

COMMON COUNCIL MEETING
JUNE 1, 2009
CITY OF ELKHORN
COUNCIL CHAMBERS, 9 S. BROAD ST., ELKHORN, WI 53121

Mayor John Giese called the Common Council to order at 7:03 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, City Attorney Ward Phillips, City Clerk Darlene Igl, DPW Director Terry Weter, Police Chief Joel Christensen, Park & Rec Director Jeff Simons, Electric Director Art Schmitz, David Cole, Maureen Mayrand – Elkhorn Independent, Pedro Oliveira and interested citizens.

CONSENT AGENDA

Motion (Reynolds/Dunwiddie) to approve the minutes of the May 18, 2009 Common Council meeting, bartenders licenses for Sandra Berg and Tiffany Poritz and a temporary class “B” license for St. Patrick’s Parish. Motion carried.

REPORT OF CITY OFFICERS

Administrator Tapson proposed a meeting for June 8th at 5:00 p.m. to discuss the budget process.

COMMITTEE REPORTS

Finance & Judicial Committee

Alderman Taylor reported that the plan for the Tax Refund Intercept Program had been reviewed and was recommended for Council approval. Minor revisions were made to the policy and will be presented to the Council at the next regular meeting.

Alderman Taylor stated that the Commitment to Community Program had been presented to the Committee. Options for administering the conservation program were discussed. The Committee had recommended that Council adopt the policy with Wisconsin Energy Conservation Corporation to administer the Statewide Energy Efficiency program which is called Focus on Energy and the Statewide Low Income Payment Assistance Program for the City. Motion (Taylor/McClory) to adopt the policy as recommended by Committee. Motion carried.

Alderman Taylor reported that several HVAC system issues had been identified. Motion (Taylor/Reynolds) to approve the repairs to the HVAC system to be completed by Westenn Mechanical Contractors and to allow for the transfer of current year contingency funds for this purpose as recommended by Committee. Roll call vote – Dunwiddie, yes; McClory, yes; Norton, yes; Reynolds, yes; Taylor, yes; DeHaan, yes. Motion carried.

Human Resources Committee

Alderman Dunwiddie reported that the Committee had reviewed a Travel and Training Policy which adds language delineating the expense allocation for “per diem” meal allowances as well as hotel accommodations and travel by commercial carriers. This policy would serve as an appendix to the Personnel Policy Manual. A resolution adopting the policy appears later on the agenda.

Alderman Dunwiddie stated that the Committee had reviewed proposed contract language modifications to Section 11 pertaining to education incentive pay scales. The Committee had

authorized Administrator Tapson to finalize a Memorandum of Understanding between the City and LAW to be submitted to Council for approval. Motion carried.

Alderman Dunwiddie reported that the Committee had reviewed draft contract amendments to Section 10.02 which modifies language in Section 10.02 of the LAW contract related to overtime pay for contacting an employee while off duty and had recommended approval by Council. Motion (Dunwiddie/Taylor) to adopt the Side Letter Of Agreement as proposed. Motion carried.

Legislative & Regulatory Committee

Motion (Dunwiddie/McClory) to approve the following renewal licenses contingent upon Building Inspector's Report:

Class "A" Beer / "Class A" Liquor

Deakin Isle, Ltd. dba Deakin Isle, Ltd., Lorna Stone, Agent, 41 N. Wis. St.
Elkhorn Wine & Spirits LLC dba Elkhorn Wine & Spirits, Agent G. Timothy Shiroda, 41 N. Lincoln St.
Market Plaza of Elkhorn Inc. dba Frank's Liquor, Agent Stephanie D. Lueptow, 58 W. Market St. C

Motion (McClory/Norton) to approve the following renewal licenses contingent upon Building Inspector's Report;

Class "B" Beer/ "Class B" Liquor

Aune Enterprises, Inc. dba Sperino's Little Italy, Monte Carlo Room & Accustom Catering, Christopher D. Aune, Agent, 720 N. Wis. St.
Howard Bennett Knight dba The Jury Room, Howard Bennett Knight, Agent, 39 N. Wis. St
The Nucleus LLC dba The Reddroom, Eric K. Messerschmidt, Agent, 15 E. Walworth St
Elk Restaurant, Inc. dba Elk Restaurant, Brad Wales, Agent, 13 W. Walworth St.
Kud's Limited, Inc dba Two Seasons Bowl, Bruce Kudick, Agent, 830 N. Wis. St.
Moy's Inc. dba Moy's Restaurant, Agent King F. Moy, Agent, 3 N. Wis. St.
9 East, Inc. dba Elkhorn Saloon, Justin Ehrhardt, Agent, 9 E. Walworth St.
Sports Page, Inc. dba Sports Page, Inc., Dan Ward, Agent, 29 1/2 S. Wis. St.
Duggan Management, LLC, dba Duggan's, John Duggan, Agent, 35 N. Wis. St.
Someplace Else, Inc. dba Someplace Else, Kristin L. Mohr, Agent, 1 W. Walworth St.
Mark Jennison dba Breakers Family Billiards, 41 S. Wisconsin St.
Roni LLC dba Fiddlesticks, Chad E. Steen, Agent, 101 Evergreen Pkwy. #7
Viviana Inc. dba Calabria, Raunel J. Torres, Agent, 31 N. Wis. St.

