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**COMMON COUNCIL MEETING**  
**JUNE 7, 2010**  
**CITY OF ELKHORN**  
**COUNCIL CHAMBERS, 9 S. BROAD ST., ELKHORN, WI 53121**

The Common Council meeting was called to order at 6:00 p.m. in the Council Chambers followed by the Pledge of Allegiance, followed by Roll Call.

**ROLL CALL**

Present: Mayor Howie Reynolds, Aldermen Ronald Dunwiddie, Scott McClory, Gerald Norton, Julie Taylor, Kim DeHaan

Others present: City Attorney Ward Phillips, Police Chief Joel Christenson, City Clerk Darlene Igl, Finance Director Mary Hinske, City Engineer Gary Welsh, Fire Chief Rod Smith, DPW Director Terry Weter, Maureen VanderSanden – Elkhorn Independent .

**CONSENT AGENDA**

Motion (Dunwiddie/Taylor) to approve the minutes of the May 17, 2010 Common Council meeting. Motion carried.

**REPORT OF CITY OFFICERS**

*Mayor's Report*

Mayor Reynolds appointed Aldermen Taylor, DeHaan and Dunwiddie to a Selection Committee to interview residents that have submitted letters of interest for the District 1 Aldermanic seat. Motion (McClory/Norton) to confirm the appointments as made. Motion carried.

**COMMITTEE REPORTS**

*Municipal Services and Utilities*

Alderman Dunwiddie reported that the Committee had received estimates for the reconstruction of the private alley behind the fire station. The electric utility would contribute approximately \$7,500 toward the project. After discussion, the Committee recommended that the Council continue to keep the private alley private and to inform the property owners that if they choose to contract for improvements in the alley, the City would contribute \$18,900 to the project. Motion (Dunwiddie/Norton) to accept the recommendations of the Committee and to inform the residents that the City would be willing to contribute 50% (up to \$20,000) to the project. Roll call vote: Dunwiddie, yes; McClory, yes; Norton, yes; Taylor, yes; DeHaan, yes. Motion carried.

Alderman Dunwiddie also reported that the City Engineer has been asked to provide more detailed information to the Committee regarding equipment located within the right of way for the northwest storm sewer relay.

In addition, the committee tabled the Elkhorn lift station #2 repair issue as further information has been requested from WalCoMet.

***Finance & Judicial Committee***

Alderman Taylor reported that the Committee recommended to Council that the purchase card program contract with JP Morgan Chase Bank be renewed. Motion (Taylor/DeHaan) to renew the purchase card program contract with JP Morgan Chase Bank until 2/28/12. Motion carried.

Alderman Taylor stated that Audrey Boss will be terminating her services as Zoning Administrator. Building Inspector Joe Messler has submitted a contract proposal to replace Superior Construction. Upon recommendation of Committee, motion (Taylor/Dunwiddie) to approve the Building Inspection/Zoning Administration Contract with Professional Building Inspection. Motion carried.

Alderman Taylor stated that the Committee had reviewed change orders for the Police Department building project. Motion (Taylor/DeHaan) to approve change orders totaling \$19,227.11. Motion carried.

It was reported that TDS had agreed to the contract with the City for the PD phone system. Motion (Taylor/Dunwiddie) to approve the current contract with TDS for the Police Department phone system. Motion carried.

Motion (Taylor/Norton) to participate in a feasibility study with the Elkhorn Area School District of the 50+ acre parcel adjacent to the high school at a cost of \$2,500. Roll call vote: Dunwiddie, yes; McClory, yes; Norton, yes; Taylor, yes; DeHaan, yes. Motion carried.

***Legislative & Regulatory Committee***

Alderman Taylor reported that the Committee had reviewed and recommended approval of all alcohol beverage licenses as submitted. Motion (Taylor/Norton) to approve the following:

**Renewal Class “A” Beer / “Class A” Liquor**

- a) Deakin Isle, Ltd., dba Deakin Isle, Ltd., Lorna Stone, Agent, 41 N. Wisconsin St.
- b) Elkhorn Wine & Spirits LLC, dba Elkhorn Wine & Spirits, G. Timothy Shiroda, Agent, 41 N. Lincoln St.
- c) Market Plaza of Elkhorn Inc., dba Frank’s Liquor, Stephanie D. Lueptow, Agent, 58 W. Market St. C

Motion carried. Motion (Taylor/Dunwiddie) to approve the following:

