

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

March 30, 2017

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: Mayor Howie Reynolds, Alderman Tom Myrin, City Attorney Ward Phillips, City Clerk Cairie Virrueta, Fire Chief Rod Smith, Sergeant Scott Peterson, Justin Ehrhardt and guest, Jennell and Jonathan Mellor, Gary and Susan Wallem, Vito and Leann Cali, Phillip Zwieg, Tim Shiroda

Consider Class B License Extension for Time Bomb, LLC dba Hi-Fidelity, 11 E. Walworth St.

Time Bomb LLC was issued a Provisional Class B Combination license on October 3, 2016 and had 180 days to open, which is April 3, 2017. Justin Ehrhardt was asking for an extension as it took longer to complete the remodeling of the business than he anticipated. He asked for a 60 day extension. City Clerk Virrueta said state statutes and city ordinances do not address extensions and it would be at the committee's discretion to approve one. ***Motion (Bensaid/Lechner) to recommend extending the Provisional Class B Combination License issued to Time Bomb, LLC for 60 days. Voice vote, all approved, motion carried.***

Consider "Class B" Alcohol/Class "B" Beer Application for Mellor and Son LLC dba Fiddlesticks Bistro, Jennell Mellor, Agent

Mellor and Son LLC applied for a Class B Combination license in February and were denied, as Jonathan Mellor, who signed documents on behalf of the LLC had a felony history. Jonathan Mellor is not a member of the LLC and a new application was submitted without his signatures. City Clerk Virrueta asked Jennell Mellor if they had any documents showing who the members of the LLC are. Jennell provided the City Clerk with the LLC's Operating Agreement which showed Jennell Mellor and Douglas Mellor as the only two members of the LLC. City Attorney Phillips said that Douglas Mellor had three convictions from 1993, for possession of a controlled substance, possession of THC, and an OWI; they were not felonies and there has not been any criminal activity since then. Aldermen Bensaid asked Jennell if she planned to be open for dinner. Jennell replied yes and they would stay open until 9 p.m. ***Motion (Lechner/Rehberg) to recommend approval of a Class B Combination License for Mellor and Son LLC upon compliance with law and payment of fees.*** Alderman Bensaid asked the City Attorney what the committee bases approvals or denials upon. Attorney Phillips said felonies, alcohol related offenses and habitual law offenders would be reasons for denials and that approvals or denials are at the committee's discretion. City Clerk Virrueta said the discretion used should be consistent for all applicants. Mayor Reynolds said the City has traditionally turned down applicants because of a felony or being behind in taxes. The committee noted that Douglas Mellor had three offenses, however it has been over 24 years without any additional criminal activity. ***Voice vote, all approved, motion carried.***

Consider "Class B" Alcohol/Class "B" Beer Application for Plaid LLC dba Plaids Restaurant, Leeann Cali, Agent

Phillip Zwieg, the manager for Plaids, stated that Sundance Creek Ventures I is his family's company and that Dick Mann was bought out two years ago. They do not do any business with Mann. When a previous tenant vacated the building, Plaid LLC took over, received a Class B Combination license from the City and were then approached by Antonio Huerta to purchase the business. They voluntarily surrendered their license to the City when Huerta applied so that it would be evident that they were not allowing anyone else to use their license. Huerta was not approved for a license and Plaid LLC would like to reapply for a license. Antonio Huerta is still working at Plaids but once the LLC receives their license, they plan to shut down for about three weeks to reorganize before they reopen. City Clerk Virrueta said there is confusion with who the current owner is as she received a call the day prior from Gretchen Walbaum who claimed to

be the current manager and who said Antonio Huerta is the current owner and didn't seem to be aware of any ownership change. Clerk Virrueta informed Zwiig that before the license can be issued, a termination of lease between Huerta and Plaid LLC needed to be provided to the City. Zwiig said he would drop it off the next day. Alderman Rehberg asked if the hours would still be 7 a.m. to 9 p.m. Zwiig said yes as they wanted to operate as a restaurant, not a bar, but hours may change later. If hours changed, they did not need to come back to the committee with that information. **Motion (Lechner/Bensaid) to approve the Class B Combination License for Plaids LLC conditioned upon compliance with law, payment of all fees, providing a copy of the Termination of Lease with Antonio Huerta and a letter stating that Antonio Huerta is not a part of the business.** City Attorney Phillips stated that Huerta could work for Plaids LLC however, not in a managerial or similar position. **Voice vote, all approved, motion carried.**

Review Changes to Sump Pump Ordinance

City Attorney Phillips said he put building and zoning officials in the ordinance as enforcement officials. Alderman Rehberg asked if the DPW Manager should also be included. City Attorney Phillips said it could be done and he will change it. The committee felt the ordinance looked good. **Motion (Lechner/Bensaid) to recommend approval of the Sump Pump Ordinance, Chapter 13, Article 4 adding the DPW Manager as an enforcement official. Voice vote, all approved, motion carried.**

Adjournment

Motion (Lechner/Bensaid) to adjourn at 5:33 p.m.

Cairie L. Virrueta
City Clerk