



MINUTES October 3rd, 2011

Minutes of the regular meeting of the Board of Trustees of the Village of Elkhart Lake held on Monday, October 3rd, 2011 at the Grashorn Memorial Civic Center in the Village of Elkhart Lake with the agenda having been duly posted on Friday, September 30th, 2011 between the hours of 12:45 P.M. and 1:09 P.M. at National Exchange Bank and Trust, the Elkhart Lake Post Office, Community Bank and Trust and the Municipal Office and posted on the Village website at 12:00 P.M. on September 30th, 2011.

President Rudnick called the meeting to order at 7:00 P.M. with the following Trustees present: Mike Wolf, Pam Garton, Rola Ann Klahn, Steve Kapellen, and Richard Sadiq. Trustee Lynn Shovan was absent.

Others in attendance included: Chris Herman; Chief Boeldt; Jessica Reilly, Assistant Clerk; Jeanette Moioffer, Clerk.

The Pledge of Allegiance was recited.

Operator's License

(Sadiq/Garton) moved to go into closed session under Wisconsin Statute 19.85(1)(f) Personal Data/Actions Affecting Reputation at approximately 7:01 p.m. to consider financial, 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.

Motion Carried Unanimously

President Rudnick announced that the Board would be going into a closed session under the above referenced statute and would return to open session in approximately ten minutes.

(Kapellen/Wolf) moved and seconded to return to open session at 7:14 p.m.

Motion Carried Unanimously

Approval of Minutes –

(Wolf/Sadiq) moved to approve the minutes of September 6th and September 20th, 2011.

Motion Carried Unanimously

Treasurer's Report –

(Sadiq/Wolf) moved to approve the September Treasurer's Report.

Motion Carried Unanimously

Public Comment – None

COMMITTEE REPORTS

SEPTEMBER BUILDING PERMIT REPORT – Moioffer

The September Building Permit Reports were emailed to the Board.

PUBLIC WORKS COMMITTEE – Wolf

The Committee made an offer to one of the applications for the part-time position. The Committee is waiting to hear back from the applicant.

JOINT FIRE STATION COMMITTEE – Kapellen

- 1) The Board was sent the minutes from the August 17th, 2011 meeting.
- 2) Highlights of the September 22nd, 2011 meeting were discussed.
- 3) The Committee discussed the roof leaking, the cracking of the blacktop, and the sprinklers in the wrong positions. The Committee is continuing to review its options to fix these items.
- 4) There are also issues with the electrical lights and their timing. They seem to be going on at 1 or 2 in the morning. They are going to speak with KW Electric about the issue.
- 5) The Fire Chief provided his report on the number of calls.
- 6) The Lynn & Bernice Bub have volunteered to clean the firehouse.
- 7) The Fire Chief is working on dividing the cost of ladder testing.
- 8) The inventory has been completed.
- 9) The Town of Rhine bill for their fire truck from last year should be paid by the Village and then the Town will reimburse the Village.

ADMINISTRATION AND FINANCE COMMITTEE – Klahn

- 1) Highlights of the September 20th and 30th, 2011 meetings were discussed.
- 2) The Committee has recommended to the Board that the employee manual be approved.
- 3) The Committee is busy working on the 2012 budget.
- 4) The Committee allocated money in the 2012 budget to remove the “Welcome Sign” that is by the County shed, as it is on the State right-of-way. The Committee has informed Tourism that if they want to keep the sign they will need to pay for relocation.
- 5) The Committee discussed room tax and decided to approach the Tourism Commission to come up with a plan that would discuss room tax increases.

TREE COMMISSION – Kapellen

- 1) The Board was sent the minutes from the August 12th, 2011 meeting.
- 2) Highlights of the September 21st, 2011 meeting were discussed.
- 3) The Commission is looking into coming up with a theme for the 2012 Arbor Day Contest.
- 4) The Commission reviewed and approved their 2012 budget.
- 5) The Commission will be planting three additional trees and Pat Robison is working on the tree maintenance report.

PRESIDENT’S REPORT – Rudnick

There was nothing to report.

UNFINISHED BUSINESS:

Ban of Concealed Weapons Ordinance Municipal Building Ordinance-Third Reading

Ordinance 557 was given its third reading.

(Klahn/Garton) moved approve the ban of concealed weapons in municipal buildings.

Motion Carried Unanimously
by a roll call vote

**ORDINANCE 557
VILLAGE OF ELKHART LAKE
SHEBOYGAN COUNTY, WISCONSIN**

**REVISING ORDINANCE 8.24 REGULATING FIREARMS AND DANGEROUS
WEAPONS IN REGARDS TO BANNING CONCEALED WEAPONS
IN MUNICIPAL BUILDINGS**

WHEREAS, in response to a new State of Wisconsin law, the Board of Trustees of the Village of Elkhart Lake has decided that language concerning the banning of conceal carry weapons in Village-owned buildings needs to be added to Chapter 8.24 of the Village Ordinance, and

NOW THEREFORE, BE IT RESOLVED, that Board of Trustees of the Village of Elkhart Lake after having three readings on the ordinance and in accordance with Wisconsin State Statutes and Municipal Code does hereby ordain as follows:

- 1) That Chapter 8 Section 24 be hereby revised to read as follows:

**CHAPTER 8.24
REGULATION FIREARMS AND DANGEROUS WEAPONS**

(1) DEFINITIONS.

- a. "Firearm." Any weapon which acts by force or by gunpowder.
- b. "Dangerous weapons." Any firearm which is loaded or unloaded, any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner in which it is used or intended to be used, is calculated or likely to produce death or great bodily harm.
- c. "Public Building." Any building owned by the Village, the county, or the school district.

(2) RESTRICTIONS.

