signs placed in the terrace and the signs were identified by the P.D. and moved. Administrator Tapson recommended the code be changed to allow for continuity within the Code, and to specifically address the matter of campaign signage as being prohibited within public right-of-ways. Alderman Payson didn't feel it is a problem and that political signs are informational; Administrator Tapson and Mayor Olson disagreed. Alderman Payson motioned to send the topic to the council; no second. **Alderman Rehberg motioned to send approval of ordinance changes that prohibit political signs in the public right-of-way.** He felt the current wording is confusing for P.D. for enforcement. After discussion, **Alderman Payson seconded Alderman Rehberg's motion. Motion carried.**

**ORDINANCE CHAPTER 19- LIQUOR**

***Alcohol Served at Unlicensed Places of Business***

The committee discussed the newsletter article addressing the matter of business owners serving alcohol to customers during regular business hours, which created many questions by business owners in the City. City Attorney Phillips prepared an Opinion Memorandum on it which supported the article.

***Alcohol in City Parks***

The Code (19.01.05) specifically prohibits any person to "bring, possess, or consume any alcoholic beverage" in a City Park unless a special permit has been issued by the City Clerk. It has been suggested that this section be amended to allow for the consumption of alcoholic beverages during certain City-sponsored events and/or festivals. Mayor Olson pointed out the City can't issue themselves permits, but can allow themselves to serve alcohol in the parks. He would like to see it allowed, mainly for music events and felt having the council approve these events a good procedure to follow. Alderman Payson didn't want alcohol allowed at events for children. Alderman Rehberg wants these events to get council approval and the P.D. to be made aware of them. Administrator Tapson recommended the events go through the Clerk's office, then to staff to review and then to council for approval with every event needing approval. The committee felt it would be good to come back in a year and review the allowing of alcohol at City events. **Motion (Payson/Rehberg) to have the council approve, after staff review, the allowing of alcohol at City sponsored events.**

**Motion carried.**

**ELKHORN LAKE PERMITTING OF POWER BOATS- DISCUSSION ON POSSIBLE CODE AMENDMENT**

Administrator Tapson said in the past Elkhorn Lake was DNR waters of the state and it was determined that power boats on the lake was not allowed and the City restricted them. This situation has changed; while still state water, the lake is considered a private lake owned by the City and the City can determine use of the lake. Mayor Olson said the Lauderdale Aqua Skiers Club used to practice and have shows on the lake in the past and they are looking to do it again. He recommended the City allow power boats on the lake and charge the club a fee for use of the lake. They would need to provide a schedule of their use of the lake, with a priority given to any City events at the lake. Mayor Olson said it would be a good opportunity to create an event for the community. Administrator Tapson said the ordinance could be changed to allow power boats. Alderman Rehberg felt it created a gray area with allowing power boats and swimming and would like to see the current ordinance and do research on it. He would like opinions from the P.D. and Fire Chief. The committee decided to continue the discussion at the next committee meeting to take place on April 9<sup>th</sup>.

**ADJOURNMENT**

Motion (Payson/Rehberg) to adjourn at 5:57 p.m.

Cairie L. Virrueta  
City Clerk