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**CITY OF ELKHORN COMMON COUNCIL  
MEETING MINUTES  
April 2, 2018  
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.

**ROLL CALL**

Present: Mayor Howie Reynolds, Aldermen Tim Shiroda, Frank Boggs, 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, DPW Manager Matthew Lindstrom, Fire Chief Rod Smith, Library Director Lisa Selje, Rec Director Wendy Meyer, Karel Young, Chris Clapper, Kellen Olshefski, other interested persons

**PUBLIC HEARING**

**Regarding Ordinance No. 18-05, An Ordinance to Impose Interim Control on Certain Planning, Zoning and Development Activities**

Mayor Reynolds opened the public hearing at 5:31 p.m. He asked if there were any comments three times. No comments. Public Hearing closed.

**PUBLIC COMMENT**

None.

**CONSENT AGENDA**

*Motion (Bensaid/Lechner) to approve the minutes of the March 19, 2018 regular and Closed Session Common Council meeting. Voice vote, all approved, motion carried.*

*Motion (McClory/Shiroda) to approve the following licenses:*

*Temporary Alcohol Licenses for Walworth County Agricultural Society, Licensed Operator Chris Clapper for the following:*

- *Add Class B Wine License for Ribfest, July 12-15, 2018 11 a.m. to 11 p.m. (Licensed Operator: Loretta Meinel)*
- *Class B Beer/Wine License for Elkhorn Mole Fest, June 30 – July 1, 2018, 11 a.m. to 11:30 p.m. on 6/30 and 11 a.m. to 10:30 p.m. on 7/1*
- *Class B Beer for Monster Trucks Show, July 7, 2018, 3 p.m. to 11:30 p.m.*
- *Class B Beer for Pro-Rodeo, August 17-18, 2018, 3 p.m. to 11:30 p.m.*
- *Class B Beer for Bull Riding, September 15, 2018, 3 p.m. to 11:30 p.m.*
- *Class B Beer for Flat Track Races, October 5-7, 2018, 11 a.m. to 11:30 p.m.*

Chief Christensen had no concerns regarding the events, he said the Fairgrounds provides their own security. *Voice vote, all approved, motion carried.*

**REVISITED PUBLIC COMMENT**

At the request of an attendee, Public Comment was revisited. Jim Peltier of 980 N. Pheasant Way said he opposed the apartments going in near him. He said he would move if the apartments went in. He asked what can be done about them; Attorney Phillips recommended he seek legal advice. He said the Council can't discuss it as it isn't on the agenda. Mayor Reynolds said the City Clerk can get the Plan

Commission email list from the secretary regarding apartments and send the agenda that discusses this to the list. Alderman McClory said the agenda is also on the City's website.

## **REPORT OF CITY OFFICERS**

### **Mayor's Report**

None.

### **City Administrator's Report**

City Administrator Tapson suggested dates for the next Council meeting as well as the organizational meeting. He recommended meeting on the 16<sup>th</sup> for the regular Council meeting and on the 17<sup>th</sup> for the organizational meeting.

## **COMMITTEE REPORTS**

### **Human Resources**

#### **Recommendation to Update Water & Electric Utility Department Operational Plan (Resolution under New Business)**

Utility Director Murphy needs to fill two positions; utility technician and water foreman. The foreman position is new as the department lacks supervision. The committee also discussed removing the electric utility from the City's overall compensation plan and evaluating it with MEUW standards. The committee recommended all changes.

### **Legislative & Regulatory**

#### **Recommendation to Approve Class "B" Fermented Malt Beverage/"Class C" Wine Alcohol License Application from Firefly Art Glass Conditioned Upon Appropriate Documents Being Submitted to City Clerk**

Alderman Bensaid said the committee was concerned with issuing the Class C Wine license as it is designated for restaurants and the applicant isn't a restaurant or serving meals. The menu originally included only cold items but it was revised to include hot soup. The City Attorney felt this was a defensible position if the license was approved. ***Motion (Bensaid/Lechner) to approve the Class "B" Fermented Malt Beverage, "Class C" Wine license for Firefly Art Glass. Voice vote, all approved, motion carried.***

#### **Recommendation to Approve Changes to Ordinance, Chapter 12.03(9)(k) Required Period Open for Business, Adding "to the general public, on a continuous basis" (Ordinance Under New Business)**

Alderman Bensaid said this tightens up the ordinance describing in more detail what being open for business means. City Attorney Phillips supported the change.

