
COMMON COUNCIL MEETING MINUTES
October 20, 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, Police Chief Joel Christensen, Utility Director John Murphy, Fire Chief Rod Smith, Rec Director Wendy Meyer, Library Director Lisa Selje, DPW Operations Manager Martin Nuss, Chris Clapper, Mike Roberts, interested citizens.

PUBLIC COMMENT

Mayor Olson asked for public comments not related to the Sex Offender Residency Restrictions Ordinance, as they will follow other comments. Chris Clapper from the Chamber of Commerce thanked the City and City Departments for their help with Oktoberfest. She said they had record attendance for the Chili cook-off and number of vendors.

Mayor Olson asked for public comments regarding the Sex Offender Residency Restrictions Ordinance. He asked that comments be directed to the Chair, be limited to five minutes and avoid redundancies. Penny Vogt for the Department of Corrections spoke and followed up with a request made at the previous meeting by Alderman Huss to review the list presented by Alderman D'Alessandro. The list was presented at the October 6 Common Council meeting. She said six of the names on the list did not reoffend while residing at the Nickel Plate Hotel. One of the names she was unable to verify.

Paul Kremer spoke regarding the Common Council using 1998 information and asked them to use more current information regarding the ordinance. He stated cases where other municipalities were sued over sex offender residency restriction ordinances. He also said that some states were banning or striking down the ordinances. He referenced a survey he did of downtown businesses in which they signed saying they did not want the ordinance. He gave copies of the survey to the Council members at an earlier date. Kremer asked why the Council would pass the ordinance. Mayor Olson responded to reduce Sex Offender numbers and create child safety zones. Kremer referenced two articles in the Elkhorn Independent from Alderman D'Alessandro in which D'Alessandro discussed attracting businesses to Elkhorn and the ordinance helping with that. Kremer said he believes the ordinance is unconstitutional. He said the Council hasn't given any of the experts' credence. Mayor Olson asked Mr. Kremer to end his dialogue or he would have him removed.

Mike Roberts, 609 W. Centralia, said to consider the substance of the ordinance when comparing it to other communities' ordinances. He said this has been an issue for the City for years. He said the dialogue between the City and the County was always a one-way dialogue regarding where to place sex offenders.

Karen Jensen, downtown business owner, said she approved of the ordinance. She felt it was bad to put sex offenders in the center of the community.

Stephanie Hernandez, 616 Patricia, works at an unemployment agency in the downtown. She said she is uncomfortable with parking in the back lot. She supports the ordinance.

Brittany, owner of Total Tan, said that people she believes to be sex offenders come into her business and say "stuff" to her and that she has reported this to the police department. She supports the ordinance.

Elaine, 137 W. Cranberry, supports the ordinance and keeping sex offenders a reasonable distance from children. She believes the City's family image is tarnished by having sex offenders placed downtown due to comments she has heard from others.

Mike Ellsworth, Accountant and downtown business owner, said he has had his business next to the Nickel Plate since 1986 and has never had any problems. He said his female employees have never

experienced any problems. He read from a document he prepared. He said people could not identify others as sex offenders just by looking at them. He believes the City has not funded the enforcement of the ordinance. He objected to the ordinance on personal religious grounds.

Mike Roberts spoke again and said that his 14 year old daughter was stalked 13 years ago by a registered sex offender and this type of thing does happen in the City.

Lisa Brown, 10 S. Wisconsin Street, has a downtown business. Her out of town customers have told her that the City of Elkhorn has a bad reputation as having a large number sex offenders. She supports the ordinance and wants to keep kids safe.

CONSENT AGENDA

Motion (Payson/Rehberg) to approve the minutes of the October 6, 2014 Common Council and the October 13, 2014 Committee of the Whole meetings, and a Bartender Operator's License for Zachery A. Sawyers. Motion carried.

BILLS PAYABLE

Motion (D'Alessandro/Payson) to approve the City and Utility Bills in the amount of \$2,218,463.3, check numbers 95637-95915. Roll call vote: Payson, yes; Rehberg, yes; Huss, yes; D'Alessandro, yes; McClory, yes; Myrin, yes. Motion carried.

REPORT OF CITY OFFICERS

Mayor's Report

Mayor Olson asked Rec Director Wendy Meyer to speak. Scare on the Square is this Saturday from 3-6 p.m. for kids 3-12 years old. Activities, games, free pumpkins and more will be part of the event.

