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**CITY OF ELKHORN COMMON COUNCIL**  
**MEETING MINUTES**  
**February 19, 2024**  
**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, Alderpersons Tim Shiroda, Gary Lee Payson Jr., Ron Dunwiddie, Scott McClory, Ken Meinel, Karel Young.

Others present: City Administrator Adam Swann, Attorney Ward Phillips, City Clerk Lacey Reynolds, Police Chief Joel Christensen, Director of Public Works Matthew Lindstrom, Interim Fire Chief Trent Eichmann, Finance Director Corrie Daly, Recreation Director Karl Sorvick, Library Director Chad Robinson, Utility Field Office Coordinator Dawn Gall, Water Superintendent Tim Boss, City Engineer Mike Timmers, other interested persons.

**PUBLIC COMMENT**

Judy Arline, Rodney Thurin, Caleb Nelson, Harold Romie, Brenda Thurin and Glenn Grant all shared concerns about the potential homeless shelter. Michelle Shilts spoke about the Baby Box.

**CONSENT AGENDA**

*Motion (Payson Jr./Meinel) to approve the minutes for the Financial & Judicial Committee and Common Council February 5, 2024. Voice vote, all approved, motion carried.*

**BILLS PAYABLE**

*Motion (McClory/Dunwiddie) to approve the City and Utility Bills in the amount of \$8,385,694.69. Roll call vote: McClory, yes; Dunwiddie, yes; Payson Jr., yes; Shiroda, yes; Young, yes; Meinel, yes. Motion carried.*

**REPORT OF CITY OFFICERS**

**MAYOR'S REPORT** – Swearing in of Elkhorn Area Fire Department personnel. Attorney Phillips swore in nine members of the Elkhorn Area Fire Department.

**CITY ADMINISTRATOR'S REPORT** – Administrator Swann meet with Briohn Building Corp. regarding a potential industrial park near Kunes. City staff are working on a space needs analysis RFP for the Fire Department as well as an RFP for a Building Inspector. Swann shared Recreation Director Sorvick is seeking donations to sponsor the fireworks and clarified Community Action has not submitted an application to the Plan Commission or City regarding a homeless shelter, they expressed interest in a location in Elkhorn.

**REPORTS OF CITY BOARDS AND COMMUNITY PARTNERS**

Fire Advisory Board – next meeting will be in April.

Library Board – Alderman Shiroda reported the library was awarded a grant from the Elkhorn Fund in the amount of \$1,700 and the library was selected to participate in the youth astronnet.

Recreation Advisory Board – Recreation Director Sorvick reported he officially accepted the silver star award for the Clue Room which was presented by the WI Park and Rec Association. The next meeting will be on Wednesday at 5:30 pm.

Chamber of Commerce – Chris Clapper reported the chamber will be attending the Chicago golf show in collaboration with Evergreen, the Wisconsin Governor's Conference on Tourism will be hosted at the Grand Geneva in March, Neon Lights is a new festival at the Fairgrounds in August and the Chambers 50<sup>th</sup> anniversary is coming up in September and will hopefully include the new park unveiling.

Community Grant Writer – Katie James reported the City was awarded a DOT grant for \$320,000 which will be applied to the Centralia St. project in 2025. James attended the Wisconsin Economic Development Conference, won \$15,000 for Habitat for Humanity and \$35,000 for EASD's project lead the way.

### **COMMITTEE REPORTS**

#### Financial & Judicial

Discussion and possible decision regarding the Municipal Court and staffing. *Motion (McClory/Payson Jr.) to approve the Financial and Judicial Committees recommendation to change the Municipal Court Clerk position to part time after the current court clerk retires. Voice vote, all approved, motion carried.*

### **UNFINISHED BUSINESS**

Motion to reconsider the proposed contract with Associated Bank to provide banking services to the City from February 1, 2024 – January 31, 2028. *Motion (Payson Jr./Meinel) to reconsider the proposed contract with Associated Bank to provide banking services to the City from February 1, 2024 – January 31, 2028. Voice vote, 5-yes, motion carried. (Aldersperson Young did not vote on this agenda item).*

Discussion and possible decision regarding the proposed contract with Associated Bank to provide banking services to the City from February 1, 2024 – January 31, 2028. Alderspersons Payson Jr. and McClory request the city research and collect multiple proposals for review prior to the contract renewal in 2028. *Motion (Payson Jr./Meinel) to approve the proposed contract with Associated Bank to provide banking services to the City from February 1, 2024 – January 31, 2028. Roll call vote: Payson Jr., yes; Meinel, yes; Shiroda, yes; Dunwiddie, yes; McClory, yes. Motion carried. (Aldersperson Young did not vote on this agenda item).*

### **NEW BUSINESS**

Discussion and possible decision regarding MOU with St. Patrick's Parish to fund the installation of a Safe Haven Baby Box at the Elkhorn Fire Department and Discussion and possible decision regarding contract with Safe Haven Baby Boxes, Inc. for installation and maintenance of a Safe Haven Baby Box at the Elkhorn Fire Department. City Clerk Reynolds reported the city's insurance company reviewed the contract and has some concerns. Attorney Phillips requested to review the contract further and update the contract. *Motion (McClory/Dunwiddie) to table the items until the March 4, 2024 meeting. Voice vote, all approved, motion carried.*

Discussion and possible decision regarding proposed Ordinance No. 24-02: An Ordinance Allowing the Operation of All-Terrain Vehicles (ATVs) and Utility Terrain Vehicles (UTVs) on City of Elkhorn Streets (*first and possible second reading*). Aldersperson Dunwiddie made a motion to waive the first reading and it was seconded by Aldersperson Payson Jr., the motion was then withdrawn. Discussion took place. Attorney Phillips and Police Chief Christensen both requested further review of the ordinance draft specifically regarding insurance requirements, age limit of drivers and map. Aldersperson McClory requested the ordinance to reflect the rules of the road. *Motion (Payson Jr./Dunwiddie) to table the item until the March 4, 2024 meeting. Voice vote, all approved, motion carried.*

### **PRESENTATION**

Pam Carper, Housing Program Manager, WCEDA gave a presentation of WCEDA's efforts to promote workforce housing in Walworth County.

