
COMMON COUNCIL MEETING
December 17, 2007

CITY OF ELKHORN
COUNCIL CHAMBERS, 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 Scott McClory, Gary Payson, Howie Reynolds, Julie Taylor, Charles Van Dyke

Absent: Alderman Ronald Dunwiddie

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

Others present: David Cole, Stephanie Behrendt, Elkhorn Independent; Bill Korsi, Attorney Brian Schuk, Vernon Beddome, Willow Run Representatives: Fred Burkhardt, Walworth County Economic Development Alliance, John Stewart, Custom Service Plastics, Inc., Russ Dzurick

CONSENT AGENDA

Motion (Van Dyke/McClory) to approve the December 3, 2007, minutes of the Common Council as presented in the Consent Agenda. Motion carried by the majority present.

REPORTS OF CITY OFFICERS

Mayor's Report

Appointment of Chief Inspector for Elections: Motion (McClory/Van Dyke) to approve the Mayoral appointment of Michael Ellsworth as Chief Inspector for Elections from 2008 through 2009. Motion carried by the majority present.

Clerk's Report

Fourth of July Fireworks Contract: Motion (Payson/Van Dyke) to approve the purchase of Fourth of July Fireworks from Bartolotta Fireworks in the amount of \$10,000. Roll call vote: McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried. In discussion, the City Clerk said that Frank and Stephanie Lueptow, of Frank's County Market, will again donate toward the fireworks.

ACTION TAKEN

Willow Run Water Agreement

Motion (Reynolds/Van Dyke) to approve an agreement with Willow Run Association to allow a water service extension to Willow Run RV Park which is outside of the City boundaries and to include the changes as recommended by the City Attorney. Roll call vote: McClory, yes; Payson, no; Reynolds, yes; Van Dyke, yes; Taylor, no. Motion carried. City Attorney Phillips asked that changes be made in the agreement which Attorney Schuk, representing Willow Run, agreed to make prior to execution of the agreement.

Alliant Rate Case Payoff

Motion (Reynolds/McClory) to approve a continuation until conclusion the Alliant Rate Case and to approve the fourth assessment in the Alliant filing of \$7581.84. Roll call vote: McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried. Police Department

Design Services Agreement

Motion (Reynolds/Payson) to approve the agreement with Zimmerman Architectural Studios, Inc. for \$14,750 with clarification of authorized overtime and reimbursable items. Roll call vote: McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

Ordinance No. 07-16: Rezone Mound Road Land Restoration/ETZ Town of Delavan

Motion (Taylor/Van Dyke) to adopt Ordinance No. 07-16 to rezone property located at Tax Key No. FA220400001A in the Town of Delavan from C-1 (Lowland Resource Conservation District) to P-1 (Recreational Park District) to allow for land restoration on the site. Motion carried by the majority present.

Ordinance No. 07-17: Amend Chapter 13 at Section 13.15 Entitled Sewer Service Charge

Motion (Reynolds/Van Dyke) to adopt Ordinance No. 07-17 to establish a rate adjustment for the City of Elkhorn effective January 1, 2008. Motion carried by the majority present.

Resolution No. 07-27: Intent to Obtain a Municipal Industrial Revenue Bond/Custom Service Plastics, Inc.

Motion (Reynolds/Van Dyke) to adopt an Initial Resolution No. 07-27 regarding an Industrial Development Revenue Bond Financing for Custom Service Plastics, Inc. Roll call vote: McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

Reserve Officer Vacancy

Motion (Van Dyke/Taylor) to approve a part time position of a Police Department Reserve Officer. Motion carried by the majority present.

Squad Emergency Warning Equipment

Motion (Van Dyke/Payson) to approve the purchase and installation of emergency warning equipment from General Fire equipment for \$9,668.58 from the 2008 Budget. Roll call vote: McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

NEW BUSINESS (NON-ACTION ITEMS)

Extraterritorial Platting Ordinance

Russell Dzurick, property owner in the Town of Delavan, asked the Common Council to reconsider its Ordinance on Extraterritorial Platting which does not allow property owners in the 1 ½ mile limit outside the City boundaries to divide their land if it is less than 5 acres. He asked if the ordinance intent was to prevent a simple lot line separation for a single family dwelling. He said there is no place for appeal. He is not a large developer and wants to divide his property (9.2 acres) into 2.86 acres each. His property is already zoned to be one acre lots. His proposed land separation was approved by the Town of Delavan.

City Administrator Tapson said staff went to Plan Commission with a concern over unique situations and a change in the ordinance, but on both occasions Plan Commission was unanimous not to change the ordinance.

Mayor Giese asked Dzurick to provide him any materials concerning his land separation and he would review it.

Walworth County Business Retention/Conditions Survey

Fred Burkhardt, Director of Walworth County Economic Development Alliance, presented the results of the Walworth County Business Retention and Conditions Survey to Council. Among the highlights, the survey that Elkhorn has a stable economy; however, the predominance of aged

ownership has no succession plan. He said that there are no huge differences between other municipalities in the County.

ADJOURN INTO CLOSED SESSION

Motion (Van Dyke/McClory) to adjourn by Roll call vote: McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes, into closed session at 8:20 p.m. per SS 19.85 (1) ((e) “Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session,” to discuss the collective bargaining agreement with IBEW.

RECONVENED INTO OPEN SESSION AT 8:40 P.M.

Collective Bargaining Agreement: IBEW

Motion (Payson/McClory) to approve the tentative agreement between the City of Elkhorn and Local 2150, IBEW. Roll call vote: McClory, yes; Payson, yes; Reynolds, yes; Van Dyke, yes; Taylor, yes. Motion carried.

ADJOURNMENT

Motion (Van Dyke/Payson) to adjourn at 8:42 p.m. Motion carried by the majority present.

Nancy B. Jacobson
City Clerk