
**CITY OF ELKHORN COMMON COUNCIL
MEETING MINUTES
June 6, 2016
COUNCIL CHAMBERS, 9 S. BROAD ST., ELKHORN, WI 53121**

The Common Council meeting was called to order by Mayor Reynolds at 5:30 p.m. in the Council Chambers followed by the Pledge of Allegiance, followed by Roll Call.

ROLL CALL

Present: Mayor Howie Reynolds, Aldermen Michael Kluck, Hoss Rehberg, Bruce Lechner, Cathy Bensaïd, Scott McClory, Tom Myrin.

Others present: City Administrator Sam Tapson, Attorney Ward Phillips, City Clerk Cairie Virrueta, Police Chief Joel Christensen, Utility Director John Murphy, Fire Chief Rod Smith, Library Director Lisa Selje, Recreation Director Wendy Meyer, City Engineer Paul VanHenkelum, Reporter Kellen Olshefski, other interested persons.

PUBLIC COMMENT

Sharon Galipo of 502 Westlawn said she has a water problem and her sump pump runs constantly and she can't sell her home because of it. She asked when repairs of Westlawn road were coming. City Engineer VanHenkelum said it is on the MSU agenda for consideration.

CONSENT AGENDA

Motion (Rehberg/Kluck) to approve the minutes of the May 16, 2016 Common Council, May 23 Special Council and May 16 Committee of the Whole meetings. Voice vote, motion carried.

REPORT OF CITY OFFICERS

Mayor's Report

Mayor Reynolds reminded everyone that NUTL at Harris Park is this Friday. There will be baseball games, inflatables, raffles and more.

City Administrator's Report

Administrator Tapson said the 2017 budget process is going and no great changes are anticipated going forward. He recommended doing one Work Session on it on June 20 and asked if the council was OK with it. The members shook their heads yes in agreement.

COMMITTEE REPORTS

Human Resources

PTO Donation Bank Modifications

Alderman Myrin said modifications include capping the bank at 1,040 hours, using 50% of unused MLB from separated employees and using 100% of MLB hours from employees separated in 2015. **Motion (Myrin/McClory) to approve the PTO Donation bank but using 50% of hours from 2015. Roll call vote: Bensaïd, yes; McClory, yes; Lechner, yes; Rehberg, yes; Kluck, yes; Myrin, yes. Motion carried.**

Pay Increase for Recreation Department's Recreation Coordinator

Alderman Myrin said a young man is doing a lot more work for the Rec Dept and his pay raise will be for this summer only. He is currently making \$11 an hour and the committee recommended \$13 an hour. **Motion (Myrin/McClory) to increase the Recreation Coordinator's hourly wage to \$13 for the current summer. Roll call vote: Bensaïd, yes; McClory, yes; Lechner, yes; Rehberg, yes; Kluck, yes; Myrin, yes. Motion carried.**

Municipal Services

Discussion on Installation of Garden at the Library

Alderman Kluck said the library would like to put a garden on the side of the library by Court St. It will be fenced in. Plans showing the garden will be brought back to the committee. The Library Director asked that a large shrub next to the door be removed by DPW. **Motion (Kluck/Rehberg) to remove the large shrub next to the library's door by Court Street. Voice vote; all approved; motion carried.**

Deere Road Drainage Repairs

Deere Road has drainage issues and the groundwater in the area is high. The committee asked City Engineer VanHenkelum to get a price on repairing the drainage issues and bring it back.

2016 Street Maintenance Program

The City Engineer presented the committee with a rating of street conditions and discussed different methods for maintaining streets. He will bring back recommendations on what to repair on the streets to the next meeting.

Legislative and Regulatory

Discussion of City Ordinance Regarding Disposal of Surplus Materials

After discussion, it was determined that this needs to be discussed at the Finance & Judicial meeting.

Review Ordinance No. 16-04 Chapter 12 "Alcohol Beverages"

The committee continues to work on updating the ordinance with City Attorney Phillips. It recently considered the wording "freestanding" in the ordinance.

Discussion on Changes to the Sex Offender Residency Ordinance

After discussion with the City Attorney and Police Chief, the committee decided to not make any changes. City Attorney Phillips asked if it could be reexamined as it does make sense to correct some things, such as the amount of time to respond to appeal requests and a few other things. He will make the changes and submit it to the City Administrator.

Renewal and New Alcohol Licenses

The City Clerk said all applications were forwarded to the Police Chief, Fire Chief and Building Inspector. The committee considered the following renewal and new alcohol licenses.

1. Renewal Class "A" Fermented Malt Beverage / "Class A" Liquor

- a. Elkhorn Wine & Spirits LLC, dba Elkhorn Wine & Spirits, G. Timothy Shiroda, Agent, 41 N. Lincoln St.
- b. Market Plaza of Elkhorn Inc., dba Frank's Liquor, Stephanie D. Lueptow, Agent, 58 W. Market St. C
- c. Wilson Farm Meats, Inc., dba Wilson Farm Meats, Robert R. Schmaling, Agent, 406 S. Wisconsin St.

Motion (Rehberg/Lechner) to approve all renewal Class "A" Fermented Malt Beverage/"Class A" Liquor License Renewals. Voice vote; all approved; motion carried.