- a. *Possession Of Firearms In Village Owned-Buildings.* No person, other than a law enforcement officer licensed to carry a firearm, may enter into or remain in any Village-owned building while carrying a firearm or dangerous weapon.
 - i. This subsection does not apply to a vehicle driven or parked in a Village-owned parking facility.
 - ii. The Chief of Police may grant written exemptions to the prohibition in this subsection. To the furthest extent allowable by law, the Village shall be immune from liability for any decision to grant or not grant an exemption.
 - iii. Signs providing notice of the prohibition in this subsection shall be posted in prominent locations near all entrances to all Village-owned building so

that individuals entering the buildings can be reasonably expected to see them. Signs shall be at least 5" x 7" in size.

- b. *Discharge Of Firearms Regulated.* No person except an authorized police officer shall discharge any firearm within the Village.
- c. *Possession Of Dangerous Weapons.* No person other than an authorized police officer shall wear or carry any slingshot, cross knuckles of lead, brass or other metal, switchblade knife, or any other dangerous or deadly weapon within the Village limits, except in conformance with the restricts and requirements of section 167.31 of Wisconsin Statutes.
- d. *Use Of Other Dangerous Weapons.* No person shall shoot or discharge any dangerous weapon anywhere in the Village, except by permission of the Chief of Police, granted for special occasions, except in proper position for firing salutes or by command of a proper military or police officer in the performance of official duty, or in a licenses shooting range, on game farms or hunting preserves. This section does not apply to any person engaged in otherwise lawful activities on the premises of an established bow and arrow target range or other premises where the physical layout and circumstances are such that the health and safety of other persons is not endangered.
- e. *Hunting Within Village.* No person shall engage in hunting activities using a firearm or bow within the corporate limits of the Village.

(3) PENALTIES.

- a. Any firearms or dangerous weapons used or possessed in violation of this ordinance shall be forfeited to the Village of Elkhart Lake.
- b. Any person who violates subsection (2) shall forfeit not less than \$250.00 nor more than \$500.00, together with costs of prosecution, including attorneys' fees, and may be ordered to pay restitution and complete community service.

(4) SEVERABILITY.

- a. In the event that any provision in this Section is for any reason held to be invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portions of this Section shall be deemed separate, distinct, and independent provisions of the Section and all remaining provisions of the Section shall remain in full force and effect.

BE IT FURTHER RESOLVED, that this ordinance will become effective upon its publication and posting.

Attest:

Approved and Adopted this
3rd of October, 2011

Alan S. Rudnick, President

Jeanette L. Moioffer, Clerk

Steven Kapellen, Trustee

Police Ordinance-Chapter 4-Second Reading
Ordinance 558 was given its second reading.

Operator License

Rudnick stated that the Board is reconsidering the denial of an operator's license to Christopher Herman. The Board discussed the situation and asked questions of Chief Boeldt. Chief Boeldt stated he would like no related charges to occur for one year before he would issue an operator's license. Moioffer asked Chief Boeldt what if he would have received the application this week, when the year was almost complete. Chief Boeldt stated that he will be fine with whatever decision the Board makes.

(Wolf/Sadiq) moved to reconsider and approve the operator's license for Christopher Herman for the Osthoff Resort and then review next June.

Roll Call Vote:

ayes: Wolf, Sadiq

nays: Garton, Klahn, Rudnick, Kapellen

Motion Failed

Employee Handbook

Rudnick reported that the Committee recommended approval of the handbook and that all Board member were emailed draft copies. Garton asked if there were any changes from the copy she had previously reviewed. Rudnick reported that there were some minor changes based on the meetings with the employees.

(Sadiq/Klahn) moved to approve the employee handbook.

Motion Carried Unanimously

by a roll call vote

Rudnick thanked Tom Nelson and the Administration and Finance Committee for their hard work over the last six years.

NEW BUSINESS

Replacement of Walkway Cones

Moioffer reported that the tent truck ran over the walkway cones. Moioffer emailed Lynn Shovan, but had not heard anything back about who would be responsible to pay for the replacement cones. Rudnick stated that whoever hired the tent company should be billed for the replacement cones. Moioffer reported that the cones cost about \$25-\$30 each. Wolf asked why the cones were not removed. Moioffer reported that the motion was for the tent company to use the shortest route possible. Klahn stated that this would have meant coming off East Street and not Osthoff Avenue as they had done. Wolf asked if our Public Works Department was notified that they needed to remove the cones from the walkway. Moioffer stated that Public Works were notified that the tent company would use the shortest route possible to set the tent up. The Public Works Department had removed the planter from the walkway near East Street. The Board was in consensus that they should bill the SCCA Runoff Committee for the cost of replacing the cones.

TRUSTEE REPORTS

There were none.

COMMUNICATIONS

They should have been emailed to the Board.

CLERK'S REPORT

Moioffer reported that the Board should have received the 2010 Financial/Audit Report and that Moioffer has the State Investment Pool Quarterly Report for the Trustees' review.

CLOSED SESSION-Conferring with legal counsel

(Garton/Wolf) moved to go into closed session under Wisconsin Statute 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.

Motion Carried Unanimously

President Rudnick announced that the Board would be going into a closed session under the above referenced statute and would return to open session in approximately ten minutes.

(Wolf/Garton) moved and seconded to return to open session at 7:51 p.m.

Motion Carried Unanimously

(Klahn/Sadiq) moved that the meeting be adjourned at 7:51 p.m.

Motion Carried Unanimously

Jeanette L. Moioffer, Clerk-Treasurer

Prepared by: Jessica Reilly, Deputy Clerk-Treasurer/Administrator

MINUTES October 17th, 2011

Minutes of the regular meeting of the Board of Trustees of the Village of Elkhart Lake held on Monday, October 17th, 2011 at the Grashorn Memorial Civic Center in the Village of Elkhart Lake with the agenda having been duly posted on Friday, October 14th, 2011 between the hours of 12:44 P.M. and 2:20 P.M. at National Exchange Bank and Trust, the Elkhart Lake Post Office, Community Bank and Trust and the Municipal Office and posted on the Village website at 2:25 P.M. on October 14th, 2011.

