
**CITY OF ELKHORN COMMON COUNCIL
MEETING MINUTES
June 15, 2015
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 Michael Kluck, Hoss Rehberg, Gregory Huss, Scott McClory, Tom Myrin.

Others present: Attorney Ward Phillips, Finance Director James Heilman, City Clerk Cairie Virrueta, Police Chief Joel Christensen, Utility Director John Murphy, Fire Chief Rod Smith, DPW Operations Manager Martin Nuss, City Engineer Paul VanHenkelum, Reporter Kellen Olshefski, other interested persons.

PUBLIC COMMENT

Two residents spoke regarding their concerns on a business locating at 1522 S. Hwy 67.

CONSENT AGENDA

Motion (Rehberg/Myrin) to approve the minutes of the June 1, 2015 Common Council and June 8, 2015 Committee of the Whole meetings. Voice vote; motion carried.

BILLS PAYABLE

Motion (Myrin/Huss) to approve the City and Utility Bills in the amount of \$1,281,782.67 (Check numbers 97658-97856). Roll call vote: Kluck, yes; Rehberg, yes; Huss, yes; McClory, yes; Myrin, yes. Motion carried.

REPORT OF CITY OFFICERS

Mayor's Report

Vacancy of District 3 Aldermanic Seat

Mayor Olson read James D'Alessandro's resignation from his Alderman position. This position is up for election next year. The council will accept letters of interest from residents in District 3 through June 26 and interview them on July 6.

Finance Director's Report

Finance Director Heilman said a meeting with Jerry Groth of Baxter and Woodman, the City Treasurer, City Clerk and himself regarding the Safe Drinking Water Loan was last Friday. The application will be completed by the end of the week.

City Clerk

A list of bartender operator license renewals and new applications was included in the packet. **Motion (Kluck/McClory) to approve bartender operator renewal and new applications as presented. Voice vote; motion carried.**

LIAISON REPORTS

Chamber – Alderman Myrin said the Chamber met last week and welcomed new members; the Chamber attended a Walworth County event; the city wide rummage sale is this weekend; upcoming events include the Dairy Breakfast, Pride & Joy Car Show and Fireworks

COMMITTEE REPORTS

Legislative & Regulatory

The Council reviewed alcohol license renewals for Elkhorn Wine & Spirits LLC, dba Elkhorn Wine & Spirits, G. Timothy Shiroda, Agent, 41 N. Lincoln St.; Market Plaza of Elkhorn Inc., dba Frank's Liquor, Stephanie D.

Lueptow, Agent, 58 W. Market St. C and Wilson Farm Meats, Inc., dba Wilson Farm Meats, Robert R. Schmaling, Agent, 406 S. Wisconsin Street. **Motion (Rehberg/Kluck) to approve all Class "A"/"Class A" license renewals. Voice vote; motion carried.**

The Council reviewed alcohol license renewals for Aune Enterprises, Inc., dba Sperino's Little Italy, Pepperoni Pub, Monte Carlo Room & Accustom Catering, Christopher D. Aune, Agent, 720 N. Wisconsin St.; Howard Bennett Knight, dba The Jury Room, 20 S. Wisconsin St.; Elk Restaurant, Inc., dba Elk Restaurant, Brad Wales, Agent, 13 W. Walworth St.; Moy's Restaurant Inc., dba Moy's Restaurant, Paul Moy, Agent, 3 N. Wisconsin St.; 9 East, Inc., dba Elkhorn Saloon, Justin Ehrhardt, Agent, 9 E. Walworth St.; Sports Page Barr, Inc., dba Sports Page, Betty Barr, Agent, 29 1/2 S. Wisconsin St.; Someplace Else, Inc., dba Someplace Else, Kristin L. Mohr, Agent, 1 W. Walworth St.; Roni LLC, dba Fiddlesticks, Chad E. Steen, Agent, 101 Evergreen Parkway, Unit #7; Viviana Inc., dba Calabria, Raunel J. Torres, Agent, 1 N. Lincoln St. and Garana Restaurant, Inc., dba 31 Restaurant and Bar, Driton Dzabiroski, Agent, 31 N. Wisconsin. **Motion (Huss/Myrin) to approve all Class "B"/"Class B" license renewals. Voice vote; motion carried.**

The Council reviewed alcohol license renewals for Cali's Ventures II., dba Mojo's Stone Fire Grill, Judith M. Mann, Agent, 10 W. Evergreen Parkway Unit #1 and Bernard Joaquin, dba Bernie's Pub and Grill, Bernard Joaquin, Owner, 39 N. Wisconsin. **Motion (McClory/Kluck) to approve all Reserve Class "B"/"Class B" license renewals. Voice vote; motion carried.**

The Council review alcohol license renewals for "Class C": NSB & Associates, LLC., dba The Essential Café & Bistro, Joanne Benkowski, Agent, 21 S. Wisconsin St.; "Class C"/Class "B": Lakeland Players LLC., dba Lakeland Players, Warren Radtke, Agent, 15 W. Walworth St., Elkhorn, WI 53121 and "Class C": Friends Forever LLC., dba Friends on the Square, Kelly Odling, Agent, 41 N. Wisconsin St., Elkhorn, WI 53121. **Motion (Huss/Myrin) to approve all "Class C" and/or Class "B" license renewals. Voice vote; motion carried.**

