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**CITY OF ELKHORN COMMON COUNCIL**  
**MEETING MINUTES**  
**March 4, 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 (via zoom), Police Captain Alvin Brandl, Director of Public Works Matthew Lindstrom, Interim Fire Chief Trent Eichmann, Finance Director Corrie Daly, Recreation Director Karl Sorvick, Water Superintendent Tim Boss, City Engineer Mike Timmers, Chris Clapper, Shane Kurth and other interested persons.

**PUBLIC COMMENT**

Dennis Karbowski regarding ATV's/UTV's, Michelle Shilts regarding the Safe Haven Baby Box and Rodney Thurin regarding the potential homeless shelter.

**CONSENT AGENDA**

*Motion (Dunwiddie/Payson Jr.) to separate item c from the consent agenda. Voice vote, all approved, motion carried.*

*Motion (Dunwiddie/Payson Jr.) to approve items a and b, the Common Council Meeting minutes for February 19, 2024, and the Temporary Class "B" Beer license for the Elkhorn Area Chamber of Commerce, Trivial Blarney at 101 N. Wisconsin St. on March 16, 2024; 5:00 to 10:00 pm. Voice vote, all approved, motion carried.*

Police Captain Al Brandl requested the list of licenses for the Walworth County Agricultural Society be denied. City Clerk Reynolds informed the Council that the Walworth County Agricultural Society requested the license applications be withdrawn. Alderman McClory requested the Council members be provided a copy of the police report from the incident at the Fairgrounds. *Motion (Dunwiddie/Payson Jr.) to amend the agenda and remove item c the Temporary Class "B" Beer license list for the Walworth County Agricultural Society at the Walworth County Fairgrounds, Rodeos. Voice vote, all approved, motion carried.*

**REPORT OF CITY OFFICERS**

**MAYOR'S REPORT** – None.

**CITY ADMINISTRATOR'S REPORT** – Administrator Swann thanked DPW crewmen for help in cleaning up various state roads in the city limits. Swann attended a meeting with John Gunyon, representative from Hazel Ridge Cemetery regarding the 150-year anniversary. Swann noted the safety plan topic will be on the next agenda under closed session and the City has not received an application from Community Action regarding a shelter. City Clerk Reynolds shared information about the upcoming election and important dates including in person absentee voting March 19th-29th, weekdays only.

**PRESENTATION** by Taylor Smith, Board Chair, Walworth County Food and Diaper Bank and Tammy Dunn, Executive Director, Walworth County Food and Diaper Bank regarding an overview of services and plans for a new facility in the business park.

**UNFINISHED BUSINESS**

*Motion (Payson Jr./McClory) to take the following items off the table. Voice vote, all approve, motion carried.*

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, Proposed Resolution 24-08: A Resolution Approving Memorandum of Understanding between City of Elkhorn and St. Patrick's Parish regarding Installation and Sponsorship of Safe Haven Baby Box 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. Attorney Phillips informed the Council the contracts are ready to go regarding the insurance issues however other updates were needed as far as jurisdiction for possible litigation, reciprocal language if the City chose to not continue the contract, approval from St. Pat's Church and other minor language changes. *Motion (Payson Jr./Dunwiddie) to approve all the baby box items together with the updated language noted by the City Attorney in the documents. Roll call vote: Payson Jr., yes; Dunwiddie, yes; McClory, yes; Meinel, yes; Young, yes; Shiroda, yes. 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*). Attorney Phillips informed the Council the ordinance has been reworked. Phillips noted Maclean Road in the Green Acres subdivision is not wholly owned by the City so residents will not be able to drive on it and the County end time for driving ATV's/UTV's is 11:00 pm but Council had requested 10:00 pm. Alderperson Shiroda requested changing the time to 11:00 pm to coincide with the County's time. *Motion (Payson Jr./Dunwiddie) to waive the first reading of Ordinance No. 24-02: An Ordinance Allowing the Operation of All-Terrain Vehicles (ATVs) and Utility Terrain Vehicles (UTVs) on City of Elkhorn Streets. Roll call vote: Payson Jr., yes; Dunwiddie, yes; Shiroda, yes; Young, yes; Meinel, yes; McClory, yes. Motion carried. Public Works Director Lindstrom asked about funding for the signs needed at a total cost of \$8,000 and informed the Council it is not in the budget. Alderperson Payson Jr. reminded everyone the ATV club and others who were in favor of the ordinance offered to fund the cost of the signs. Motion (Payson Jr./Dunwiddie) to approve Ordinance No. 24-02: An Ordinance Allowing the Operation of All-Terrain Vehicles (ATVs) and Utility Terrain Vehicles (UTVs) on City of Elkhorn Streets. Roll call vote: Payson Jr., yes; Dunwiddie, yes; Young, yes; McClory, yes; Shiroda, yes; Meinel, yes. Motion carried.*

Discussion and possible decision regarding bids for 2024 NEWTP Water and Sewer Extension Project. *Motion (Payson Jr./Shiroda) to approve the 2024 NEWTP Water and Sewer Extension Project with all three alternates. Roll call vote: Payson Jr., yes; Shiroda, yes; McClory, yes; Dunwiddie, yes; Meinel, yes; Young, yes. Motion carried.*

