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**COMMON COUNCIL MEETING**  
**September 19, 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 Julie Taylor, Gary Payson, Sr., Kim DeHaan, Scott McClory

Absent: Aldermen Ronald Dunwiddie, Jerry Anderson

Others present: Administrator Tapson, Attorney Kelly Nickel, City Clerk Darlene Igl, Police Chief Joel Christensen, Finance Director Mary Hinske, City Engineer Gary Welsh, Maureen VanderSanden – Elkhorn Independent, Ron Bender, Larry Steen, interested citizens.

**PUBLIC COMMENT**

Larry Steen, 116 N. Washington Street, commended the City and all involved parties on an excellent job on the N. Washington Street reconstruction project. He also stated that he likes the new garbage/recycling collection method and the larger wheeled cart.

**CONSENT AGENDA**

Motion (Taylor/McClory) to approve the minutes of the September 6, 2011 Common Council meeting and bartender operator's licenses for Devin L. Basket and Tiffany R. Brandes. Motion carried.

**BILLS PAYABLE**

Motion (Taylor/McClory) to approve the City and Utility Bills in the amount of \$3,032,620.98 (check number 84272-84581). Roll call vote: Taylor, yes; Payson yes; DeHaan, yes; McClory, yes. Motion carried.

**REPORT OF CITY OFFICERS**

*Mayor's Report*

Mayor Reynolds stated that he is considering options for the City to honor the Smage brothers.

*Administrator's Report*

Administrator Tapson provided a revised CIP project inventory for discussion. It was noted that the most significant proposed additions to the 2012 project schedule are street improvements (S. Broad and N. Sandy Lane), telecommunications (phone system and fiber-optic Wide Area Network) and park facilities (resurfacing of the Sunset Park tennis courts). There were no comments received from the Council

**COMMITTEE REPORTS**

*Municipal Services & Utilities*

Alderman Payson stated that the Committee had reviewed a request from Ron Bender, 326 N. Washington Street related to the construction project. A meeting was scheduled for Sept. 19<sup>th</sup> to

review the proposal related to parking, however, the meeting was cancelled. After discussion, motion (Payson/DeHaan) to replace the area which was asphalt prior to the construction with concrete and to allow Mr. Bender to install pavers in the area between the north drive and the hard surface in the front of the building. Roll call vote: Taylor, yes; Payson, yes; DeHaan, yes; McClory, yes. Motion carried.

The Committee had reviewed a request from a resident to install cameras at Sunset Park and the Lion's Den. After discussion, it was agreed that the situation does not warrant the expense at this time.

Alderman Payson stated that the Committee had discussed the issue of cart replacements by Veolia. Smaller carts were to be delivered to those residents that had requested the change out by Sept. 16. The Committee requested a letter of understanding from Veolia and asked that the provisions related to the exchanging of carts be added to the contract as an addendum. Committee members agreed that after Sept. 16 carts will only be exchanged based on need. Residents interested in swapping the cart for convenience purposes would be able to so for a fee. A proposal had been received from Veolia since the Committee meeting and was reviewed by Council. It was requested that this issue be placed on the Municipal Services agenda for the Sept. 26 meeting. Veolia proposed a cost of \$60 for those residents interested in an exchange for convenience purposes. Motion (Payson/McClory) to place a moratorium on exchanges of carts until agreements are formalized. Motion carried.

#### ***Finance & Judicial***

Alderman Taylor reported that the Committee recommended approval of a contract with Ehlers related to arbitrage with a \$7,000 cap being added as an addendum to the contract.

The Committee had reviewed and recommended for approval an amendment to the building inspection contract to state that non-permit generating activities, including property maintenance code/general code enforcement shall be billed at the rate of \$50 per hour with a minimum one hour charge.

Tree and stump removal bid results were reviewed. The Committee recommended that the bid be awarded to Arbor Images in the amount of \$11,650 and that a budget adjustment in the amount of \$3,325 be made.

Two bids were received for the 2011 mill & overlay project however no action was taken pending the bid tabulation from the City Engineer.

