
COMMON COUNCIL SPECIAL MEETING
July 17, 2006

CITY OF ELKHORN
9 S. BROAD ST., ELKHORN, WI 53121

Mayor John Giese called the Common Council to order at 7:00 p.m. in the Council Chambers followed by the Pledge of Allegiance, followed by Roll Call.

ROLL CALL

Present: Mayor John Giese; Aldermen Howie Reynolds, Charles Van Dyke, Julie Taylor, Scott McClory, Gary Payson, Ronald Dunwiddie

Also present: City Administrator Sam Tapson, City Clerk Nancy Jacobson, City Attorney Ward Phillips, Public Works Director Terry Weter, Police Chief Joel Christensen, Fire Chief Rod Smith

Others present: Lucas Lauderbach, Elkhorn Independent; David Cole, Lowell Sweet, Greg Nettekoven, Gene Hoffmann, Phil Jones, Lou Amber, Iris Payson, Molly Payson, Gary Payson III

APPOINTMENT OF ALDERMAN SECOND DISTRICT

Motion (Reynolds/Taylor) to appoint Gary Payson Sr. to complete the Alderman Second District term left vacant by John Karcher to expire April 2007. Motion carried by the majority present. City Clerk Jacobson gave the oath to Alderman Payson.

ACTION TAKEN

Consent Agenda

Motion (Van Dyke/Dunwiddie) to approve the following Consent Agenda items: Minutes of June 19, 2006, Council Meeting and July 10, 2006, Special Council meeting ; Bartender Operator's Licenses to expire June 30, 2007, Rebecca J. Rosencrans, Heather M. Hoberg, Rhiannon M. Olcott, Kate Walter, Cynthia DeHart, Dan Nettesheim, Melissa M. Prodoehl; Temporary Class "B"/ "Class B" Bartender Operator's Licenses for Michael J. Zelenka, Thomas H. Markham, Sadie R. Zelenka, Lisa A. Reinke for the JC Kick Ball Tournament; Temporary Class "B"/ "Class B" Retailer's License for St. Patrick Parish Brat Fest to be held 7/29/06 through 7/30/06; Temporary Class "B"/ "Class B" Retailer's License for Elkhorn Jaycees Kick Ball Tournament to be held 8/11/06 through 8/13/06. Motion carried by the majority present.

City and Utility Bills

Motion (Van Dyke/Taylor) to approve the City and Utility Bills for \$1,625,345.48 (Check # 59307 to #59639). Roll Call vote: Dunwiddie, yes; McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

Mayoral Appointments

Library Board Appointments: Motion (Van Dyke/Dunwiddie) to approve the Mayoral appointment of Mary Koss and reappointment of Randy Thelen to the Memorial Library Board of Trustees for a term to expire July 1, 2009. Motion carried by the majority present.

Standing Committees of Common Council:

Motion (Van Dyke/Payson) to approve the appointment of Alderman Scott McClory to **Finance and Judicial Committee**. Motion carried by the majority present.

Motion (Van Dyke/Dunwiddie) to approve the appointment of Alderman Gary Payson to **Municipal Services and Utilities Committee**. Motion carried by the majority present.

Motion (Dunwiddie/Van Dyke) to approve the appointment of Alderman Gary Payson as Committee member of **Legislative and Regulatory Committee** and Alderman Julie Taylor as Chairman. Motion carried by the majority present.

Motion (Van Dyke/Dunwiddie) to approve the appointment of Alderman Scott McClory to **Human Resources**. Motion carried by the majority present.

Liaison Appointment:

Motion (Van Dyke/Dunwiddie) to approve the appointment of Alderman Howie Reynolds to the Recreation Advisory Board. Motion carried by the majority present.

Nettekoven/Lakeland Bakery License Agreement

Motion (Reynolds/Van Dyke) to approve the continuation of a License Agreement between the City of Elkhorn and Lakeland Bakery pending the City Attorney's review. Motion carried by the majority present. In discussion, the agreement originally allowed a small parcel of property belonging to the City of Elkhorn to be used for expansion of the bakery.

Impact Fee Ordinance/Public Hearing

Motion (Reynolds/Payson) to schedule a public hearing at the August 7, 2006, Common Council meeting to hear interested parties concerning the amended Impact Fee Ordinance. Motion carried by the majority present.

City Hall Space Needs/Condition Study

Motion (Reynolds/Taylor) to hire Strang, Inc. to conduct a space needs and condition study of City Hall for a cost of \$11,590. Roll Call vote: Dunwiddie, yes; McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried. In discussion, City Administrator Tapson told Council that the study would be useful information for long term planning. Mayor Giese said that he and Alderman Taylor toured the building and found that the condition is deteriorating and space is not utilized very well. Alderman Taylor said she would like to complete a State Historical Society questionnaire concerning historical status.

