
COMMON COUNCIL MEETING

June 20, 2005

CITY OF ELKHORN

9 S. BROAD ST., ELKHORN, WI 53121

Mayor Michael Roberts called the Common Council to order at 7:00 p.m. in the Council Chambers followed by the Pledge of Allegiance.

ROLL CALL

Present: Mayor Michael Roberts, Aldermen Scott McClory, John Karcher, Howie Reynolds, Julie Taylor

Absent: Aldermen William Hoffmann, Charles Van Dyke

Also present: City Administrator Sam Tapson, City Clerk Nancy Jacobson, City Attorney Representative Randy Leece, Police Chief Joel Christensen,

Others present: James Adams, Jarad Video; Lucas Lauderback, Elkhorn Independent; Garry Wallum, Robert Mann

CONSENT AGENDA

Motion (Reynolds/Taylor) to approve the Consent Agenda items as follows: June 6, 2005, minutes of the Common Council; Bartender Operator License renewals for applicants as attached to expire June 30, 2007; Bartender Operator Licenses for Nicole Collath, Sarah Mayer, Susan Lehmkul, Benjamin Mangold, Katrina Resch, Elizabeth Storer, Phillip Schultz to expire June 30, 2007. Motion carried by the majority present.

MAYOR'S REPORT

Motion (McClory/Taylor) to approve the appointment of Connie Gatz (term to expire July 1, 2008) and the re-appointments of Al Zimmerman (term to expire July 1, 2008) and Marshall Boersma (term to expire July 1, 2007) to the Matheson Memorial Library Board.

ACTION TAKEN

Employee Health Insurance Renewal

Motion (Karcher/Reynolds) to approve the renewal of the employee health insurance renewal with Cornerstone Benefits Administrators. Roll Call vote: John Karcher, yes; Scott McClory, yes; Howie Reynolds, yes; Julie Taylor, yes. Motion carried.

Web Page Design Agreement

Motion (Reynolds/Karcher) to approve the contract for Website Development and Related Services with Municipal Web Services for \$12,400 and for miscellaneous expenses not to exceed a 2005 Budget Adjustment of \$15,000. Roll Call vote: John Karcher, yes; Scott McClory, yes; Howie Reynolds, yes; Julie Taylor, yes. Motion carried.

Ordinance No. 05-10: Amending Chapter 23: Fees for City Services

Motion (Reynolds/McClory) to adopt Ordinance No. 05-10 amending Chapter 23 at Fees for City Services. Motion carried by the majority present.

Ordinance No. 05-13: Amending Chapter 7

Motion (Reynolds/McClory) to waive the first reading for Ordinance No. 05-13 amending Chapter 7 at use of red warning lights by school bus operators. Motion carried by the majority present.

Motion (Reynolds/Karcher) to adopt Ordinance No. 05-13 amending Chapter 7 concerning the use of red warning lights by school bus operators on City streets. Motion carried by the majority present.

Resolution No. 05-23: To Approve a Conditional Use (PUD) for Evergreen Business Park

Motion (Reynolds/McClory) to approve the Conditional Use (PUD) for Evergreen Business Park submitted by SMN Investments with the following conditions:

1. The applicant shall record with the Register of Deeds of Walworth County, all easements shown on the site plan, a statement that the land is to be developed as a planned unit development as approved by the Plan Commission and Common Council, the text agreement as required in section 17.14-5(4) (c) 1.b. and the Approved Development Plan, including all items in said subsection.
2. If no substantial construction has begun within (12) months from the approval of the PUD then without further action by the Plan Commission and without notice to the applicant, the conditional use permit shall become null and void.
3. Minor changes to the locations, setting, height of the buildings and structures may be authorized by the Plan Commission. Major changes such as changes of use, increased density, reduction of green area, open space, off-street parking or pavement widths must be authorized by the City Council. Any changes in the approved plan, which have been approved, must be recorded as amendments in accordance with in accordance with the procedures for recording the approved development plan.
4. Fast food establishments are not permitted in this Planned Unit Development and a maximum of three (3) food service operations shall be permitted
5. For the purpose of this Planned Unit Development “deminimis” retail sales associated with personal services will be excluded in determining floor area requirements. A standard of not more than 10% in gross receipts coming from the sale of tangible goods shall be recognized as “deminimis” use.
6. Retail in the Planned Unit Development shall be limited to no more than 25,000 square feet, total for the site, nor more than 20% of the total occupied floor area (of site B, C, D and E combined) during any given time; and no more than 1/3 of the floor area of any of the development parcels B, D and E). This shall be independent of accessory retailing.
7. No individual retail store should exceed 3,600 square feet of leasable area and no individual food service (i.e. restaurant, deli) or food sales (i.e. grocery, convenience) should exceed 1,800 square feet of leasable area.
8. No food service operation shall be permitted where a trash enclosure is more than 50 feet away from a service door.

9. The approval of this Planned Unit Development excludes the use of auto oriented businesses (i.e. gas stations, convenience stores with gas sales and drive through banking.)
10. Medical and/or dental offices shall be “sole practitioner” facilities.
11. This approval is contingent upon the successful execution of a Development Agreement which will include: Phasing of the development, Landscaping, Sign and Lighting Plans that will be on file with the City Clerk and recorded with the Walworth County Register of Deeds.

The approval is also contingent upon conditions number 4, 6, 8, & 10 being modified with the comments from Teska’s Report and the addition of condition number 12, which states: for the purpose of this PUD personal services, shall be included in the definition of retail.

Motion carried by the majority present.

Way-Finding Signs

Motion (Taylor/Reynolds) to approve the purchase of the way-finding signs as presented by the Downtown Elkhorn Partnership for an amount not to exceed \$7,000. Roll Call vote: John Karcher, yes; Scott McClory, yes; Howie Reynolds, yes; Julie Taylor, yes. Motion carried.

City and Utility Bills

Motion (McClory/Reynolds) to approve the City and Utility Bills for \$1,596,210.52 (Check # Roll Call vote: John Karcher, yes; Scott McClory, yes; Howie Reynolds, yes; Julie Taylor, yes. Motion carried.

Interim Control Ordinance Extension

Motion (Reynolds/Karcher) to extend the Interim Control Ordinance 90 days. Motion carried by the majority present.

Claim for Exemption/Impact Fee Waiver/Lakeland Health Care Center

Motion (Reynolds/McClory) to approve the request from Walworth County for an Impact Fee Waiver for the new health care center with the condition that the old Lakeland Nursing Home be demolished. Motion carried by the majority present.

ADJOURNMENT

Motion (Karcher/McClory) to adjourn the Common Council meeting at 7:50 p.m. Motion carried by the majority present.

Nancy B. Jacobson
City Clerk