
**CITY OF ELKHORN COMMON COUNCIL
MEETING MINUTES
August 7, 2017
COUNCIL CHAMBERS, 9 S. BROAD ST., ELKHORN, WI 53121**

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

ROLL CALL

Present: Aldermen Michael Kluck, Tim Shiroda, Bruce Lechner, Cathy Bensaid, Scott McClory, Tom Myrin;

Absent: Mayor Howie Reynolds

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, DPW Supervisor Todd Hanson, Fire Chief Rod Smith, Library Director Lisa Selje, City Engineer Jason Feucht, Chris Clapper, Jason Tadlock, other interested persons

PUBLIC HEARINGS

To Vacate and Discontinue an Un-named Right-of-way on the Elkhorn Area High School Property

Council President Lechner opened the public hearing at 5:30 p.m. He asked for comments three times. No comments. Public Hearing closed at 5:31 p.m.

Proposed Amendment to Chapter 17.15-2 Regarding Mobile Tower Siting Regulations

Council President Lechner opened the public hearing at 5:31 p.m. He asked for comments three times. No comments. Public Hearing closed at 5:32 p.m.

PUBLIC COMMENT

None.

CONSENT AGENDA

The City Clerk asked to remove St. Patrick's Summer Celebration as the date listed was incorrect. ***Motion (Kluck/Bensaid) to approve the minutes of the July 17, 2017 Common Council meetings and Temporary Class B Beer License for Elkhorn Sno-Drifters' Annual Truck & Tractor Pull, September 8, 2017 from 3 to 11 p.m. at the Fairgrounds; Operator: Sarah Kirkham; Temporary Class B Beer/Wine License for: Keefe Kares Foundation's Annual Celebration, September 22, 2017 from 5 to 9 p.m. at the Fairgrounds; Operator: Diane Cocroft and Walworth County Agricultural Society's Mecum Auction, October 11-14, 2017 from 9 a.m. to 11 p.m. at the Fairgrounds; Operator: Loretta Meinel. Voice vote, all approved, motion carried.***

REPORT OF CITY OFFICERS

Mayor's Report

Motion (Shiroda/Bensaid) to approve Board of Appeals appointments of Desirae Skelton, Tom Stotko, Phil Sanborn, Al Young, James Boardman, Alternate: Dan Duchemin. Alderman Myrin asked what the Board's functions were; Administrator Tapson said the board convenes when a property owner disagrees with the Plan Commission's decision. ***Voice vote, all approved, motion carried.***

Motion (Kluck/Shiroda) to approve Board of Review appointments of James Boardman and Al Young.

The Board needs two more appointments. ***Voice vote, all approved, motion carried.***

City Administrator's Report

Update on EASD Building Project – Request to allow sanitary sewer to remain in-place

Administrator Tapson said a building goes over the top of the sanitary sewer line on the high school grounds and he recommended moving it. Jason Tadlock from the School District approached him with a request to allow for the existing sanitary sewer to remain in-place rather than re-routing. The District is willing to enter into an agreement requiring the District to assume the full cost of any repair or replacement of the sewer as may be necessary at some future date. Tadlock said it is working fine and

didn't see the need to change it. Alderman McClory asked what the money the District would save would be spent on; Tadlock was unsure but it may go to tennis court lighting. City Engineer Feucht said although the pipe looked to be in good shape, a sewer under buildings is not good planning and recommended re-routing the sewer line. Alderman Myrin agreed and didn't think the Council should approve poor planning. ***Motion (Myrin/Bensaid) to deny the EASD's request to allow sanitary sewer to remain in place under a building and require re-routing of the sewer line. Voice vote, all approved, motion carried.***

Administrator Tapson said the 2018 budget is underway and discussed dates to meet with departments to discuss it. Alderman McClory recommended two meetings with three departments at each. Tuesday dates were determined at a previous committee meeting and Administrator Tapson will send those dates to the Council in an email.

City Engineer

Update on 2017 Street Projects

Engineer Feucht said prior to work, existing sanitary, water and storm utilities should be determined for Proctor and Court streets. He received quotes from two companies who are available to televise the streets. The Expeditors provided a price of approximately \$13,600 and can begin the first week of September or sooner. ***Motion (Myrin/Bensaid) to authorize televising of Proctor and Court streets. Roll call vote: Myrin, yes; Bensaid, yes; Shiroda, yes; Kluck, yes; Lechner, yes; McClory, yes. Motion carried.***

COMMITTEE REPORTS

Municipal Services and Utilities

Recommendation for City Engineer to Provide Information to Extend Sewer to Burgess Property/525 Marsh Road

The property at 525 Marsh Road has a well, in good condition, and a septic, that is older and non-conforming which makes it hard for potential buyers to get financing. The Burgess's were asking to be able to replace the septic system. The committee asked the City Engineer to provide information and pricing on running City water and sewer to the property.

