

---

**COMMON COUNCIL MEETING**  
**August 20, 2007**

**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 Ronald Dunwiddie, Scott McClory, Gary Payson Sr., Howie Reynolds, Julie Taylor, Charles Van Dyke

Also present: City Administrator Sam Tapson, City Clerk Nancy Jacobson, City Attorney Ward Phillips, Police Chief Joel Christensen, City Engineer Gary Welsh, Electric Utility Director Art Schmitz

Others present: David Cole, Maureen Mayrand, Elkhorn Independent, Jaimie Stilling, Elizabeth Neathery, 1105 Hickory Lane; David Harrington, 1117 Hickory Lane; Karen Joaquin, 1132 Hickory Lane; Michael Swanson, 1212 Hickory Lane

**CONSENT AGENDA**

Motion (Van Dyke/Dunwiddie) to approve the following items on the Consent Agenda: Minutes of the August 6, 2007, Common Council meeting; Bartender Operator Licenses to expire June 30, 2009, for Melinda R. Shaffer, Jaime M. Fischer, and Heather M. Hoberg. Motion carried by the majority present.

**REPORTS OF CITY OFFICERS**

***Mayor's Report***

Mayor Giese reported that the Ad Hoc Committee concerning the Police Department project is reviewing projects done by the architectural firms that submitted their proposals.

***Administrator's Report***

City Administrator Tapson said a joint meeting with the Town of Delavan, City of Delavan and Elkhorn will hold its initial meeting August 28. Aldermen Payson and Dunwiddie are the City of Elkhorn's representatives.

**ACTION TAKEN**

***Electric Department: Mini Digger Derrick***

Motion (Reynolds/Taylor) to approve the purchase of a Mini Digger Derrick from Dueco Sales for \$119,921.00. Roll call vote: Dunwiddie, yes; McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

***Change Order No. 1/City Project No. 07-03 Randall Place***

Motion (Payson/McClory) to approve Change Order No. 1 for City Project No. 07-03 Randall Place Reconstruction at a "0" change in the contract. Motion carried by the majority present.

***Change Order No. 2/City Project No. 07-03 Randall Place***

Motion (Payson/Reynolds) to approve Change Order No. 1 for City Project No. 07-03 Randall Place Reconstruction at an increase of \$1,870.50. Roll call vote: Dunwiddie, yes; McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

***Certified Survey Map/Ridgestone Terrace LLC/West Evergreen Parkway***

Motion (Taylor/Payson) to approve the Certified Survey Map for Ridgestone Terrace LLC located on W. Evergreen Parkway, Tax Parcel YEBP00012 through YEBP00015. Motion carried by the majority present.

***Ordinance No. 07-10: Application and Sale of Fertilizer***

Motion (Payson/Dunwiddie) to adopt Ordinance No. 07-10 amending Chapter 8 Public Works concerning the application and sale of fertilizer. Motion carried by the majority present.

***Ordinance No. 07-12: Annexing Territory to the City of Elkhorn from the Town of Geneva/South of Remer Road***

Motion (Dunwiddie/Reynolds) to adopt Ordinance No. 07-12 annexing territory from the Town of Geneva to the City of Elkhorn property located Remer Road as petitioned by SS & B Investments. Motion carried by the majority present.

***City and Utility Bills***

Motion (McClory/Payson) to approve the City and Utility Bills for \$2,906,470.41 (Check No. 65261 through No. 65585). Roll call vote: Dunwiddie, yes; McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

**PUBLIC COMMENT**

Residents from Green Acres Subdivision presented their concerns over flooding on Hickory Lane and damage to their homes.

Gary Payson Jr., 1121 Hickory Lane said he has had no problems with his property until a temporary driveway with no culvert was installed at a home under construction. He said the area has a history of water problems, but he believes the present flooding was due to the temporary driveway. He asked what kind of liability the City has and who approved the foundation and temporary drive.

Karen Joaquin, 1132 Hickory Lane, and Elizabeth Neatherly, 1105 Hickory Lane, both reported flooding in their homes.

Alderman Gary Payson Sr. asked the City Attorney if he should recuse himself because Gary Payson Jr. is his son. City Attorney Phillips said he would only have to recuse himself if there was a lawsuit. If it is an issue of water in the area, Phillips said he would not have to recuse himself.

City Administrator Tapson asked Payson Jr. if it was a permitting, monitoring and enforcement issue or stormwater management in the area issue. Payson Jr. said the main issue was enforcement. He said there are still underlying issues with stormwater.

Mayor Giese said the concerns of the residents would be put on the Municipal Services and Utilities Committee for discussion. He would notify the residents of this meeting.

**ADJOURNMENT**

Motion (Van Dyke/McClory) to adjourn at 7:35 p.m. Motion carried by the majority present.

---

Nancy B. Jacobson  
City Clerk