Mail Folder and Inserter

Motion (Reynolds/Payson) to approve the purchase of a mail folder and inserter for \$3,900 plus an annual maintenance fee of \$306.90 and a budget of \$2,738 split equally between the water and electric funds. Roll Call vote: Dunwiddie, yes; McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

Water Supply Well No. 8

Motion (Van Dyke/Taylor) to approve the Water Supply Well No. 8 bid from Layne Northwest Co. for \$562,115.00. Roll Call vote: Dunwiddie, yes; McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

Compliance Assurance Plan

Motion (Van Dyke/Dunwiddie) to adopt a Compliance Assurance Plan as required by the Wisconsin Department of Natural Resources to continue to receive funds for recycling. Motion carried by the majority present.

Amendment to Elkhorn Area Fire Protection Agreement/Expense Allocation

Motion (McClory/Dunwiddie) to approve the amendment to Elkhorn Area Fire Protection Agreement. Motion carried by the majority present. Fire Chief Smith said that the amendment changes the expense allocation from assessed value to user based.

Bluestem Meadows/Preliminary Plat/ETP

Motion (Reynolds/Van Dyke) to approve the Bluestem Meadows Preliminary Plat submitted by D & M Investments (Robert Mann) to create an 11 lot subdivision in the Town of Sugar Creek. Motion carried by the majority present.

CSM/Wild/Town of Sugar Creek

Motion (Reynolds/Dunwiddie) to approve the Certified Survey Map for Stuart and Dana Wild to create a 3.64 acre farm separation in the Town of Sugar Creek. Motion carried by the majority present.

Jazzercise Contract Renewal

Motion (Van Dyke/McClory) to renew the Jazzercise Contact for use of the Parks and Recreation Administration Building at Sunset Park. Motion carried by the majority present.

Ordinance No. 06-16 Fair Meadows

Council held the first reading of Ordinance No. 06-16 to rezone lots located at E. Court Street and N. Hannah Street. No action was taken.

Ordinance No. 06-17 303 E. Fair Street

Council held the first reading of Ordinance No. 06-17 to rezone the lot located at 303 E. Fair Street, Tax Key Parcel YAB 00037 submitted by the Walworth County Agricultural Society from RM-2 (Multiple Family Residence District) to P-1 (Park District).

Resolution No. 06-17: CUP/Pete's Tire Service

Motion (Reynolds/Van Dyke) to adopt Resolution No. 06-17 for a Conditional Use Permit allowing for an "auto repair facility" at 1520 N. Fairway Lane in the Fairways Edge Business Park. Conditions are as follows:

1. The specific "Conditional Use" permitted is an "Auto Repair Facility".
2. Outdoor Storage (Tire Rack) shall be restricted to the area designated on the approved Site Plan. No expansion of such area shall ever be made.
3. The tire rack shall be maintained in a neat and debris free manner. The tire rack shall be kept free of insects and vermin.
4. The applicant must provide a landscape buffer of at least six (6) feet in height to screen the outdoor storage area (Tire Rack) from State Hwy 67 and the parcel located directly to the South.
5. All vehicles used in conjunction with the business (cars for repair) shall be located within the building or parked in a designated parking stall.
6. This permit prohibits the parking of semi vehicles and trailers anywhere on the street or anywhere within the paved surface area on the site.
7. All exterior signage must be reviewed and permitted pursuant to Section 17.8 (Signs) of the City Municipal Code.
8. This approval is contingent upon approval of a Stormwater Management Plan, Landscape Plan & Outdoor Lighting Plan by City Staff.

Motion carried by the majority present.

Disposal of Surplus and Abandoned Property

Resolution No. 06-18 authorizing the disposal of surplus and abandoned property was not acted upon. Police Chief Christensen said that a resolution was not necessary, but a declaration that surplus and abandoned property was needed by the Council.

Motion (Reynolds/Van Dyke) to declare that property designated as surplus by the Elkhorn Police Department and Elkhorn Area Fire Department may be sold at auction. Motion carried by the majority present.

PUBLIC COMMENT

Gene Hoffmann commented on using blacktop instead of concrete for the S. Church Street reconstruction and the condition of Stan's Lumber yard.

Phil Jones commented on the blacktop and a hole that is in Randall Street. He asked why the brush isn't picked up regularly. He suggested that the Police make a list of where the brush is left on the curb. The Police could give the list to the street crew to grind.

Lou Amber asked for clarification on parking in the front yard. The Mayor said it was not allowed.

ADJOURNMENT

Motion (Van Dyke/Dunwiddie) to adjourn at 7:50 p.m. Motion carried by the majority present.

Nancy B. Jacobson
City Clerk