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**CITY OF ELKHORN COMMON COUNCIL**  
**MEETING MINUTES**  
**July 6, 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: City Administrator Sam Tapson, Attorney Randall Leece, Finance Director James Heilman, City Clerk Cairie Virrueta, Police Chief Joel Christensen, Utility Director John Murphy, Fire Chief Rod Smith, Library Director Lisa Selje, DPW Operations Manager Martin Nuss, Recreation Director Wendy Meyer, City Engineer Paul VanHenkelum, Reporter Kellen Olshefski, Chris Clapper, other interested persons.

**PUBLIC COMMENT**

Chris Clapper thanked the City for a successful Star Spangled Celebration.

**CONSENT AGENDA**

Motion (Rehberg/Kluck) to approve the minutes of the June 15, 2015 Common Council and June 22, 2015 Committee of the Whole meetings and bartender operator licenses for Chris Clapper, David Scott and Daniel Moran. Motion carried.

**REPORT OF CITY OFFICERS**

**Mayor's Report**

***Interview Candidates for Alderman 3 Vacancy***

Mayor Olson explained the process to interview candidates for the District 3 Alderman position. The Mayor and Council interviewed James J. Pody III and Bruce Lechner, who submitted Letters of Interest for the position. Council voted by paper ballot; 3 votes for Bruce Lechner and 2 votes for James J. Pody III was cast. **Motion (Rehberg/Kluck) to appoint Bruce Lechner to the Alderman District 3 position. Roll call vote: Kluck, yes; Rehberg, yes; Huss, yes; McClory, yes; Myrin, yes. Motion carried.** Mayor Olson thanked Mr. Pody for his interest. City Clerk Virrueta swore in Bruce Lechner.

Mayor Olson said that Mike Roberts resigned from the Plan Commission and there is now a vacancy. He asked Mr. Pody if he was interested in the position to speak to him later.

The fireworks display didn't go as planned and the City will look into what happened. Mayor Olson was not pleased with the performance. Funds for the display come from the room tax.

Donna Preuss is no longer on the library board. The board recommended Mary Ann Hunter. **Motion (McClory/Myrin) to appoint Mary Ann Hunter to the library board. Voice vote; motion carries.**

**City Administrator's Report**

Administrator Tapson said all departments submitted 2016 budget requests. Preliminary numbers will be available in August.

**Finance Director's Report**

No report.

**COMMITTEE REPORTS**

**Municipal Services and Utilities**

***Accessible Parking Stalls on W. Walworth Street***

Alderman Huss said the committee recommended going ahead with replacing five regular stalls with four handicapped stalls in front of St. Patrick's Church. **Motion (Kluck/Rehberg) to approve four handicapped parking stalls on W. Walworth Street in front of St. Patrick's Church. Voice vote; motion carried.**

## **Financial and Judicial**

### ***Appeal of Assessment: Daniels Sentry***

Alderman McClory said that the owner of Sentry was concerned that the assessment on the store building went up 120% and he never received the assessment change letter from the assessor. The assessor sent the letter first class mail. After review of state statutes by the City Attorney, it was determined that the City is forbidden by state law to do anything once Open Book and Board of Review are completed. The committee discussed ideas for sending certified letters to those whose assessments increases more than 20%. **Motion (McClory/Huss) to deny Daniels Sentry Assessment Appeal. Roll call vote: Kluck, yes; Rehberg, yes; Huss, yes; McClory, yes; Myrin, no; Lechner, yes. Motion carried.**

### ***Appeal of 2014 Assessment (Palpable Error): 721 W. Centralia***

Administrator Tapson explained this is an assessor error as the property was over assessed. The process is a chargeback that takes three years for the City to process, however the property owner will be refunded immediately. **Motion (McClory/Myrin) to refund the excess property tax due to the 2014 palpable error for the property owner at 721 W. Centralia Street. Roll call vote: Kluck, yes; Rehberg, yes; Huss, yes; McClory, yes; Myrin, yes; Lechner, yes. Motion carried.**

### ***Employee Group Health Insurance: Plan Renewal***

This was discussed at the meeting held earlier; the City received renewal proposals and the Administrator and Finance Director reviewed the top three. They recommend Transamerica; it includes a \$50,000 deductible and better laser amount than the other two. **Motion (McClory/Kluck) for the City to contract Transamerica for employee group health insurance. Roll call vote: Kluck, yes; Rehberg, yes; Huss, yes; McClory, yes; Myrin, yes; Lechner, yes. Motion carried.**

## **UNFINISHED BUSINESS**

### **Plan Commission Item: Terra Yard Creations, 1522 S. Hwy 67, Tax Key YA380800002**

#### ***Ordinance to Rezone Part of the Property (Second Reading) and Conditional Use Permit***

Mayor Olson allowed public comment. Eric Russo presented petitions signed by neighbors to the property. The petition asked that the property have a 10 foot high fence to keep children out of the property.

**Motion (Rehberg/Huss) to approve the Ordinance to Rezone Part of the Property and the Conditional Use Permit for 1522 S. Hwy 67, Tax Key YA380800002.** A 10 foot high privacy fence was preferred to block views and dust from the property. This type of fence is not allowed in the City of Elkhorn. Police Chief Christensen said a fence that obstructs view into the property was not recommended. Alderman Rehberg asked if the open fence at a similar property in the City had any problems; Police Chief Christensen said it did not. The owners' video tape the property. The business is aimed at residential customers. **Roll call vote: Kluck, no; Rehberg, yes; Huss, yes; McClory, yes; Myrin, yes; Lechner, yes. Motion carried.**

## **PUBLIC COMMENT**

None.

## **ADJOURN TO CLOSED SESSION**

Motion (Kluck/Myrin) 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" and pursuant to §19.85(1)(c) "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercise responsibility" regarding Liquidate Damages for Sunset Pool and Personnel Performance Review. Voice vote; motion carried. Adjourned to closed session at 6:19 p.m.

## **RECONVENE IN OPEN SESSION**

Reconvened in open session at 7:58 p.m.

**ADJOURN**

Motion (Rehberg/Myrin) to adjourn at 7:58 p.m.

Cairie L. Virrueta

City Clerk

**Approved 7/20/15**