1) Renewal Class "B" Fermented Malt Beverage / "Class B" Liquor

- a. Aune Enterprises, Inc., dba Sperino's Little Italy, Pepperoni Pub, Monte Carlo Room & Accustom Catering, Christopher D. Aune, Agent, 720 N. Wisconsin St.
- b. Howard Bennett Knight, dba The Jury Room, 20 S. Wisconsin St.
- c. Elk Restaurant, Inc., dba Elk Restaurant, Brad Wales, Agent, 13 W. Walworth St.
- d. Moy's Restaurant Inc., dba Moy's Restaurant, Paul Moy, Agent, 3 N. Wisconsin St.
- e. 9 East, Inc., dba Elkhorn Saloon, Justin Ehrhardt, Agent, 9 E. Walworth St.
- f. Sports Page Barr, Inc., dba Sports Page, Betty Barr, Agent, 29 1/2 S. Wisconsin St.
- g. Someplace Else, Inc., dba Someplace Else, Kristin L. Mohr, Agent, 1 W. Walworth St.

- h. Roni LLC, dba Fiddlesticks, Chad E. Steen, Agent, 101 Evergreen Parkway, Unit #7
- i. Viviana Inc., dba Calabria, Raunel J. Torres, Agent, 1 N. Lincoln St.

Motion (Rehberg/Lechner) to recommend all renewal Class "B" Fermented Malt Beverage/"Class B" Liquor License Renewals. Voice vote; all approved; motion carried.

1. Renewal Reserve Class "B" Fermented Malt Beverage / "Class B" Liquor

- a. Bernard Joaquin, dba Bernie's Pub and Grill, 39 N. Wisconsin

Motion (Rehberg/Lechner) to recommend renewal of Reserve Class "B" Fermented Malt Beverage/"Class B" Liquor License Renewal. Voice vote; all approved; motion carried.

1) Renewal Class "C" Wine and/or Class "B" Fermented Malt Beverage

- a. Class "C"/Class "B": Lakeland Players LLC., dba Lakeland Players, Warren Radtke, Agent, 15 W. Walworth St., Elkhorn, WI 53121
- b. Class "C": Friends Forever LLC, dba Friends on the Square, Kelly Odling, Agent, 41 N. Wisconsin St., Elkhorn, WI 53121

City Clerk Virrueta said Friends on the Square included a premise expansion, to include a second story private party room. **Motion (Rehberg/Lechner) to recommend renewal of Class "B" Fermented Malt Beverage and/or "Class C" Wine License Renewals. Voice vote; all approved; motion carried.**

The committee considered the following new license applications:

1) Class "B" Fermented Malt Beverage/Class "C" Wine: Elkhorn Family Restaurant, Indalecio Medrano, Agent, 56 Market St. #13

The committee recommended denial. The owner/agent failed to disclose three prior DUI's on the application which took place in 2008, 2011 and 2013. In addition, in Caddott, there was an EMC contact with the applicant in 2015 and the notes indicate heavy and consistent alcohol use. **Motion (Rehberg/Bensaid) to deny the Class "B" Fermented Malt Beverage/Class "C" Wine License application to Elkhorn Family Restaurant. Voice vote, all approved, motion carried.**

1) Class "B" Fermented Malt Beverage/"Class B" Liquor for Los Tres Hermanos Inc., Salvador A. Hernandez, Agent, 31 N. Wisconsin Street, Elkhorn, WI 53121

The business is located in a former licensed establishment downtown. **Motion (Rehberg/Lechner) to approve the Class "B" Fermented Malt Beverage/"Class B" Liquor for Los Tres Hermanos Inc. Voice motion, all approved, motion carried.**

2) Class "B" Fermented Malt Beverage: Friends Forever LLC., dba Friends on the Square, Kelly Odling, Agent, 41 N. Wisconsin St.

The committee postponed their decision on this license as they are waiting on additional information.

PLAN COMMISSION

Recommendation to Approve ETZ Conditional Use Permit No. 16-02 for Elkhorn Self Storage, N4327 County Road H

Mayor Reynolds said the ETZ Committee recommended approval. Motion (McClory) to recommend approval. Upon closer examination of Ordinance, questions were raised regarding the address shown. It will need to be looked into and brought back. Alderman McClory rescinded his motion.

Recommendation to Approve ETZ Conditional Use Permit No. 16-03 for Stuart Tank Sales, W4492 Stuart Drive

Motion (McClory/Lechner) to approve the ETZ Conditional Use Permit No. 16-03. Voice vote; all approved; motion carried.

Ordinance No. 16-09 An Ordinance to Rezone a Property Within the City of Elkhorn Extra Territorial Zoning Boundaries: W4492 Stuart Drive (First Reading)

Recommendation Regarding 2040 Plan Proposed Land Use Map Designations

The Bielinski property will be left commercial and the former Lakeland School property will be low density. The Plan Commission recommended in a 7-0 vote. **Motion (Rehberg/Myrin) to approve the 2040 Plan with the Land Use Map modifications. Voice vote; all approved; motion carried.**

ADJOURN TO CLOSED SESSION

Motion (Rehberg/Lechner) 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" at 5:52 p.m. Voice vote; all approved; motion carried.

RECONVENE IN OPEN SESSION

Reconvened in open session at 6:10 p.m.

ADJOURN

Motion (Lechner/Myrin) to adjourn at 6:10 p.m.

Cairie L. Virrueta
City Clerk

Approved 06/20/16