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**CITY OF ELKHORN COMMON COUNCIL**  
**MEETING MINUTES**  
**May 6, 2024**  
**COUNCIL CHAMBERS, 311 SEYMOUR CT., ELKHORN, WI 53121**

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

**ROLL CALL**

Present: Mayor Tim Shiroda, Alderpersons Gary Lee Payson Jr., Ron Dunwiddie, Scott McClory, Ken Meinel, Kurt Harkness.

Others present: City Administrator Adam Swann, Attorney Elaine Ekes, City Clerk Lacey Reynolds, Police Chief Joel Christensen, Director of Public Works Matthew Lindstrom, Interim Fire Chief Trent Eichmann, Finance Director Corrie Daly, Utility Field Office Coordinator Dawn Gall, City Engineer Mike Timmers, other interested persons.

**PUBLIC COMMENT**

Dennis Karbowski and Chris Clapper spoke about ATV's and UTV's. John Henderson informed the Council he is in attendance as a representative for the Walworth County Food and Diaper Bank.

**CONSENT AGENDA**

*Motion (Payson Jr./McClory) to approve the Common Council Meeting Minutes from April 16, 2024 and the Beekeeping Permit Application for Javan Wehmeier at 147 N. Water Crest Ct. Voice vote, all approved, motion carried.*

*Aldersperson Payson Jr. requested these items be postponed and the fairgrounds submit a safety plan. Motion (Payson Jr./Dunwiddie) to postpone to a later date of May 20, 2024 the temporary Class "B" Beer licenses for the Walworth County Agricultural Society at the Walworth County Fairgrounds, Bull Riding on July 5 & 6, 2024; 4:00 pm -11:00 pm and July 7, 2024; 1:00 pm - 9:00 pm and temporary Class "B" Beer license for the Walworth County Agricultural Society at the Walworth County Fairgrounds, Taco Fest on July 20, 2024; 11:00 am – 11:00 pm and July 21, 2024; 11:00 am - 9:00 pm. Voice vote, all approved, motion carried.*

**REPORT OF CITY OFFICERS**

**MAYOR'S REPORT**

Mayoral Appointments - Boards, Commissions & Liaisons

Police and Fire Commissioners: Craig Rasmussen – member

Board of Appeals: Tom Stotko, Gary Welsh, James Boardman, Julie Taylor – members

Historic Preservation Commission: James Boardman - Plan Commission member, Julie Taylor, John Gunyon, Lisa Brellenthin, Gary Welsh, Jean Carroll - Citizen members

*Motion (Dunwiddie/Meinel) to approve the mayoral appointments listed above. Voice vote, all approved, motion carried.*

**CITY ADMINISTRATOR'S REPORT** – Administrator Swann reported grading work began at the Creekside Community Development, Electric Department staff member Nathan Porter completed his 4-year apprenticeship and is now a journeyman, the NEWTP project began and Cobb Rd. should be open by May 17<sup>th</sup>. Structures were removed from the City's new parcel on HWY 67 and letters of interest for the District 1 alderperson vacancy are due by May 15<sup>th</sup>. Director of Public Works Matthew Lindstrom shared an update on Centralia phase 2 and the HWY 11 closing.

**NEW BUSINESS**

Discussion and possible decision regarding amending 2024 budget to increase EEDA grant funds available by \$32,546.75, which is the amount of unused EEDA grant funds in 2022-2023. *Motion (Payson Jr./McClory) to approve amending the 2024 budget to increase EEDA grant funds available by \$32,546.75,*

*which is the amount of unused EEDA grant funds in 2022-2023. Roll call vote: Payson Jr., yes; McClory, yes; Dunwiddie, yes; Meinel, yes; Harkness, yes. Motion carried.*

Discussion and possible decision regarding proposed Resolution No. 24-11: A Resolution Approving the Engagement Agreement with Pruitt, Ekes & Geary, S.C., as the Interim City Attorney for the City of Elkhorn. *Motion (Meinel/McClory) to approve Resolution No. 24-11: A Resolution Approving the Engagement Agreement with Pruitt, Ekes & Geary, S.C., as the Interim City Attorney for the City of Elkhorn. Voice vote, all approved, motion carried.*

