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**CITY OF ELKHORN COMMON COUNCIL  
MEETING MINUTES  
March 6, 2017  
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 Bensaid, Scott McClory, Tom Myrin, Junior Council Member Nathan Chapman.

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, DPW Manager Neal Kolb, Fire Chief Rod Smith, Library Director Lisa Selje, City Engineer Jason Feucht, Chris Clapper, Gary Wallem, Richard Geaslen, Jonathan and Jennell Mellor, Doug Wheaton, other interested persons.

**PUBLIC COMMENT**

Gary Wallem, who is renting the property for Fiddlesticks Bistro introduced the new owners, Jonathan and Jennell Mellor. Wallem said they were aware of the situation with the liquor license application so only put the LLC in Jennell's name and did not have Jonathan Mellor be a part of the LLC, but mistakenly had him sign paperwork. Wallem's wife thoroughly vetted the Mellor's and supports them. The Mellor's redid all the paperwork. City Attorney Phillips advised that the new paperwork be resubmitted to apply again.

**CONSENT AGENDA**

***Motion (Kluck/Bensaid) to approve the minutes of the February 20, 2017 Common Council meeting and Closed Session. Voice vote, all approved, motion carried.***

**REPORT OF CITY OFFICERS**

**Mayor's Report**

None.

**City Administrator's Report**

Townsend Construction wanted to start work on S. Jackson St. in a couple of weeks but staff felt it was too soon. An open house at the Community Center is planned on March 22<sup>nd</sup> for residents to attend. Story boards, an informational pamphlet and the opportunity to ask questions are planned. Staff is looking into an intergovernmental agreement with the school district for construction of E. Market St. and to put it all under one bid with oversight from the City Engineer.

**COMMITTEE REPORTS**

**Legislative and Regulatory**

**Recommendation to Deny Alcohol License Application for Rollem and Son LLC dba Fiddlesticks Bistro, 101 W Evergreen Pkwy, #7, Agent Jennell Mellor**

The committee made a recommendation to deny as Jonathan Mellor, who has demonstrated an ownership interest in the business, has a felony record. ***Motion (Rehberg/Lechner) to Deny Alcohol License Application for Rollem and Son LLC dba Fiddlesticks Bistro.*** City Attorney Phillips said the applicants could reapply. ***Voice vote, all approved, motion carried.***

**Recommendation to Approve Alarms Ordinance, Chapter 10.02**

The committee recommended approval; this is under New Business.

**Chapter 13.4 Sump Pump Ordinance Discussion**

Staff will bring this back to the committee.

### **Review of Suggested Changes to Signs Ordinance, Chapter 17.8**

City Attorney Phillips said the final draft will be ready soon. This will need to go back to the Plan Commission and through the public hearing process again.

### **Financial and Judicial**

**Recommendation to Approve Amendment B to Task Order for Kapur & Associates Inc to Provide Civil Engineering Construction Management Services for S. Jackson St. for \$97,806**

***Motion (McClory/Myrin) to approve the Task Order for Kapur & Associates Inc for S. Jackson St. Project Civil Engineering Construction Management Services in the amount of \$97,806. Roll call vote: Bensaïd, yes; McClory, yes; Lechner, yes; Rehberg, yes; Kluck, yes; Myrin, yes (Jr. Council Member Chapman, yes). Motion carried.***

**Recommendation to Approve Purchase of DPW Plow Truck: From Lakeside International for the truck chassis for \$87,950 and from Burke Truck for the buildout for \$87,133.10**

DPW is scheduled to replace a 21 year old truck. The budgeted amount is \$180,000. ***Motion (McClory/Myrin) to approve Lakeside International for truck chassis at \$87,950 and Burke Truck for the buildout at \$87,133.10 for the DPW Plow Truck to get delivery of the truck by October 31. Roll call vote: Bensaïd, yes; McClory, yes; Lechner, yes; Rehberg, yes; Kluck, yes; Myrin, yes (Jr. Council Member Chapman, yes). Motion carried.***

### **Recommendation to Obtain Additional Proposals for Landscaping at Library**

Library Director Selje said DPW removed some shrubs last fall and the area is pretty bare and she wanted to replace the plantings. She received an estimate from B&J Tree and Landscape Service for \$5,832 for the plantings. The committee would like to see more proposals for the work and have DPW more involved, especially for the stump removal. He would also like to see a breakdown of the costs on the proposals. The library has four Master Gardeners who will weed, water and maintain the plantings around the library.

