



**CITY OF ELKHORN  
COMMON COUNCIL MEETING AGENDA**

**May 6, 2019, 5:30 p.m.**

**Council Chambers, City Hall, 9 S. Broad St., Elkhorn, Wisconsin**

- 1) **Call to Order**
- 2) **Pledge of Allegiance**
- 3) **Roll Call**
- 4) **Public Comment** *Although the public may speak on any item that is not included on this agenda as a "Public Hearing or Forum", the Council may not respond or discuss the issue brought forward at this time. In accordance with open meeting laws the Council must notice an item on the agenda to allow discussion on that matter. Your comments will be considered and may be placed on a future agenda for further discussion.*
- 5) **Consent Agenda** *(One motion & a second will approve all of the following items listed. Any item may be pulled from the list and handled separately.)*
  - a) Council Meeting Minutes: April 15, 2019 and April 16, 2019
  - b) Walworth County Agricultural Society Temporary Alcohol Licenses, Walworth County Fairgrounds, Larry Gaffey, Agent
    - i) Fermented Malt Beverage: Mexican Rodeo, May 26, 2019, 10 a.m. to 11 p.m.
    - ii) Fermented Malt Beverage: Monster Truck Showdown, Saturday, July 6, 2019, 5 to 11 p.m.
    - iii) Fermented Malt Beverage/Wine: Elkhorn Ribfest, July 11, 12, 13 and 14, 2019, 11 a.m. to 11 p.m.
    - iv) Fermented Malt Beverage: Madison Classics Car Show & Auto Swap, August 3 and 4, 2019, 8 a.m. to 4 p.m.
    - v) Fermented Malt Beverage: Midwest Pro Rodeo, August 16 and 17, 2019, 5 to 11 p.m.
    - vi) Fermented Malt Beverage: Wise Fest, September 14, 2019, 11 a.m. to 11 p.m.
    - vii) Fermented Malt Beverage: Flat Track Races, October 5, 2019, 11 a.m. to 11 p.m.
    - viii) Fermented Malt Beverage/Wine: Holiday Affair Craft Show, November 9, 2019, 9 a.m. to 4 p.m.
- 6) **Report of City Officers**
  - a) Mayor
    - i) Recognition of Officer Martin
    - ii) Recognition of Officer Person
    - iii) Appoint Elkhorn Residents Cindi Berge and Heather Leasure to the Library Board
  - b) City Administrator
- 7) **Committee Reports**
  - a) **Human Resources**
    - i) Possible action on recommended Pay Rate adjustments
    - ii) Consideration of and possible action on proposed change to Medical Leave Bank program.
    - iii) Consideration of and possible action on proposal to create/staff Engineering Tech position
- 8) **Unfinished Business**
  - a) Resolution No. 19-04 A Resolution to Change the Beekeeping Permit Fee
  - b) City Hall Relocation: Selection of Design Services Consultant
- 9) **New Business**
  - a) Conditional Use Permit - Copper Square Apartment Development
    - i) Request by developer (Roger Wolff) for 12-month extension of Conditional Use Permit

b) Equipment Purchase Request - Electric Utility

c) Equipment Purchase Request – DPW

10) **Adjourn**

DATED at Elkhorn, Wisconsin, this 3<sup>rd</sup> day of May 2019

Lacey Reynolds, Deputy Clerk

Should you have any questions or comments regarding any items on this agenda, please contact the City Clerk's office at 723-2219. Upon reasonable notice to the City Clerk, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services.

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**CITY OF ELKHORN COMMON COUNCIL  
MEETING MINUTES  
April 15, 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, Ron Dunwiddie, Frank Boggs, Karel Young, Scott McClory, Tom Myrin; Absent: Junior Council Members Alex Johnson, Megan Degner

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, Library Director Lisa Selje, Recreation Director Karl Sorvick, City Engineer Greg Calhoun, other interested persons

**PUBLIC COMMENT**

None.

