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

**April 1, 2013**

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 Gary Payson, Sr., Scott McClory, Brian Olson, Jerry Anderson, Jim D'Alessandro, Kim DeHaan

Others present: Administrator Tapson, City Attorney Ward Phillips, Police Chief Joel Christensen, DPW Director Terry Weter, Finance Director Mary Hinske, Electric Utility Director John Murphy, Fire Chief Rod Smith, Library Director Lisa Selje, City Engineer Gary Welsh, Recreation Director Wendy Ard

Visitors: Attorney Tony Coletti, Mr. & Mrs. Wes Erskine, Driton Dzabiroski and Elkhorn Independent Representative

**REPORT OF CITY OFFICERS**

***Mayor's Report***

The Mayor proclaimed April 26, 2013, as Arbor Day in the City of Elkhorn and read into the record the official City proclamation.

The Mayor reported that the Common Council has been exploring several options regarding the future of the City's Municipal Building offices, including the rehab of the current building; purchase of an existing building; and construction of a new facility.

***City Administrator's Report***

Since there are no agenda items at this time, Administrator Tapson requested to cancel Municipal Services and Finance/Judicial Committee meetings to be held on Monday, April 8, 2013. Council consensus that if any agenda item is requested that meetings become necessary, Committee meetings could be rescheduled to Wednesday, April 10, 2013.

**PUBLIC COMMENT**

Attorney Tony Coletti, representing FL Partners, commented on the Council's consideration of his client's application for a Class "B" Beer/Liquor (reserve) license previously submitted on March 18, 2013 by El Pueblito LLC for proposed restaurant to be located at 56 North Market St.

**CONSENT AGENDA**

Motion (D'Alessandro/Olson) to approve the Common Council meeting minutes of March 18, 2013 and the Bartender Operator's License for Ashley Klemp. Motion carried.

**COMMITTEE REPORTS**

***MUNICIPAL SERVICES COMMITTEE***

***Urban Forestry Maintenance***

Alderman Payson reported that the City is in receipt of a proposal from Wachtel Tree Science for an evaluation of ash trees and that Staff was directed to secure a Scope of Services and contract document. No action taken.

***I & I Engineering Services Agreement***

Motion (Payson/Anderson) to approve the engineering services agreement for the 2013 I & I Program not to exceed \$45,000.00. Roll Call Vote. Payson-Yes; McClory-Yes; Olson-Yes; Anderson-Yes; D'Alessandro-Yes; DeHaan-Yes. Motion carried.

***Leaf Collection Program***

Alderman Payson reported that an evaluation of the Leaf Collection Program was provided for review and discussion. It was noted that Advance Disposal is currently providing this service as a part of the solid waste contract. Suggestions were made to improve the program. No action taken.

***Sidewalk Extension Services Agreement for 2013***

Motion (Payson/Anderson) to approve the engineering services agreement for 2013 Sidewalk Extension Services not to exceed \$11,500.00. Roll Call Vote. Payson-Yes; McClory-Yes; Olson-Yes; Anderson-Yes; D'Alessandro-Yes; DeHaan-Yes. Motion carried.

***FINANCE/JUDICIAL COMMITTEE***

***Traffic Safety Equipment Grant***

Motion (McClory/Olson) to approve the budget adjustment in the amount of \$4,000.00 to purchase emergency vehicle warning equipment and a partition requested by the Police Department. Roll Call Vote. Payson-Yes; McClory-Yes; Olson-Yes; Anderson-Yes; D'Alessandro-Yes; DeHaan-Yes. Motion carried.

***Recreation Sound System***

Motion (Payson McClory/Payson) to approve the budget adjustment in the amount of \$1,500.00 for the purchase of a sound system requested by the Recreation Department. Roll Call Vote. Payson-Yes; McClory-Yes; Olson-Yes; Anderson-Yes; D'Alessandro-Yes; DeHaan-Yes. Motion carried.

***Lincoln Street Substation Transformer***

Motion (McClory/Payson) to approve Energis High Voltage Resources, Inc. to perform transformer testing and maintenance at the Lincoln Street Substation at a cost of \$73,305.73 requested by the Electric Department. Roll Call Vote. Payson-Yes; McClory-Yes; Olson-Yes; Anderson-Yes; D'Alessandro-Yes; DeHaan-Yes. Motion carried.

***Electric Department Vehicle Replacement***

Motion (McClory/Olson) to approve the purchase of a replacement vehicle for the Electric Department's 1996 Ford F-350 service truck from Elkhorn Motors, Inc. at the cost of \$56,953.00 which is included in the 2013 budget. Motion carried.

***Walworth County Energy Center Condo Amendments***

Alderman McClory reported that Committee had recommended to Council to execute a letter of agreement and Board resolution subject to legal review regarding the condo agreement for the common storage yard at the rear of the Walworth County Energy Center located on Koopman Lane but due to necessary revisions this document has not been submitted to the City. No action taken.

**LEGISLATIVE/REGULATORY COMMITTEE**

***Class “B” Beer/Liquor License, Garana Restaurant Inc. Driton Dzabiroski, Agent dba Family Ktichen Restaurant, 31 North Wisconsin St.***

Motion (Payson/D’Alessandro) to approve a Class “B” Beer/Liquor license to Garana Restaurant Inc. Driton Dzabiroski, Agent dba Family Ktichen Restaurant, 31 North Wisconsin Street noting that a complete application was filed with the City on March 6, 2013. Motion carried.

***Class “B” Beer/Liquor License, El Pueblito, LLC, Stephen Lueptow, Agent dba El Pueblito, 56 North Market St.***

Motion (Payson/McClory) to approve a Reserve Class “B” Beer/Liquor license to El Pueblito, LLC, Stephen Lueptow, Agent dba El Pueblito, 56 North Market Street, noting that a \$10,000.00 license fee will be charged. Motion carried.

***Municipal Code Amendments: Regulation of Weapons***

Alderman Payson reported that draft language amending Section 9.02 Weapons of the City’s Municipal Code was reviewed and recommended for approval by Committee. It was noted that this amendment would have to be brought forward in ordinance form and would be ready for first reading at the next Council meeting. No action taken.

**ADJOURN TO CLOSED SESSION**

Motion (Anderson/Olson) to Adjourn to Closed Session per State Statute 19.85(1)(c) for “Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility” and per State Statute 19.85(1)(e) for “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. Roll Call Vote. Payson-Yes; McClory-Yes; Olson-Yes; Anderson-Yes; D’Alessandro-Yes; DeHaan-Yes. Motion carried. Adjourned to Closed Session at 6:55 p.m.

**RECONVENE IN OPEN SESSION**

Reconvene in open session at 7:35 p.m. Motion (Anderson/McClory) to approve the LAW Settlement Agreement. Motion carried.

**ADJOURN**

Motion (DeHaan/Olson) to adjourn at 7:40 p.m.