***Motion (McClory/Rehberg) for the Library Director, along with the DPW Manager, to obtain three more proposals for the landscaping, that includes a breakdown of costs including a breakdown for the proposal received from B&J Tree and Landscape Service; and for the Friends of the Library group to pay half with the library paying \$500 and the City paying the remainder. Roll call vote: Bensaïd, yes; McClory, yes; Lechner, yes; Rehberg, yes; Kluck, yes; Myrin, yes (Jr. Council Member Chapman, yes). Motion carried.***

### **Police Department Squad Car Outfitting and Purchase of Mobile Radio**

The new P.D. squad car needs outfitting and the purchase of a mobile radio. ***Motion (McClory/Myrin) to approve General Communications at \$12,396.37 for outfitting of the new Police Department squad car and the mobile radio from General Communications for \$4,586.86. Roll call vote: Bensaïd, yes; McClory, abstain; Lechner, yes; Rehberg, yes; Kluck, yes; Myrin, yes (Jr. Council Member Chapman, yes). Motion carried.***

### **Discussion of ICI Commercial Contract for Business Park Sales**

The committee discussed the contract with Stu Rosenberg who recommended additional avenues for advertising the business park. He will bring back a packet with specific recommendations and costs.

***Motion (McClory/Myrin) to keep ICI commercial, but to negotiate the City's contract and report back on it. Voice vote, all approved, motion carried.***

### **NEW BUSINESS**

**Ordinance No. 17-03 An Ordinance Amending Chapter 10 Titled "Public Nuisances" (First Reading)**

**Ordinance No. 17-04 An Ordinance to Rezone Part of a Property Located Within the Boundaries of the City of Elkhorn: Depot Lane (First Reading)**

***Motion (Rehberg/Myrin) to waive the first reading of Ordinance No. 17-03 and 17-04. Voice vote, all approved, motion carried.*** Gary Wallem is planning to put up a storage building for contractors' use after his previous building burned down, which requires a rezone. ***Motion (Rehberg/McClory) to approve Ordinance No. 17-03 and 17-04. Voice vote on 17-03, all approved, motion carried. Voice vote on 17-04, all approved, motion carried.***

**PLAN COMMISSION**

**Recommendation to Approve Conditional Use Permit for SCW2, LLC, 611 Nathan Lane**

***Motion (Rehberg/Lechner) to approve the CUP for SCW2, LLC, 611 Nathan Lane. Voice vote, all approved, motion carried.***

**Recommendation to Approve Conditional Use Permit for A+ Power Sports, 622 E. Court St.**

Mayor Reynolds said this combines two buildings into one and creates one lot. ***Motion (Rehberg/Myrin) to approve the CUP for A+ Power Sports, 622 E. Court St. conditioned upon both parcels being joined into one and allowing four display items to be left out. Voice vote, all approved, motion carried.***

**ADJOURN TO CLOSED SESSION**

***Motion (Kluck/Lechner) to adjourn to Wisconsin Statute 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 Public Works Relocation Option. Voice vote, all approved, motion carried.*** Adjourned to closed session at 5:57 p.m.

**RECONVENE IN OPEN SESSION**

Reconvened in open session at 6:06 p.m.

***Motion (McClory/Lechner) to approve the purchase of land on Centralia in the amount of \$282,500. Roll call vote: Bensaid, yes; McClory, yes; Lechner, yes; Rehberg, yes; Kluck, yes; Myrin, yes. Motion carried.***

**ADJOURN**

Motion (Rehberg/McClory) to adjourn at 6:08 p.m.

Cairie L. Virrueta  
City Clerk

**Approved 03/20/2017**