

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

May 26, 2016

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, Bruce Lechner, Cathy Bensaid)

Also present: Police Chief Joel Christensen, City Clerk Cairie Virrueta, City Attorney Ward Phillips, Frank Lueptow, Stephanie Lueptow, Chris Clapper

Discussion on How City Disposes of Surplus Materials

Alderman Rehberg said Lakeland Bakery inquired into buying bikes from the City and after talking with staff he recommended this go to the Finance & Judicial Committee, per City ordinance. Police Chief Christensen said the bikes are not surplus materials, but lost or abandoned property and Ordinance No. 3.03.02 says the City will have an annual auction, however he recommended changing that so items can be disposed of more frequently so the City doesn't have to store them as long. Revisions will be sent to Finance.

Review City Alcohol Beverage Ordinance for Class A License Guidelines regarding "Freestanding Buildings"

After much discussion and consideration of changing the 'freestanding buildings' requirement for Class A licenses, the committee decided that it wanted to exclude alcohol sales at gas stations, convenience stores, grocery stores, etc. City Attorney Phillips said if the City allows it at one business, it should allow it at all businesses otherwise it is difficult to defend. Alderman Rehberg asked that the ordinance be specific when about excluding alcohol sales at gas stations, convenience stores, etc.

Discussion on Changes to the Sex Offender Residency Ordinance

The committee discussed whether offenders can reside in the City during an appeal; City Attorney Phillips said the ordinance already says they can't. Police Chief Christensen said the PD has a difficult time enforcing this as the only recourse is against the property owner and they can't cite sex offenders whom continue to live in the City. The City Clerk would like the appeal process to be more organized. City Attorney Phillips said a time frame for the City to respond to an appeal can't be put into the ordinance, per State Statutes. The committee decided not to make any changes to the ordinance.

Renewal and New Alcohol Licenses

The City Clerk said all applications were forwarded to the Police Chief, Fire Chief and Building Inspector. The committee considered the following renewal and new alcohol licenses.

- 1) Renewal Class "A" Fermented Malt Beverage / "Class A" Liquor
 - a) Elkhorn Wine & Spirits LLC, dba Elkhorn Wine & Spirits, G. Timothy Shiroda, Agent, 41 N. Lincoln St.
 - b) Market Plaza of Elkhorn Inc., dba Frank's Liquor, Stephanie D. Lueptow, Agent, 58 W. Market St. C
 - c) Wilson Farm Meats, Inc., dba Wilson Farm Meats, Robert R. Schmaling, Agent, 406 S. Wisconsin St.

Motion (Lechner/Bensaid) to recommend all renewal Class "A" Fermented Malt Beverage/"Class A" Liquor License Renewals. Voice vote; all approved; motion carried.

- 1) Renewal Class "B" Fermented Malt Beverage / "Class B" Liquor
 - a) Aune Enterprises, Inc., dba Sperino's Little Italy, Pepperoni Pub, Monte Carlo Room & Accustom Catering, Christopher D. Aune, Agent, 720 N. Wisconsin St.
 - b) Howard Bennett Knight, dba The Jury Room, 20 S. Wisconsin St.
 - c) Elk Restaurant, Inc., dba Elk Restaurant, Brad Wales, Agent, 13 W. Walworth St.

- d) Moy's Restaurant Inc., dba Moy's Restaurant, Paul Moy, Agent, 3 N. Wisconsin St.
- e) 9 East, Inc., dba Elkhorn Saloon, Justin Ehrhardt, Agent, 9 E. Walworth St.
- f) Sports Page Barr, Inc., dba Sports Page, Betty Barr, Agent, 29 1/2 S. Wisconsin St.
- g) Someplace Else, Inc., dba Someplace Else, Kristin L. Mohr, Agent, 1 W. Walworth St.
- h) Roni LLC, dba Fiddlesticks, Chad E. Steen, Agent, 101 Evergreen Parkway, Unit #7
- i) Viviana Inc., dba Calabria, Raunel J. Torres, Agent, 1 N. Lincoln St.

Motion (Lechner/Bensaid) to recommend all renewal Class "B" Fermented Malt Beverage/"Class B" Liquor License Renewals. Voice vote; all approved; motion carried.

- 1) Renewal Reserve Class "B" Fermented Malt Beverage / "Class B" Liquor
 - a) Bernard Joaquin, dba Bernie's Pub and Grill, 39 N. Wisconsin

Motion (Lechner/Bensaid) to recommend renewal of Reserve Class "B" Fermented Malt Beverage/"Class B" Liquor License Renewal. Voice vote; all approved; motion carried.

- 1) Renewal Class "C" Wine and/or Class "B" Fermented Malt Beverage
 - a) Class "C"/Class "B": Lakeland Players LLC., dba Lakeland Players, Warren Radtke, Agent, 15 W. Walworth St., Elkhorn, WI 53121
 - b) Class "C": Friends Forever LLC, dba Friends on the Square, Kelly Odling, Agent, 41 N. Wisconsin St., Elkhorn, WI 53121

City Clerk Virrueta said Friends on the Square included a premise expansion, to include a second story private party room. **Motion (Lechner/Bensaid) to recommend renewal of Class "B" Fermented Malt Beverage and/or "Class C" Wine License Renewals. Voice vote; all approved; motion carried.**

The committee considered the following new license applications:

- 1) Class "B" Fermented Malt Beverage: Friends Forever LLC., dba Friends on the Square, Kelly Odling, Agent, 41 N. Wisconsin St.

Police Chief Christensen believes this license would require a conditional use that needs to go through zoning. The City Clerk will look into it. The committee postponed their decision on this license.

- 2) Class "B" Fermented Malt Beverage/Class "C" Wine: Elkhorn Family Restaurant, Indalecio Medrano, Agent, 56 Market St. #13

Motion (Lechner/Bensaid) to recommend approval. Police Chief Christensen recommended denial of the application for Elkhorn Family Restaurant. The owner/agent failed to disclose three prior DUI's on the application which took place in 2008, 2011 and 2013. In addition, in Caddott, there was an EMC contact with the applicant in 2015 and the notes indicate heavy and consistent alcohol use. **Voice vote, all opposed, motion failed. Motion (Lechner/Bensaid) to deny the Class "B" Fermented Malt Beverage/Class "C" Wine License application to Elkhorn Family Restaurant. Voice vote, all approved, motion carried.**

- 3) Class "B" Fermented Malt Beverage/"Class B" Liquor for Los Tres Hermanos Inc., Salvador A. Hernandez, Agent, 31 N. Wisconsin Street, Elkhorn, WI 53121

Motion (Lechner/Bensaid) to approve the Class "B" Fermented Malt Beverage/"Class B" Liquor for Los Tres Hermanos Inc. The Police Department recommended approval. **Voice motion, all approved, motion carried.**

ADJOURNMENT

Motion (Lechner/Rehberg) to adjourn at 5:17 p.m.

Cairie L. Virrueta
City Clerk