President Rudnick called the meeting to order at 7:01 P.M. with the following Trustees present: Mike Wolf, Pam Garton, Rola Ann Klahn, Steve Kapellen, Richard Sadiq, and Lynn Shovan.

Others in attendance included: Emmitt Feldner; Chief Randy Boeldt; Larry Van Akkeran; Mike Thun; Pat Zorn; Jeanette Moioffer, Administrator-Clerk; Jessica Reilly, Deputy Clerk-Treasurer/Administrator.

The Pledge of Allegiance was recited.

The Board decided to move items VII. B. i. after public comments.

Public Comment –There was no public comment.

UNFINISHED BUSINESS

Preliminary Budget 2012-Salary Issues-Chief Boeldt

Chief Boeldt addressed the Board about the budget and salaries. Chief Boeldt stated he was asked to come in with a zero increase for his budget and he accomplished that. Boeldt stated that all employees now need to contribute 5.8% towards retirement under Governor Walker's new plan. This means that it affected his salary by \$1767.47 in 2011. This money had been budgeted for 2011. It will also mean it affects his salary by \$4,595.41 in 2012. Due to the budget being flat, Chief stated he only requested a 2.4% (Clerk's note: Chief Boeldt only requested a 2.2% increase) increase in his salary, which amounted to a \$1,769.00 increase because he wanted to give his employees as close to 5.8% pay increases as possible.

The Finance Committee removed \$500.00 of Boeldt's salary request. Boeldt stated he was told the 1.6% was given because of Consumer Price Index (CPI). Boeldt presented information that shows that the CPI in September of this year is 3.8%. Boeldt feels he is being singled out, as a part-time public works employee was given a 30% pay increase. Chief stated it is not about the money, but about the principle. He has served the Village nearly 22 years and if it is a performance issue, fine just tell him. He stated that people in the Village clerk's office are receiving 5% increases, which they deserve, but he only asked for 2.4% (Clerk's note: Chief Boeldt only requested a 2.2% increase) and he is the only one taking a hit. He stated that what is happening is wrong, and he wanted to appeal to the Village Board before the final budget was passed.

Rudnick stated that in large part Boeldt is correct when he stated that this Board is more concerned with money than the Board 16 years ago when Boeldt started. Rudnick explained that in years past if the Village needed more money, they just raised the budget, but now the State is not allowing the Village to raise property taxes. Rudnick stated that Boeldt actually came in \$2,500 under budget for the Police Department. Rudnick does not think Boeldt was singled out, but in order to balance the budget, the Village had to make a lot of cuts. Rudnick reported that the Village cut \$109,000 from the original proposed budget. Rudnick does not think that Boeldt was singled out for the \$500, but that is just the way the budget worked. Rudnick stated that in the three budgets he has worked on he has only every heard cost of living addressed and not CPI. Rudnick states that we have always done cost of living not CPI. Rudnick states that the Village has about a \$1,000 surplus, if you want to call it that, on a \$1,065,000 million budget. Rudnick reported that the police department saw a \$4,000 reduction in the budget for the squad car. Rudnick declared it is not the money and that is just the way it went. He also stated he does not think there is a problem with Boeldt's performance. This is why he wanted to leave it up to the Board.

Reilly reported that in the budget binder it only lists the wage that the Administration & Finance Committee approved. Boeldt had requested \$81,000, but the Committee had reduced that wage to \$80,500.

Wolf would like to go back to the Committee reports for the Administration & Finance Committee to see how the budget process worked. Wolf remarked that the Committee met numerous times to review the budget and now the Board is moving ahead in the agenda to deal with a particular item from the budget that has not yet been presented to the Board or reviewed by the Board. Sadiq stated that the Committee will be presenting the preliminary budget tonight, but Wolf would have needed to attend the budget meetings to get a full report on everything that has occurred in the budget. Rudnick stated that for example the Committee cut \$2,000 for fire equipment, \$2,500 for first responder radios, \$10,000 for fire station renovations, \$4,000 for the squad car, \$1,500 to relocate the welcome sign, \$7,000 for the chamber painting, \$15,000 for repairing a storm sewer on Moraine Drive, \$30,000 for an alley rebuild, \$6,000 for repairing the cracks in the walkway, etc. Rudnick stated that the budget is very tight and the Board is not going to be able to pull money from employees' salaries to pay for any unforeseen circumstances.

Rudnick stated that the question at hand is the \$500.00 Boeldt is requesting. Sadiq stated that 99.9% of the budget was discussed at the Committee level and the Committee had a 2-1 consensus to leave Boeldt's salary at \$80,500. Boeldt then asked to speak before the Board. Sadiq stated he does not want to see every single item of the budget coming before the Board, but members of the Administration & Finance Committee asked to bring it to the Board. Sadiq stated this is more of a principle issue than a financial issue for the Village. Sadiq stated that this was why he felt slightly differently about the issue coming to the Board because Chief Boeldt has been a long-time Village employee who does a great job and if he felt strongly enough to bring it to the Board; Sadiq felt it should than be brought to the Board. Wolf stated he does not think the Board should scold any employees for coming to the Board if something is not being handled to the employee's liking at the Committee level. The employees have the option to come to the Board. Wolf stated he does not know if everyone received the same raises or if the raises were variable, but there were probably reasons for it at the Committee. Wolf emphasized it is hard for the Board to know what has all happened and what was involved at the Committee level. Wolf affirmed that Boeldt does a great job and deserves a raise just as much as anyone else, but there obviously other circumstances discussed at the Committee level and it is tough for the Board to make a decision.

Shovan stated that is exactly why we have committees, so they are able to review everything and make a recommendation to the Board. Shovan would go with the recommendation with the Committee as she does not know all the detail that the Committee had to deal with.

