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**COMMON COUNCIL MEETING**  
**November 19, 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

Others present: David Cole, Maureen Mayrand, Elkhorn Independent; Jaimie Stillings

**CONSENT AGENDA**

Motion (Van Dyke/Dunwiddie) to approve the following items on the Consent Agenda: Minutes of October 15, 2007, with the correction of the date from October 17 to October 15, and November 5, 2007 Council meetings. Motion carried by the majority present.

**REPORTS OF CITY OFFICERS**

*Mayor's Report*

Motion (Van Dyke/Dunwiddie) to approve the appointment of Sue Zimmerman as Chief Election Inspector. Motion carried by the majority present.

*City Administrator's Report*

City Administrator Tapson said the 2008 Budget has been finalized with the levy set at \$3,076,972. The net increase is approximately \$37 for a home with a median assessed value.

**ACTION TAKEN**

*City and Utility Bills*

Motion (Van Dyke/McClory) to approve the City and Utility Bills (Check #66482 through #66783) for \$2,627,017.34. Roll call vote: Dunwiddie, yes; McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

*BZA Contract Extension*

Motion (Reynolds/Van Dyke) to approve the BZA contract for building inspections and zoning. In discussion, City Administrator Tapson asked that approval of the contract be postponed due to the additions recommended by Finance and Judicial Committee concerning specific language regarding code enforcement and complaint response. Reynolds and Van Dyke withdrew their motion and second. The amended contract will come back in December.

*Health Insurance Rate Adjustment/2007 Budget Adjustment*

Motion (Reynolds/Taylor) to approve a 2007 Budget Adjustment to allow for a Self Insurance Retention (SIR) transfer of \$100,000 on the following pro-rata basis: General Fund (61%); Water Utility (13%); Electric Utility (19.5%); Sewer Utility (4%); and EMS (2%). Roll call vote: Dunwiddie, yes; McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

*Elkhorn West Subdivision Drainage*

City Administrator Tapson reported that the Memorandum of Understanding will be mailed to property owners affected by the improvements to the Elkhorn West Subdivision Drainage. The contract for improvements will be awarded in December.

***Green Acres/Oakwood Subdivision Storm Water Drainage***

Consensus of Council was to move forward with a plan to improve the storm water drainage in the Green Acres/Oak Wood Subdivision. The plan includes making improvements by installing a storm sewer pipe between Oakwood and Hickory Lanes, replacing the manhole at Hickory and MacLean at a cost to the City. In addition, specific culverts would also be replaced with the cost of the material (culverts) paid by the City and saw cutting and restoration by paid by the homeowner. The approximate cost to the homeowner is \$1,950. Council consensus was to special assess for the saw cutting and restoration. The proposal will be presented to property owners at the December 10 Municipal Services meeting. An invitation will be sent out to the property owners. Alderman Payson refrained from comment due to the fact that his son is one of the property owners affected.

***Living Waters Church Certified Survey Map***

Motion (Reynolds/Payson) to approve the Living Waters Church Certified Survey Map. Roll call vote: Dunwiddie, yes; McClory, no; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, no. Motion carried. In discussion, Alderman Taylor said she voted no at Plan Commission to recommend the CSM because it doesn't follow the land use plan and puts sewer across Remer Road which may encourage a subdivision.

***Ordinance No. 07-14: To Amend the Elkhorn Municipal Code at Chapter 17 Zoning Regarding Historic Preservation Commission***

Motion (Taylor/Van Dyke) to adopt Ordinance No.07-14 amending Chapter 17 Zoning amending membership requirements, adding definitions and removing a section concerning the involvement of the Historic Preservation Commission in giving assistance to people selling historic homes. Motion carried by the majority present.

***Ordinance No. 07-15: To Rezone Certain Property Within the Boundaries of the City of Elkhorn/Living Waters Church site***

The First Reading was held for Ordinance No. 07-15 to rezone Lot 1 of the CSM for Living Waters Church, Tax Key No. YVSE00033 from A-1 (Agricultural/Holding District to I-1 (Institutional District).

***Resolution No. 07-22: To Approve a Conditional Use Permit: N. Country Club Parkway in Fairways Edge Business Park***

Motion (Van Dyke/Reynolds) to adopt Resolution No. 07-22 allowing for a Conditional Use Permit for property located on N. Country Club Parkway, Tax Key Parcel YS398500001 subject to the following conditions:

1. The specific "Conditional Use" permitted is a "Light Manufacturing".
2. This approval does not include the use of "Outdoor Storage".
3. All exterior signage shall be reviewed and permitted pursuant to Section 17.8 (Signs) of the City Municipal Code.
4. The project shall be developed in accordance with the approved site plan and architecture.

Motion carried by the majority present.

***Resolution No. 07-23: Resolution Relative to Adopting the 2008 Budget and Tax Levy***

Motion (Reynolds/Van Dyke) to adopt Resolution No. 07-24 establishing the 2008 Budget and Tax Levy in the amount of \$3,076,972.00. Roll call vote: Dunwiddie, yes; McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

***Resolution No. 07-24: Resolution to Adjust Residential Solid Waste Collection***

Motion (McClory/Dunwiddie) to adopt Resolution No. 07-24 adjusting the Residential Solid Waste Collection service fee at \$11.90 per month and will become effective January 1, 2008.

Roll call vote: Dunwiddie, yes; McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

***Contractor Change Order No. 4 Randall Street: “0” change***

Motion (Van Dyke/Reynolds) to approve the Contractor Change Order No. 4 for the Randall Place reconstruction at a “0” change. Motion carried by the majority present.

***Contractor Change Order No. 5 Randall Street: \$18,03.89 change***

Motion (Van Dyke/Reynolds) to approve the Contractor Change Order No. 5 for the Randall Place reconstruction at an increase of \$18,083.89. Roll call vote: Dunwiddie, yes; McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

***Contractor Final Payment Randall Street/Action item***

Motion (Van Dyke/Reynolds) to approve the final payment of \$118,355.58 for the Randall Place reconstruction to Mann Bros. Roll call vote: Dunwiddie, yes; McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

***Contractor Change Order No. 1 Water Supply Well No. 8: \$9,820 change***

Motion (Van Dyke/Dunwiddie) to approve the Change Order for construction of Water Supply Well No. 8 for \$9,820. Roll call vote: Dunwiddie, yes; McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

***Contractor Final Payment Water Supply Well No. 8***

Motion (Van Dyke/Payson) to approve the final payment of the Water Supply Well No. 8 to Layne Northwest for \$35,677.75. Roll call vote: Dunwiddie, yes; McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

***Supplemental Agreement: N Church Street Reconstruction Project Engineering***

Motion (Van Dyke/Taylor) to approve the Supplemental Agreement with Bonostroo for the N. Church Street Reconstruction Project Engineering for \$115,600. Roll call vote: Dunwiddie, yes; McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

***Contract Award: Wetland Overflow Improvement Project***

Motion (Van Dyke/Payson) to approve the contract with Mann Bros. for the Wetland Overflow Improvement Project for \$57,979.60. Roll call vote: Dunwiddie, yes; McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

***Contract Award: Phase I Environmental/Tasch Park***

Motion (Van Dyke/Dunwiddie) to approve the contract with Ayers and Associates for an environmental assessment of Tasch Park, the new Police Department site, for \$2,800. Roll call vote: Dunwiddie, yes; McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

**ADJOURNMENT**

Motion (Van Dyke/McClory) to adjourn at 8:05 p.m. Motion carried by the majority present.

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Nancy B. Jacobson  
City Clerk