
COMMON COUNCIL SPECIAL MEETING MINUTES
September 29, 2014
CITY OF ELKHORN
COUNCIL CHAMBERS, 9 S. BROAD ST., ELKHORN, WI 53121

The Common Council meeting was called to order at 5:00 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, Finance Director James Heilman, City Clerk Cairie Virrueta, Police Chief Joel Christensen, Utility Director John Murphy, Library Director Lisa Selje, DPW Operations Manager Martin Nuss, City Engineer Gary Welsh, Reporters Kellen Olshefski and Andrea Andersen, Mike O'Donnell, Chris Clapper, interested citizens.

PUBLIC COMMENT

Andrew Shaw, owner of Total Tan said he was sick of the problems associated with the Nickel Plate and his employees being harassed. He said his clients have said they won't come to his business after dark.

Paul Kremer, a retired attorney, spoke on behalf of Nancy Ward, who is in the process of obtaining ownership of the Nickel Plate Hotel. He said the current program is successful and that the City can be sued for trying to enforce an unconstitutional law. He attempted asking questions of the Alderman, however, he was informed by Attorney Ward that the Public Comments section doesn't allow for a response from the Aldermen. Kremer mentioned that he left messages for his Alderman but did not receive a return call. He asked Police Chief Christensen if he supported the proposed ordinance; the Chief responded he did not. Paul Kremer asked Penny Vogt, for the Department of Corrections to speak. She spoke against the proposed ordinance, citing a Memo she sent to the Aldermen last week. She expressed concerns that the ordinance will create homeless sex offenders and they will not know where they are. Alderman D'Alessandro asked for a Point of Order, asking the City Attorney how long each person was allowed to speak and if this was a hearing. Attorney Phillips asked Mr. Kremer to only speak for himself. Mr. Kremer asked the Common Council why they would enforce an ordinance when professionals in the field were against it.

Kelly Bochat of 12 E. Rockwell, said this isn't about safety, this is about the Nickel Plate and that the Common Council should deal with the Nickel Plate. She said the ordinance isn't good as it makes it hard to locate offenders.

Sandy Cornell with the Department of Corrections spoke against the ordinance. She said the ordinance gives communities a false sense of security and no evidence shows it protects children. She asked the Common Council why they would pass the ordinance when so much evidence shows it isn't needed.

DISCUSSION OF ORDINANCES REGARDING SEX OFFENDER RESIDENCY RESTRICTION

Alderman McClory asked why he received the ordinances at 4:00 p.m. today. Attorney Ward said the ordinances sent today were the same ones included in the packet sent on Friday but with a typo fixed and the addition of first degree sexual assault.

Motion (D'Alessandro/Myrin) to approve and move forward with the Ordinance at 2,000 feet.

Alderman McClory prepared a written speech against the ordinance. He is disappointed that the Council would discuss enacting an ordinance in direct opposition to the experts in the field. He expressed concerns over the city being sued and costs to taxpayers. He asked the City Attorney how much it would cost the City to defend lawsuits that could potentially arise from the proposed Sex Offender Ordinance. He was concerned with sex offenders listing homeless on their paperwork and not being able to track them. He asked if a similar dialogue should be had regarding burglars, drug dealers and domestic violence offenders. He desired that the County Fair carnival employees be checked against the registry if the ordinance passes. He was concerned with those that would be grandfathered when the ordinance passes and that it would complicate matters. He suggested working together and compromising. He suggested

putting a cap of the number of offenders in the City; or a long-term plan to reduce numbers residing in the City with backing from law enforcement and the state; or an ordinance that is more manageable and doesn't incorporate almost the entire city limits.

Alderman D'Alessandro asked how many meetings were needed to pass the ordinance and if it would require three more meetings? Mayor Olson said the first reading could be waived. Attorney Phillips suggested that procedure be followed to make sure the ordinance isn't challengeable.

Mayor Olson said that volume in the City is an issue, that he has met with officials over the past nine months to try to change it and was unsuccessful. Alderman Payson supports law enforcement on the issue. **Alderman Myrin called the question. Roll call vote: D'Alessandro, yes; Myrin, yes; Huss, yes; McClory, no; Payson, no; Rehberg, no. Mayor Olson voted to break the tie; yes. Motion carried.**

Alderman Myrin left at 5:48 p.m.

CONSENT AGENDA

Motion (Payson/Huss) to approve the minutes of the September 15, 2014 Common Council meeting and a Bartender Operators License for Jessica Finster. Motion carried.

REPORT OF CITY OFFICERS

Mayor's Report

Mayor Olson asked the council if they had any questions regarding the EEAD Memo of Understanding included in the packet. There were none.

Motion (Payson/Huss) to approve the reappointments of Kathy Loveless and Dan Duchemin and the new appointment of Joann Strew-Menehen to the Park and Rec Committee. Alderman McClory asked why people living outside of the City were allowed on the Park and Rec Board. **Motion carried.**

City Administrator's Report

None.

COMMITTEE REPORTS

Municipal Services

Alderman Payson stated that the Committee met to discuss redoing all the Sunset Baseball and Softball Fields. All committee members agreed that the cost was considered reasonable to redo the fields. **Motion (Payson/Rehberg) to award contract for Sunset Fields Improvements. Roll call vote: Payson, yes; Rehberg, yes; Huss, yes; D'Alessandro, yes; McClory, yes; Myrin, yes. Motion carried.**

The committee discussed Sunset Pool parking lot alternatives. They made a list prioritizing each item: Lot C was priority number one, a new driveway from Hwy 11 was priority number two, Lot B was priority number 3, Lot A was priority number 4. Lot D was a last priority. **Motion (Payson/Rehberg) to authorize a Task Order for Specs to Stantec for Sunset Pool parking lot alternatives. Roll call vote: Payson, yes; Rehberg, yes; Huss, yes; D'Alessandro, yes; McClory, yes; Myrin, yes. Motion carried.**

NEW BUSINESS

Motion (Payson/Rehberg) to approve a Work Order for Design and Construction-Related Engineering Services for Repainting of Lakeland Elevated Storage Tank. Roll call vote: Payson, yes; Rehberg, yes; Huss, yes; D'Alessandro, yes; McClory, yes; Myrin, yes. Motion carried.

The Council reviewed the Elkhorn Chamber of Commerce budget. **Motion (D'Alessandro/Payson) to move this agenda item to the Finance Committee. Voice vote. Nays had it; motion failed.** Chris Clapper introduced Michael O'Donnell, board president. Mayor Olson asked how long the lease was on the current building; Clapper responded four years of a five year lease. Mayor Olson asked how the Chamber determines their effectiveness attending the State Fair. Clapper said Stay and Play coupons were given at the Fair and four had been used to date. The revenue the Chamber receives comes from the City Room Tax. The presented budget showed 50% of their total budget. The other 50% comes from the

Department of Tourism. Alderman D'Alessandro asked how many employees the Chamber has. Clapper said two full-time employees plus an intern. Mayor Olson expressed his pleasure with Oktoberfest and would like to see the Chamber expand upon events. Clapper invited the council to attend any of their Board meetings and welcomes any ideas and suggestions for the Chamber.

PUBLIC COMMENT

None.

ADJOURN

Motion (D'Alessandro/Rehberg) to adjourn at 6:14 p.m.

Cairie L. Virrueta
City Clerk

Approved 10/6/14