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**CITY OF ELKHORN COMMON COUNCIL  
MEETING MINUTES  
September 5, 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, Tim Shiroda, Bruce Lechner, Cathy Bensaid, 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, City Engineer Jason Feucht, Julie Doucette, Elizabeth McComb, Larry and Corrine Simon, Ken Borta, Taylor Eastbrook, Duane Wuttke, Dave Crosby, Carl Gustafson, Katie Larsen, other interested persons.

**PUBLIC HEARING**

**Vacate and Discontinue the Eastern 33 Feet of East Limits Road, Tax Key YVSE 00001C**

Mayor Reynolds open the Public Hearing at 5:31 p.m. Ken Borta was asking to vacate the easement rights on his property. He said there are water problems there he was asking the City to look into. His neighbor also has water problems on is property. Larry Simon said the culvert has filled up over the years. The City will look into it. Mayor Reynolds closed the Public Hearing at 5:34 p.m.

**PUBLIC COMMENT**

Libby McComb claimed Elkhorn only received 3.3" of rain on July 12 and the lift station shouldn't have failed. She believes there is a major I&I issue that the City needs to fix. She said the City budgeted \$25,000 a year for I&I issues but records she obtained do not show it was spent. She said the City's ordinance is supposed to having a plumbing inspector, but she couldn't find one on the website.

Taylor Eastbrook said Second Ave was heavily hit and no one has flood insurance because they are not in flood plain and it wasn't a flood but a sewer back-up.

Dave Crosby questioned if the City's storm drains have been maintained and said the drain in front of his house was plugged at 1 a.m. and water not going into the drains caused the flooding. He said the City is negligent in maintain its infrastructure so it can't vacate the claims. He said people have 120 days to submit a claim so it is pre-emptive.

Julie Doucette said she had her driveway drain videotaped and it is clear and the flooding is not her fault. She said her driveway had a lip before reconstruction and wants it back.

Katie Larsen asked why the City can be seen daily working on the storm drains, removing debris.

**CONSENT AGENDA**

***Motion (Kluck/Lechner) to approve the minutes of the August 21, 2017 Common Council meeting. Voice vote, all approved, motion carried.***

**REPORT OF CITY OFFICERS**

**Mayor's Report**

**Scheduling of Committee of the Whole Meeting for Sex Offender Appeal**

Mayor Reynolds said the City received an appeal from someone wanting to attend a program at the library and needed to schedule a Committee of the Whole meeting to consider it. City Attorney Phillips and Alderman Shiroda won't be at the Council meeting on September 18 so the meeting will need to take place before the following Council meeting.

**City Administrator's Report**

**DPW Operations Manager Recruitment**

Administrator Tapson said the City received 11 applications with 4 or 5 viable candidates. He would like to have a Human Resources Committee meeting on Monday to walk through the applicants. He suggested the member interviewing the candidates be comprised of the Mayor, HR Chairman, Finance Director and Utility Director. Mayor Reynolds also suggested the MSU Chairman.

## **COMMITTEE REPORTS**

### **Financial and Judicial**

#### **Possible Action on Recommendation to Proceed with Next Phase for DPW Facilities Design**

Alderman McClory said the committee recommended proceeding with Task 3 with Barrientos and Kapur for the other site work. ***Motion (McClory/Myrin) to engage Barrientos for Task 3 for \$6,245 and Kapur for other site work for the DPW Facilities Design.*** Engineer Feucht said after talking with Norman Barrientos it was determined that Kapur's site work would be part of the next phase after Task 3 and wasn't need a this time. That would be needed as part of the final design component. ***Motion amended (McClory/Myrin) to only engage Barrientos and not Kapur at this time. Roll call vote: Bensaid, yes; McClory, yes; Lechner, yes; Shiroda, yes; Kluck, yes; Myrin, yes. Motion carried.***

#### **CVMIC Dividends: Recommendation on Disposition of Accumulated Dividends**

Alderman McClory said this is a yearly decision to take the funds or let CVMIC invest them. In the past the City let CVMIC invest them as they gave a good rate of return. ***Motion (McClory/Myrin) to continue to reinvest accumulated dividends with CVMIC as done in the past. Roll call vote: Bensaid, yes; McClory, yes; Lechner, yes; Shiroda, yes; Kluck, yes; Myrin, yes. Motion carried.***

#### **CVMIC Liability Insurance: Recommendation to renew**

The City's liability insurance with CVMIC is up for renewal and renewal rates will increase 1.03% in 2019 and 2% in 2020. Finance Director Heilman recommended renewing and retaining the same deductible level of \$25,000. ***Motion (McClory/Myrin) to renew the City's liability insurance with CVMIC with rates locked through 2020 and a deductible of \$25,000. Voice vote, all approved, motion carried.***

#### **Recommendation to Deny Claims for July 12 Rain Event**

Following the advice of CVMIC, the City's liability insurer, and the City Attorney, the committee recommended denying the claims for the July 12 rain event. ***Motion (McClory/Myrin) to deny all claims against the City for the July 12 rain event. Roll call vote: Bensaid, yes; McClory, yes; Lechner, no; Shiroda, yes; Kluck, no; Myrin, yes. Motion carried.***

### **Municipal Services and Utilities**

#### **Recommendation to Top Dress Baseball/Softball Fields in Next Budget Cycle**

Alderman Kluck said as the fields have no issues or problems it would hold off until the 2019 budget cycle. Administrator Tapson said the school district is willing to split the cost. Alderman Lechner he would rather the money be used towards maintenance that is needed and top dressing isn't needed. ***Motion (Kluck/Lechner) to postpone topdressing baseball/softball fields until the next budgeting cycle, in 2019. Voice vote, all approved, motion carried.***

## **NEW BUSINESS**

#### **Resolution No. 17-11 A Resolution for the Discontinuance of Part of East Limits Road**

Administrator Tapson recommended waiting on this as the Town of Geneva should be contacted to confirm if they would approve vacating it. City Engineer Feucht said additional work to determine the water problem there needed to be completed. Mayor Reynolds asked him how long it would take; by the next Council meeting. Larry Simon said he would contact the Town of Geneva. This will be brought back.

## **ADJOURN INTO CLOSED SESSION**

***Motion (Lechner/Bensaid) to adjourn into 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 TID 4 Development Projects. Adjourned to closed session at 6:10 p.m.***

**RECONVENE IN OPEN SESSION**

Reconvened in open session at 6:55 p.m.

**ADJOURN**

***Motion (McClory/Kluck) to adjourn at 6:56 p.m.***

Cairie L. Virrueta  
City Clerk

**Previously Approved 9/18/17**  
**Amended and Approved 11/20/17**