
CITY OF ELKHORN COMMON COUNCIL
MEETING MINUTES
May 20, 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., Scott McClory, Ken Meinel, Kurt Harkness.
Absent: Ron Dunwiddie.

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, Library Director Chad Robinson, Utility Field Office Coordinator Dawn Gall, City Engineer Mike Timmers, Chris Clapper, Larry Gaffey, Claudia Last, Karel Young, Peter Harvey, other interested persons.

PUBLIC COMMENT

David Crosby of 39 Monica Dr.

CONSENT AGENDA

Motion (Payson Jr./McClory) to approve the meeting minutes for Human Resources May 1 & 16, 2024; Committee of the Whole and Common Council May 6, 2024 and Public Safety May 9, 2024. Voice vote, all approved, motion carried.

Motion (Payson Jr./McClory) to approve pay request No. 1 from Rock Road Companies for the NE WTP Sewer & Water Extensions project in the amount of \$290,784.78. Roll call vote: Payson Jr., yes; McClory, yes; Meinel, yes; Harkness, yes. Motion carried.

BILLS PAYABLE

Motion (Payson Jr./Meinel) to approve the City and Utility Bills in the amount of \$3,305,935.08. Roll call vote: Payson Jr., yes; Meinel, yes; Harkness, yes; McClory, yes. Motion carried.

REPORT OF CITY OFFICERS

MAYOR'S REPORT –

Recognition of Municipal Court Clerk Claudia Last for 14 years of service. Mayor Shiroda thanked Municipal Court Clerk Last for her years of service and presented her with a plaque.

Swearing in of Interim City Attorney Elaine S. Ekes. City Clerk Reynolds swore in Interim City Attorney Ekes.

Swearing in of Fire Chief Trent Eichmann. City Clerk Reynolds swore in Fire Chief Eichmann.

Consider Candidates for District I Aldermanic Vacancy. Mayor Shiroda asked both candidates to share why they are interested in the District 1 Aldermanic Vacancy. Karel Young spoke first and Peter Harvey spoke second. Attorney Ekes informed the Council they cannot vote by a secret ballot to fill a vacancy and explained the process to follow for nominations. *Motion (Payson Jr./McClory) to appoint Karel Young to fill the District I Aldermanic vacancy. Roll call vote: Payson Jr., yes; McClory, yes; Harkness, no; Meinel, no. Tie vote 2-2.* Attorney Ekes informed the Mayor and Council she did not believe the Mayor could vote to break the tie. Alderperson McClory questioned why that would be. The Mayor and Attorney Ekes discussed moving the item to later in the meeting so Ekes could research the issue further. *Motion (Payson Jr./McClory) to postpone to later in the agenda and make this item 12e under new business. Voice vote, all approved, motion carried.*

CITY ADMINISTRATOR'S REPORT – Administrator Swann informed the Council the City issued the grading permit for the Creekside Community Development. An amended SIP was submitted by Belinski to modify their plan for the development near Walgreens. The ATV/UTV signs should be installed by the end of the week and the ordinance published this week Thursday. Swann added ATV's/UTV's are not permitted on

County Roads in the city with speed limits greater than 35 mph. Board of Review is Wednesday, May 22nd, the Baby Box has been installed but is not available yet for use, Cobb Rd is now open and Hwy 12 will be closing June 5th in the north part of the city.

REPORTS OF CITY BOARDS AND COMMUNITY PARTNERS

Fire Advisory Board – Next meeting will be in July.

Library Board – Library Director Chad Robinson reported completed contracting and zoning of the new sign. EASD appointed a new school liaison and thanked Senta Holmes for her service to the library board.

Recreation Advisory Board – Alderperson Payson Jr. reported there may be a meeting in June.

Chamber of Commerce – Chris Clapper reported the Spring Food Truck Festival was well attended. Clapper thanked DPW and PD for their help with the event. The new Chamber community guide is out now.

Saturdays on the Square begins this weekend and the 50th anniversary is this fall, September 19th.

Community Grant Writer – Katie James reported the City did not receive the STP funding grant.

COMMITTEE REPORTS

Human Resources – Alderperson McClory reported on the May 1st and May 16th meetings regarding the employee health insurance plan for 2024-2025.

Committee of the Whole – Alderperson Payson Jr. reported on the May 6th and May 20th meetings regarding RFP's for building inspection services.

Public Safety - Alderperson Payson Jr. reported on the May 9th meeting regarding personal appearance standards and officer involved shootings and deaths #306.

PRESENTATION - Karl Sorvick, Recreation Director regarding the Elkhorn Community Band Shell: History and restoration efforts. *Motion (Payson Jr./Meinel) to postpone until June 3, 2024. Voice vote, all approved, motion carried.*

UNFINISHED BUSINESS

Discussion and possible decision regarding the Temporary Class "B" Beer license application for the Walworth County Agricultural Society at the Walworth County Fairgrounds event -Professional Champion Bull Riding on July 5 & 6, 2024; 5:00 – 10:00 pm and review the event emergency plan. Discussion took place regarding security measures and event emergency plans for the fairgrounds. Alderperson McClory requested bag inspections and regular communication between fairgrounds security and Elkhorn Police Department prior to the end of each event be incorporated into the Fairgrounds security/emergency plan. *Motion (McClory/Payson Jr.) to approve the Temporary Class "B" Beer license application for the Walworth County Agricultural Society at the Walworth County Fairgrounds event -Professional Champion Bull Riding on July 5 & 6, 2024; 5:00 – 10:00 pm. Voice vote, all approved, motion carried.*