#### **Discussion Regarding Reconsideration of Adding Noise Prohibitions to Chapter 10 Public Nuisances of City's Ordinance**

The changes were sent to the City Attorney to work on and to compare with Act 770.

### **Financial and Judicial**

#### **Recommendation to Engage Park Planner for Babe Mann Park**

Alderman McClory said after discussion with the Rec Director and Advisory Board Chair it is recommended to engage a park planner this year for Babe Mann. They are looking at upgrading the park in phases, starting with ADA compliance. Hiring a planner was budgeted for this year. ***Motion (McClory/Myrin) to approve and immediately engage a planner for Babe Mann Park.*** Administrator Tapson said up to \$20,000 was budgeted for this year. Teska, whom the City uses for these types of

projects, gave a proposal of \$15,000. ***Motion amended (McClory/Myrin) to engage Teska for Babe Mann Park planning.*** Alderman Bensaid asked if the Park & Rec Department had time for additional programming in the park; Rec Director Meyer said before programming can be considered, some areas need to be addressed. ***Roll call vote: Bensaid, yes; McClory, yes; Lechner, no; Shiroda, yes; Boggs, yes; Myrin, yes. Motion passed.***

**Recommendation to Purchase Five Computers from Heartland Business Systems for Administration and Water Utility**

The current computers are outdated. ***Motion (McClory/Myrin) to approve the purchase of five computers from Heartland Business Systems for Administration and Water Utility. Roll call vote: Bensaid, yes; McClory, yes; Lechner, yes; Shiroda, yes; Boggs, yes; Myrin, yes. Motion passed.***

**Recommendation to Approve the Agreement with Teska Associates for Review and Rewriting of the City's Zoning Code as Related to Conditional Use Permits**

***Motion (McClory/Myrin) to approve the Teska Agreement regarding Conditional Use Permits. Roll call vote: Bensaid, yes; McClory, yes; Lechner, yes; Shiroda, yes; Boggs, yes; Myrin, yes. Motion passed.***

**UNFINISHED BUSINESS**

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

Mayor Reynolds said everything is signed and the township approved the discontinuance. ***Motion (Shiroda/Lechner) to approve Resolution No. 17-11. Voice vote, all approved, motion carried.***

**NEW BUSINESS**

**Resolution No. 18-05 A Resolution to Amend the City of Elkhorn Wage and Salary Plan and the Wage and Salary Schedule Covering All General Employees**

The Council didn't have any questions on this. ***Motion (Myrin/Shiroda) to approve Resolution No. 18-05. Voice vote, all approved, motion carried.***

**Resolution No. 18-06: A Resolution to Authorize a City Representative to File Recycling Grants to Responsible Units**

DPW Manager Lindstrom said this is more of a technicality as it used to say DPW Director. ***Motion (McClory/Lechner) to approve Resolution No. 18-06. Voice vote, all approved, motion carried.***

**Ordinance No. 18-05: An Ordinance to Impose Interim Control on Certain Planning, Zoning and Development Activities (First Reading)**

***Motion (Shiroda/Bensaid) to waive the first reading. Voice vote, all approved, motion carried.***  
***Motion (McClory/Boggs) to approve Ordinance No. 18-05. Voice vote, all approved, motion carried.***

**Ordinance No. 18-06: An Ordinance to Amend the Elkhorn Municipal Code at Section 12.03 Titled "Alcohol Beverages" (First Reading)**

***Motion (Lechner/Bensaid) to waive the first reading. Voice vote, all approved, motion carried.***  
Alderman Shiroda asked when this went into effect; Attorney Phillips said right away. Alderman McClory asked what "continuously open" means; Attorney Phillips said the court would be able to define this. Alderman Shiroda asked if it would prevent the Council from giving extensions; no it wouldn't. ***Motion (Bensaid/Lechner) to approve Ordinance No. 18-06. Voice vote, all approved, motion carried.***

**ADJOURN TO CLOSED SESSION**

***Motion (Lechner/Boggs) 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 Right of Way Acquisition. Adjourned to closed session at 6:08 p.m.***

**RECONVENE IN OPEN SESSION**

Reconvened in open session at 6:15 p.m.

**ADJOURN**

***Motion (Lechner/Bensaid) to adjourn at 6:15 p.m. Voice vote, all approved, motion carried.***

Cairie L. Virrueta  
City Clerk

**Approved 04/16/2018**