
**CITY OF ELKHORN COMMON COUNCIL
MEETING MINUTES
December 16, 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 James Heilman, Attorney Ward Phillips, City Clerk Cairie Virrueta, Police Chief Joel Christensen, Utility Director John Murphy, DPW Manager Matthew Lindstrom, Fire Chief Rod Smith, Recreation Director Karl Sorvick, Library Director Lisa Selje, James Duquette, Bill Henry, other interested persons

PUBLIC COMMENT

None.

COUNCIL MINUTES

Motion (McClory/Dunwiddie) to approve the minutes of the December 2, 2019 Common Council meeting. Voice vote, all approved, motion carried.

BILLS PAYABLE

Motion (Dunwiddie/Shiroda) to approve the City and Utility Bills in the amount of \$1,965,961.14 (Check number). Roll call vote: Boggs, yes; Shiroda, yes; Young, yes; Dunwiddie, yes; McClory, yes; Myrin, yes. Motion carried.

REPORT OF CITY OFFICERS

MAYOR'S REPORT

Mayor Reynolds moved the American Legion tank agenda item forward. He told the Council it is not a request as it is going in Veteran's Park, but the Legion was looking for support of placing the tank in the City limits. Mark G. of the Legion said the post in Whitewater is dissolving and the Elkhorn post can obtain the tank. He said Walworth County will allow the tank at Veteran's Park but was requiring the City to approve it. Mark said the tank will be cleaned and painted and the Legion has insurance for it. Alderman Dunwiddie said he shared this on Facebook and out of the 40-50 responses, only one was negative. He said all veterans are appreciative of this. There is not a firm date to move it yet and it still needs to go to the County for final approval. ***Motion (McClory/Dunwiddie) to approve the Mayor preparing and signing a letter of support for placement of a tank in Veteran's Park. Voice vote, all approved, motion carried.***

Mayor Reynolds said he would be gone the month of January. The City Attorney reviewed the Statutes and the Council President is authorized to sign City documents in his absence.

The City Clerk presented a list of election inspectors for the 2020-2021 election years. ***Motion (Dunwiddie/Shiroda) to approve the election inspectors list as presented. Voice vote, all approved, motion carried.***

CITY ADMINISTRATOR'S REPORT

No report.

LIAISON COMMITTEE MEETING REPORTS

Fire Advisory Board – no report

Library Board – no report

Chamber – no report

Recreation Advisory Board – no report

Fire/EMS Advisory Steering – no report

UNFINISHED BUSINESS

Ordinance No. 19-08 to Amend Chapter 13 regarding Sump Pumps (second reading)

Motion (Shiroda/Boggs) to approve Ordinance 19-08. Voice vote, all approved, motion carried.

NEW BUSINESS

Presentation and Approval of City Hall Design

Bill Henry reviewed the design of City Hall. He said he worked with staff extensively to put together the plan. The large lobby area will also include kiosks, chairs, and tables for filling out of paperwork. There will be staff only entrances for Administration and Public Works. The vestibule is larger as it has a window that could eventually be a working window and a door into Public Works for contractors to use. The Council Chambers connects to the conference room by a folding partition that could accommodate up to 130 people when open. Henry said the next step is to put construction documents together and put out for bids in March or April. ***Motion (McClory/Myrin) to approve the design for the new City Hall.*** Alderman McClory asked about the geotech in the parking lot and if it will affect plowing. Henry said it is an area mainly for overflow – mainly for elections when there generally is not snow. ***Roll call vote: Boggs, yes; Shiroda, yes; Young, yes; Dunwiddie, yes; McClory, yes; Myrin, yes. Motion carried.***

J&M Displays Fireworks Display Agreement and Multiple Year Agreement Extension

Alderman McClory said he felt the City should stay with the last Friday in June for the fireworks display although the Chamber has said they get complaints when the date is so far away from July 4th. Alderman Myrin said it is actually the Friday immediately preceding July 4th, not the last Friday in June, the Council agreed. Mayor Reynolds said Chris Clapper is OK with the City's decision. Alderman McClory wondered if the City would be competing with others as it will be on July 3rd next year. Mayor Reynolds said he only knew of the Town of Delavan and maybe Lauderdale Lakes. City Attorney Phillips said there are two agreements, the contract for the show in 2020 at \$11,865 and a multi-year agreement which the City can get out of but if the City doesn't use them then it can't have a show. Administrator Heilman said the contracts are standard with all municipalities and locks in the date for the City. He cannot imagine that the prices would be raised excessively high or they would go out of business. Attorney Phillips said it is a good contract and protects the City very well. ***Motion (Myrin/Young) to approve the Display Agreement and Multiple Year Agreement Extension with J&M Displays. Roll call vote: Boggs, yes; Shiroda, yes; Young, yes; Dunwiddie, yes; McClory, yes; Myrin, yes. Motion carried.***

Soil Boring Proposals for City Hall/Seymour Court

Administrator Heilman said the City received five bids back. Only Intertek would go to the depth wanted and was the lowest bidder. Bill Henry has worked with them and they are a good company. ***Motion (Dunwiddie/Young) to approve Intertek for City Hall soil borings in the amount of \$3,080. Roll call vote: Boggs, yes; Shiroda, yes; Young, yes; Dunwiddie, yes; McClory, yes; Myrin, yes. Motion carried.***

Public Works Facility Change Order No. 5

DPW Manager Lindstrom said the total is \$2,788.53 and includes an allowance for utility costs. He said the next change order would be for the allowable balance. ***Motion (Boggs/Shiroda) to approve Change Order No. 5 in the amount of \$2,788.53. Roll call vote: Boggs, yes; Shiroda, yes; Young, yes; Dunwiddie, yes; McClory, yes; Myrin, yes. Motion carried.***

Sanitary Sewer Basin No. 3: Response to WDNR on Notice of Non-Compliance (NON)

DPW Manager Lindstrom said the two NON's for sanitary sewer overflows was discussed in January. The Council authorized Strand to perform Phase I as they were already looking at Nettesheim. He said since

the City is currently using Applied Technologies for I&I Mitigation and Strand has a conflict with WALCOMET, they could be used to complete Phase 2 and 3. They are willing to work with the new Civil Engineering Tech, which will help reduce the fee. He said the contract price is time and material and recommended a not to exceed amount. ***Motion (Dunwiddie/Boggs) to contract with Applied Technologies for Phase 2 and 3 in an amount not to exceed \$49,750. Roll call vote: Boggs, yes; Shiroda, yes; Young, yes; Dunwiddie, yes; McClory, yes; Myrin, yes. Motion carried.***

Resolution No. 19-15 Municipal Court Bond Schedule

Judge James Duquette said the fees are set by the court and approved by the governing body. He said some penalties are determined by Statute, others by the City. Alderman McClory questioned 9.02, which puts discharging a firearm at only \$300 and it does not say to refer to DA. He also pointed out it is not illegal in Wisconsin to possess a firearm. Police Chief Christensen said there are still some rural areas that are a bit confusing about hunting and there are some areas that you cannot possess a gun, such as the school grounds. ***Motion (Shiroda/Young) to approve Resolution No. 19-15. Voice vote, all approved, motion carried.***

ADJOURN TO CLOSED SESSION

Motion (Boggs/Shiroda) 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 6:25 p.m.

RECONVENE IN OPEN SESSION

Reconvened in open session at 6:42 p.m.

ADJOURN

Motion (Boggs/Young) to adjourn at 6:42 p.m. Voice vote, all approved, motion carried.

Cairie L. Virrueta
City Clerk