Discussion and possible decision regarding execution of a revised agreement with Visu-Sewer, LLC for the 2024 Sewer Rehabilitation Project in the amount of \$774,933.75. *Motion (Payson Jr./Meinel) to approve the revised agreement with Visu-Sewer, LLC for the 2024 Sewer Rehabilitation Project in the amount of \$774,933.75. Roll call vote: Payson Jr., yes; Meinel, yes; McClory, yes; Harkness, yes. Motion carried.*

NEW BUSINESS

Discussion and possible decision regarding whether to direct the city attorney to draft a proposed ordinance opting out of the state code revision allowing establishments who hold a Class "B", "Class B" or "Class C" license to offer extended closing hours (between 4:00 a.m. and 6:00 a.m.) for the National Political Convention. Police Chief Christensen shared concerns of allowing the extended closing hours and requested the Council ask the City Attorney to draft an ordinance to opt-out. Alderperson Payson Jr. asked Chris Clapper how this will affect tourism in the city during this time. Attorney Ekes explained the legislation and options further. *Motion (McClory/Payson Jr.) for the city attorney to draft a proposed ordinance opting out of the state code revision allowing establishments who hold a Class "B", "Class B" or*

“Class C” license to offer extended closing hours (between 4:00 a.m. and 6:00 a.m.) for the National Political Convention. Voice vote, 3-yes, 1-no (Payson Jr.), motion carried.

Discussion and possible decision regarding conditional use permit for JRS Holding to operate a transportation facility (in the form of bulk material trucking) at 702 Nathan Lane. *Motion (Meinel/Harkness) to approve conditional use permit for JRS Holding to operate a transportation facility (in the form of bulk material trucking) at 702 Nathan Lane. Voice vote, all approved, motion carried.*

Discussion and possible decision regarding issuing proposed request for proposals (RFP) for needs analysis/study of fire station. *Motion (McClory/Harkness) to approve issuing request for proposals (RFP) for needs analysis/study of fire station. Voice vote, all approved, motion carried.*

Discussion and possible decision regarding recommendations from Human Resources Committee regarding City employee health insurance plan for 2024-2025. Change broker from Rathack & Associates to Galagher Insurance, Risk Management & Consulting (effective immediately), standardize health reimbursement arrangement for employees so that all employees receive \$500 (as opposed to previous split of \$500 for single employees and \$1,000 for employees with families)(starting January 1, 2025), increase amount employees can contribute to flexible spending account from \$2,200 in 2024 to \$3,200 in 2025 (starting January 1, 2025) and collect monthly premium of 1% of expected plan cost for employees with additional plan participants (i.e., children or spouses)(starting January 1, 2025). *Motion (McClory/Payson Jr.) to approve the items listed. Roll call vote: McClory, yes; Payson Jr., yes; Harkness, yes; Meinel, yes. Motion carried.*

Item postponed from earlier in the meeting: Consider Candidates for District I Aldermanic Vacancy. Attorney Ekes shared information from the State statutes regarding filling vacancies and case law from 1901 explaining when there is clearly a tie the Mayor can break the tie or the governing body can wait and discuss the item at the next meeting. *Motion (Meinel/McClory) to appoint a candidate tonight. Voice vote, 3-yes, 1-no (Harkness), motion carried. Motion (Payson Jr./McClory) to appoint Karel Young to fill the District I Aldermanic vacancy. Roll call vote: Payson Jr., yes; McClory, yes; Meinel, no; Harkness, no. Tie vote 2-2. Shiroda, no. Motion fails 2-3. Motion (Meinel/Harkness) to appoint Peter Harvey for District I Aldermanic Vacancy. Roll call vote: Meinel, yes; Harkness, yes; McClory, no; Payson Jr., no. Tie vote 2-2. Shiroda, yes. Motion carried 3-2. Attorney Elaine Elkes swore in Peter Harvey for the District 1 Aldermanic seat.*

ADJOURN TO CLOSED SESSION

Motion (Payson Jr./McClory) to adjourn to closed session. 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. Discussion regarding compensation for newly appointed Fire Chief Trent Eichmann. 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. Discussion regarding findings from investigation ordered by Council on January 3, 2024 Roll call vote: Payson Jr., yes; McClory, yes; Harkness, yes; Meinel, yes; Harvey, yes. Motion carried. Adjourned to closed session at 6:51 p.m.

RECONVENE IN OPEN SESSION

Motion (Harkness/McClory) to reconvene in open session. Roll call vote: Harkness, yes; McClory, yes; Payson Jr., yes; Harvey, yes; Meinel, yes. Reconvened in open session at 7:07 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 compensation for newly appointed Fire Chief Trent Eichmann. Motion (Payson Jr./McClory) to keep the newly appointed Fire Chief Trent Eichmann at the current step. Roll call vote: Payson Jr., yes; McClory, yes; Meinel, yes; Harkness, yes; Harvey, yes. Motion carried.

Discussion and possible decision regarding findings from investigation ordered by Council on January 3, 2024. No action taken.

ADJOURN

Motion (Payson Jr./Harvey) to adjourn at 7:08 pm. Voice vote, all approved, motion carried.

Lacey L. Reynolds
City Clerk

Approved 06.03.24