
**CITY OF ELKHORN COMMON COUNCIL
MEETING MINUTES
November 6, 2023
COUNCIL CHAMBERS, 311 SEYMOUR CT., ELKHORN, WI 53121**

The Common Council meeting was called to order by Mayor Lechner at 5:30 p.m. in the Council Chambers, followed by the Pledge of Allegiance.

ROLL CALL

Present: Mayor Bruce Lechner, Aldermen Tim Shiroda, Gary Lee Payson Jr., Scott McClory, Ken Meinel, Karel Young. Absent: Ron Dunwiddie.

Others present: City Administrator Adam Swann, Attorney Ward Phillips, City Clerk Lacey Reynolds, Police Captain Alvin Brandl, Director of Public Works Matthew Lindstrom, Fire Chief Rod Smith, Finance Director Corrie Daly, Recreation Director Karl Sorvick, Deputy Clerk Rebeca Perez, Utility Field Office Coordinator Dawn Gall, Water Superintendent Tim Boss, Library Director Chad Robinson, Municipal Court Clerk Claudia Last, Attorney Michael Fitzsimmons and other interested persons.

PUBLIC COMMENT

None.

CONSENT AGENDA

Motion (Shiroda/Meinel) to approve the October 16 and October 23, 2023 Common Council meeting minutes. Voice vote, all approved, motion carried.

REPORT OF CITY OFFICERS

MAYOR'S REPORT – Mayor Lechner recognized Greg and Brenda Kaplan & Karen Powers of the Elkhorn Pastry shop. Mayor Lechner thanked them for their family's service to the Elkhorn community for over 65 years and wished them well in retirement.

Mayor Lechner thanked Gail Grice for 27 years of service to the Matheson Memorial Library and wished her well on her retirement.

CITY ADMINISTRATOR'S REPORT – Administrator Swann shared Lakeland Little Learners visited for Halloween and the recreation department hosted Beast Fest last week. Swann met with Batterman engineering regarding their business presence in Elkhorn and the Cook family regarding their property. Swann added city departments and Council members will be participating in the Christmas parade.

PRESENTATION

Joe Murray was unable to attend the meeting. Harry Allen from Ehlers & Associates, Inc gave an overview of financing options for the proposed 2024-2028 Capital Improvement Plan and impact of future debt service payments on City tax rates.

UNFINISHED BUSINESS

Discussion and possible decision regarding special event permit application from Ski Extreme Productions, LLC to use Babe Mann Park for filming promotional waterski video on September 7, 2024. *Motion (Payson Jr/Young) to deny the special event application from Ski Extreme Productions, LLC. Roll call vote: Payson Jr., yes; Young, yes; Meinel, yes; Shiroda, yes; McClory, yes. Motion carried.*

NEW BUSINESS

Interview of Michael J. Fitzsimmons, Esq., for temporary municipal judge position (for the term of December 14, 2023 – April 30, 2024). Mayor Lechner and members of the common council interviewed Attorney Michael J. Fitzsimmons.

Discussion and possible decision regarding appointment of temporary municipal judge from December 14, 2023 - April 30, 2024. *Motion (McClory/Young) to approve the appointment of temporary municipal judge*

Attorney Michael J. Fitzsimmons from December 14, 2023 - April 30, 2024. Roll call vote: McClory, yes; Young, yes; Shiroda, yes; Payson Jr., yes; Meinel, yes. Motion carried.

Public hearing regarding proposed 2024 Municipal Budget [scheduled for approximately 5:30 p.m.] Mayor Lechner opened the public hearing at 5:55 pm and asked if anyone wished to be heard regarding the 2024 municipal budget. The mayor asked three times if anyone wished to be heard. No one wished to be heard regarding the budget public hearing. The public hearing closed at 5:56 pm.

Discussion regarding proposed 2024 Municipal Budget and levy for taxes payable in 2024.

Discussion regarding proposed 2024-2028 Capital Improvement Plan.

Discussion and possible decision regarding proposed Resolution 23-26: A Resolution to Adjust Residential Solid Waste, Recycling, and Yard Waste Collection Fee. Director of Public Works Lindstrom reviewed the current rate of \$17.34 and proposed rate of \$19.85. Lindstrom noted the rate should be reviewed every year. Administrator Swann shared the fund has been operating in a deficit. *Motion (Payson Jr./Young) to approve Resolution 23-26: A Resolution to Adjust Residential Solid Waste, Recycling, and Yard Waste Collection Fee. Roll call vote: Payson Jr., yes; Young, yes; McClory, yes; Shiroda, yes; Meinel, yes. Motion carried.*

Discussion and possible decision regarding execution of Memorandum of Understanding (MOU) for Salt, Brine and Sand Purchased for Winter Maintenance Operations with Walworth County Department of Public Works. Director of Public Works Lindstrom noted the City houses salt at the DPW facility and the MOU is specific to brine and possibly sand if needed. *Motion (McClory/Payson Jr.) to approve the Memorandum of Understanding (MOU) for Salt, Brine and Sand Purchased for Winter Maintenance Operations with Walworth County Department of Public Works. Roll call vote: McClory, yes; Payson Jr., yes; Meinel, yes; Young, yes; Shiroda, yes. Motion carried.*

ADJOURN TO CLOSED SESSION

Motion (Payson Jr./Meinel) to adjourn to closed session pursuant to Wisconsin Statute 19.85(1)(e), deliberating an offer to purchase a parcel of property at 113 N. Wisconsin St. (Tax Key Parcel YOP 00093) , pursuant to Wisconsin Statute 19.85(1)(e), deliberating an offer to purchase a parcel of City property (Lot 90 in business park)(Tax Key Parcel YA414900001) and pursuant to Wisconsin Statute 19.85(1)(g) "Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved" - regarding personal injury claims. Voice vote, all approved, motion carried. Adjourned to closed session at 6:14 p.m.

RECONVENE IN OPEN SESSION

Reconvened in open session at 6:43 p.m.

Discussion and possible decision regarding offer to purchase a parcel of property at 113 N. Wisconsin St. (Tax Key Parcel YOP 00093). *Motion (McClory/Payson Jr.) not to make an offer on the parcel. Roll call vote: McClory, yes; Payson Jr., yes; Shiroda, yes; Meinel, yes; Young, yes. Motion carried.*

Discussion and possible decision regarding offer to purchase a parcel of City property (Lot 90 in business park) (Tax Key Parcel YA414900001). *Motion (Payson Jr./McClory) to accept the offer for Lot 90 with a contingency to create an option after a 3-year window to repurchase the property at the sale price. Roll call vote: Payson Jr., yes; McClory, yes; Young, yes; Meinel, yes; Shiroda, yes. Motion carried.*

Discussion and possible decision regarding personal injury claims. *Motion (Payson Jr./Young) to authorize staff to contact outside counsel who made the recommendation to the City Council and authorize them to negotiate within the parameters recommended for the ambulance claim. Roll call vote: Payson Jr., yes; Young, yes; McClory, yes; Shiroda, yes; Meinel, yes. Motion carried.*

Motion (Meinel/Young) to deny the cut hand claim. Roll call vote: Meinel, yes; Young, yes; Shiroda, yes; Payson Jr., yes; McClory, yes. Motion carried.

ADJOURN

Motion (Payson Jr./Young) to adjourn at 6:47 p.m. Voice vote, all approved, motion carried.

Lacey L. Reynolds

City Clerk

Approved 11.20.23