

---

**CITY OF ELKHORN COMMON COUNCIL  
MEETING MINUTES  
September 3, 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, Police Chief Joel Christensen, Utility Director John Murphy, DPW Manager Matthew Lindstrom, Fire Chief Rod Smith, Recreation Director Karl Sorvick, City Engineer Greg Calhoun, Zoe Makhous, Jeff Raykovich, other interested persons

**PUBLIC COMMENT**

None.

**CONSENT AGENDA**

City Clerk Virrueta said the August 19<sup>th</sup> Council minutes had an error. The motion for the New Beginnings CUP was incomplete. This was the first Council meeting the new Deputy Clerk created minutes for. Clerk Virrueta said she listened to the recording and the correct motion made was: "Motion to deny application based on the 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." ***Motion (Young/McClory) to approve the minutes of the August 19, 2019 Common Council meeting as amended; and the August 26, 2019 Public Safety and Committee of the Whole meetings. Voice vote, all approved, motion carried.***

**REPORT OF CITY OFFICERS**

**MAYOR'S REPORT**

Mayor Reynolds presented City Administrator Tapson an appreciation award for his many years of service to the City.

**CITY ADMINISTRATOR'S REPORT**

No report.

**COMMITTEE REPORTS**

**PUBLIC SAFETY**

**Recommendation to draft updates to Ordinance Section 5.17 regarding open burning**

Alderman Dunwiddie said the committee considered whether to allow open burning and it fully supported not allowing it. He said the City provides more than adequate leaf pickup options. The committee will continue to allow campfires, which are inspected and permitted by the Fire Chief. He said the recommended changes will go to L&R and then to the Council. Administrator Tapson said he has a draft that he will send this week. Alderman Myrin asked what prompted the change. Mayor Reynolds said complaints from citizens, that it is not healthy and the City provides leaf pickup services. Alderman Dunwiddie said Elkhorn is one of the only cities that still allows it. Administrator Tapson said it is environmentally unsound. Alderman McClory asked how you can control no leaf burning while allowing campfires, and what is a campfire vs. a fire pit? Administrator Tapson said it is clearly defined in the suggested ordinance.

**UNFINISHED BUSINESS**

**Zoe Makhous Appeal of Council Denial of Conditional Use Permit Extension**

Mayor Reynolds said the City's ordinance allows for an appeal of a CUP decision. Makhsous said she signed the contract with Scherrer and paid deposit to start construction. She provided a photocopy of the check she provided to Scherrer. She said the City told them that could not start work on project until the main building was completed. She said her CUP did not say that. She claims misinformation give to Scherrer stopped the entire project, which caused delay. She said due to this miscommunication the CUP extension should be allowed. Administrator Tapson said the CUP did not require they build in a certain way. He said it would be beneficial if someone from Scherrer confirmed what they were told. Makhsous said the administrator told her he recalled the conversation; Administrator Tapson denied this and he only confirmed what the CUP said. Makhsous said she did not know she needed someone else to attend the meeting and she requested a continuance. Mayor Reynolds asked why she did not do the rest of the building; Makhsous said she was working on a SIP and could not start without the SIP being approved. The continuance was allowed and the appeal will continue at the Council meeting on October 7<sup>th</sup>.

#### **NEW BUSINESS**

#### **Resolution No. 19-10 Naming Ehlers as Pay Agent for the City of Elkhorn General Obligation & Revenue Bond Principal and Interest Payments**

Finance Director Heilman said he was anticipating having the resolution by today's meeting; however, he didn't get it yet. It will return for the next meeting.

#### **Ordinance 19-06 An Ordinance to Adopt Wisconsin Administrative Code SPS 316 and 324 related to Electrical Code**

This is a first reading.

#### **WE Energies Distribution Easement for Gas (YU SW00053G)**

Administrator Tapson said the City Attorney reviewed this and he had no major concerns. It was sent to the DPW Manager and Utility Director to finish.

#### **Agreement with Sand Creek Consultants for Seymour Court for Phase 1 Environmental Report**

Mayor Reynolds asked if there were any objections. Administrator Tapson asked if this needed to be done. Finance Director Heilman spoke to the architect who said this would be incorporated into future soil borings of the property. ***Motion (McClory/Dunwiddie) to enter into the agreement with Sand Creek Consultants for a Phase 1 Environmental Report in the amount of \$2,500. Roll call vote: McClory, yes; Dunwiddie, yes; Shiroda, yes; Boggs, yes; Myrin, no; Young, yes. Motion carried.***

#### **2019 Pond Maintenance Change Order for Integrated Lakes Management**

City Engineer Calhoun said the project is substantially complete, but some additional maintenance was needed for some ponds. Mayor Reynolds asked if it included a treatment for smell; it did not. ***Motion (Myrin/Shiroda) to approve the Change Order in the amount of \$15,132. Roll call vote: McClory, yes; Dunwiddie, yes; Shiroda, yes; Boggs, yes; Myrin, no; Young, yes. Motion carried.***

#### **ADJOURN**

***Motion (McClory/Boggs) to adjourn at 6:02 p.m. Voice vote, all approved, motion carried.***

Cairie L. Virrueta  
City Clerk

**Approved 9/16/19**