Garton asked about the preliminary budget being on the agenda tonight. Garton asked if the budget was being voted on tonight. Moioffer stated the budget is only being presented tonight. Rudnick stated that when we get to the preliminary budget on the agenda, the Board can further discuss this. Rudnick stated that the consensus of the Committee was to not provide Boeldt with the raise. Garton stated it would be easier for the rest of the Board who are not on the Committee to look at the request in the context of reviewing the preliminary budget.

Moioffer reported that changes can be made to the budget until it is adopted in mid-November. The preliminary budget will be published, but changes can still occur. Rudnick stated they will discuss it when they get to preliminary budget on the agenda.

COMMITTEE REPORTS

NORTHERN MORAINÉ UTILITY – Moioffer

The Board received the minutes from the September 12th, 2011 meeting.

LIBRARY BOARD – Klahn

- 1) The Board had received the minutes from September 12th, 2011 meeting and the following are highlights from the October 10th, 2011 meeting.
- 2) The Library Board adopted a grievance policy that is similar to the one for the Village.
- 3) The Library Board accepted the 2012 budget with the added line for e-collections.
- 4) The Library Board had a first reading for the updated by-laws.
- 5) The library will not be open to 5 pm on Fridays and that was budgeted for 2012 as well.
- 6) The library has a new employee Jade McKenzie.

ADMINISTRATION AND FINANCE – Sadiq

- 1) The Committee met on October 14th, 2011 and the following are the highlights.
- 2) The Committee met with the Fire Department and Tourism to discuss fireworks. The Committee encouraged the Fire Department to look at taking responsibility for the money raised and any short fall for the fireworks.
- 3) The Committee placed in the budget for next year a pay raise for T. Awe a part-time public works employee.
- 4) The Committee is recommending the preliminary budget.
- 5) The Committee is having the attorney look into not moving the sign, as Sohn Manufacturing is going to be able to leave their sign in its current location.

PLANNING COMMISSION – Rudnick

- 1) The Board had received the minutes from August 10th, 2011 meeting and the following are highlights from the October 12th, 2011 meeting.
- 2) The Commission did not change the regulations regarding the number of accessory buildings/structures.
- 3) The Commission recommends changing the yard setback language for clarity and adding the pyramiding language to our zoning, shoreland, subdivision ordinances.
- 4) The Commission will continue to work with the attorney on language dealing with joining or splitting lots.

TOURISM – Shovan & Sadiq

- 1) The Board had received the minutes from August 10th, 2011 meeting and the following are highlights from the September 28th & October 12th, 2011 meetings.
- 2) The Fall media tour had great journalists and went very well.
- 3) The 2012 preliminary budget has a 1% increase, which the Commission is not sure on. This is dependent on how the 3rd quarter of 2011 ends up coming in.
- 4) Sadiq reported that he spoke with Tourism about the room tax and they are working to put together a plan for the future of room tax. This plan will be ready to present to the Administration and Finance Committee in a month or two.
- 5) There will be a holiday media tour with 5 or 6 journalists. They have also begun working on the 2012 visitor's guide.

- 6) The Commission discussed the wedding placements and providing a \$500 grant to the SCAA runoffs.
- 7) There was a strategic planning meeting as well.

PROTECTION OF PERSON AND PROPERTY – Kapellen

- 1) The Board had received the minutes from September 28th, 2011 meeting and the following are highlights from the October 17th, 2011 meeting.
- 2) The new fire struck is here tonight and was inspected by the Board before the meeting.
- 3) The Committee agreed to the cost set forth by the Village of Howards Grove to let Jim Schuette perform building inspection for the Village for \$60.00 an hour in November and December.
- 4) The Committee is going to move around the sirens and the Committee instructed Mark Landgraf to look at the locations and find prices for the cost of moving the sirens.

COUNTY SHORELAND ORDINANCE – Garton/Reilly

Sheboygan County is going to continue to move forwards to approval of their revised ordinance in March or April. The Village will identify issues to be addressed in the new year and then work to form a committee to work on the revisions next spring and summer.

PRESIDENT'S REPORT – Rudnick

Steve's retirement party is on October 27th, 2011, please RSVP to the office.

NEW BUSINESS

Larry's Hauling – Larry Van Akkeren

Larry Van Akkeren asked to address the Board because he has sold Larry's Hauling to Veolia Environmental Services. The sale will take place as of October 31, 2011 and Veolia will honor everything in the present contract. Larry thanked the Board for supporting his company, and the Board thanked Larry for the service he provided to the Village over the years. Mike Thun from Veolia was present and stated nothing should change except the vehicles picking up the garbage will be green. The garbage day should be remaining Wednesday and the single stream recycling should continue. Larry also asked that the Board sign the consent to assignment and assumption of the contract to Veolia.

(Sadiq/Shovan) moved approve the change from Larry's Hauling to Veolia Environmental Services and sign the consent to assignment and assumption of contract.

Motion Carried Unanimously
by roll call vote

UNFINISHED BUSINESS

Police Ordinance-Chapter 4-Third Reading

Ordinance 558 was given its third reading.

(Kapellen/Garton) moved to approve Ordinance 558 – Revising Chapter 4 Police Department Ordinance.

By Roll Call Vote
Motion Carried Unanimously

**ORDINANCE 558
VILLAGE OF ELKHART LAKE
SHEBOYGAN COUNTY, WISCONSIN**

REVISING CHAPTER 4 POLICE DEPARTMENT ORDINANCE

WHEREAS, in reviewing the Village Ordinance Book the Board of Trustees of the Village of Elkhart Lake has decided that Chapter 4 regarding the Police Department needs to be revised, and

NOW THEREFORE, BE IT RESOLVED, that Board of Trustees of the Village of Elkhart Lake after having three readings on the ordinance and in accordance with Wisconsin State Statutes and Municipal Code does hereby ordain as follows:

- 2) That Chapter 4 be hereby revised to read as follows:

**CHAPTER IV
POLICE DEPARTMENT**

4.01 ORGANIZATION OF THE POLICE DEPARTMENT.

(1) **PERSONNEL.** The Police Department shall consist of the Chief of Police and such police officers as the Village Board may prescribe by ordinance or resolution. Officers shall serve orientation periods as prescribed by the Chief, and during that time an officer may be laid off or terminated, with or without cause, and without recourse.