**CONSENT AGENDA**

***Motion (Young/Dunwiddie) to approve the minutes of the April 1, 2019 Common Council, April 1, 2019 Public Safety and Committee of the Whole April 8, 2019 meetings; and Temporary Class B Fermented Malt Beverage License for Elkhorn Area Firefighter Association's Street Dance, June 15, 2019 3pm-12am, Agent: Steve Flasch. Voice vote, all approved, motion carried.***

**BILLS PAYABLE**

***Motion (McClory/Shiroda) to approve the City and Utility Bills in the amount of \$1,982,369.97 (check numbers 159128-159298). Roll call vote: Boggs, yes; Shiroda, yes; Young, yes; Dunwiddie, yes; McClory, yes; Myrin, yes. Motion carried.***

**REPORT OF CITY OFFICERS**

**MAYOR'S REPORT**

None.

**CITY ADMINISTRATOR'S REPORT**

Administrator Tapson said the meeting on April 22 will be the last session for the Financial Planning and will discuss Capital Programming.

**LIAISON COMMITTEE MEETING REPORTS**

**COMMITTEE REPORTS**

**PUBLIC SAFETY**

**Recommendation to Approve Beekeeping License for Sheila Eckliff, 1202 Meadowlark Lane**

Alderman McClory said the applicant received approval from her neighbors and the committee approved this unanimously. If future neighbors object to the hive or have allergies to bees then the hives will have to be removed. ***Motion (McClory/Boggs) to approve the Beekeeping License for Sheila Eckliff at 1202 Meadowlark Lane. Voice vote, all approved, motion carried.***

**Discussion on Increasing Beekeeping License Fee to \$100**

Alderman McClory said the current fee is \$75 however, it doesn't cover the City's costs for the two inspections of the site. ***Motion (McClory/Boggs) to increase the beekeeping fee to \$100, effective going forward. Roll call vote: Boggs, yes; Shiroda, yes; Young, yes; Dunwiddie, yes; McClory, yes; Myrin, yes. Motion carried.***

**COMMITTEE OF THE WHOLE**

**Discussion Regarding Replacement Pool Mat at Bottom of Kiddie Slide**

Recreation Director Sorvick recommended going with Carrico as they are a trusted company and have the shortest lead time for installing the mat. DPW Manager Lindstrom said he received another quote and it exceeded the other ones. ***Motion (McClory/Dunwiddie) to have Carrico replace the pool mat at a cost of \$8,792. Roll call vote: Boggs, yes; Shiroda, yes; Young, yes; Dunwiddie, yes; McClory, yes; Myrin, yes. Motion carried.***

**NEW BUSINESS**

**City Hall Relocation: Selection of Design Services Consultant**

Mayor Reynolds said the City watched presentations from four firms and one was eliminated. He asked the Council which firm they wanted to go with. Alderman Shiroda asked to wait to make a decision until after the Financial Planning Session next week. Alderman Myrin said he only attended Kehoe's presentation, but he was concerned that Zimmerman didn't provide their costs and that a reference check wasn't done on Kehoe. He said he would vote against Zimmerman. Alderman McClory motioned to accept Zimmerman; no second. ***Motion (Shiroda/Boggs) to wait until next week's meeting. Voice vote, all approved, motion carried.***

**ADJOURN TO CLOSED SESSION**

***Motion (Dunwiddie/Shiroda) to adjourn to closed session pursuant to Wisconsin Statue 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 disputed claim against City for contract services.*** Adjourned to closed session at 5:47 p.m.

Cairie L. Virrueta  
City Clerk

**CITY OF ELKHORN COMMON COUNCIL**  
**MEETING MINUTES**  
**April 16, 2019**  
**COUNCIL CHAMBERS, 9 S. BROAD ST., ELKHORN, WI 53121**

The Common Council meeting was called to order by Mayor Reynolds at 5:00 p.m. in the Council Chambers followed by the Pledge of Allegiance.

**ROLL CALL**

Present: Mayor Howie Reynolds, Aldermen Tim Shiroda, Frank Boggs, Ron Dunwiddie, Karel Young (Absent: Scott McClory and Tom Myrin)

Others present: Attorney Ward Phillips, Finance Director James Heilman, City Clerk Cairie Virrueta, Police Chief Joel Christensen, Fire Chief Rod Smith

**COUNCIL REORGANIZATION**

**Election: Council President**

*Motion (Dunwiddie/Shiroda) to nominate Scott McClory as Council President. Motion (Boggs/Young) to close nominations and vote for Scott McClory for Council President. Voice vote, all approved, motion carried.*

**Official Newspaper: Elkhorn Independent**

*Motion (Shiroda/Dunwiddie) to approve the Elkhorn Independent. Voice vote, all approved, motion carried.*

