
**CITY OF ELKHORN COMMON COUNCIL
MEETING MINUTES
September 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 (Absent: 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, DPW Manager Neal Kolb, City Engineer Paul VanHenkelum, Reporter Kellen Olshefski, other interested persons.

PUBLIC COMMENT

None.

CONSENT AGENDA

Motion (Kluck/Bensaïd) to approve the minutes of the August 15, 2016 Common Council meeting. Voice vote, all approved, motion carried.

Alderman Rehberg asked the Police Chief if he reviewed the fairground alcohol permit events; he hasn't seen them yet. **Motion (Rehberg/Lechner) to approve alcohol picnic licenses for Walworth County Agricultural Society for Barn Dance on October 7 and 8, 2016 and for the Elkhorn ½ Mile – Motorcycle Racing Show on October 1, 2016; Elkhorn Sno-Drifters for the Annual Truck & Tractor Pull at the Walworth County Fairgrounds on September 17, 2016; Keefe Foundation for Keefe Kares at the Walworth County Fairgrounds on September 30, 2016. Voice vote, all approved, motion carried.**

REPORT OF CITY OFFICERS

Mayor's Report

Scheduling Date for Sex Offender Residency Appeal Meeting

Billy Jack Davenport filed an appeal as he wants to move to a different address in the City after being expelled from his current Elkhorn address. He does not have an address in the City he is applying for. City Attorney Phillips asked the City Clerk if the application asks for a specific address for the Sex Offender Residency Appeal; yes it does. Alderman Rehberg asked if the applicant is grandfathered in as he was already living in the City. Attorney Phillips said he was grandfathered into a residence, but since he is moving he needs to file for an appeal. Mayor Reynolds said an address is needed; Police Chief Christensen agreed. Davenport said he approached two places he could live at, one won't accept him and the other is full. He feels he is being harassed and that the ordinance is a form of intimidation. Mayor Reynolds told Davenport to find an address he wants to move to and the City will have his appeal. Davenport said he would contact an attorney regarding the ordinance and the lack of PD not doing something about his alleged harassment.

City Administrator's Report

Recommendation to approve VFW Property Damage Claim

Administrator Tapson said the City did construction by the VFW and cut through the water line; this was back in 2006. After problems with water in front of the VFW building, the VFW repaired the damage and submitted a bill to the City for reimbursement, per the City's recommendation. There was reasonable evidence that this was caused by the City. The Liability Claims Committee recommended approval.

Motion (Rehberg/Lechner) to reimburse the VFW for \$2,619 for costs they incurred in fixing a water main break in front of their building. Roll call vote: Bensaïd, yes; Lechner, yes; Rehberg, yes; Kluck, yes. Motion carried.

COMMITTEE REPORTS

Municipal Services and Utilities

Matheson Memorial Library Parking Lot Improvements

Alderman Kluck said the committee looked at a preliminary design for improvements to the library's parking lot and recommended the City Engineer provide plans to improve the lot and also explore the area for additional parking.

Holton Manor and Fairgrounds Water Towers- Recommendation to Authorize Engineering Services for Recoating of Towers

Both towers need painting and it was planned to do one in 2017 and one in 2018, however the City could save money if bid out at the same time. **Motion (Kluck/Rehberg) to approve the Utility Director obtaining bids for the recoating of the water towers, with options to do both in 2017 or one in 2017 and the second in 2018. Voice vote; all approved; motion carried.**

2016 Street Maintenance Contract

The City Engineer contacted five companies for the City's crack sealing project and two were interested. The City Engineer recommended Fahrner Asphalt. Some of the streets were too damaged for crack sealing. **Motion (Kluck/Bensaid) to recommend Fahrner Asphalt for the crack sealing project for \$97,800. Roll call vote: Bensaid, yes; Lechner, yes; Rehberg, yes; Kluck, yes. Motion carried.**

Fall Leaf/Brush Collection Modifications

Administrator Tapson and DPW Manager Kolb met with Advanced Disposal and proposed a new leaf collection program with pickup for 5 days a week for 6 weeks based on zones in the City. The program goes from 3 to 6 pickups. In addition, the driver will have a drive cam to produce video for the DPW Manager to review. He said the information needs to get out to the public in a timely fashion and didn't advise prolonging a decision. Alderman Bensaid was concerned with leaf and garbage pickup being on the same day, especially on narrow streets. Mayor Reynolds recommended the City try it this fall to see how it works. Alderman Rehberg believes the new program will work better. **Motion (Rehberg/Kluck) to approve the leaf and brush collection program modifications. Voice vote; all approved; motion carried.**

Discussion Regarding Library Landscape Design

The committee will wait to discuss this until the parking lot plan is considered.

Financial and Judicial

Discussion on Disposition of Accumulated Funds from CVMIC

Alderman Rehberg said the committee discussed this in great length and it was sent back to the Finance Director to provide more additional information.

Discussion on Future City Hall

The committee decided to form an ad hoc committee consisting of 2 staff, 2 alderman and 2 citizens to look into options for City Hall. Aldermen are to send the City Administrator their recommendations for committee members.

NEW BUSINESS

Approve MOU with the EASD Regarding Market Street Extension

Administrator Tapson said the MOU was received from the school district and they signed it, the City now needs to formally approve and sign it. **Motion (Rehberg/Lechner) to approve the Mayor signing the MOU with the EASD for the Market Street Extension. Roll call vote: Bensaid, yes; Lechner, yes; Rehberg, yes; Kluck, yes. Motion carried.**

Final Pay Request for Sunset Pool from Corporate Contractors, Inc.

Administrator Tapson asked that this item be removed due to some issues that have arisen. **Motion (Rehberg/Lechner) to remove this item from the agenda. Voice vote; all approved; motion carried.**

Resolution No. 16-10: NR208 – Compliance Maintenance for Wisconsin Pollutant Discharge Elimination System

DPW Manager Kolb said this is a mandatory resolution to be filed. **Motion (Rehberg/Lechner) to approve Resolution No. 16-10. Voice vote; all approved; motion carried.**

Plan Commission Recommendation to Schedule Public Hearing Regarding Zoning Code Amendments

Mayor Reynolds said the Plan Commission recommended the Council approve and schedule the hearing regarding zoning code amendments in reference to signs. Alderman Rehberg asked if the Council will get the changes; yes they will. **Motion (Rehberg/Bensaid) to schedule the Public Hearing at the next available Council meeting, as soon as possible. Voice vote; all approved; motion carried.**

ADJOURN TO CLOSED SESSION

Motion (Bensaid/Kluck) to adjourn to closed session pursuant to §19.85(1)(e) “Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session” regarding property acquisition. Voice vote; all approved; motion carried. Adjourned to closed session at 6:00 p.m.

Cairie L. Virrueta
City Clerk

Approved 09/19/16