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**CITY OF ELKHORN COMMON COUNCIL  
AMENDED MEETING MINUTES  
AUGUST 19, 2019  
COUNCIL CHAMBERS, 9 S. BROAD ST., ELKHORN, WI 53121**

**Mayor Reynolds called the Common Council meeting to order at 5:33 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 Dan O'Callaghan, Finance Director James Heilman, Deputy Clerk Lacey Reynolds, Police Chief Joel Christensen, Utility Director John Murphy, DPW Manager Matthew Lindstrom, Fire Chief Rod Smith, others with attendance list on file in the City Clerk's office

**PUBLIC COMMENT**

None.

**CONSENT AGENDA**

***Motion (Young/Dunwiddie) to approve the minutes of the August 5, 2019 Common Council meeting, August 5, 2019 Legislative & Regulatory meeting, August 12, 2019 Financial & Judicial meeting and Walworth County Ag Society Temporary Class "B" Beer license for Plaza de Mexico September 22, 2019 Noon-10pm. Voice vote, all approved, motion carried.***

**BILLS PAYABLE**

***Motion (Shiroda/Young) to approve the City and Utility Bills in the amount of \$2,884,891.89 (Checks 160054-160308). Roll call, all approved, motion carried.***

**REPORT OF CITY OFFICERS**

**MAYOR'S REPORT**

Oath of Office for Officer Emanuel Valadez

**CITY ADMINISTRATOR'S REPORT**

None.

**LIAISON COMMITTEE MEETING REPORTS**

**Fire Advisory Board** – met last month and went over ongoing issues/percentages, possible referendum.

**Library Board** – no report

**Recreation Advisory Board** – meeting on Wednesday August 21, 2019 at 5:30 pm. Last day for Sunset pool is Sunday August 25, 2019.

**Chamber** – no meeting last week due to the passing of Gary Wallem. The meeting is rescheduled for Tuesday August 20, 2019 in the morning.

**Fire & EMS Advisory Board** – Steering committee will meet Thursday August 22, 2019

**COMMITTEE REPORTS**

**LEGISLATIVE AND REGULATORY**

**Recommendation to approve Class "B" Fermented Malt Beverage/"Class C" Wine License for Brian Taylor dba Mama T's Italian Eatery, 781 E. Geneva St.**

***Motion (Young/Dunwiddie) to approve Class "B" Fermented Malt Beverage/"Class C" Wine License for Brian Taylor dba Mama T's Italian Eatery, 781 E. Geneva St. Voice vote, all approved, motion carried.***

**FINANCIAL AND JUDICIAL**

**Recommendation to renew engineering services contract with Kapur & Associates for two years.**

***Motion (McClory/Shiroda) to approve the renewal of engineering services with Kapur & Associates for two years at an increase of 3%. Roll call vote, all approved, motion carried.***

**Recommendation to provide police department exempt employees over-time benefits through April 1, 2020.**

***Motion (McClory/Shiroda) to approve a one-time exemption for exempt employees of the police department to receive over time benefits until April 1, 2020. Voice vote, all approved, motion carried.***

**Recommendation to renew the City's liability insurance with CVMIC and retain dividends.**

***Motion (McClory/Dunwiddie) to approve the renewal of the City's liability insurance with CVMIC at option 1, which is \$17,478 retained and carried forward. Voice vote, all approved, motion carried.***

#### **UNFINISHED BUSINESS**

##### **Matheson Memorial Library Fencing Options**

DPW Manager Matthew Lindstrom went over the different options for the fence. Out of the three options the chain link fence with vinyl slats is the most rugged and cost effect option. ***Motion (McClory/Young) to approve a chain link fence at a cost not to exceed \$4,226.***

#### **NEW BUSINESS**

##### **Community Development Block Grant Program to Close Repayment Agreement**

Finance Director James Heilman reported the funds the City has from the grant program with the State need to be returned. The program has been terminated at the federal level and an agreement needs to be signed by the City and State to begin the process of sending the funds back. ***Motion (Myrin/Young) to send the funds back and approve the agreement. Voice vote, all approved, motion carried.***

##### **Conditional Use Permit Application for New Beginnings Support Center at 20 N. Church Street**

Mayor Reynolds opened the floor for brief public comment pertaining to the New Beginnings Shelter.

Rita the director of people services and special education from EASD, Caitlin Buck & Bonnie Shor residents of Elkhorn spoke in support of the shelter. Heidi Lloyd Director of New Beginnings introduced Dennis Lynch from Burlington the attorney representing New Beginnings. Dennis reviewed the Plan Commission minutes and T1 zoning for the shelter. All plans were submitted per the request of the City and referenced the photo of the driveway, submitted last week. The building at 20 N Church has been vacant for 5 years with no reasonable offers and Aurora is willing to donate the building, as Aurora believes the New Beginnings shelter is the best use for the space. Lloyd said the safety and security plan has been created and updated, taking in to consideration concerns from the community. Attorney John Maier of Sweet and Maier located at 114 N Church St Elkhorn spoke in regards to the opposition of the New Beginnings shelter being located at 20 N Church St Elkhorn. He said the shelter does not fit the T1 comprehensive plan that is to allow for a mix of uses, which "respect the surrounding properties". Mayor Reynolds stated the council would need to make a motion; there are 1 of 3 options: Approve, Deny, Approve with conditions.

Alderman Shiroda shared his concerns about the new survey of the property arriving on Friday August 16, 2019. He has questions in regards to the easement, driveway, substandard access to the back parking lot and the parking spots. The measurements of a standard width of a driveway for a commercial business is 24 feet. He stated there is not enough space with the easement looking at the photo submitted by New Beginnings and there are not enough parking spaces. Alderman Myrin stated his disagreement with the zoning of the property and plan commission. The project is a shelter not a multi-family housing project. Architect for New Beginnings stated the survey and scale are correct. Architect for New Beginnings said their site plan is laid on top of the plat of survey and is being submitted tonight. One copy was passed around for the council to look over. Mayor Reynolds stated a decision based on facts needs to be made.

***Motion (Shiroda/Myrin) to deny the application for the New Beginnings conditional use permit due to fact that it does not fit City's Comprehensive Plans as it is not consistent with it, the design of the parking***

*area does not meet parking ordinance, and the driveway location and access to the adjacent property is inadequate for the proposed business. Roll call vote: Young, yes; Myrin, yes; Dunwiddie, yes; Shiroda, yes; McClory, no; Boggs, no. Motion to deny carried.*

**ADJOURN TO CLOSED SESSION**

*Motion (Boggs/Young) 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." Voice vote, all approved, motion carried.* Adjourned to closed session at 6:37 p.m. to discuss City Hall location options.

**RECONVENE IN OPEN SESSION**

Reconvened in open session at 6:57 p.m.

Bill Henry went over with the Council the comparisons of the Sunset Park and Business Park sites. Both sites have great size and shape to allow for the opportunity of future city expansion. There are advantages and disadvantages for each site. Possibility of soil testing at both sites and a vapor mitigation system will need to be installed at the Sunset Park site. The budget for both sites are comparable and both sites are currently owned by the City. *Motion (Myrin/Dunwiddie) to approve the environmental testing for both the Sunset Park and Business Park sites. Voice vote, all approved, motion carried.*

**ADJOURN**

*Motion (Boggs/McClory) to adjourn at 7:40 p.m. Voice vote, all approved, motion carried.*

Lacey Reynolds  
Deputy Clerk

Approved as Amended  
9/3/2019