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**COMMON COUNCIL MEETING**  
**May 2, 2011**  
**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, Julie Taylor, Gary Payson, Sr., Kim DeHaan, Scott McClory, Jerry Anderson.

Others present: City Administrator Sam Tapson, City Attorney Ward Phillips, City Clerk Darlene Igl, Police Chief Joel Christensen, City Engineer Gary Welsh, Finance Director Mary Hinske, Maureen VanderSanden – Elkhorn Independent, Building Inspector Joe Mesler.

**CONSENT AGENDA**

Motion (Dunwiddie/DeHaan) to approve the minutes of the April 19, 2011 Common Council meeting, to grant permission to American Legion Post 45 to offer poppies downtown May 19-May 21 and an operator's license for Tina M. Kruger. Motion carried.

**REPORT OF CITY OFFICERS**

*Mayor's Report*

Mayor Reynolds presented a proclamation recognizing Arbor Day on April 29, 2011.

*City Administrator's Report*

Administrator Tapson stated that he had received confirmation that no second SAG grant would be available for the 201 W. Centralia property in 2011. He stated that he will continue discussions with DNR related to funding sources and the approach to the acquisition.

**COMMITTEE REPORTS**

*Legislative and Regulatory*

Alderman Taylor stated that the Committee had discussed language for a snow emergency ordinance. Draft language for a seasonal parking ordinance will be reviewed at the next meeting.

Committee also discussed sidewalk clearing. Draft language will be revised based on the discussion and will be reviewed at the next meeting.

An application for a "Class A" liquor license for Wilson Farm Meats, Inc. was reviewed and recommended for Council approval.

**BOARDS/COMMISSIONS**

*Plan Commission*

Alderman Taylor stated that the Plan Commission had reviewed and recommended for approval a Downtown Historic District Façade Grant for the property at 25 W. Walworth owned by Bob Lanser. Motion (Taylor/DeHaan) to approve the Downtown Façade Grant to Bob Lanser not to exceed \$7,500. Roll call vote: Dunwiddie, yes; Taylor, yes; Payson, yes; DeHaan, yes; McClory, yes; Anderson, yes. Motion carried.

**NEW BUSINESS**

*Consider "Class A" Liquor License*

Motion (Taylor/Dunwiddie) to approve a “Class A” Liquor License for Wilson Farm Meats, Inc., Agent Robert R. Schmaling, dba Wilson Farm Meats, 406 S. Wisconsin Street. Motion carried.

***Property Maintenance Code***

Alderman DeHaan stated that a procedure should be in place to enforce the property maintenance code. Administrator Tapson stated that a policy had been developed to address complaints related to property maintenance. City Attorney Phillips commented that health and safety issues as well as obvious code violations should be addressed but that the City should be cautious in other areas. The current practice includes Community Service Officers conducting routine inspections which are then referred to the Building Inspector. It was discussed that communications to Council on the status of outstanding property maintenance violations should include regular updates. Administrator Tapson stated that he will draft revisions to the current policy for further review by the Legislative & Regulatory Committee.

**PUBLIC COMMENT**

No public comment heard.

**ADJOURN INTO CLOSED SESSION**

Motion (Dunwiddie/Anderson) to adjourn into Closed Session per State Statute 19.85 (1)(e) by roll call vote “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.”

a. Discuss and consider proposal for sale of land – ECO;  
and per State Statute 19.85(1)(g) “Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

a. Discuss and Consider Liability Claim Settlement

Roll call vote: Dunwiddie, yes; Taylor, yes; Payson, yes; DeHaan, yes; McClory, yes; Anderson, yes. Motion carried. Adjourn in to Closed Session at 6:48 p.m.

**RECONVENE IN OPEN SESSION**

Motion (Dunwiddie/Taylor) to reconvene in open session at 6:58 p.m.

**CLOSED SESSION ACTIONS**

Mayor Reynolds announced that during the closed session, the Council had voted to authorize staff to prepare a letter of understanding outlining the terms of the proposal for the sale of land to ECO. Council also authorized payment of the liability claim be made to Nationwide Agribusiness in the amount of \$15,543.95 subject to receipt of a release of liability being received.

**ADJOURN**

Motion (Dunwiddie/Taylor) to adjourn at 6:58 p.m. Motion carried.

Darlene Igl  
City Clerk