

**CITY OF ELKHORN**  
**Joint Extraterritorial Zoning Committee Meeting**  
**City of Elkhorn and Town of Sugar Creek**  
**Council Chambers, 311 Seymour Ct., Elkhorn, Wisconsin**  
**February 1, 2024**

Meeting of the Joint Extraterritorial Zoning Committee was called to order at 5:02 p.m. followed by Roll Call.

**ROLL CALL AND ESTABLISH A QUORUM**

Present: City of Elkhorn: Tom Stotko, Duane Wuttke, James Boardman  
Town of Sugar Creek: Mark Steinfest, Dale Wuttke, David Robers  
City of Elkhorn: Allison Schwark, Zoning Adm., Lee Brown, City Planner  
Also Present: Attorney Ward Phillips, Attorney Elaine Ekes, Attorney Steve Koch, Matt Lindstrom  
Visitors: Unidentified Residents from Town of Sugar Creek

**NAME CHAIRPERSON**

Motion (Duane Wuttke/Stotko) nominated Member Boardman as Chairperson. Motion carried by the majority of those members present.

**APPROVAL OF MINUTES**

Motion (Robers/Steinfest) to approve the minutes of the January 4, 2024 Joint ETZ Committee Meeting with the City of Elkhorn and Town of Sugar Creek. Motion carried by the majority of those members present.

**DISCUSSION/FUTURE LAND USE PLAN**

The Zoning Administrator noted that a Joint Extraterritorial Zoning Committee was held on January 4, 2023 and included accomplishing the first step in the planning process by reviewing the Extraterritorial Zoning (ETZ) process and working out a timeline which included conducting meetings the first Thursday of each month for a total of four ETZ meetings. The next step is to begin to discuss incorporating the City's Land Use Map with the Town of Sugar Creek's Land Use Map for the areas within the Extraterritorial Zoning (ETZ) Area plan. This is the task for this meeting. State Statute provides that the Joint Committee and the City Plan Commission must meet to formulate tentative recommendations for the district plan and regulations. The district plan will be similar to a subarea plan for a comprehensive plan. It will also contain zoning regulations. The district plan may address the entire 1.5 mile area or portions of it. This formulation stage may take more than a few months, as there will be active discussion regarding the proposed plan and regulations. It was noted that the Joint Committee can work with outside planning consultants to assist in preparing the district plan. The Zoning Administrator introduced Lee Brown, Teska Associates, who has served as City Planner and previously provided planning services to the City of Elkhorn, to further explain the district plan.

Lee Brown presented the color coded City of Elkhorn's 2040 Land Use Plan Map (included in the meeting packet) and briefly outlined the significance of the map color coding. It was noted that a copy of the Town of Sugar Creek's 2050 Land Use Plan was recently submitted by the Town which was distributed at this meeting for discussion. Mr. Brown further explained that the two plans could be compared and used together to formulate one district plan which could then be used as a tool in guiding the Joint Extraterritorial Zoning Committee in developing the 1.5 mile area of the ETZ boundary with the Town of Sugar Creek and City of Elkhorn.

Lee Brown stated that it is important to note that the preservation of zoning in the Town within the Extraterritorial Zoning (ETZ) area will remain in effect initially for 18 months, unless extended pursuant to the Statute. If the Joint Committee comes to agreement sooner on tentative recommendations to present to the City Council, the preservation of zoning can be lifted after the Elkhorn City Council action which will then allow development in the Extraterritorial Zoning (ETZ) Area to proceed in accordance any finally adopted Extraterritorial Zoning (ETZ) plan and regulations. It is incumbent upon the Joint Extraterritorial Zoning Committee to work together on forming tentative recommendations to move the process forward effectively and efficiently for final approval. Brief discussion.

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At this time Steve Koch, Attorney representing Town of Sugar Creek, reported that the Sugar Creek Town Board is not interested in using the services of the City's Land Use Plan or City Planner or continue meeting as a Joint Extraterritorial Zoning Committee with the City of Elkhorn representatives to develop an Extraterritorial Zoning (ETZ) plan and regulations to create the 1.5 mile Extraterritorial Zoning (ETZ) area boundary. He also stated that Town of Sugar Creek residents present are in agreement with this decision.

Chairman Boardman said he understands the hesitancy on the part of the Town of Sugar Creek Board members as well as their residents but the City of Elkhorn has initiated an interim ordinance in order to follow State Statues and develop an Extraterritorial Zoning (ETZ) boundary map within in the allowed eighteen (18) month time frame. Otherwise, if this time frame is not met then there will have to be a five (5) year waiting period for both parties in order to restart this process. This will prolong any future zoning plan for both the Town of Sugar Creek and the City of Elkhorn for these areas that fall under the 1.5 mile area of the Extraterritorial Zoning boundary. He requested that they continue to discuss the options. If not, then they can make a motion to adjourn this meeting. Brief discussion.

The Zoning Administrator stated that the City of Elkhorn will continue to encourage the Town of Sugar Creek to participate in these scheduled Joint Extraterritorial Zoning Committee meetings. Discussion.

Attorney Ward Phillips, City Attorney, explained why the City exercised its Extraterritorial Zoning (ETZ) jurisdiction in the Town of Sugar Creek. He also described what the Joint Extraterritorial Zoning Committee is tasked with completing a Comprehensive Plan for the 1.5 mile area boundary between the City of Elkhorn and the Town of Sugar Creek per interim City Ordinance requirements. Attorney Phillips further requested Lee Brown, City Planner, to speak about the advantages of the Town of Sugar Creek developing an Extraterritorial Zoning Agreement with the City of Elkhorn.

Lee Brown, City Planner, again explained the advantages of the City of Elkhorn and Town of Sugar Creek creating a Joint Extraterritorial Zoning Agreement and the purpose of the Joint Extraterritorial Zoning Committee. Since the Joint Extraterritorial Zoning Committee is required to create a Comprehensive Plan, future meetings are required to discuss planning for the 1.5 mile area in meeting the requirements of the City of Elkhorn interim ordinance. The preservation of zoning can be lifted after Elkhorn City Council action which will then allow development in the Extraterritorial Zoning (ETZ) area to proceed in accordance any finally adopted Extraterritorial (ETZ) plan and regulations. The Joint Extraterritorial Zoning Committee should work together on forming tentative recommendations to move the process forward effectively and efficiently.

Attorney Elaine Ekes, Legal Counsel, also stated and in agreement that this is an opportunity for land planning both by the City of Elkhorn as well as the Town of Sugar Creek, and work together to discuss the district plan for the 1.5 mile boundary area. It is a chance to work cooperatively on future zoning and uses and reach an agreement that is satisfactory to both parties and develop a meaningful plan.

Attorney Koch, representing the Town of Sugar Creek, reiterated that the of the Town of Sugar Creek has no need for an Extraterritorial Zoning (ETZ) Agreement with the City of Elkhorn to determine future planning for the 1.5 mile area ETZ boundary. Member Steinfest said the Town of Sugar Creek does not wish to continue participation with the Joint Extraterritorial Zoning Committee process. No action taken.

#### **ADJOURNMENT**

Motion (Robers/Dale Wuttke) to adjourn. Roll Call Vote: Robers -Yes; Dale Wuttke -Yes; Steinfest -Yes; Duane Wuttke -Yes; Stotko -Yes; Boardman -Yes. Motion carried unanimously. Meeting adjourned at 5:30 p.m.

Shari McKinney  
City of Elkhorn  
Plan Commission Secretary