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**COMMON COUNCIL MEETING**  
**September 3, 2013**  
**CITY OF ELKHORN**  
**COUNCIL CHAMBERS, 9 S. BROAD ST., ELKHORN, WI 53121**

The Common Council meeting was called to order at 5:30 p.m. in the Council Chambers followed by the Pledge of Allegiance, followed by Roll Call.

**ROLL CALL**

Present: Mayor Howie Reynolds, Aldermen Brian Olson, Jim Boardman, Jim D'Alessandro, Scott McClory, Hoss Rehberg, Gary Payson, Sr.

Others present: Administrator Tapson, Attorney Ward Phillips, City Clerk Darlene Igl, Police Chief Joel Christensen, Finance Director Mary Hinske, Electric Utility Director John Murphy, Fire Chief Rod Smith, DPW Director Terry Weter, Rec Director Wendy Ard, Chris Clapper.

**PUBLIC COMMENT**

No public comment.

**CONSENT AGENDA**

Motion (Payson/Boardman) to approve the minutes of the August 19, 2013 Common Council meeting and bartender operator's licenses for Adam Stevens and Scott Van Dyke. Motion carried.

**REPORT OF CITY OFFICERS**

*Mayor's Report*

No report.

*City Administrator's Report*

Administrator Tapson stated that correspondence had been received from IBEW stating that they are no interested in representing the union employees. The current IBEW contract remains in place through 12/31/13.

It was stated that information had been received from Attorney Swatek that his client, The Reddroom, was no longer interested in a settlement agreement. It was requested that this item be placed on the next Council agenda.

It was reported by Attorney Phillips that he had received information from the Nickel Plate that the contract that they have with Dept. of Corrections for housing sex offenders renews annually. Chief Christensen stated that he had reviewed convictions over the last ten years and that the proposed ordinance regulating sex offenders residency would not have affected those individuals.

**COMMITTEE REPORTS**

*Finance & Judicial*

Alderman McClory reported that the Committee had reviewed the Chamber's 2014 budget.

There was also preliminary discussion of 2014 budget issues including enhancement of EMS staffing. Due to difficulties in response, outsourcing with be considered for staffing at an estimated cost of \$190,000.

### ***Municipal Services***

Alderman Payson stated that the Committee had discussed whether the City should enter into a contract with Burbach Aquatics and determined that it would be recommended that the City not enter into a contract with Burbach Aquatics at this time. Motion (D'Alessandro/Olson) not to enter into a contract with Burbach Aquatics. Motion carried.

The Committee had discussed adding a section to the I & I sewer relay project to address a grade change on the VIP Services property. Staff reviewed further and agreed that it was not advantageous to add this to the project.

The Committee had authorized Administrator Tapson to proceed with discussions regarding property acquisition for the extension of E. Market Street.

Electric Director Murphy had recommended extension of the contract with UW Whitewater to allow the interns to continue working approximately 16 additional hours per week on the GIS mapping project. Motion (Olson/Payson) to extend the contract as recommended. Roll call vote: Olson, yes; Boardman, yes; D'Alessandro, yes; McClory, yes; Rehberg, yes; Payson, yes. Motion carried.

### ***Human Resources***

Alderman Olson stated that the Committee had reviewed position descriptions and the wage/salary schedule for management/supervisory personnel and employees of the Matheson Memorial Library.

### ***Legislative & Regulatory***

Alderman D'Alessandro stated that the Committee had discussed the regulation of fire bowls and made the recommendation that an exemption for commercially manufactured fire bowls be included in Chapter 5 of the City ordinances. Motion (D'Alessandro/Payson) to modify Chapter 5 as recommended. Motion carried.

The Sex Offender Residency Restriction ordinance draft language will be further reviewed at the next meeting.

The Committee recommended approval of a renewal Class "B" Beer license for Lakeland Players. Motion (D'Alessandro/Payson) to approve a Class "B" Beer license for Lakeland Players, 15 W. Walworth. Motion carried.

### **NEW BUSINESS**

#### ***Ordinance No. 13-08: An Ordinance to Rezone Part of a Property Located within the Boundaries of the City of Elkhorn: 38 N. Broad Street***

Motion (Olson/Payson) to waive the second reading of Ordinance No. 13-08. Motion (Payson/Olson) to adopt Ordinance No. 13-08. Motion carried.

#### ***Conditional Use Permit 13-04: Elkhorn Saloon, 9 and 11 E. Walworth Street***

Motion (Olson/Payson) to approve Conditional Use Permit 13-04 for Elkhorn Saloon, 9 and 11 E Walworth Street. Motion carried.

#### ***Conditional Use Permit 13-05: Holton Manor, 638 N. Broad Street***

Motion (Payson/Olson) to approve Conditional Use Permit 13-05 for Holton Manor, 638 N. Broad Street. Motion carried.

#### ***Consider WI Energies Easement***

It was stated that the City Attorney and City Administration had been authorized to negotiate the terms of an easement with WE Energies. The response received from WE Energies was that

it was not their policy to replace trees. It was stated that it is the policy of the City to require replacement of trees and that the City is under no obligation to grant the easement. After discussion, motion (Payson) not to grant an easement to WI Energies as requested. Failed for lack of second.

Attorney Phillips recommended not granting an easement without requiring the replacement of trees and the City being allowed to keep the fence that is currently in place. Motion (D'Alessandro/Boardman) to grant easement with terms of a cost of \$3,500, trees being replaced and fence being allowed to remain. Roll call vote: Olson, yes; Boardman, yes; D'Alessandro, yes; McClory, yes; Rehberg, yes; Payson, no. Motion carried.

#### **PUBLIC COMMENT**

No public comment.

#### **ADJOURN INTO CLOSED SESSION**

Motion (Boardman/D'Alessandro) to adjourn to closed session per per §19.85(1)(e) “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” and per §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.” Roll call vote: Olson, yes; Boardman, yes; D'Alessandro, yes; McClory, yes; Rehberg, yes; Payson, yes. Motion carried. Adjourned to closed session at 6:00 p.m.

#### **RECONVENE IN OPEN SESSION**

Reconvened in open session at 6:26 p.m.

#### **ADJOURN**

Motion (Olson/Payson) to adjourn at 6:27 p.m. Motion carried.

Darlene Igl  
City Clerk