Dale Broeckert, P.E., Foth Infrastructure & Environment, LLC updated the Council on the water system quality and projects as well as provided an overview of bids and alternates for the NEWTP water and sewer extension project.

### **NEW BUSINESS Continued**

Discussion and possible decision regarding bids for 2024 NEWTP Water and Sewer Extension Project. Broeckert reviewed the base bid and three alternates. Aldersperson Payson Jr. made a motion to approve the base bid and three alternates with Rock Road. Administrator Swann informed the Council the City did not receive the funding for the safe drinking water fund loans and staff is unsure how much can be

bonded. *Motion (Payson Jr./Dunwiddie) to table the item until the March 4, 2024 meeting. Voice vote, all approved, motion carried.*

Discussion and possible decision regarding postponing 2024 Lakeland WTP HMO Rehab Project to 2025. *Motion (Payson Jr./Young) to postpone the 2024 Lakeland WTP HMO Rehab Project to 2025. Voice vote, all approved, motion carried.*

Discussion and possible decision regarding use of Park Funds for creation of concept design for park at 1750 North Wisconsin Street. *Motion (Payson Jr./Young) to approve the use of Park Funds for creation of concept design for park at 1750 North Wisconsin Street. Roll call vote: Payson Jr., yes; Young, yes; Meinel, yes; McClory, yes; Dunwiddie, yes; Shiroda, yes. Motion carried.*

Discussion and possible decision regarding City-owned cameras for City parks and parking lots. Police Chief Christensen recommended discussing this item and crime prevention during a closed session at another meeting.

Discussion and possible decision regarding the future of the Historic Preservation Commission. Discussion took place regarding looking for members or striking the commission from the code. The Council directed city staff to post a notice in the newspaper for two weeks in the month of March seeking members for the committee.

Discussion and possible decision regarding license agreement between City of Elkhorn and WE Energies for wireless attachments to City utility poles. *Motion (Payson Jr./McClory) to approve the license agreement between City of Elkhorn and WE Energies for wireless attachments to City utility poles upon city attorney review. Voice vote, all approved, motion carried.*

Discussion and possible decision regarding proposed Resolution No. 24-06: A Resolution Approving Memorandum of Understanding Between City of Elkhorn and Creekside Community Development, LLC regarding Access, Approvals, and Timelines for Creekside Community Development. *Motion (Payson Jr./Dunwiddie) to approve Resolution No. 24-06: A Resolution Approving Memorandum of Understanding Between City of Elkhorn and Creekside Community Development, LLC regarding Access, Approvals, and Timelines for Creekside Community Development. Roll call vote: Payson Jr., yes; Dunwiddie, yes; Meinel, yes; Young, yes; Shiroda, yes; McClory, yes. Motion carried.*

Discussion and possible decision regarding proposed Resolution No. 24-07: A Resolution Authorizing the City of Elkhorn to Petition the Wisconsin Office of the Commissioner of Railroads for a Public Crossing at Getzen Street, a Public Street Located South of East Centralia Street. *Motion (Dunwiddie/Payson Jr.) to approve Resolution No. 24-07: A Resolution Authorizing the City of Elkhorn to Petition the Wisconsin Office of the Commissioner of Railroads for a Public Crossing at Getzen Street, a Public Street Located South of East Centralia Street. Roll call vote: Dunwiddie, yes; Payson Jr., yes; Shiroda, yes; McClory, yes; Young, yes; Meinel, yes. Motion carried.*

#### **ADJOURN TO CLOSED SESSION**

*Motion (Payson Jr./Young) to adjourn to closed session where the Common Council may entertain a motion to go into CLOSED SESSION pursuant to Wisconsin Statutes Section 19.85(1)(e) for the purpose of deliberating or negotiating an offer to purchase public property Lot 53 (Tax Key YU SW 00047), Lot 54 (Tax Key YELC 00475), Lot 55 (Tax Key YELC 00476), Lot 56 (Tax Key YU SW 00064) and the Common Council may entertain a motion to go into CLOSED SESSION pursuant to Wisconsin Statutes Section 19.85(1)(g) for the purpose of 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. Voice vote, all approved, motion carried. Adjourned to closed session at 7:03 p.m.*

**RECONVENE IN OPEN SESSION**

Reconvened in open session at 7:28pm. The Common Council shall RECONVENE INTO OPEN SESSION reserving the right to take action on the matters discussed in CLOSED SESSION and to move to the remaining meeting agenda(s) as posted.

Discussion and possible decision regarding offer to purchase public property Lot 53 (Tax Key YU SW 00047), Lot 54 (Tax Key YELC 00475), Lot 55 (Tax Key YELC 00476) and Lot 56 (Tax Key YU SW 00064). *Motion (Payson Jr./Dunwiddie) to advise city staff to counter the existing offer as directed in closed session. Voice vote, all approved, motion carried.*

Discussion and possible decision regarding enforcement of development agreement (and amendments) with E&M Elkhorn, LLC for Tasch Land. *Motion (Payson Jr./Young) to direct city legal counsel to investigate and provide closed session advice to the Council. Voice vote, all approved, motion carried.*

**ADJOURN**

*Motion (Dunwiddie/Young) to adjourn at 7:30 p.m. Voice vote, all approved, motion carried.*

Lacey L. Reynolds  
City Clerk

Approved 03.4.24