
**CITY OF ELKHORN COMMON COUNCIL
MEETING MINUTES
November 16, 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, Bruce Lechner, Gregory Huss, 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, Fire Chief Rod Smith, Library Director Lisa Selje, DPW Operations Manager Martin Nuss, Recreation Director Wendy Meyer, City Engineer Paul VanHenkelum, Chris Clapper, Kellen Olshefski, other interested persons.

PUBLIC COMMENT

Stephanie Lueptow, of Frank's Liquor, expressed concerns over allowing beer sales in stores and gas stations. She is against it as a control issue. She has other stores that allow beer sales, in which youth work, and they have a lot of theft at those stores. The Elkhorn liquor store is staffed by older adults and doesn't have the theft issues. She feels allowing beer at stores pressures kids into stealing beer. Administrator Tapson said the City ordinance doesn't prohibit beer sales at these establishments, which the City Clerk said needs to be addressed. This is not endorsement to allow sales but to fix the ordinance. Tim Shiroda, who owns a liquor store in town, said allowing beer sales at gas stations would be detrimental to his business as he would not be able to compete against them.

CONSENT AGENDA

Motion (Kluck/Rehberg) to approve the minutes of the November 2, 2015 Common Council meeting. Voice vote; motion carried.

BILLS PAYABLE

Motion (Rehberg/McClory) to approve the City and Utility Bills in the amount of \$2,016,695.90.

Alderman Rehberg questioned the payment to J.P. Cullen for the library façade repairs. He asked if the work done was inspected to make sure it was complete. Library Director Selje said no, DPW Manager Nuss said an expert was needed to inspect it. Alderman McClory recommended the City Engineer inspect it.

Rehberg amended the motion to approve the bills but remove the payment to J.P. Cullen for \$48,367, for a total of \$1,968,328.90. Roll call vote: Kluck, yes; Rehberg, yes; Huss, yes; Lechner, yes; McClory, yes; Myrin, yes. Motion carried.

REPORT OF CITY OFFICERS

Mayor's Report

Moving Forward Discussion

The Mayor asked Alderman Myrin questions regarding two newspapers articles related to the City exploring the purchase of the U.S. Bank building. Alderman Rehberg and Alderman McClory also had questions and comments. Mayor Olson said he would like the council to move forward and they all need to follow process.

City Administrator's Report

City Administrator Tapson said change papers for the budget were on the aldermen's desks and asked if there were any questions. A resolution to pass the budget is later in the meeting.

Finance Director's Report

Finance Director Heilman said the City has the equipment needed for the server and to repair the current issues with accessing emails. He is working with the City's IT company to set a date to come in and make the repairs.

LIAISON REPORTS

None.

COMMITTEE REPORTS

Municipal Services and Utilities

Geneva Street Bid Approval and Recommendation

Alderman Huss said three bids were received and the committee recommended awarding the contract to Zenith Tech, Inc., the low bidder. This is actionable under New Business.

City Snow Alert Notification

The City is using a new notification system for parking alerts related to snow events. It is a free cell phone app that residents sign up for themselves.

Sunset Pool Punch List of Items

DPW Manager Nuss provided all council members with paper copies of the punch lists. He asked if there were any items on there they wanted to discuss. Alderman McClory wanted the siding addressed and repaired. The council wants CCI to address the punch list items at a future meeting. **Motion (Kluck/Lechner) to send a letter to CCI that the City expects the Sunset Pool siding to be replaced. Voice vote; motion carried.**

Snow Plow Operational Changes for Cul-de-sacs

Cul-de-sacs will be plowed at the same time as other City streets to allow for emergency vehicle access. Previously they were plowed last. DPW Manager Nuss will send out flyers to cul-de-sac residents, put it on the City's website and in the newspaper.

Financial and Judicial

Budget Hearing

Alderman McClory said a budget hearing was held at the last committee meeting and there were no comments or questions.

Proposed Budget Revisions

Change pages are on the Aldermen's desks. Changes to the Expenditures Restraint Program, the Police Department Union Contract and pool expenses prompted changes to the budget. It is expected that a median value home will see a \$35 increase for the City, with a \$12 increase overall.