**Resolution No. 19-03: Designating Depositories and Authorizing Withdrawal of City Monies**

*Motion (Dunwiddie/Young) to approve Resolution No. 19-03. Voice vote, all approved, motion carried.*

**MAYORAL APPOINTMENTS**

**City Attorney: Ward Phillips**

*Motion (Shiroda/Young) to approve Ward Phillips as City Attorney. Voice vote, all approved, motion carried.*

**Council Committees**

*Motion (Boggs/Dunwiddie) to approve the following committees:*

- (1) Financial & Judicial: Scott McClory-Chair, Tom Myrin, Tim Shiroda*
- (2) Municipal Services & Utilities: Frank Boggs-Chair, Ron Dunwiddie, Karel Young*
- (3) Public Safety: Ron Dunwiddie-Chair, Frank Boggs, Karel Young*
- (4) Human Resources: Tom Myrin-Chair, Tim Shiroda, Scott McClory*
- (5) Legislative & Regulatory: Karel Young-Chair, Ron Dunwiddie, Frank Boggs*

*Voice vote, all approved, motion carried.*

**Boards, Commissions & Liaisons**

*Motion (Shiroda/Boggs) to approve the following:*

- (1) Planning Commission: Tom Myrin, Chad Frazer*
- (2) Library: Tim Shiroda*
- (3) Recreation: Frank Boggs*
- (4) Chamber of Commerce: Tom Myrin*
- (5) Fire Commission: Karel Young*

*Voice vote, all approved, motion carried.*

**ADJOURN**

*Motion (Boggs/Dunwiddie) to adjourn at 5:07 p.m. Voice vote, all approved, motion carried.*

Cairie L. Virrueta, City Clerk

**CITY OF ELKHORN**  
**RESOLUTION NO. 19-04**

**A RESOLUTION TO CHANGE PERMIT FEES FOR THE KEEPING OF BEES IN THE CITY LIMITS**

**WHEREAS**, it has been determined that the City's beekeeping permit fee is not sufficient revenue to meet expenses.

**NOW, BE IT RESOLVED BY** the Common Council that the permit fee, payable upon application for the keeping of bees in the City Limits, shall be established at \$100.00 (one hundred dollars and 00/100);

**BE IT FURTHER RESOLVED** that the permit fee for Beekeeping set forth herein shall be in effect as of May 6, 2019 and shall remain in affect thereafter unless revised by the Common Council.

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Howie Reynolds, Mayor

ATTEST:

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Cairie Virrueta, City Clerk

Approved:

Adopted:

To: Mayor & Council

From: City Administrator

Re: *Copper Square Development - Request for CUP Extension*

Date: April 12, 2019

On June 18, 2018, Copper Square Apartment development was granted a Conditional Use Permit, which allowed for the buildout of a 72-unit complex. As is the case with all such permits, failure to commence construction within 12 months of issuance invalids the CUP. The original proposal was for 102-unit complex, which the developer stated was the density necessary to ensure adequate cash flow for proposed buildout. As is the case with all such permits, failure to commence construction within 12 months of issuance invalids the CUP. Owing to the reduced density of the approved development, the developer was (is) unable to commence project buildout and is seeking an extension of 12 months to allow him to pursue other options for project startup. The Zoning Code (17.14.5) does allow an applicant to request an extension for up to 12 additional months.

Please refer to the attached letter from the developer's attorney for additional details.

# EGERT LAW, S.C.

835 Geneva Parkway North, Suite 1  
Lake Geneva, WI 53147

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Nicholas A. Egert, Attorney

Debora K. Arnold, Paralegal  
Jean C. Rossmiller, Legal Assistant

Telephone: 262-248-6600  
Facsimile: 262-248-6262  
info@egertlawfirm.com

April 9, 2019

**VIA E-MAIL**

Ms. Bonnie Schaeffer, Zoning Officer  
City of Elkhorn  
9 South Broad Street  
Elkhorn, WI 53121

**VIA E-MAIL**

Mr. Sam Tapson, City Administrator  
City of Elkhorn  
9 South Broad Street  
Elkhorn, WI 53121

**Re: *Copper Square Apartments***  
***Owner: Market Street Condominiums, LLC, By Mr. Roger Wolff***  
***Tax Parcel No. YU NW 00243***

Dear Ms. Schaeffer and Mr. Tapson:

As you will recall, on June 18, 2018, the City of Elkhorn Common Council approved a Planned Unit Development and Conditional Use Application consisting of a maximum of 72 units for the Copper Square Project located at the southeast corner of West Market Street and North Church Street (Tax Key Number YUNW00243).