Discussion and possible decision regarding proposed Ordinance No. 24-04: An Ordinance Amending Section 1.03(2)(h)1 of the City of Elkhorn Municipal Code regarding the Appointment of the City Attorney and other Attorneys [first and possible second reading]. *Motion (Payson Jr./Dunwiddie) to waive the first reading of Ordinance No. 24-04: An Ordinance Amending Section 1.03(2)(h)1 of the City of Elkhorn Municipal Code regarding the Appointment of the City Attorney and other Attorneys. Voice vote, all approved, motion carried. Motion (Payson Jr./Dunwiddie) to approve Ordinance No. 24-04: An Ordinance Amending Section 1.03(2)(h)1 of the City of Elkhorn Municipal Code regarding the Appointment of the City Attorney and other Attorneys with the delegation wording to include Mayor and/or Administrator. Voice vote, all approved, motion carried.*

Discussion and possible decision regarding request for proposals for city attorney. *Motion (Payson Jr./Harkness) to approve the request for proposals for city attorney. Voice vote, all approved, motion carried.*

Discussion and possible decision regarding proposed Resolution 24-12: A Resolution Approving an Interfund Loan from the City Electric Fund to Tax Incremental District #4. *Motion (Dunwiddie/Meinel) to approve Resolution 24-12: A Resolution Approving an Interfund Loan from the City Electric Fund to Tax Incremental District #4. Roll call vote: Dunwiddie, yes; Meinel, yes; Harkness, yes; McClory, yes; Payson Jr., yes. Motion carried.*

Discussion and possible decision regarding the Conditional Use Permit for Outdoor dining located at 1 N Lincoln Street. *Motion (Meinel/Harkness) to approve the Conditional Use Permit for Outdoor dining located at 1 N. Lincoln Street. Voice vote, all approved, motion carried.*

Discussion and possible decision regarding City participation in “No Mow” May [requested by Alderman Harkness]. *Motion (Payson Jr./Dunwiddie) not to approve City participation in “No Mow” May. Roll call vote: Payson Jr., yes; Dunwiddie, yes; McClory, yes; Meinel, yes; Harkness, no. Motion carried 4-1.*

Closed Session: The Common Council may entertain a motion to go into CLOSED SESSION pursuant to Wisconsin Statutes Section 19.85(1)(e) to deliberate on offers to purchase public property for Lot 72 (Tax Key YA 396900001). Closed Session: The Common Council may entertain a motion to go into CLOSED SESSION pursuant to Wisconsin Statutes Section 19.85(1)(c)—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—and pursuant to 19.85(1)(f)—to consider financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations to review of findings from investigation ordered by Council on January 3, 2024. Closed Session: The Common Council may entertain a motion to go into CLOSED SESSION pursuant to Wisconsin Statutes Section 19.85(1)(c) 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 conducting annual performance review of City Administrator Adam Swann. *Motion (Payson Jr./Harkness) to adjourn to closed session. Voice vote, all approved, motion carried.* Adjourned to closed session at 5:59 p.m.

**RECONVENE IN OPEN SESSION**

Reconvened in open session at 6:29 pm.

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 72 (Tax Key YA 396900001). *Motion (McClory/Dunwiddie) to accept the offer subject to the right of first refusal under the City's standard policy and subject to review by the city attorney of the form contract. Voice vote, all approved, motion carried.*

Discussion and possible decision regarding findings from investigation ordered by Council on January 3, 2024. *Motion (Payson Jr./Harkness) to receive and file. Voice vote, all approved, motion carried.*

Discussion and possible decision regarding results of performance review of City Administrator Adam Swann. *Motion (Payson Jr./Dunwiddie) to approve the step increase that was discussed in closed session. Roll call vote: Payson Jr., yes; Dunwiddie, yes; McClory, yes; Meinel, yes; Harkness, yes. Motion carried.*

**ADJOURN**

*Motion (Dunwiddie/Harkness) to adjourn at 6:33 p.m. Voice vote, all approved, motion carried.*

Lacey L. Reynolds

City Clerk

Approved 05.20.24