(2) **SALARY AND COLLECTION OF FEES.** The Chief and the police officers shall receive a salary as fixed by the Board and shall not be entitled to any other compensation. All fees, bail deposits, and other special remuneration or funds collected or received by the department or any officer thereof shall be deposited with the Clerk-Treasurer not less than weekly.

(3) **TENURE OF CHIEF OF POLICE, POLICE OFFICERS.** The Chief of Police shall be appointed by the Village Board. The Chief may be removed at any time for cause by a majority vote of the members of the Village Board. Other members of the Police Department shall hold office subject to the power of the Police Chief and the Police Review Commission. The Chief of Police has the power to suspend a subordinate for just cause, but the suspension must be reported to the Chair of the Protection of Person and Property Committee; subordinates can then appeal the suspension and request a hearing by Police Review Commission, The Police Review Commission can suspend or remove any officers at its pleasure, subject to appeal to the Village Board.

4.02 POLICE REVIEW COMMISSION. There is created a 3-person Police Review Commission, who shall be appointed by the Village President and confirmed by the Village Board. Such positions shall have such duties as are provided under the provisions of Section 61.65(1)(am), Stats., to provide a fair review of any suspension, reduction, suspension and reduction, or removal of any police chief or other law enforcement officer of the Village. The three-members of the Police Review Commission shall be appointed when needed.

4.03 POWERS AND DUTIES OF CHIEF OF POLICE.

- (1) The Chief of Police shall possess the powers, enjoy the privileges, and be subject to the liabilities conferred and imposed by law upon marshals and constables.
- (2) He shall obey all lawful written orders by the President and Village Board.
- (3) He shall cause the public peace to be preserved and see that all laws and ordinances of the Village and State are enforced, and whenever any violation thereof shall come to his knowledge, he shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders.
- (4) He shall exercise supervisory control over all the personnel of his Department, and may adopt, subject to the approval of the Village Board, rules, and regulations for the government, discipline, equipment, and uniforms of police officers.
- (5) He shall be solely responsible for the care and condition of the equipment used by his Department.
- (6) He shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions, and dispositions of the Department.

4.04 GENERAL POWERS AND DUTIES OF POLICE OFFICERS. Each officer of the Department shall possess the powers conferred on marshals and constables by law, shall preserve the public peace, and enforce the laws and ordinances of the State and Village, subject to the orders, rules, and regulations of the Chief, the President, and the Village Board.

4.05 POWER OF ARREST. The Chief of Police and any police officer may arrest any person(s) in the Village found in the act of violating any law or ordinance of the Village or State or aiding or abetting in such violation. They may arrest without warrant all persons whom they have reasonable grounds to believe have violated any law or ordinance and who will be apprehended unless immediately arrested. Any officer may take any arrested person(s) in their charge and confine him or her, and may within a reasonable time bring such person before the court having jurisdiction thereof to be dealt with according to the law.

4.06 NEGLECT OF DUTY. Any member of the Police Department who neglects or refuses to enforce the laws of the State of Wisconsin or the Ordinances of the Village, or rules made by proper authority, or who is convicted of a job-related crime, shall be subject to discipline, or expulsion, by action taken by the Village Board.

4.07 SPECIAL PEACE OFFICERS. The President and each Trustee shall be officers of the peace and may suppress in a summary manner any riotous or disorderly conduct in the streets or public places of the Village.

4.08 ASSISTANCE BY CIVILIANS. All persons in the Village, at the request of any police or peace officers shall promptly aid and assist such officer in the execution of his duties.

4.09 ASSISTING ESCAPE OF PRISONERS. No person shall assist any person in the custody of any police or peace officer to escape or attempt to escape from such custody.

4.10 PENALTY. Any person who shall violate any provision of this Chapter shall be subject to penalty as provided in Sec. 20.04 of this Code.

BE IT FURTHER RESOLVED, that this ordinance will become effective upon its publication and posting.

Attest:

Approved and Adopted this
17th of October, 2011

Alan S. Rudnick, President

Jeanette L. Moioffer, Clerk

Steven Kapellen, Trustee

Preliminary Budget 2012

Rudnick stated that the preliminary budget was recommended by the Administration and Finance Committee. Garton asked if the Committee wanted to provide any highlights or overviews of the budget. The Village was allowed to increase our levy by .5%, as we did not increase our levy at all in the previous year.

Rudnick stated that the \$500 will not impact the budget because no matter what happens the Village's budget will be lean for 2012. Rudnick stated that due to Boeldt's longevity with the Village he could back off his position and reinstate the \$500.00. Shovan stated that if the Board changes the position of the recommendation of the Administration and Finance Committee, the Board would then be setting a precedence that when an employee does not get their way they can come to the Board. Shovan continued by saying the Committee spent a lot more time than the Board reviewing the matter and the Committee has more information to make the decision. Rudnick explained that the Committee lowered a few other employees' wage requests as well. Rudnick stated it is not personal; it is a money issue as the Village is under strict guidelines from the State.