Motion (Taylor/Dunwiddie) to approve the following renewal licenses contingent upon Building Inspector's Report;

Reserve Class "B" Beer / Class "B" Liquor

Bernard Joaquin dba Bernie's, 39 N. Wis. St.
Cali's Ventures II dba Charlie O's Stone Fire Grill, Judith Mann, Agent, 10 W. Evergreen Pkwy. #1

Motion (Norton/Reynolds) to approve the following renewal licenses contingent upon Building Inspector's Report;

Class "B" Beer

Pura Vida Corporation dba Casa Maria, Abel Guirtron, Agent, 1 N. Lincoln St.

Motion (Norton/DeHaan) to approve the following renewal licenses contingent upon Building Inspector's Report;

Class “C” Wine .

Pura Vida Corporation dba Casa Maria, Abel Guirtron, Agent, 1 N. Lincoln St.

Mayor Giese stated that the licenses for Wildflower Café were removed from the agenda and is pending Building Inspector’s report.

BOARDS AND COMMISSION

Plan Commission

Alderman Taylor reported that the Plan Commission had reviewed and recommended for Council approval a Conditional Use Permit for the Elkhorn Senior Wellness Center at 504 W. Court Street. The plan includes interior renovations with no additional units. A resolution approving the Conditional Use Permit appears later on the agenda.

UNFINISHED BUSINESS

Ordinance No. 09-13: Adopt The Elkhorn 2030 Comprehensive Plan

Second reading of Ordinance 09-13 to adopt the Elkhorn 2030 Comprehensive Plan. Motion (Reynolds/Dunwiddie) to approve Ordinance 09-13. Motion carried.

Intergovernmental Agreement with Walworth County for Use of “West Wing”

It was reported that the agreement had been approved by Walworth County including language modifications requested by the City. Motion (Reynolds/Dunwiddie) to approve the agreement as revised and reviewed by the City Attorney. Roll call vote - Dunwiddie, yes; McClory, yes; Norton, yes; Reynolds, yes; Taylor, yes; DeHaan, yes. Motion carried.

NEW BUSINESS

Ordinance No. 09-12: An Ordinance To Amend The Elkhorn Municipal Code At Chapter 17 Titled “Zoning”

First reading of Ordinance No. 09-12.

Ordinance No. 09-14: An Ordinance Detaching Territory To The Town Of Delavan

First reading of Ordinance No. 09-14.

Resolution No. 09-15: Conditional Use Permit – Elkhorn Wellness Center

Motion (Reynolds/Norton) to approve Resolution No. 09-15. Motion carried.

Resolution No. 09-16: To Adopt A Training and Travel Policy

Motion (Dunwiddie/Reynolds) to approve Resolution No. 09-16. Motion carried.

Well No. 7 Repairs

DPW Director Terry Weter stated that blockage had been discovered in Well #7 reducing the flow capacity. Motion (Reynolds/Norton) to approve the Work Order/Contract with Layne-Northwest for the repairs to Well No. 7. Roll call vote - Dunwiddie, yes; McClory, yes; Norton, yes; Reynolds, yes; Taylor, yes; DeHaan, yes. Motion carried.

Municipal Pool Discussion

The impact of the Virginia Graeme Baker law on the opening of the pool was discussed. It was discussed that enforcement of the law would not be in place until 2010 but Attorney Phillips stated that opening the pool without the required repairs would subject the City to immense liability.

Dave Burch of Bonestroo presented a project status report stating that the submittal packet had been sent to the State for review. It was recommended that an order be placed for the grates this week. Bonestroo staff has been considering issues such as the pool liner removal so that the warranty will remain in effect. The work schedule and completion date is being discussed with Gilbank Construction. It was recommended that the public be informed of the project status. After discussion by Council, it was agreed that the pool repairs would move forward as approved.

Police Department Vacancy

Chief Christensen stated that due to recent promotions, there is a vacant Patrolman position. Motion (McClory/Dunwiddie) to authorize staffing the Patrolman vacancy. Motion carried.

Police Department Relocation Project

Administrator Tapson asked Council members whether they had issues with gutting the existing structure (West Wing). He stated that the County will be responsible for performing all abatement. It was also stated that there would likely be an agreement between the City and the County regarding the demolition. After discussion, it was agreed that the City would continue to work with the architect to develop a plan which would include the gutting of all existing offices.

EDRL Loan Balance Reduction Request

It was requested that the balance of a loan originally made to Overwear Limited be reduced. It was noted that this loan was previously written off due to bankruptcy and later reaffirmed by the owner of the company. Motion (Reynolds/Norton) to reduce the loan to \$17,500 at 3% with monthly payments of \$250.00. Roll call vote - Dunwiddie, yes; McClory, abstained; Norton, yes; Reynolds, yes; Taylor, yes; DeHaan, yes. Motion carried.

PUBLIC COMMENT

No public comments were heard.

ADJOURNMENT

Motion (Reynolds/Dunwiddie) to adjourn to closed session pursuant to 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.” Mayor Giese stated that the Council would not reconvene in open session. Roll call vote - Dunwiddie, yes; McClory, yes; Norton, yes; Reynolds, yes; Taylor, yes; DeHaan, yes. Motion carried. Adjourned to closed session at 8:20 p.m.

Darlene R. Igl
City Clerk