

**CITY OF ELKHORN  
COMMON COUNCIL MEETING  
MAY 4, 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, Scott McClory, Gerald Norton, Howie Reynolds, Julie Taylor, Kim DeHaan.

Others present: City Administrator Sam Tapson, Police Chief Joel Christensen, City Engineer Gary Welsh, Park & Rec Director Jeff Simons, City Attorney Ward Phillips, Clerk Darlene Igl, Maureen Mayrand – Elkhorn Independent, David DeHaan, David Cole.

**REPORTS OF CITY OFFICERS**

***Mayor's Report***

Mayor Giese presented Michael Nigbor with a plaque recognizing his years of service on the Police Department.

**CONSENT AGENDA**

Motion (Dunwiddie/Taylor) to approve the minutes of the April 21, 2009 Common Council meeting, bartender operator's licenses to expire June 30, 2009 for Nicole Langley and Sheri Klein, applications for temporary Class "B"/"Class B" Retailer's Licenses for the Elkhorn Fire Department for June 20 – 21 and 9 East for May 31, and to grant permission to American Legion Post 45 to offer poppies downtown May 14 – May 16. Motion carried.

**COMMITTEE REPORTS**

***Financial & Judicial Committee***

Alderman Taylor reported that the Committee had reviewed and recommended for approval an Amendment to the Brownfields Grant Intergovernmental Agreement. Motion (Taylor/Reynolds) to authorize the Mayor and City Clerk to execute the Intergovernmental Agreement with the Wisconsin Department of Natural Resources. Motion carried.

Alderman Taylor also stated that the Committee had recommended for approval a Post-Issuance Debt Compliance Agreement with Ehlers which would provide a post-issuance debt compliance policy and procedures template at a cost of \$500. Motion (Taylor/McClory) to enter into the Post-Issuance Debt Compliance Agreement as recommended. Roll call vote – Dunwiddie, yes; McClory, yes; Norton, yes; Reynolds, yes; Taylor, yes; DeHaan, yes. Motion carried.

## **BOARDS/COMMISSIONS**

### ***Plan Commission***

Alderman Taylor reported that the Plan Commission recommended approval of a Certified Survey Map to create one parcel on Evergreen Parkway. Motion (Taylor/Reynolds) to approve the Certified Survey Map as presented. Motion carried.

## **UNFINISHED BUSINESS**

### ***Ordinance 09-08: An Ordinance to Amend Chapter 14 of the Municipal Code***

Second reading of Ordinance 09-08 to amend Chapter 14 to allow the Architectural Board to waive a second appearance. Motion (Taylor/Dunwiddie) to approve Ordinance 09-08. Motion carried.

### ***Ordinance 09-09: An Ordinance Establishing a Demerit Point System Guide***

Second reading of Ordinance 09-09 to establish a demerit point system guide to assist the Legislative & Regulatory Committee in the suspension or revocation of alcohol/liquor licenses. Motion (Dunwiddie/Taylor) to approve Ordinance 09-09. Motion carried.

### ***Ordinance 09-10: An Ordinance to amend Chapter 9 of the Municipal Code***

Second reading of Ordinance 09-10 to amend Chapter 9 to establish a \$25 pickup fee for animals running at large. Motion (Taylor/DeHaan) to approve Ordinance 09-10. Motion carried.

## **NEW BUSINESS**

### ***Ordinance 09-11: To Rezone Certain Property within the Boundaries of the Joint Extraterritorial Zoning District – NE Corner of Willowbend Rd. and State Rd. 67***

First reading of Ordinance 09-11.

### ***Resolution No. 09-12: A Resolution Pertaining to Comprehensive Planning Public Participation***

Resolution No. 09-12 was read for the record by Mayor Giese. Motion (Reynolds/Taylor) to approve Resolution 09-12. Motion carried.

## **STAFF REPORTS AND DISCUSSION**

Park & Recreation Director Simons stated that a report regarding the pool drain evaluation had been received from Bonestroo. The report stated that the pool drain is not in compliance and provided a preliminary cost estimate of \$46,000 to \$49,000 for repairs. It was stated this cost estimate may be optimistic and that additional issues may arise during the repair. Several options were discussed including the feasibility of restoring the beach at Babe-Mann park, closing of the pool and the possibility of construction of a new pool which would likely go to a referendum. After discussion, it was requested that contractors are asked to provide detailed quotes including a timeline for the repairs. It was discussed that a special Common Council meeting could be held to review quotes and timelines once the information is available. It was agreed that May 11 would be a target date.

## **PUBLIC COMMENT**

Alderman Kim DeHaan voiced concerns that a trailer parked on Church Street selling flowers was causing traffic issues on Sunday. Chief Christensen stated that he would check into the situation.

David DeHaan asked whether the City needs a pool and whether it gets significant use.

## **ADJOURNMENT**

Motion (Reynolds/Dunwiddie) to adjourn into closed session 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” at 7:45 p.m. Roll call vote – Dunwiddie, yes; McClory, yes; Norton, yes; Reynolds, yes; Taylor, yes; DeHaan, yes. Motion carried.

Motion (Dunwiddie/Taylor) to reconvene in open session at 8:50 p.m. Motion carried.

Motion (Dunwiddie/Taylor) to adjourn at 8:50 p.m. Motion carried.

Darlene R. Igl  
City Clerk