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**CITY OF ELKHORN COMMON COUNCIL  
MEETING MINUTES  
April 4, 2016  
COUNCIL CHAMBERS, 9 S. BROAD ST., ELKHORN, WI 53121**

The Common Council meeting was called to order by Mayor Olson 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 Captain Jon Anzalone, Utility Director John Murphy, City Engineer Paul VanHenkelum, Howie Reynolds, Reporter Kellen Olshefski, Lauderdale Aqua Skiers Representatives, other interested persons.

**PUBLIC COMMENT**

None.

**CONSENT AGENDA**

Motion (Rehberg/Kluck) to approve the minutes of the March 21, 2016 Common Council meeting. Voice vote; motion carried.

**REPORT OF CITY OFFICERS**

**Mayor's Report**

***Consideration and possible approval of contract extension with Lauderdale Aqua Skiers (LAS)***

The Lauderdale Aqua Skiers would like to use Elkhorn Lake as their permanent home and instead of a yearly permit would like a contract to use the lake. They are also applying for a grant and don't qualify unless they have a permanent home. They are considering hosting a tournament this summer and are participating in the Community Days in June. They Mayor recommended the City go with a 5 year contract with an opt-out. Administrator Tapson said the City can draft it but that LAS still needs an event permit submittal for special events, but it can be without cost. LAS will need to give the City a schedule each year, by a certain date. **Motion (Rehberg/Lechner) to authorize staff to create a contract document with Lauderdale Aqua Skiers for use of Elkhorn Lake that is perpetual with an opt-out. Voice vote; motion carried.**

***Consideration and possible approval on contract extension with ICI Commercial***

Mayor Olson said ICI Commercial has done a lot of work behind the scenes, and suggested staff prepares a longer term contract and it may need to go back to F&J. Administrator Tapson said right now it is a broker's contract and the scope of service will need to be identified in detail. Alderman McClory would like Stu to attend the F&J meeting. **Motion (Rehberg/McClory) to send the contract extension with ICI Commercial to the Finance & Judicial Committee for consideration. Voice vote; motion carried.**

**City Administrator's Report**

The PSC and DNR want the addition at Koopman Lane excluded from the SAFE loan so they are taking 1.1 million out of the overall project. The City can apply for a waiver and would need to submit the ITA now to hold the spot and submit the request for funding by June 30. **Motion (Rehberg/McClory) for the City to file the request for a waiver.** Mayor Olson said if the City decided not to go with the SAFE loan it would not be an issue. **Voice vote; motion carried.**

Assessment letters went out recently. A year ago the council endorsed a concept to review the top 20 assessment changes and notify the owners with a certified letter; this letter will go out this week. Residential and commercial increased values increased and a majority of the increases are construction and sales. It was suggested to eliminate these from the top 20 and only send letters to the remaining properties. The Council agreed.

## COMMITTEE/COMMISSION REPORTS

### Legislative & Regulatory

#### ***Recommendation to Deny "Class B"/Class "B" Alcohol License to KC's Clubhouse, LLC, 10 W. Evergreen Parkway, Agent Angelica Cordova***

Alderman Rehberg said the committee met on March 21<sup>st</sup> to review KC's application and with the advice of the City Attorney and as a result of recent events recommended denial of the license. **Motion (Rehberg/Huss) to deny the "Class B"/Class "B" alcohol license to KC's Clubhouse LLC, 10 W. Evergreen Parkway.** Alderman McClory asked why it was being denied. City Attorney Phillips said a few reasons were operating without a licensed operator or liquor license and failure to show conviction record. **Roll call vote: Huss, yes; McClory, yes; Lechner, yes; Rehberg, yes; Kluck, yes; Myrin, yes. Motion carried.**

### Plan Commission

#### ***Recommendation to approve the City of Elkhorn 2040 Comprehensive Plan per Plan Commission Resolution No. 16-1***

Administrator Tapson said the recommendation comes from the Plan Commission. There needs to be a 30 day window after a Class 1 publication. **Motion (Rehberg/Lechner) to schedule a public hearing for the 2040 Comprehensive Plan on May 16. Voice vote; motion carried.**

#### ***Recommendation to amend Subdivision Code pertaining to minimum lot size in extraterritorial plat approval jurisdiction and to schedule hearing pursuant to WI Stats 236***

Sam said this requires a Class 2 publication, but there is no time frame and it will come back to the Council on May 2. Several years ago the City passed an ordinance to require a five acre minimum in the ETP and have found it to be problematic; this amendment would allow less than five acres with three conditions. A land attorney drafted the amendment and it is defensible. **Motion (Rehberg/Kluck) to approve the two publications and hearing on May 2<sup>nd</sup> for the amendment to the Subdivision Code. Voice vote; motion carried.**

## UNFINISHED BUSINESS

### **Development Project Feasibility Study: Consider approval of Memorandum of Understanding**

Administrator Tapson previously sent the memo and pricing. **Motion (Rehberg/Huss) to approve the MOU regarding the Development Feasibility Study. Roll call vote: Huss, yes; McClory, yes; Lechner, yes; Rehberg, yes; Kluck, yes; Myrin, yes. Motion carried.**

## NEW BUSINESS

### **Resolution No. 16-05 Regarding Beekeeping Permit Fee**

City Clerk Virrueta said the new Beekeeping Ordinance would establish a fee by resolution. She recommended \$75 since the Zoning Administrator inspection cost is \$50. Mayor Olson felt the fee should be higher. **Motion (Lechner/Kluck) to approve Resolution No. 16-05 establishing the Beekeeping Permit Fee at \$75. Roll call vote: Huss, yes; McClory, yes; Lechner, yes; Rehberg, yes; Kluck, yes; Myrin, yes. Motion carried.**

### **Police Department In-Car Camera Purchase**

Captain Anzalone said the new PD vehicle needed a camera, this was budgeted for and it came in under budget, but as it is over \$5,000 it is presented to the Council for approval. **Motion (Rehberg/Lechner) to approve PD in-car camera purchase from Baycom for \$5,653. Roll call vote: Huss, yes; McClory, yes; Lechner, yes; Rehberg, yes; Kluck, yes; Myrin, yes. Motion carried.**

### **Police Department Vehicle Replacement Request**

A 2003 Impala used for employees to drive to training, conferences, etc. is valued at \$3,100 needs \$1,008 in repairs to make it drivable. The Police Chief's 2009 Impala is scheduled to be replaced next year and it was suggested to have the replacement sooner and then have the 2009 Impala for employee use. The

Chief's car would cost approximately \$28,000. Alderman Rehberg would like to see this go back to committee; he doesn't see the investment of \$1000 to save \$2000 as worthwhile. Alderman Myrin wants to see the bid for the repairs. If the City doesn't have a car for employee use, it pays \$.54 a mile for mileage and creates additional liability for the City. **Motion (McClory/Myrin) to send this back to the Finance & Judicial Committee. Voice vote; motion carried.**

**PUBLIC COMMENT**

None.

**ADJOURN**

Motion (Rehberg/Lechner) to adjourn at 6:13 p.m.

Cairie L. Virrueta  
City Clerk

**Approved 4/19/16**