

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

November 12, 2014

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

ROLL CALL

Present: Aldermen Hoss Rehberg, Gregory Huss, Bruce Lechner

Also present: Administrator Tapson, Police Captian Jon Anzalone, City Clerk Cairie Virrueta, Library Director Lisa Selje, Rick Sallman,

Restaurant 31 "Class B"/Class "B" License Use Status

Clerk Virrueta said the owner of Restaurant 31 called and told her that it is currently for sale, however, while it is closed for daily service, it is still doing business with private banquets and parties and would like to keep their licenses. If the business doesn't sell, the owner plans to reopen in the spring. Administrator Tapson said City ordinance does address the closing of a licensed premise and recommended that Clerk Virrueta get a written letter from the owner of his current plans to put into his file.

Continued Discussion Regarding Sales of Fermented Malt Beverages at Gas Stations, Stores, and Drive-up Food or Beverages Establishments

Aldermen Huss and Lechner felt that gas stations should be able to sell fermented malt beverages. Administrator Tapson said the City has been approached by these types of establishments to obtain a license and they have been told no; the committee needs to determine why this type of regulation is needed. Captain Anzalone said gas stations are allowed to sell until midnight, and others until 9 p.m. Alderman Huss felt 9 p.m. was a reasonable closing time and perhaps the product area would need to be closed off. Captain Anzalone said a potential increase in underage buying due to younger staff at these establishments could take place. Alderman Rehberg asked if sales should take place in stores and drive-up establishments. The aldermen agreed that gas station sales would be allowed, but not at stores or drive-ups. Alderman Huss asked staff to get a sample ordinance that allows sales of fermented malt beverages at gas stations.

Continued Discussion Regarding Keeping of Honeybees in the City

Rick Sallman spoke to the committee regarding beekeeping. He wrote up a proposal for the City of Delavan to create a beekeeping ordinance. He said the proposal has lot line requirements, a \$50 initial fee with \$10 yearly renewals, inspections and neighbors need to approve by 51%. Beekeepers are required to take a class and the bee breeds for the hives are gentle. He said if it is set up correctly, they are an asset to the community as bees are currently in peril. If persons are allergic to bee stings, they provide a letter from their doctor to prohibit their neighbors from having bees. He is currently Delavan's liaison and he could ask at the Elkhorn Bee Club if someone would willing to be a liaison for Elkhorn. He said a six foot fence or hedgerow bushes are recommended and the committee discussed if the City ordinance would allow it. He recommended a hive be setback 10 feet from property lines. He recommended allowing two hives, three for a swarm and one in the house for observation. Committee asked Clerk Virrueta to get the proposal from the City of Delavan.

Continued Discussion Regarding Allowing Chickens in the City

Alderman Huss was opposed to allowing chickens in the City due to the odor and noise they produce. Alderman Lechner supported it, if it was done correctly. He felt it allowed kids to have chickens for fair projects, was educational and gave people an opportunity to have their own eggs. Alderman Rehberg felt chickens should be only on farms. Captain Anzalone asked how it would be enforced. **Motion (Huss/Rehberg) to deny allowing chickens in the City. Voice vote; Huss/Rehberg supported; Lechner opposed, motion carried.**

Changes to Chapter 12, Direct Sellers Requiring Farm Stands on City Property to Provide Insurance

Upon further review of conflicts with Farm Stand regulations in Chapter 17 and Chapter 12, it was recommended to keep the Chapter 17 ordinance change as is and to change Chapter 12, Direct Sellers to require Farm Stands to provide liability and auto insurance to the City as they set up on City property. Currently farm stands on City property are exempt from all provisions per language in Chapter 12. Administrator Tapson asked if sales should be allowed in the public right-of-way. Alderman Lechner asked if the stand on Church Street was an issue. Clerk Virrueta confirmed with the committee that the ordinance change for Chapter 17 will go to council for a second reading on Monday; they agreed. Chapter 12 will be changed and presented for the next committee meeting.

ADJOURNMENT

Motion (Huss/Lechner) to adjourn at 5:42 p.m.

Cairie L. Virrueta
City Clerk