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**COMMITTEE OF THE WHOLE MEETING MINUTES**  
**October 13, 2014**  
**CITY OF ELKHORN**  
**COUNCIL CHAMBERS, 9 S. BROAD ST., ELKHORN, WI 53121**

The Committee of the Whole meeting was called to order at 5:00 p.m. in the Council Chambers followed by Roll Call.

**ROLL CALL**

Present: Mayor Brian Olson, Aldermen Gary Payson, Sr., Hoss Rehberg, Gregory Huss, Jim D'Alessandro, Scott McClory, Tom Myrin.

Others present: City Administrator Sam Tapson, Attorney Randy Leece, City Clerk Cairie Virrueta, Finance Director James Heilman, Police Chief Joel Christensen, Fire Chief Rod Smith, Penny Vogt, Department of Corrections, Reporters Andrea Anderson and Kellen Olshefski, interested residents.

**Discussion with Department of Corrections Law Enforcement Regarding Sex Offender Residency Options**

Mayor Olson invited Penny Vogt from the Department of Corrections to speak. Vogt said she used comments from previous Common Council meetings to determine the issues to address and try to fix. She said one she heard was that people in the City don't feel safe walking in certain parts of the City at night. She suggested that D.O.C. agents team up with Elkhorn P.D. to increase patrols and see who is out late at night. Mayor Olson asked her if this has been done in other cities, what were the costs, if it took away from patrolling other areas and if any reports were available. Vogt said it has not been done. She said that sex offenders abide by curfews and most wear bracelets. Alderman D'Alessandro said he spoke to 15 businesses and all by two are fearful. Vogt said that no businesses have shared their fears with her. Mayor Olson asked what the goals are for monitoring and if there was a precedent for it. Vogt said that there are specific protocols that will be followed, similar to the trick or treat program. Mayor Olson asked how adding more patrols address where sex offenders are placed. Vogt said it doesn't. Mayor Olson said that placement is a problem. Vogt said that places identified on the map are already covered and if a sex offender will be on school grounds, he/she needs to notify the school in advance.

Vogt said she also heard issues expressed about the Nickel Plate Hotel. She said the D.O.C. has an agreement for 7 beds at the Nickel Plate. She spoke to Nancy Ward, owner of the Nickel Plate, and Ms. Ward said she hasn't had any complaints regarding the hotel. Alderman D'Alessandro said it wasn't about the Nickel Plate hotel for him and that was raised by someone else. Vogt said they have a purchase order agreement with the Thomas Hotel for beds when it was needed that was renewed yearly. Alderman Payson asked if the Nickel Plates beds were for sex offenders only. Vogt said no, they were for anyone under D.O.C. supervision. Vogt said some of the beds at the Nickel Plate were currently vacant.

Vogt said that in previous conversations with Mayor Olson he expressed concerns over volume of sex offenders in the City. She said she is attempting to reduce numbers, but it takes time. She said they both agreed that she would document her attempts/cases to reduce numbers.

Alderman D'Alessandro said in the ordinance there is an appeals process were the person can come to the City asking for placement and gives the City the power to say yes or no. Mayor Olson asked Alderman D'Alessandro to stay on task and discuss options and not the ordinance. He asked Vogt to proceed.

Vogt said the D.O.C. will work with any community to reduce risk issues. She suggested the Public Safety Committee meet to discuss her options and review the ordinance. She suggested that the committee use evidence based research and find out what the community wants done.

Alderman Rehberg asked if since Vogt met with the Mayor and heard his concerns over Elkhorn being a dumping ground for sex offenders, if she worked it out so that the numbers placed is fair between all the communities. Vogt said no and that placement is about where it is best for the sex offender to be placed. Vogt said the volume issue didn't happen overnight and it can't be solved overnight unless the City imposes the ordinance. Mayor Olson asked Vogt if her comment meant that the only way to solve some of the issues of volume is to pass an ordinance. Vogt said that then there is the issue of unmonitored sex offenders in the community.

Alderman D'Alessandro asked Vogt if she covered Kenosha. She said it was part of her region. He asked her how their ordinance is working. Vogt said she doesn't directly supervise Kenosha and recommended he contact law enforcement there.

Alderman Payson asked Vogt to define emergency housing. Vogt said that emergency, temporary and transitional housing terms are interchangeable and it means the offenders have nowhere to go. Alderman Payson asked what the length of process is. Vogt said they have advance notice when offenders come from jail, but when they come from court there is no advance notice.

Alderman Huss asked if Vogt reviewed the offenders that Alderman D'Alessandro named at the last Common Council meeting. Vogt said she did not write down the names, but that CCAP may not always show the most recent information as far as where an offender was residing when an offense took place or it could show offenses that happened in the past at a different location, but the offenders was charged while living in Elkhorn. Vogt said there has been no re-offense of sex offenders under her supervision, that she has a 100% track record. Alderman Huss wants the list that Alderman D'Alessandro cleared up.

Alderman Rehberg asked if there was a way to deal with the current issue or the sex offenders currently residing in the City. Mayor Olson said that people can't be evicted from their homes. Alderman Rehberg would like to see the number of sex offenders in a certain area reduced. Mayor Olson was concerned with the clusters of offenders in the City.

***Alderman D'Alessandro left at 5:50 p.m.***

Alderman McClory thinks the Council should continue to talk about the issue and suggested the Public Safety Committee could discuss it. He suggested that the committee could talk about where offenders are released, give them a time limit to move on and have a certain percentage at any one location at a time. He suggested Vogt look into other locations in Walworth County for sex offenders to live. Vogt said she has been looking outside of the City. Alderman McClory would like to review parts of ordinance, piece by piece, as a council prior to the next reading to work on changing the ordinance to reduce numbers in the City. Mayor Olson said a number or cap can't be put on the number of sex offenders in the City. Alderman McClory asked Attorney Leece if the City can put a cap on the number of offenders. He said he hasn't seen a cap and believes a quota could be an issue.

Elkhorn Police Chief Christensen there is no research to support either side of the issue and worries that the ordinance would give a false sense of security and encourages offenders to misrepresent where they live. Mayor Olson asked him for his options. Chief Christensen said to relay on law enforcement to stay with the current path and enhance it; to encourage resident feedback on issues, perhaps through some type of survey instrument. Mayor Olson questioned who would do the resources on it. Chief Christensen said to sit together as a group and determine what questions need answers. Mayor Olson asked him how to deal with volume and placement areas. Chief Christensen said he is here from a public safety standpoint and not about volume and that he doesn't receive information about offenders until after they are placed.

Mayor Olson thanked Penny Vogt and everyone for their input.

**ADJOURN**

Motion (Payson/Rehberg) to adjourn at 6:28 p.m. Motion carried.

Cairie L. Virrueta  
City Clerk