Wolf asked if he was understanding correctly that the employees all received raises, just not at the level they had requested. Wolf stated that this is an expenditure item, but was wondering what the Committee discussed about incomes. Wolf was wondering if the Committee looked at the revenues. Wolf asked if the budget included any increase in the Village's share of the room tax, not a rate increase. The Committee has asked the Tourism Commission to present a long-range proposal about the future of the room tax. Wolf asked if this should be before the Board now, since the Board is working on the budget. Rudnick stated that it would only need to be to the Board now, if the Board was going to be changing it this year. Wolf stated that it was committed by Tourism to increase the room tax, but in lieu of the increase a few years ago, they agreed to compensate for something else. Wolf stated that Tourism agreed to raise the room tax gradually over a few years. Wolf stated the Tourism's revenues have increased over the last few years. Wolf asked where the list was of the Village's tourism-related tasks and their expenses that was requested by the Administration and Finance Committee. Wolf stated that it is hard to generate revenue to pay for the expenses and that we need to treat our employees fairly and help them pay for extra expenses. The Village is supporting Tourism and tourism is growing. The Village currently takes 6% of the room tax dollars. Wolf asked why the issue keeps being blown off. Sadiq asked why Wolf is targeting only Tourism. Rudnick stated that the Committee asked Sadiq to go to the Tourism Commission meeting and ask them to bring a proposal back to the

Administration and Finance Committee about the room tax levels and the Village's portion of the room tax. Wolf asked why it has not been brought forth in a timely manner. Wolf stated he is not against Tourism, but he is on the Committee for Public Works and they spend a great deal of their time doing things because this Village has a great deal of tourism. This leads to more and more expenses by the Public Works Department. Wolf stated the Village's Police Department and Public Works Department are only this size because of the tourism in the Village. Rudnick asked what percent of the room tax Wolf had in mind. Wolf stated he would like to see a two percent increase. Sadiq stated that if we are going to have this conversation, we need all the relevant figures and numbers and the Tourism Commission needs to be included. Sadiq continued that tourism in the Village is predominately only three-months in length. Sadiq stated the Tourism Commission is working on a plan and the Village will review the plan once it is received. Sadiq does not see this occurring before the 2012 budget is approved. Wolf stated we are not asking for a contribution, but a shared revenue source to cover Village expenses related to tourism. Rudnick did not have any expectations that this would be completed in time for the 2012 budget. Wolf stated he does not have expectations that it will be completed for next year's budget.

Rudnick asked if there were any other comments on Boeldt's request. Moioffer reiterated that changes can still be made to the budget. Garton stated that due to the complexity of the budget, she is prone to follow the recommendation of the Committee.

NEW BUSINESS

Resolution of Commendation for Steve Rautmann

Trustee Shovan introduced Resolution Eighteen-2011 Resolution of Commendation for Steven A Rautmann.

(Kapellen/Klahn) moved to approve Resolution Eighteen-2011 Resolution of Commendation for Steven A Rautmann.

Motion Carried Unanimously

RESOLUTION EIGHTEEN - 2011 VILLAGE OF ELKHART LAKE RESOLUTION OF COMMENDATION

WHEREAS, Steven A. Rautmann, Public Works Superintendent and Building Inspector of the Village of Elkhart Lake will be retiring from this position in the Village of Elkhart Lake on October 31st, 2011; and

WHEREAS, Steven A. Rautmann has for over twenty-six years been a dedicated public servant to the Village of Elkhart Lake; and

WHEREAS, Steven A. Rautmann's efforts have been selfless and above and beyond the call of duty and have taken many hours of his personal time; and

WHEREAS, Steven A. Rautmann's expertise and service have made the Village of Elkhart Lake a better place to live for all its residents as well as a welcome place for visitors;

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Elkhart Lake publicly commend and thank **Steven A. Rautmann** for his dedicated services and wish him well in his future endeavors and a long enjoyable retirement;

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to **Steven A. Rautmann**.

Attest:

Adopted and approved this
17th day of October, 2011

Alan S. Rudnick, President

Jeanette L. Moioffer, Clerk

Lynn Shovan, Trustee

Community Bank Account Resolutions – Tourism Commission

Trustee Garton introduced Resolution Nineteen-Resolution Designating Public Depository and Authorizing Withdrawal of Village Monies.

(Klahn/Sadiq) moved and seconded to approve Resolution Nineteen- Resolution Designating Public Depository and Authorizing Withdrawal of Village Monies.

Motion Carried Unanimously
by roll call vote

**RESOLUTION NINETEEN – 2011
VILLAGE OF ELKHART LAKE
SHEBOYGAN COUNTY, WISCONSIN**

**RESOLUTION DESIGNATING PUBLIC DEPOSITORY
AND AUTHORIZING WITHDRAWAL OF VILLAGE MONIES**

RESOLVED, that Community Bank & Trustee (the “Bank”), qualified as a public depository under Ch. 34, Wis. Stats., is hereby designated as a depository in which the funds of this Municipality may from time to time be deposited; that the following described account(s) be opened and maintained in the name of this Municipality with the Bank subject to the rules and regulations of the Bank from time to time in effect; that the person(s) and the number thereof designated by title opposite the following designation of account(s) is hereby authorized, for and on behalf of this Municipality, to sign order checks as provided in s.66.042, Wis. Stats., for payment or withdrawal of money from said account(s) and to issue instructions regarding the same and to endorse for deposit, negotiation, collection or discount by Bank any and all checks, drafts, notes, bills certificates of deposit or other instruments or orders for the payment of money owned or held by said Municipality; that the endorsement for deposit may be in writing, by stamp, or otherwise, with or without designation of signature of the person so endorsing; and that any officer, agent or employee of this Municipality is hereby authorized to make oral or written requests of the Bank for the transfer of funds or money between accounts maintained by this Municipality. (ATTACHMENT A)

Attest:
Adopted and Approved this
17th Day of October, 2011

Alan Rudnick, President

Jeanette L. Moioffer, Clerk

Pam Garton, Trustee

Trustee Sadiq introduced Resolution Twenty- Resolution Designating Public Depository and Authorizing Withdrawal of Village Monies.

(Kapellen/Garton) moved and seconded to approve Resolution Twenty- Resolution Designating Public Depository and Authorizing Withdrawal of Village Monies.