City Administrator's Report

None.

LIAISON REPORTS

Historic Preservation – no report

Fire Advisory Board – Quarterly meeting is this Thursday

Library Board – Trick or Trivia raised \$3,705; Donor Recognition event is Sunday, November 2nd

Chamber – Oktoberfest was a success with a car show, chili cook-off, 5K run, etc and the unveiling of the 2014 Christmas card. The new Christmas ornaments will be available soon.

Recreation Advisory Board – The ADA park is completed; the committee continues to brainstorm ideas for Tasch and Mann parks

Sunset Pool Steering Committee – none

COMMITTEE REPORTS

Municipal Services

Alderman Payson stated that the Committee met to discuss placing flashing lights truck signs for Lincoln Street. **Motion (Payson/Rehberg) for DPW to install a header plaque on the sign at Lincoln and Court Streets and to purchase \$1,500 flashing light truck signs for south bound Lincoln Street traffic. Motion carries. Roll call vote: Payson, yes; Rehberg, yes; Huss, yes; D'Alessandro, yes; McClory, yes; Myrin, yes. Motion carried.**

Alderman Payson said that Well No. 7 needed repairs and asked Utilities Director Murphy to speak. Murphy said he had contacted four suppliers to replace the well's motor. He is recommending a \$32,285 pump that will be available in approximately two weeks. Murphy said it will be about \$46,000 for the motor, bowls and reassembling. **Motion (D'Alessandro/Payson) to spend up to \$50,000 for the new motor, bowls and reassembly for Well No. 7 repairs. Roll call vote: Payson, yes; Rehberg, yes; Huss, yes; D'Alessandro, yes; McClory, yes; Myrin, yes. Motion carried.**

Finance and Judicial

Alderman McClory stated that the committee discussed the façade repairs needed at the library. The committee decided to pay the full amount of the repairs of approximately \$50,000 as the building is City owned, rather than 50% of the cost as previously agreed. **Motion (McClory/Payson) for the City to pay the library façade repairs of approximately \$50,000 with funds coming from the City's Contingent Reserve Account. Roll call vote: Payson, yes; Rehberg, yes; Huss, yes; D'Alessandro, yes; McClory, yes; Myrin, yes. Motion carried.**

NEW BUSINESS

Ordinance No. 14-07 (Second Reading) An Ordinance Creating Chapter 21, Sections 1-9 of the General Ordinances of the City of Elkhorn, Walworth County, Wisconsin, Relating to Sexual Offender Residency Restrictions. **Motion (D'Alessandro/Huss) to approve Ordinance No. 14-07 relating to Sexual Offender Residency Restrictions.** Alderman McClory said he wanted to go through the ordinance and discuss the language in it. He wanted to continue discussing options and work on consensus building. Mayor Olson said that based on the comments made, the City had a lot of work to do, ordinance or no ordinance. Alderman McClory said the ordinance never went to the Safety Committee since it was rewritten, that the vote should be to table the ordinance. He said it grandfather's everyone who is currently in the City. Mayor Olson said there is an appeals process in the ordinance. Alderman McClory said that if everyone believes in everything 100% in the ordinance then vote yes. He wanted to review it piece by piece and wasn't able to. Alderman D'Alessandro said they have met with the Department of Corrections and at last minute are trying to delay the ordinance and it is time to pass it. He said that nothing can be done about those grandfathered and that the citizens of Elkhorn have a say through this ordinance through the appeals process in it. **Roll call vote: Huss, yes; Rehberg, no; Payson, no; D'Alessandro, yes; McClory, no; Myrin, yes. Mayor Olson voted to break the tie vote: yes. Motion carried.**

WORK SESSION: Discussion of 2015 Budget

Administrator Tapson said the 2015 Budget discussion has taken place at the Finance & Judicial meetings. A Work Session was planned for this meeting, as directed by the committee to discuss the budget at the council level. Alderman D'Alessandro said the committee has been thorough in its review and they have met with Departments to discuss their budgets. He said one more meeting was needed to finish the discussion. **Motion (D'Alessandro/Rehberg) to hold a public hearing for the 2015 Budget at the Common Council meeting on November 10, 2014. Motion carried.**

PUBLIC COMMENT

None.

ADJOURN

Motion (D'Alessandro/Payson) to adjourn at 6:38 p.m. Motion carried.

Cairie L. Virrueta
City Clerk

Approved 11/3/14