Recommendation to Approve Siegler Grading & Excavating LLC to Install Storm Sewer Drain on Sunset Drive for \$7,400

City Engineer Feucht said ice builds on Sunset Drive and Page Street due to the sump pumps going into the street from the sloping yards. At times there can be 8" thick ice in the curb and gutter. He said it creates a safety and maintenance issue. Two proposals were received for installing storm sewer drains on Sunset Drive so that homes could connect to it. It will connect into the existing storm sewer on Page St. Engineer Feucht recommended Siegler Grading & Excavating as they were the lowest responsible bidder; they have done work for the City before. ***Motion (Kluck/Bensaid) to approve a budget adjustment in the amount of \$7,400 for Siegler Grading & Excavating LLC for installation of a storm sewer drain on Sunset Drive. Roll call vote: Myrin, yes; Bensaid, yes; Shiroda, yes; Kluck, yes; Lechner, yes; McClory, yes. Motion carried.***

Update on Water Tanks Painting

Utility Director Murphy said MK Painting was contracted to paint the water towers in 2017 and 2018. However, MK Painting offered to paint the other tower this year with a \$3,000 discount and to postpone the billing until 2018. Utility Director Murphy said they are doing a fantastic job and MK Painting had asked to paint the other tower as they are slow right now. There is money to pay for the painting this year. Administrator Tapson did not see any benefit to delaying the payment until 2018. ***Motion (Kluck/McClory) to approve painting the second water tower in 2017 along with a \$3,000 discount. Roll call vote: Myrin, yes; Bensaid, yes; Shiroda, yes; Kluck, yes; Lechner, yes; McClory, yes. Motion carried.***

Legislative and Regulatory

Operator-Alcohol License Denial Policy

Alderman Bensaid said the committee reviewed the policy and recommended approval. It is under New Business.

Ordinance Regarding Paying Fees Prior to Issuance of Permits or Licenses

Chief Christensen said within the alcohol licensing ordinance is a specific section that allows for the prevention of a license/permit if there is an outstanding fee or forfeiture owed to the City, however statute says that should apply to all licenses and permits, not just those related to alcohol licensing. He recommended that section be moved to the beginning, in Section 12.01 *General provision and definitions*. He said the only exception would be dog licensing. The committee recommended approval and it is under New Business.

Ordinances Regarding Allowing Alcohol in City Parks

Clerk Virrueta said language in the ordinance in Section 19, Parks and Recreation, needs some cleaning up. Currently, the wording allows for beer in the Lion's Den, in Harris Park and on Elkhorn Lake, but not in the Babe Mann shelter. The City does give permits for alcohol at Babe Mann. In addition, the ordinance should allow for wine and fees were also inaccurate. The committee will continue discussion on this.

NEW BUSINESS

Ordinance No. 17-13 An Ordinance Amending Chapter 12 Titled Licenses and Permits (First Reading)

Resolution No. 17-10 A Resolution to Implement Operator/Alcohol Licensing Approval Policy

Motion (Bensaid/Kluck) to approve Resolution No. 17-10. Voice vote, all approved, motion carried.

Resolution No. 17-14 A Resolution for the Discontinuance of An Unnamed Public Right-of-Way Involved

Motion (Shiroda/Kluck) to approve Resolution No. 17-14. Voice vote, all approved, motion carried.

Resolution No. 17-15 A Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing (TID 4)

Motion (McClory/Myrin) to approve Resolution No. 17-15. Voice vote, all approved, motion carried.

Discussion on Regulating Temporary Sales/Events on Private/Business Property

Alderman Myrin was concerned that a business set up on private property to sell boats and never contacted the City. Then the City granted them a CUP and allowed them to proceed. Administrator Tapson said the business did contact the City and was told by an employee that they didn't need a permit from the City. This employee is aware of the error made. He said the Council may want to revisit the ordinance as special events require submittal 45 days in advance and temporary alcohol license permits require 30 days and the time frames are not being followed. Alderman McClory agreed that the time frames need to be absolute. Alderman Myrin asked if an additional fee could be added if applications were submitted late. This will go to the Legislative and Regulatory Committee for further discussion.

PLAN COMMISSION

Ordinance No. 17-12 An Ordinance to Add Mobile Tower Siting Regulations to City Municipal Code (First Reading)

Conditional Use Permit for Outside Sales and Storage for Terra Yard Creations, 202 E. Grant St. Motion

(Bensaid/Myrin) to approve the CUP for Terra Yard Creations. Voice vote, all approved, motion carried.

ADJOURN TO CLOSED SESSION

Motion (Lechner/Myrin) to adjourn to closed session pursuant 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 economic development land acquisition. Voice vote, all approved, motion carried.

Adjourned to closed session at 6:30 p.m.

RECONVENE IN OPEN SESSION

Reconvened in open session at 6:40 p.m.

ADJOURN

Motion (McClory/Bensaid) to adjourn at 6:40 p.m.

Cairie L. Virrueta
City Clerk

Approved 08/21/17