
COMMON COUNCIL MEETING
September 2, 2014
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 Brian Olson, Aldermen Gary Payson, Sr., Hoss Rehberg, Gregory Huss, Jim D'Alessandro, Scott McClory, Tom Myrin.

Others present: City Administrator Sam Tapson, Attorney Ward Phillips, City Clerk Cairie Virrueta, Finance Director James Heilman, Fire Chief Rod Smith, Rec Director Wendy Ard, DPW Operations Manager Martin Nuss, Reporters Kellen Olshefski and Andrea Anderson, Doug Snyder, City Residents.

PUBLIC COMMENT

No public comment.

CONSENT AGENDA

Motion (Payson/Myrin) to approve the minutes of the August 18, 2014 Common Council and August 25, 2014 Committee of the Whole meeting. Motion carried.

The Council agreed to move agenda item, "Lakeland Bakery/Savory Properties LLC License Agreement Assignment to New Owner" forward on Agenda, following Report of City Officers.

REPORT OF CITY OFFICERS

Mayor's Report

No report.

City Administrator's Report

No report.

Finance Director's Report

No report.

COMMITTEE REPORTS

Finance and Judicial

Motion (McClory/Payson) to assign license agreement to new owners per City Attorney approval. Roll call vote: Payson, yes; Rehberg, yes; Huss, yes; D'Alessandro, yes; McClory, yes; Myrin, yes. Motion carried.

Motion (McClory/D'Alessandro) for the City to go with Epic Life Insurance for Life, AD&D and Long-term Disability Insurance coverage understanding that it is an increase of \$1,000 as compared to the current insurer. Roll call vote: Payson, yes; Rehberg, yes; Huss, yes; D'Alessandro, yes; McClory, yes; Myrin, yes. Motion carried.

Alderman McClory informed Council that the committee continues to review the preliminary 2015 budget and if they have any questions to ask. It is planned to be completed before Thanksgiving.

Municipal Services

Alderman Payson stated that the Committee met to discuss installing signs to enhance the left turn only onto Lincoln Street from Wisconsin Street. The committee unanimously agreed to install signs that DPW currently has and look into costs of an overhead sign. **Motion (Payson/Rehberg) for DPW to install signs on Wisconsin Street prior to the Lincoln Street left turn lane. Roll call vote: Payson, yes; Rehberg, yes; Huss, yes; D'Alessandro, yes; McClory, yes; Myrin, yes. Motion carried.**

The committee discussed current enforcement practices and charges for tall grass/weed abatement violations in the City. The committee will continue to consider these after they receive true costs to the City for abatement.

The committee instructed staff to generate an RFP for general engineering services with an alternate for electrical services. The current relationships with engineering services will be maintained during the RFP process.

The committee discussed the recommendation from the Recreation Committee to use Tasch Park as a dog park. The committee decided to reject their recommendation. Mayor Olson suggested that if the committee considers Babe Mann for a dog park that it considers all services to be provided at Babe Mann as a whole. It was recommended that the Recreation Committee pursue an alternate site, including Babe Mann. **Motion (Payson/Rehberg) to not put a dog park at Tasch Park. Roll call vote: Payson, yes; Rehberg, yes; Huss, yes; D'Alessandro, yes; McClory, yes; Myrin, yes. Motion carried.**

Legislative & Regulatory

Alderman Rehberg informed Council that the committee discussed changing the Sex Offender Residency Restrictions with the proposed draft ordinance. Police Chief Christensen noted that two pieces to the proposed ordinance were missing; sexual assault of a child and the appeals process. Alderman McClory recommended that the Department of Corrections recommendation needed consideration. **Motion (McClory/Payson) to keep the things as they stand. Roll call vote: Rehberg, yes; Payson, yes; D'Alessandro, no; McClory, yes; Myrin, no; Huss, no. Mayor Olson voted to break the tie vote: no. Motion failed.** Mayor Olson said the new restrictions are in response to complaints from citizens and to address the volume and transient offender problem. He also understands that law enforcement is doing the best they can with the current restrictions. Alderman McClory said there haven't been any problems, the system is working and the issue doesn't need addressing. Alderman Myrin disagreed. Police Chief Christensen was concerned that the new restrictions would encourage offenders into giving false information. **Motion (D'Alessandro/Myrin) to keep 2,500 feet in sex offender ordinance.** City Attorney Ward instructed Council that the 2,500 feet essentially blocks out the City and will be hard to defend going forward. Discussion followed. **Alderman D'Alessandro amended previous motion to add for City Attorney to rewrite the ordinance to include the addition of an appeals process and first degree sexual assault of a child; and bring the revised ordinance back for a vote by the Common Council. Roll call vote: Rehberg, no; Payson, no; D'Alessandro, yes; McClory, no; Myrin, yes; Huss, yes. Mayor Olson voted to break the tie vote: yes. Motion passed.** Administrator Tapson recommended the revised ordinance go to the Finance and Judicial Committee for review. Alderman McClory asked this item be postponed until October as he will not be at the September 15 Common Council meeting. The Council agreed.

Alderman Rehberg said the committee is working on revised charges and fees for City abatement of grass and weed violations.

The committee discussed Ordinance 9.05 regarding loud and unnecessary noise prohibition as related to construction activities in response to resident complaints. City Attorney Ward will present a new ordinance regarding times for construction activities for approval at a future meeting. It will exclude snow blowing, lawn mowing and related backyard work.

Human Resources

Alderman D'Alessandro said the committee is reviewing group health insurance options for City employees and will present recommendation to the Council soon.

The committee discussed having a full-time Building Inspector and will be meeting with the current inspector to discuss options.

The committee unanimously agreed to approve a PTO pay-out request by the City Treasurer. Administrator Tapson said PTO doesn't allow for pay-outs, however, this was a very unique situation where the treasurer was unable to take time off due to the vacancy of the Finance Director position and budget work. This does not create a precedent for future PTO pay-outs. **Motion (D'Alessandro/Payson) to approve PTO pay-out for City Treasurer. Roll call vote: Payson, yes; Rehberg, yes; Huss, yes;**

D'Alessandro, yes; McClory, yes; Myrin, yes. Motion carried. Alderman D'Alessandro would like to see employees compensated when they take on a lot of extra work.

NEW BUSINESS

Ordinance No. 14-05: An Ordinance to Amend the Elkhorn Municipal Code at Chapter 17, Titled "Zoning" (Second Reading). **Motion (McClory/Payson) to approve Ordinance 14-05, Chapter 17, "Zoning". Roll call vote: Payson, yes; Rehberg, yes; Huss, yes; D'Alessandro, yes; McClory, yes; Myrin, yes. Motion carried.**

PUBLIC COMMENT

None.

ADJOURN

Motion (McClory/D'Alessandro) to adjourn at 6:26 p.m. Motion carries.

Cairie L. Virrueta
City Clerk

Approved 09/15/2014