Variance Request to Issue Taxable Bonds for the Water Treatment Plant Financing

By filing the request, the City can issue taxable bonds, but it doesn't lock the City into it. **Motion (McClory/Kluck) to complete the Variance Request to issue taxable bonds for the water treatment plant financing. Roll call vote: Kluck, yes; Rehberg, yes; Huss, yes; Lechner, yes; McClory, yes; Myrin, yes. Motion carried.**

Legislative and Regulatory

Restaurant 31 "Class B"/Class "B" License Use Status

Alderman Rehberg said Restaurant 31 is for sale and closed to daily business, but is still doing private parties and banquets. The City Clerk was instructed to contact the owner to write a letter to put into his file.

Sales of Fermented Malt Beverages at Gas Stations, Stores and Drive-ups

This is at the discussion level at the committee.

Keeping of Honeybees in the City

Two presenters came and explained the benefits of honeybee keeping; the City of Delavan is allowing the keeping of honeybees. Alderman Kluck asked that the committee consider procedure should a neighbor have a child who is allergic to bees. Alderman McClory asked if neighbors to a potential beekeeper need

to sign a waiver; 51% of neighbors have to agree to the beekeeping. If someone is allergic to bees, they provide proof and the beekeeping would not be allowed.

Discussion about Chickens in the City

The committee discussed allowing chickens in the City and voted 2 to 1 to deny allowing chickens. Concerns raised regarded monitoring and odor.

Changes to Chapter 12, Direct Sellers Regarding Farm Stands on Public Property

This ordinance will be provided in the future for approval.

UNFINISHED BUSINESS

Ordinance No. 15-12 An Ordinance to Amend Chapter 17 Regarding Farm Stands (Second Reading)

Alderman Rehberg said language was changed to include Alderman McClory's request for "including but not limited to" and also reference to "Walworth County" was removed. **Motion (Rehberg/Lechner) to approve Ordinance No. 15-12. Roll call vote: Kluck, yes; Rehberg, yes; Huss, yes; Lechner, yes; McClory, yes; Myrin, yes. Motion carried.**

Ordinance No. 15-15 And Ordinance to Amend the Elkhorn Municipal Code at Chapter 12, Titled "Selling in the Parks" (Second Reading)

Motion (Rehberg/Huss) to approve Ordinance No. 15-15. Roll call vote: Kluck, yes; Rehberg, yes; Huss, yes; Lechner, yes; McClory, yes; Myrin, yes. Motion carried.

Ordinance No. 15-16 An Ordinance to Amend the Elkhorn Municipal Code at Chapter 12, Titled "Dog and Cat Licensing and Regulation" (Second Reading)

Motion (Rehberg/Lechner) to approve Ordinance No. 15-16. Roll call vote: Kluck, yes; Rehberg, yes; Huss, yes; Lechner, yes; McClory, yes; Myrin, yes. Motion carried.

NEW BUSINESS

Notice of Award for Geneva Street Reconstruction Project

Motion (Kluck/Huss) to approve the Notice of Award for Zenith Tech, Inc. for the Geneva Street Reconstruction Project for \$222,810. Roll call vote: Kluck, yes; Rehberg, yes; Huss, yes; Lechner, yes; McClory, yes; Myrin, yes. Motion carried.

Resolution No. 15-14 A Resolution Adopting the 2016 Budget and Tax Levy

Motion (McClory/Huss) to pass Resolution No. 15-14. Alderman Rehberg asked for additional explanation regarding the NE Water Treatment Plant and debt attributed to it. Administrator Tapson said the project was included in the 2016 budget as a placeholder. It doesn't affect the budget and the final action for it will be the council's decision. **Roll call vote: Kluck, yes; Rehberg, no; Huss, yes; Lechner, yes; McClory, yes; Myrin, yes. Motion carried.**

Certified Survey Map for Morrissey Drive

City Engineer VanHenkelum said this was for the storm water retention, land division and acceptance of the right-of-way. Alderman Rehberg asked if the wetlands was included on the map; Engineer VanHenkelum said while it wasn't required, it was accurate to the drawing. **Motion to pass the CSM for Morrissey Drive. Roll call vote: Kluck, yes; Rehberg, yes; Huss, yes; Lechner, yes; McClory, yes; Myrin, yes. Motion carried.**

PUBLIC COMMENT

None.

ADJOURN TO CLOSED SESSION

Motion (Kluck/McClory) to adjourn to closed session 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.” Adjourned at 6:30 p.m.

RECONVENE IN OPEN SESSION

Reconvened in open session at 6:55 p.m.

ADJOURN

Council adjourned at 6:55 p.m.

Cairie L. Virrueta
City Clerk

Approved 12/7/15