Motion Carried Unanimously
by roll call vote

**RESOLUTION TWENTY – 2011
VILLAGE OF ELKHART LAKE
SHEBOYGAN COUNTY, WISCONSIN**

**RESOLUTION DESIGNATING PUBLIC DEPOSITORY
AND AUTHORIZING WITHDRAWAL OF VILLAGE MONIES**

RESOLVED, that Community Bank & Trustee (the “Bank”), qualified as a public depository under Ch. 34, Wis. Stats., is hereby designated as a depository in which the funds of this Municipality may from time to time be deposited; that the following described account(s) be opened and maintained in the name of this Municipality with the Bank subject to the rules and regulations of the Bank from time to time in effect; that the person(s) and the number thereof designated by title opposite the following designation of account(s) is hereby authorized, for and on behalf of this Municipality, to sign order checks as provided in s.66.042, Wis. Stats., for payment or withdrawal of money from said account(s) and to issue instructions regarding the same and to endorse for deposit, negotiation, collection or discount by Bank any and all checks, drafts, notes, bills certificates of deposit or other instruments or orders for the payment of money owned or held by said Municipality; that the endorsement for deposit may be in writing, by stamp, or otherwise, with or without designation of signature of the person so endorsing; and that any officer, agent or employee of this Municipality is hereby authorized to make oral or written requests of the Bank for the transfer of funds or money between accounts maintained by this Municipality. (ATTACHMENT B)

Attest:
Adopted and Approved this
17th Day of October, 2011

Alan Rudnick, President

Jeanette L. Moioffer, Clerk

Richard Sadiq, Trustee

TRUSTEE REPORTS

There was none.

COMMUNICATIONS

The American Transmission Company Report is available in the clerk's office.

CLERK'S REPORT

Moioffer had nothing to report.

VOUCHER APPROVAL

The following library vouchers were approved by the Library Board and sent to the Board for approval and payment:

V-520	National Exchange Visa	Library videos & subscription, misc.	\$836.36
V-522	WE Energies	Library Sept. power & light	278.57
V-528	Baker and Taylor	Library books, & audio books	1,034.30
V-533	Eastern Shores Library	Library shared automation	529.69
V-534	Elkhart Lake Water Dept.	Water	9.76
V-536	Frontier	Library Phone Service	71.27
V-537	Gale Group	Library books	84.07
V-539	Globalcom	Library long distance service	11.95
V-543	Kone, Inc.	Elevator maint.	199.92
V-545	Michelle Galloway	Library Sept. cleaning	202.50
V-549	Ross Imaging LLC	Library ink	32.46
V-559	Wisc. Academy of Science	Magazine & Newspaper	20.00
V-562	Wis. Public Service	Library natural gas	13.23
	Total library		\$3,324.08

(Klahn/Sadiq) moved that the Library vouchers be paid as presented.

Motion Carried Unanimously

The following Water Department vouchers were presented to the Board for approval and payment:

WV-177	U.S. Cellular	Water cell phone	\$36.27
WV-178	WE Energies	Power & light	1,481.44
WV-179	Village of Elkhart Lake	Sewer Col.	8,050.68
WV-180	Elkhart Lake Postmaster	Postage to mail 3 rd qt. bills	148.48
WV-181	Diggers Hotline, Inc.	Diggers hotline fees	48.72
WV-182	Elkhart Lake Water Dept.	3 rd Qt. water	25.61
WV-183	Frontier	Water phone & internet service	50.80
WV-184	Ferguson Waterworks	Water curb stop & union	68.00
WV-185	Globalcom Inc.	Water long distance	6.75
WV-186	Hawkins Water Treatment	Water Chlorine	10.00
WV-187	L-R Meter Testing & Repair	Water meter testing-Osthoff	1,025.31
WV-188	Public Service Commission	Water Remainder Assessment	308.72
WV-190	Village of Elkhart Lake	Water wages-September	5,630.31

WV-189	Wisconsin Public Service	Water Natural Gas	13.36
WV-191	Village of Elkhart Lake	Sewer Col	12,890.61
WV-192	Village of Elkhart Lake	Sewer Col	6328.10
WV-193	Village of Elkhart Lake	Sewer Col	6312.11
Total water bills			\$42,435.27

(Shovan/Garton) moved that the Water Utility vouchers be approved and paid as presented.
Motion Carried Unanimously

The following C.D.A. vouchers were presented to the Board for approval and payment:

V-542	Kapur & Associates	Eng. Monitoring wells	2,181.57
Total C.D.A. bills			\$2,181.57

(Klahn/Wolf) moved that the CDA vouchers be approved and paid as presented.
Motion Carried Unanimously

The following general vouchers were presented to the Board for approval and payment:

V-519	Citgo	Garage/Police gas	\$1,335.83
V-520	National Exchange Visa	Water patrol, training., etc.	1,497.68
V-521	U.S. Cellular	PW & Tourism cell phone	96.34
V-522	WE Energies	Power & Light -September	7,549.75
V-523	A & M Trees	Tree commission-plant trees	1,100.00
V-524	Albert's Hydrovac LLC	Clean sewer lines	2,019.60
V-525	Associated Wealth Manage.	F.D. bond Prin.	60,000.00
V-525	Associated Wealth Manage.	F.D. bond Interest	55,689.33
V-526	Aurora EAP	EAP 4 th qt. fees	81.90
V-527	Aurora Medical group	Hearing test PW	60.00
V-529	Benefit Advantage	Flex plan monthly fee	35.00
V-530	Burkart Heisdorf Insurance	Insurance-Statue	162.00
V-531	Business forms & acct.	Clerk-general checks	143.59
V-532	Custom Craft Trophy Co.	F.R. uniform	30.00
V-534	Elkhart Lake Water Dept.	3 rd qt. water	3,053.49
V-535	Feldmann Sales & service	Lawn mower repair	224.24
V-536	Frontier	Phone & internet service	462.95
V-538	George's Tree Service	Tree maint.	495.00
V-539	Globalcom	Long distance service	40.89
V-540	Harper Pumping	Sewer televising & jetting	400.00
V-541	Hawley, Kaufman & Kautzer	Police legal services	842.00
V-544	Larry's Hauling	Refuse & recycling Coll.	7,153.59
V-545	Michelle Galloway	September Cleaning	202.50
V-546	Northern Moraine Utility	Sewage Treatment	13,577.43
V-547	Principal Life	Employee life insurance	102.76
V-548	Jessica Reilly	Clerk mileage	209.00
V-550	Seaway Printing Co., Inc.	Police Cty crime-Packer cards	230.00
V-551	Sheb. County Treasurer	Court Assessments-Sept.	619.00