The settlement of TID 2 was discussed and it was recommended that the funds be distributed in 2011 as proposed.

The purchasing of office supplies through a cooperative program was discussed. The City Administrator was asked to contact the local business to request more competitive pricing.

#### **LIAISON REPORTS**

Historic Preservation – Alderman Taylor reported that the Band Shell and City Hall are now included on the WI Register of Historic Places

Fire Advisory Board – none

Library Board – none

Chamber – planning Oktoberfest

Elkhorn Downtown Partnership – none

Police & Fire Commission – none

Recreation Advisory Board – none

Sunset Pool Ad Hoc - none

**NEW BUSINESS**

***Ordinance No. 11-09: An Ordinance to Amend the City of Elkhorn Municipal Code at Section 1.01(4) Ward Boundaries***

Motion (Taylor/DeHaan) to adopt Ordinance No. 11-09. Motion carried.

***Ordinance No. 11-10: An Ordinance to Amend the City of Elkhorn Municipal Code at Section 1.01(5) Aldermanic Districts***

Motion (Payson/McClory) to adopt Ordinance No. 11-10. Motion carried.

***Ehlers Arbitrage Contract***

Motion (DeHaan/Payson) to approve the contract with Ehlers related to arbitrage with a \$7,000 cap being added as an addendum to the contract with the funds coming from debt proceeds. Roll call vote: Taylor, yes; Payson, yes; DeHaan, yes; McClory, yes. Motion carried.

***Building/Zoning Contract Amendment***

Motion (Taylor/DeHaan) to amend the Building Inspection contract to state that non-permit generating activities, which include property maintenance code/general code enforcement shall be billed at the rate of \$50.00 per hour with a minimum one hour charge. Alderman McClory spoke against the amendment. Roll call vote: Taylor, yes; Payson, no; DeHaan, yes; McClory, no. Mayor Reynolds voted yes. Motion carried.

***Tree & Stump Removal Contract/Budget Adjustment***

No action taken.

***TID 2 Settlement***

Motion (Taylor/DeHaan) to authorize the payout of the surplus TID 2 increment in 2011 and to distribute the funds as follows: Capital Fund \$100,000; Vehicle Replacement Fund \$100,000; Risk Management \$50,000; G.O. Debt Service Fund \$150,000. Roll call vote: Taylor, yes; Payson, yes; DeHaan, yes; McClory, yes. Motion carried.

***EDRL Loan: Palmer Hamilton LLC***

Mayor Reynolds stated that the EDRL Committee had recommended an EDRL loan in the amount of at least \$430,000 but not to exceed \$500,000 to Palmer Hamilton, LLC. to purchase a building at 143 S. Jackson Street. Motion (Taylor/Payson) to approve the loan not to exceed \$500,000 to Palmer Hamilton, LLC. Roll call vote: Taylor, yes; Payson, yes; DeHaan, yes; McClory, yes. Motion carried.

***2011 Mill & Overlay: Award Contract***

It was stated that the contract could be awarded for the quantity of the material in the bid or all bids could be rejected. Awarding the contract would allow for the completion of the Koopman/O'Connor project this year. Motion (McClory/Payson) to award the 2011 Mill & Overlay contract to B. R. Amon & Sons in the amount of \$450,025. Roll call vote: Taylor, yes; Payson, yes; DeHaan, yes; McClory, yes. Motion carried.

**PUBLIC COMMENT**

No additional public comments.

**ADJOURN INTO CLOSED SESSION**

Motion (McClory/Taylor) to adjourn into Closed Session per State Statute 19.85 (1)(g) by roll call vote “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. 201 Centralia Property

Roll call vote – Taylor, yes; Payson, yes; DeHaan, yes; McClory, yes. Motion carried.  
Adjourned into Closed Session at 7:00 p.m.

**RECONVENE IN OPEN SESSION**

Reconvened in open session at 7:15 p.m. Motion (McClory/Payson) to authorize the City Attorney to continue negotiations with Walworth County Properties. Motion carried.

**ADJOURN**

Motion (Taylor/McClory) to adjourn at 7:17 p.m.

Darlene Igl  
City Clerk