

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

**February 23, 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: Alderman Tom Scott McClory, Administrator Sam Tapson, City Attorney Ward Phillips, Police Chief Joel Christensen, City Clerk Cairie Virrueta, Chris Clapper, Jonathan and Jennell Mellor, Doug Wheaton

**Review Application for “Class B” Liquor/Class “B” Beer for Rollem and Son LLC dba Fiddlesticks Bistro, 101 W Evergreen Pkwy, #7, Agent Jennell Mellor**

Police Chief Christensen reviewed the application which originally only had one LLC member listed, Jennell Mellor. He recently received another Auxiliary Application for Jonathan Mellor that he reviewed. Jonathan answered “yes” to question number two. In the Chief’s reviewed he found a 2008 felony burglary and a 2010 hit and run injury operating while intoxicated. In the Chief’s review of the State Statutes, an application can be denied if the offenses are considered habitual or the offense is a felony unless duly pardoned. City Attorney Phillips said this would apply to anyone who has an ownership interest and Mr. Mellor fits that definition. ***As such the felony along with alcohol fits as a reason for disqualification. Motion (Lechner/Bensaid) to deny the Class B” Liquor/Class “B” Beer application for Rollem and Son LLC dba Fiddlesticks Bistro, 101 W Evergreen Pkwy, #7, Agent Jennell Mellor. Voice vote, all approved, motion carried.*** Jonathan Mellor said he is not an owner. City Attorney Phillips asked him if he signed the lease agreement, Jonathan responded “yes”. Attorney Phillips said that demonstrates ownership interest and this will go to the Common Council meeting.

**Review Ordinance Regarding Chapter 10, Alarms**

Alderman McClory said he was looking for an ordinance that the police department can enforce and he wants it to apply to business and residential property. He said they need to determine the number of warnings and citations. Attorney Phillips said the ordinance deals with public nuisances but that entering private property is problematic. Police Chief Christensen felt the ordinance meets the needs for the police department. He said there is no brightline rule to follow for enforcement as there may be many different scenarios. Alderman Rehberg asked if Chapter 25 needed to be addressed; City Attorney Phillips will take a look at forfeitures. ***Motion (Lechner/Bensaid) to move the Alarm Ordinance, Chapter 10.02 forward.*** Alderman Bensaid asked if it can include allowing the P.D. to call the alarm company; the City doesn’t license alarms so there is no way to know who the company is. ***Voice vote, all approved, motion carried.***

**Review Ordinance Regarding Sump Pumps, Chapter 13.4**

Administrator Tapson prepared the sump pump ordinance and he received recently feedback from the City Attorney and they have not had a chance to discuss it. Two items that need to be covered are to require direct connect to the storm sewer if available, but if not available allow the use of a rain garden or French drain, and to that discharge has to be given direction. The Administrator and Attorney will bring this back to the committee after they discuss it.

**Review Ordinance Regarding Signs, Chapter 17.8**

City Attorney Phillips said creating an ordinance that addresses election signs is difficult. Administrator Tapson asked if he looked at Chapter 8; yes he did. The different sizes for each type of sign was addressed. Doug Wheaton disagreed with the ordinance and provided the committee with his suggested changes. City Attorney Phillips believes the City version will hold up in court. The committee discussed temporary

type signs during an election period. It was suggested to remove the reference to allowing signs during campaign periods and to allow one sign per parcel. Section 17.8(4) regulated signs to 10 sq. ft. per side; that is a mistake and it should be 32 sq. ft. Discussion regarding sign sizes in the downtown business district and B-1 properties; it was suggested to have signs be by permit in order to regulate it. The committee discussed the regulation of one sign on corner lots and changing it to one sign per street frontage for multiple street frontage lots.

**Adjournment**

Motion (Lechner/Bensaid) to adjourn at 6:30 p.m.

Cairie L. Virrueta  
City Clerk