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**CITY OF ELKHORN COMMON COUNCIL  
MEETING MINUTES  
August 5, 2019  
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, Karel Young, Tom Myrin; Ron Dunwiddie, Scott McClory

Others present: City Administrator Sam Tapson, Attorney Ward Phillips, Finance Director James Heilman, City Clerk Cairie Virrueta, Deputy Clerk Lacey Reynolds, Police Captain Al Brandl, Utility Director John Murphy, DPW Manager Matthew Lindstrom, Fire Chief Rod Smith, Library Director Lisa Selje, Recreation Director Karl Sorvick, other interested persons

**PUBLIC COMMENT**

None.

**MINUTES**

***Motion (McClory/Young) to approve the minutes of the July 15, 2019 Common Council, July 22, 2019 and July 29, 2019 Committee of the Whole meetings. Voice vote, all approved, motion carried.***

**REPORT OF CITY OFFICERS**

**MAYOR'S REPORT**

The Mayor read a proclamation for World Breastfeeding Week.

**CITY ADMINISTRATOR'S REPORT**

**Sand Creek Consultants: Proposal recommendation to approve proposal to review DNR record file for former Union Gas remediation site (Sunset Park)**

Administrator Tapson said the cost is less than \$2,000 and should be done even if the site is not selected as a location for City Hall. ***Motion (McClory/Boggs) to approve Sand Creek Consultants to review the former Union Gas remediation site in an amount not to exceed \$2,000. Roll call vote: Boggs, yes; Shiroda, yes; Young, yes; Dunwiddie, yes; McClory, yes; Myrin, yes. Motion carried.***

**COMMITTEE REPORTS**

**COMMITTEE OF THE WHOLE**

**Recommendation to approve Applied Technologies for I&I Mitigation**

Mayor Reynolds said the committee interviewed firms and after discussion voted for ATI. ***Motion (Dunwiddie/Boggs) to use Applied Technologies Inc. for the City's I&I mitigation. Voice vote, all approved, motion carried.***

**LEGISLATIVE & REGULATORY**

**"Class A" Liquor/Class "A" Fermented Malt Beverage License for America's Liquor, LLC at 9 N. Lincoln St.**

Alderman Young said the committee recommended approval. ***Motion (Myrin/Dunwiddie) to approve the Class A Combination License for America's Liquor. Voice vote, all approved, motion carried.***

## **PLAN COMMISSION**

### **Request for extension of Conditional Use Permit from New Life of Elkhorn, LP**

Administrator Tapson said the project has not materialized yet and the CUP expires in September. The owner of the property, Zoe Makhsous, said she intends to have veterans work at the adult care as caregivers. Attorney Phillips asked if her plans significantly differ from the CUP; she said no and she is not changing any of it. Makhsous said she might sell the property. Attorney Phillips said the CUP applies to successors and it does not make a difference who the owner is. Alderman Myrin asked why an extension was needed. Makhsous said she thought the project would be at substantial completion at this point but she was surprised when she went by the property and nothing was done. Attorney Phillips asked her when the permit could be applied for and construction started; she said in two weeks. She still needs to work out some issues with the contractor, which is Scherrer. Attorney Phillips said extending the CUP is discretionary and the Council can put conditions on the extension. Alderman Shiroda said he has not heard anything that differs from an extension request the Council recently reviewed and denied and as such, he recommended denial. ***Motion (Young/Shiroda) to deny the request for extension of CUP for New Life of Elkhorn, LP. Voice vote, all approved, motion carried.***

### **Ordinance to rezone 429 and 431 E. Geneva St. from M-1 to RS-1 (YVSE00009A)**

Mayor Reynolds said the Plan Commission supported this unanimously. The sale of the property is conditioned on the rezone, which is something the City has wanted to do for years. Alderman Boggs asked what the new owners plan to do with the property; use it as residential property and live there. Mayor Reynolds said if anything happened to the barn, it could not be rebuilt. ***Motion (Myrin/Boggs) to approve the ordinance to rezone YVSE00009A to RS-1. Voice vote, all approved, motion carried.***

## **NEW BUSINESS**

### **Change Order No. 4 for new Public Works Facility**

DPW Manager Lindstrom said the change order includes deducts for bills paid by the City, such as utility bills. The amount is part of the original allowance for change orders, which will have an available balance of approximately \$11,000 after this order. He expects one more change order to come through. ***Motion (McClory/Young) to approve Change Order No. 4 in the amount of \$5,654.41. Roll call vote: Boggs, yes; Shiroda, yes; Young, yes; Dunwiddie, yes; McClory, yes; Myrin, yes. Motion carried.***

### **Matheson Memorial Library Fencing**

DPW Manager Lindstrom said the property owner north of the library on Wisconsin has complained about car lights shining in his windows. There is only 1' of area so landscaping is not an option, but a fence could be installed. The fence would have vinyl privacy slats and be installed this year by Roth Fence. Alderman McClory was concerned as he frequently sees the slats blown out of the chain-link fence and asked if wood or composite was not an option. DPW Manager Lindstrom said he could get a quote for different fence types. ***Motion (McClory/Dunwiddie) to approve a fence installation and explore other options for fencing. Voice vote, all approved, motion carried.***

## **ADJOURN TO CLOSED SESSION**

***Motion (Dunwiddie/Shiroda) to adjourn to closed session pursuant to §19.85(1)(c) "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercise responsibility." Voice vote, all approved, motion carried to Review City Administrator Contract.*** Adjourned to closed session at 6:02 p.m.

## **RECONVENE IN OPEN SESSION**

Reconvened in open session at 6:21 p.m. ***Motion (McClory/Shiroda) to approve City Administrator contract as modified. Voice vote, all approved, motion carried.***

**ADJOURN**

***Motion (Dunwiddie/Boggs) to adjourn at 6:22 p.m. Voice vote, all approved, motion carried.***

Cairie L. Virrueta  
City Clerk

**Approved 8/19/19**