#### **NEW BUSINESS**

Discussion and possible decision regarding execution of a contract with Visu-Sewer, LLC for the 2024 Sewer Rehabilitation Project in the amount of \$1,549,867.50. *Motion (Payson Jr./Meinel) to approve a contract with Visu-Sewer, LLC for the 2024 Sewer Rehabilitation Project in the amount of \$1,549,867.50. Roll call vote: Payson Jr., yes; Meinel, yes; McClory, yes; Shiroda, yes; Young, yes; Dunwiddie, yes. Motion carried.*

Discussion and possible decision regarding execution of a contract with Applied Technologies for the 2024 Sewer Rehabilitation Project in the amount of \$118,480.00. *Motion (Dunwiddie/McClory) to approve a contract with Applied Technologies for the 2024 Sewer Rehabilitation Project in the amount of \$118,480.00. Roll call vote: Dunwiddie, yes; McClory, yes; Young, yes; Meinel, yes; Shiroda, yes; Payson Jr., yes. Motion carried.*

Discussion and possible decision regarding execution of a contract with Willkomm Excavating for the 2024 E Centralia St Phase II Reconstruction Project. *Motion (Payson Jr./Shiroda) to approve the contract with Willkomm Excavating for the 2024 E. Centralia St. Phase II Reconstruction Project to include option 4 listed*

*in the amount of \$2,529,789.33. Roll call vote: Payson Jr., yes; Shiroda, yes; Dunwiddie, yes; McClory, yes; Meinel, yes; Young, yes. Motion carried.*

Discussion and possible decision regarding execution of a contract with Kapur to provide construction engineering services for the 2024 E Centralia St Phase II Reconstruction Project in the amount of \$209,436.00. *Motion (Payson Jr./Meinel) to approve a contract with Kapur to provide construction engineering services for the 2024 E. Centralia St. Phase II Reconstruction Project in the amount of \$209,436.00. Roll call vote: Payson Jr., yes; Meinel, yes; McClory, yes; Young, yes; Dunwiddie, yes; Shiroda, yes. Motion carried.*

Discussion and possible decision regarding execution of a contract with Payne and Dolan for the STH 67 Bypass Lane Construction Project in the amount of \$156,956.56. *Motion (Dunwiddie/Shiroda) to approve a contract with Payne and Dolan for the STH 67 Bypass Lane Construction Project in the amount of \$156,956.56. Roll call vote: Dunwiddie, yes; Shiroda, yes; Payson Jr., yes; Young, yes; Meinel, yes; McClory, yes. Motion carried.*

Discussion and possible decision regarding execution of a contract with Kapur to provide construction engineering services for the STH 67 Bypass Lane Construction Project in the amount of \$13,478.00. *Motion (Payson Jr./Young) to approve a contract with Kapur to provide construction engineering services for the STH 67 Bypass Lane Construction Project in the amount of \$13,478.00. Roll call vote: Payson Jr., yes; Young, yes; Dunwiddie, yes; McClory, yes; Meinel, yes; Shiroda, yes. Motion carried.*

Discussion and possible decision regarding recommendation from Parks & Recreation Advisory Board to amend Recreation Department's 2024 budget to increase number of kids in before/after school program. *Motion (Payson Jr./Dunwiddie) to approve the amendment of the Recreation Department's 2024 budget to increase number of kids in before/after school program. Roll call vote: Payson Jr., yes; Dunwiddie, yes; McClory, yes; Meinel, yes; Young, yes; Shiroda, yes. Motion carried.*

Discussion and possible decision regarding issuance of request for proposals for building inspection services. *Motion (Dunwiddie/Payson Jr.) to approve the RFP and move forward with the timeline provided. Voice vote, all approved, motion carried.*

Discussion and possible decision regarding conditional use permit for Dunkin Donuts and Mobil Gas Station located at 195 Commerce Dr. *Motion (Meinel/Young) to approve the conditional use permit for Dunkin Donuts and Mobil Gas Station located at 195 Commerce Dr. Roll call vote: Meinel, yes; Young, yes; McClory, yes; Dunwiddie, yes; Payson Jr., yes; Shiroda, yes. Motion carried.*

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

*Motion (Dunwiddie/Payson Jr.) to adjourn to closed session pursuant to Wisconsin Statute 19.85(1)(c) a closed session to consider the employment, promotion, compensation or performance evaluation of data of any public employee over which the governmental body has jurisdiction or exercises responsibility for discussion regarding contract with Assistant Chief Trent Eichmann to serve as interim fire chief. Voice vote, all approved, motion carried. Adjourned to closed session at 6:19 p.m.*

#### **RECONVENE IN OPEN SESSION**

Reconvened in open session at 6:43pm.

Discussion and possible decision regarding contract with Assistant Chief Trent Eichmann to serve as interim fire chief. *Motion (Payson Jr./Dunwiddie) to submit a contract for the interim fire chief discussed and agreed upon in closed session at paygrade 19 step 4. Roll call vote: Payson Jr., yes; Dunwiddie, yes; McClory, yes; Shiroda, yes; Meinel, yes; Young, yes. Motion carried.*

**ADJOURN**

*Motion (McClory/Young) to adjourn at 6:43 p.m. Voice vote, all approved, motion carried.*

Lacey L. Reynolds

City Clerk

Approved 03.18.24