As the applicant explained in the permitting process, the minimum density required to build the quality of development proposed for the Copper Square Project was 108 units. The developer and its stakeholders must either (1) create a new apartment product that is feasible under the approved density, or (2) identify a buyer that has an existing product that could be successful under that density restriction.

In order to pursue either of the two above options, the applicant will require substantially more time to plan and commence construction work. As such, the applicant hereby requests a 12-month extension to the current deadline for the commencement of "substantial construction" under City Ordinance 17.14-5(7) and requests a hearing before the City Council on May 6.

If any additional information is needed, please do not hesitate to contact me. Otherwise, we look forward to continuing our work with the Plan Commission and Common Council.

Sincerely,



Nicholas A. Egert

NAE/jcr

cc: Mr. Roger Wolff (via e-mail)



## CITY OF ELKHORN

### COMMON COUNCIL AGENDA MEMORANDUM

**Meeting Date:** May 6, 2019

**Agenda Item:** Procurement of Electric Department Digger Derrick Truck

**Prepared by:** John Murphy, Utility Director

**Summary:** As previously conveyed and incorporated into the 2019 budget, a Digger Derrick and Mini-Excavator are earmarked for purchase.

The 1991 Digger Derrick is beyond the projected service life and no longer can be trusted for working safe.

**Fiscal Considerations:** The 2019 budget has \$190,000 earmarked for the replacement of the 1991 Digger Derrick. The Digger Derrick is a piece of equipment that is used less and we feel that we can purchase a demo/lease at a lower cost than new. Staff has demo several use and new digger derricks.

**Requested Action:** Authorize the purchase of a Demo 2017 Altec DH50 digger derrick unit with a full new unit warranty from Altec. Chassis warranty is whatever is remaining. At a cost of \$149,900. New unit cost is \$215,842.00



## COMMON COUNCIL MEETING AGENDA MEMORANDUM

**Meeting Date:** May 6, 2019  
**Agenda Item:** Front End Wheel Loader  
**Prepared by:** Matthew Lindstrom (DPW Operations Manager)

### Summary:

As previously conveyed and incorporated into the 2019 budget, a Front End Wheel Loader is earmarked for purchase in accordance with the current Equipment Replacement Schedule. Justification for purchase is as follows:

DPW currently operates (1) 1999 Volvo L90C Front End Wheel Loader with over 9,100 engine hours. The department relies heavily on said loader for year round operations including but not limited to compost, snow removal & mass cleanup, loading salt onto plow trucks and moving, loading and placing all types of construction materials. In consideration of year round usage, exposure to salt and winter weather conditions the anticipated life cycle is 20 years. Referenced existing loader conditions include severe rust, leaks and required extensive mechanical repairs in 2016 totaling over \$15,000.00. Current issues requiring repairs include muffler replacement, hydraulic rams for bucket and fixing some leaks which yield approximately \$5000 in cost.

### Fiscal Considerations:

Over the course of the past few months DPW demoed three different makes of current year loader's including a John Deere 624L, Volvo L90H and a Caterpillar 938M FQ which are equivalent in size to our current loader.

Pricing per regional sales representatives is as follows:

- John Deere 624L | \$198,500
- Volvo L90H | \$203,904
- CAT 938M FQ | \$226,900

Pricing for all loaders include 84 Months/4000 Hours Extended Warranty for Power Train & Hydraulic

After reviewing each loader DPW is recommending purchase of a John Deere 624L in consideration of the following:

- Cost effectiveness
- Wide range of view and visibility within operation station
- Wide range of standard features and overall functions
- Stability and size of machine
- Serviceability for day to day operations and repairs
- Operation station provides ergonomic comfort and visibility which mitigates operator fatigue with extended duration of operation
- Fifth function joy stick provides cost effective fabrication and attachment of existing components including a plow and wing which will be utilized

The 2019 budget incorporated \$205,000 within the equipment replacement fund for procurement of a current year Front End Wheel Loader.

**Requested Action:** Authorize purchasing a John Deere 624L Front End Wheel Loader not to exceed budgeted costs as reflected above.