**Renewal Class “B” Beer/ “Class B” Liquor**

- a) Aune Enterprises, Inc., dba Sperino’s Little Italy, Monte Carlo Room & Accustom Catering, Christopher D. Aune, Agent, 720 N. Wisconsin St.
- b) Howard Bennett Knight, dba The Jury Room, 39 N. Wisconsin St.
- c) The Nucleus LLC, dba The Reddroom, Eric K. Messerschmidt, Agent, 15 E. Walworth St.
- d) Elk Restaurant, Inc., dba Elk Restaurant, Brad Wales, Agent, 13 W. Walworth St.
- e) Kud’s Limited, Inc., dba Two Seasons Bowl, Bruce Kudick, Agent, 830 N. Wisconsin St.
- f) Moy’s Incorporated, dba Moy’s Restaurant, King F. Moy, Agent, 3 N. Wisconsin St.
- g) 9 East, Inc., dba Elkhorn Saloon, Justin Ehrhardt, Agent, 9 E. Walworth St.
- h) Sports Page, Inc., dba Sports Page, Inc., Dan Ward, Agent, 29 1/2 S. Wisconsin St.
- i) Someplace Else, Inc., dba Someplace Else, Kristin L. Mohr, Agent, 1 W. Walworth
- j) Mark Jennison, dba Breakers Family Billiards, 41 S. Wisconsin St.
- k) Roni LLC, dba Fiddlesticks, Chad E. Steen, Agent, 101 Evergreen Parkway, Unit #7
- l) Viviana Inc., dba Calabria, Raunel J. Torres, Agent, 31 N. Wisconsin St.

Motion carried. Motion (Taylor/McClory) to approve the following:

**Renewal Class “B” Beer**

a) Wildflower Café Elkhorn LLC, dba Wildflower Café, Margaret Kewaleski, Agent, 18 S. Wisconsin St.

b) Pura Vida Corp., dba Casa Maria, Abel Guirtron, Agent, 1 N. Lincoln St.

Motion carried. Motion (Taylor/Dunwiddie) to approve the following:

**Renewal Class “C” Wine**

a) Wildflower Café Elkhorn LLC, dba Wildflower Café, Margaret Kewaleski, Agent, 18 S. Wisconsin St.

b) Pura Vida Corp., dba Casa Maria, Abel Guirtron, Agent, 1 N. Lincoln St.

Motion carried. Motion (Taylor/Dunwiddie) to approve the following:

**Renewal Reserve Class “B” Beer/”Class B” Liquor**

a) Cali’s Ventures II., dba Charley O’s Stone Fire Grill, Judith M. Mann, Agent, 10 W. Evergreen Parkway Unit #1

b) Bernard Joaquin, dba Bernie’s Pub and Gril, 39 N. Wisconsin

Motion carried. Motion (Taylor/Dunwiddie) to approve the following contingent on Duggan’s not applying for a renewal license:

**Class “B” Beer/ “Class B” Liquor**

a) Pura Vida Corp., dba Casa Maria, Abel Guirtron, Agent, 1 N. Lincoln St.

**NEW BUSINESS**

***Resolution No. 10-08: A Resolution To Adopt The City Of Elkhorn Snow And Ice Control Plan***

Motion (Norton/DeHaan) to approve Resolution No. 10-08. Motion carried.

***Resolution No. 10-11: Wisconsin DNR NR208 – Compliance Maintenance Resolution***

Motion (Taylor/Norton) to approve Resolution No. 10-11. Motion carried.

***Ordinance No. 10-09: An Ordinance To Amend The Elkhorn Municipal Code At Chapter 5 Titled “Fire Protection”***

First reading of Ordinance No. 10-09.

***Police Department Furniture***

Chief Christensen stated that despite invitations to bid being submitted to seven vendors only one bid for PD furniture had been received which was from Creative Business Interiors. Motion(McClory/DeHaan) to award the PD furniture contract to Creative Business Interiors in the amount of \$136,862.62. Roll call vote – Dunwiddie, yes; McClory, yes; Norton, yes; Taylor, yes; DeHaan, yes. Motion carried.

***Retaining Co-Counsel in Brummel Matter***

City Attorney Phillips presented information from Attorney Ben Southwick regarding providing co-counsel services to the City. It was discussed that Attorney Phillips generally does not handle this type of case. Fees for Attorney Southwick were presented as \$200.00 per hour with travel at one-half time from his residence in Madison. Motion (Taylor/Dunwiddie) to retain Attorney Southwick as co-counsel in the Brummel matter. Roll call vote – Dunwiddie, yes; McClory, no; Norton, no; Taylor, yes; DeHaan, no. Motion failed. Attorney Phillips will discuss the travel fees with Attorney Southwick.

***Agreement of Indemnification***

Attorney Phillips presented a waiver between the City and the Simons Trust for the purposes of conducting testing on the Simons property to determine whether it would be a suitable site for a municipal water treatment facility and municipal wells. Motion (Taylor/Norton) to approve the Agreement of Indemnification with the Simons Trust. Motion carried.

***Geotechnical Engineering Services Contract – Testing Service Corporation***

A contract with Testing Service Corporation was submitted for conducting geotechnical engineering services for testing the Simons property on Cobb Road. This testing will assist in making the determination of whether the property is suitable for the proposed water treatment facility and storage tanks. Motion (McClory/Norton) to approve the contract with Testing Service Corporation in the amount of \$9,150 for geotechnical engineering services. Roll call vote – Dunwiddie, yes; McClory, yes; Norton, yes; Taylor, yes; DeHaan, yes. Motion carried.

**PUBLIC COMMENT**

There were no public comments made.

**ADJOURN**

Motion (Taylor/Norton) to adjourn at 6:46 p.m.

Darlene Igl  
City Clerk