

**CITY OF ELKHORN
COMMON COUNCIL MEETING
APRIL 6, 2009
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 Ronald Dunwiddie, Gary Payson, Sr., Howie Reynolds, Julie Taylor, Charles Van Dyke.

Others present: City Administrator Sam Tapson, Police Captain Patrick Slattery, City Engineer Gary Welsh, City Attorney Ward Phillips, Clerk Darlene Igl, David DeHaan, Maureen Mayrand – Elkhorn Independent.

REPORTS OF CITY OFFICERS

Mayor's Report

Mayor Giese proclaimed April 25, 2009, as Arbor Day and recognized the City as a Tree City USA.

Mayor Giese appointed Jill Richards and Kathy Wales to the Historic Preservation Commission. Motion (Van Dyke/Dunwiddie) to confirm the appointment as made. Motion carried.

City Administrator's Report

Administrator Tapson reported that following discussions with both Finance and Municipal Services Committees, it had been recommended that the 2009 CIP Project Schedule be revised to include the extension of Morrissy Drive, the Northwest Storm Management project and the reconstruction of West Rockwell.

Administrator Tapson reported that an employee-based Safety Committee had been rewriting a Safety Policy/Manual which is near completion. The City has the opportunity to provide effective risk management/loss control by establishing an Operations Safety Committee.

CONSENT AGENDA

Motion (Van Dyke/Reynolds) to approve the minutes of the March 16, 2009 Common Council meeting with noted changes to listing of attendees and the Land O'Lakes trailer park license renewal. Motion carried.

COMMITTEE REPORTS

Financial & Judicial Committee

Alderman Reynolds reported that the Committee made the recommendation to Council to approve the purchase of computers for the Police Department. Motion (Payson/Van Dyke) to approve the purchase of computers from bIT360 in the amount of \$8,489.97 for the Police Department. Roll call vote – Dunwiddie, yes; Payson, yes; Reynolds, yes; Taylor, yes; Van Dyke, yes. Motion carried.

A payment request for the Lakeland Water Treatment facility expansion was reviewed by the Committee and it was recommended for approval. Motion (Reynolds/Dunwiddie) to authorize payment of \$921,500 to Gilbank Construction, Inc. as submitted by Baxter & Woodman. Roll

call vote – Dunwiddie, yes; Payson, yes; Reynolds, yes; Taylor, yes; Van Dyke, yes. Motion carried.

A payment request for the Willow Run water system connection project was reviewed by the Committee and it was recommended for approval. Motion (Reynolds/Van Dyke) to authorize payment of \$24,303.37 to Odling Construction, Inc. as submitted by Baxter & Woodman. Roll call vote – Dunwiddie, yes; Payson, yes; Reynolds, yes; Taylor, yes; Van Dyke, yes. Motion carried.

After review, the Committee recommended approval of a contract with Layne-Northwest for well #7 pump inspection. Motion (Reynolds/Dunwiddie) to approve the contract with Layne-Northwest for well #7 pump inspection in the amount of \$9,750. Roll call vote – Dunwiddie, yes; Payson, yes; Reynolds, yes; Taylor, yes; Van Dyke, yes. Motion carried.

Alderman Reynolds reported that the Committee had reviewed and has recommended for Council approval an amendments to the Harvest Pointe agreement. Motion (Reynolds/Van Dyke) to approve the Amendment to Harvest Pointe Neighborhood Center Commercial Development Agreement after striking the portion of page 5, paragraph 1 at “as determined by the Developer” to the end of the paragraph. Motion carried.

Committee had reviewed and recommended approval of the TIF #3 Tax Settlement Agreement which was the result of a tax error involving parcels in the Evergreen Business Park. Motion (Reynolds/Van Dyke) to authorize the Mayor/Clerk to execute the Settlement Agreement between the City and D&M Enterprises, LLC. Roll call vote – Dunwiddie, yes; Payson, yes; Reynolds, yes; Taylor, yes; Van Dyke, yes. Motion carried.

Alderman Reynolds reported that the Committee recommended for approval entering into an Investment Management Services Agreement with Community Investment Partners. Motion (Reynolds/Payson) to enter into agreement with Community Investment Partners as proposed. Roll call vote – Dunwiddie, yes; Payson, yes; Reynolds, yes; Taylor, yes; Van Dyke, yes. Motion carried.

Legislative & Regulatory Committee

Alderman Taylor reported that the Committee reviewed and recommended for approval the Demerit Point ordinance and Animal Pickup Fee ordinance.