The Council reviewed a new "Class B"/Class "B" license applicant: Elkhorn Hewletts, Inc. dba Mims, Sarah B. Hewlett, Agent, 56 W. Market Street, Elkhorn, WI 53121. **Motion (McClory/Kluck) to approve the "Class B"/Class "B" License for Elkhorn Hewletts for 56 W. Market Street. Voice vote; motion carried.**

Alderman Rehberg said the Elkhorn Area Chamber of Commerce applied for a Class "B" Beer/"Class B" Liquor license. The committee chose to issue the Chamber a Class "B"/"Class C" Wine license instead. **Motion (Huss/Myrin) to approve the Class "B"/"Class C" license for the Elkhorn Area Chamber of Commerce.** Police Chief Christensen asked if the motion would include waiving the distance setback required in the ordinances regarding Jackson School. He also questioned if the Chamber building was zoned for having liquor sales on their premise. City Attorney Ward suggested this go to the Plan Commission first and to table the motion. **Motion (Rehberg/Kluck) to table the current motion. Voice vote; motion carried.**

NEW BUSINESS

Resolution No. 15-08

Motion (Rehberg/Huss) to approve Resolution No. 15-08 Authorized Representatives to File Application for Financial Assistance from State of Wisconsin Environmental Improvement Fund. Roll call vote: Kluck, yes; Rehberg, yes; Huss, yes; McClory, yes; Myrin, yes. Motion carried.

Resolution No. 15-09

Motion (Rehberg/Kluck) to approve Resolution No. 15-09 Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing. Roll call vote: Kluck, yes; Rehberg, yes; Huss, yes; McClory, yes; Myrin, yes. Motion carried.

Police Department Conducted Electrical Weapon Purchase

Police Chief Christensen said funds are in the budget and it has state pricing for the purchase of Tasers.

Motion (Rehberg/Myrin) to purchase Tasers for the Police Department for \$8,780.49. Roll call vote: Kluck, yes; Rehberg, yes; Huss, yes; McClory, yes; Myrin, yes. Motion carried.

Police Department Squad Equipment/Installation Purchase

Police Chief Christensen said this purchase is within the budget. **Motion (Kluck/Huss) to approve the police department squad equipment/installation purchase from General Communications for \$10,954.82. Roll call vote: Kluck, yes; Rehberg, yes; Huss, yes; McClory, yes; Myrin, yes. Motion carried.**

Elkhorn Economic Development Revolving Loan for Vision Plastics, Inc.

Finance Director Heilman said Mayor Olson and Alderman McClory participated in the meeting with Vision Plastics, Inc. To obtain the loan businesses comply with a checklist and have a bank audit. There was unanimous approval from the meeting's members to approve the loan. Funds are available in the EDRL.

Motion (Kluck/Rehberg) to approve the Elkhorn Economic Development Revolving Loan for Vision Plastics, Inc. in the amount of \$200,000 for 8 years with 4% interest. Roll call vote: Kluck, yes; Rehberg, yes; Huss, yes; McClory, yes; Myrin, yes. Motion carried.

Plan Commission Item: Terra Yard Creations, 1522 S. Hwy 67, Tax Key YA380800002: An Ordinance to Rezone Part of a Property Located Within the Boundaries of the City of Elkhorn (First Reading)

Mayor Olson gave an overview of the project. Alderman Kluck asked if a fence was being installed around the property and if the owner would have insurance. Mayor Olson said a fence was not in the plans and the company would have insurance. The owner commented that a fence would limit the showing of landscaping displays. Alderman McClory asked what the water containment plan was. The owner replied that the mulch used was organic and vegetable dyed. Alderman Kluck asked if an environmental study was done regarding the potential smell/dust. No study was done. City Engineer VanHenkelum said the plan follows all existing ordinances.

The Conditional Use Permit for the property listed on the agenda was postponed for the next meeting.

PUBLIC COMMENT

A citizen was concerned with heavy traffic in the subdivision. Alderman Kluck asked if additional conditions to the C.U.P. can be added. City Attorney Phillips said it could be done. Discussion regarding truck traffic in the subdivision followed. A "No Trucks" sign was suggested; Police Chief Christensen was OK with the sign. Mayor Olson asked DPW Manager Nuss to look into the type and a price for the sign.

ADJOURN TO CLOSED SESSION

Motion (Rehberg/Kluck) to adjourn to closed session pursuant to Wisconsin Statue 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."

Adjourned at 6:12 p.m.

RECONVENE IN OPEN SESSION

Reconvened in open session at 6:38 p.m.

ADJOURN

Motion (Rehberg/Kluck) to adjourn at 6:38 p.m.

Cairie L. Virrueta
City Clerk

Approved 7/6/15