BOARDS/COMMISSIONS

Plan Commission

Alderman Taylor reported that the Plan Commission has recommended zoning code amendments to Chapter 17 “Planned Unit Development Overlay District”. Motion (Taylor/Reynolds) that a Public Hearing be held by the Plan Commission for zoning code amendments to Chapter 17. Motion carried.

UNFINISHED BUSINESS

Ordinance 09-07: To Rezone Certain Property Harvest Pointe Commercial

Second reading of Ordinance 09-07 to rezone lands located at Harvest Pointe Commercial . Motion (Payson/Dunwiddie) to approve Ordinance 09-07. Motion carried.

NEW BUSINESS

Ordinance 09-08: To Amend Chapter 14 of the Municipal Code

First reading of Ordinance 09-08 to allow the Architectural Review Board to waive the second appearance.

Ordinance 09-09: To Establish a Demerit Point System Guide

First reading of Ordinance 09-09 to establish a demerit point system guide for the Legislative & Regulatory Committee in the suspension or revocation of alcohol/liquor licenses.

Ordinance 09-10: To Amend Chapter 9 of the Municipal Code

First reading of Ordinance 09-10 to establish an animal pickup fee in Section 9.07. It was agreed to add “to the City” to Section 9.07(c) (iii) after “ pickup fee”.

Resolution No. 09-09: Resolution Supporting Participation in “The Big Read” program “Mock on the “Rock”

Resolution No. 09-09 was read for the record by Attorney Ward Phillips. Motion (Payson/Taylor) to approve Resolution 09-09. Motion carried.

Resolution No. 09-10: Establishing a Loss Control/Operations Safety Program

Resolution 09-10 was read for the record by Mayor Giese. Motion (Payson/Taylor) to approve Resolution 09-10. Motion carried.

Police Department Vehicle Contract

Bids had been received for the purchase of a light duty pickup truck. Motion (Dunwiddie/Payson) to approve the vehicle purchase from the low bidder, Badger Truck at a cost of \$17,430.25. Roll call vote – Dunwiddie, yes; Payson, yes; Reynolds, yes; Taylor, yes; Van Dyke, yes. Motion carried.

Police Department Detective Vacancy

Captain Slattery reported that due to a promotion within the Department there is a Detective position vacancy. Motion (Van Dyke/Dunwiddie) to authorize the filling of the Detective vacancy. Motion carried.

Supplemental Engineering Services Agreements

Scope of services agreements from Bonestroo for the 2009 budget projects were presented. Motion (Reynolds/Van Dyke) to approve the W. Geneva Street Reconstruction project contract in the amount of \$58,500. Roll call vote – Dunwiddie, yes; Payson, yes; Reynolds, yes; Taylor, yes; Van Dyke, yes. Motion carried. Motion (Payson/Taylor) to approve the George Martin Way project contract in the amount of \$24,200. Roll call vote – Dunwiddie, yes; Payson, yes; Reynolds, yes; Taylor, yes; Van Dyke, yes. Motion carried. Motion (Van Dyke/Payson) to approve the NW Storm Water Improvements project contract in the amount of \$75,000. Roll call vote – Dunwiddie, yes; Payson, yes; Reynolds, yes; Taylor, yes; Van Dyke, yes. Motion carried. Motion (Dunwiddie/Van Dyke) to approve the Rockwell Street Reconstruction project contract in the amount of \$33,500. Roll call vote – Dunwiddie, yes; Payson, yes; Reynolds, yes; Taylor, yes; Van Dyke, yes. Motion carried. Motion (Reynolds/Van Dyke) to approve the Morrissy Drive Extension project contract in the amount of \$29,200. Roll call vote – Dunwiddie, yes; Payson, yes; Reynolds, yes; Taylor, yes; Van Dyke, yes. Motion carried.

Extraterritorial Zoning Rezone

Motion (Payson/Dunwiddie) to confirm the rezone request as presented to the Joint Extraterritorial Zoning Committee. Motion carried.

PUBLIC COMMENT

There were no public comments made.

ADJOURNMENT

Motion (Payson/Dunwiddie) to adjourn into closed session per SS 19.85(1)(c) “considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility” at 7:51 p.m. Roll call vote – Dunwiddie, yes; Payson, yes; Reynolds, yes; Taylor, yes; Van Dyke, yes. Motion carried.

Motion (Van Dyke/Dunwiddie) to reconvene in open session at 8:14 p.m. Motion carried.

Motion (Van Dyke/Dunwiddie) to adjourn at 8:14 p.m. Motion carried.

Darlene R. Igl
City Clerk