V-552	State of Wisconsin	State Court Assessments	1,568.50
V-553	Spring Green	Parks lawn treatment	421.75
V-554	State of Wisconsin	Police boiler inspection	50.00
V-555	Sun Graphics	Prints-statue	24.00
V-556	Township of Rhine	Court-Rhine fines	30.00
V-557	The Uniform Shoppe	Police-uniform allowance	54.95
V-558	Weiss Implement	F.D. lawn mower repair	110.00
V-560	Wis. D.O.T. TVRP unit	Police-deposit for DL suspension	100.00
V-561	Wisc. Newspress Inc.	Publish legals	16.45
V-562	Wisconsin Public Service	Natural gas	110.77
V-563	Techno Taxi	Police safe ride program	100.00
V-564	ID-Access	Police ID card	10.00
V-565	Sheboygan Chevrolet Cad.	Police 09 squad maint.	50.94
V-566	U.S. Cellular	Police cell phone	83.77
V-567	Woodcut Engraving Inc.	Board gift plaque Rautmann	55.00
V-568	Pat Zorn	Streets-CDL license-Zorn	158.00
V-569	Lake Street Café	Steve & Bev Retirement dinner	50.00
	Total General checks		\$162,589.57
	Total October Payroll Expenses		\$56,326.65
<hr/>			
	Total		\$218,916.22

(Sadiq/Wolf) moved and seconded that the October vouchers be approved and paid as presented.
Motion Carried Unanimously

(Kapellen/Garton) moved and seconded to adjourn the meeting at 8:07 p.m.
Motion Carried Unanimously

Jeanette L. Moioffer, Clerk
Prepared by: Jessica Reilly, Deputy Clerk-Treasurer/Administrator

ANNOUNCEMENTS

The following is the schedule for regular meeting of the Board of Trustees of the Village of Elkhart Lake and **tentative** meetings of the Planning Commission and CDA:

CHECK OUT THE VILLAGE WEB SITE www.elkhartlake.com

WEDNESDAY, November 16, 2011 – 6:00 P.M.	CDA
MONDAY, November 21, 2011 – 7:00 P.M.	BOARD OF TRUSTEES
MONDAY, December 5, 2011 – 7:00 P.M.	BOARD OF TRUSTEES

The Village of Elkhart Lake requests persons requiring auxiliary aids and service for participation in the above meeting contact the Clerk twenty-four (24) hours prior to the meeting. All meetings are held in the general meeting room of the Grashorn Memorial Civic Center, located at 84 North Lake St. in Elkhart Lake unless noted.

THE DEADLINE FOR BEING PLACED ON THE AGENDA FOR ANY REGULAR BOARD MEETING WILL BE AT 5:00 P.M. ON THE WEDNESDAY PRIOR TO THE REGULAR MEETING MONDAY AND ONE WEEK PRIOR TO A COMMITTEE OR COMMISSION MEETING.

Municipal Office is located in the Grashorn Memorial Civic Center and is open on Monday through Friday from 9:00 a.m. to 12:00 noon and 1:00 to 4:30 p.m. The office is also open at 6:00 p.m. prior to all regular board meetings. Please call and make an appointment for special needs.

VILLAGE BOARD MEMBERS

PRESIDENT: Alan Rudnick (611 Otto Way) 876-3113

TRUSTEE: Mike Wolf (POB 506) 876-3100

TRUSTEE: Steven Kapellen (POB 271) 876-2177

TRUSTEE: Pam Garton (674 Birchwood Drive) 876-2376

TRUSTEE: Richard Sadiq (POB 188) 876-3732

TRUSTEE: Lynn Shovan (POB 86) 876-2056

TRUSTEE: Rola Ann Klahn (POB 14) 876-2513

YARD WASTE DUMPSTER

ONLY ABOUT A WEEK LEFT FOR THE YARD WASTE DUMPSTER AT THE VILLAGE GARAGE!! CURRENT HOURS ARE WEDNESDAYS FROM 2 P.M. to 6 P.M. and SATURDAYS FROM 8:30 A.M. to 3 P.M. **This is for yard waste only, not lake waste!** YARD WASTE, LEAVES/BRUSH/GARDEN DEBRIS ETC. WILL NOT BE PICKED UP CURBSIDE. A TRUCK FOR LARGE BRUSH OR TREES CAN BE OBTAINED BY CALLING THE VILLAGE GARAGE AT 876-2231.



No Firearms or Weapons are Allowed Inside Village-Owned Buildings per Village Ordinance 8.24

OUR GARBAGE IS NOW BEING HAULED BY
VEOLIA!!

VEOLIA'S PHONE NUMBER IS 1-888-688-4005



All garbage pick-up policies should remain the same.

- o Call for Current Pricing

For any pick-ups you must call ahead to notify VEOLIA.

If you have any issues with your garbage pickup please notify the Village at 920-876-2122



JUST A REMINDER: Winter parking regulations are in effect from November 15th through April 1st. This means no parking from 2:00 a.m. to 6:00 a.m. on the village street and as posted in public parking lots.

DOG OWNERS:

VILLAGE ORDINANCE 8.32 ANIMAL FECES. Any person owning or having control of any animal shall **CLEAN UP** the feces of such animal immediately and dispose of it in a sanitary manner when the animal has defecated on the property of another or on **PUBLIC PROPERTY.**



VILLAGE HOLIDAY HOURS

Village offices will be closed on:

Thanksgiving Day: Thursday, November 24th, 2011

The Day after Thanksgiving: Friday, November 25th, 2011.



The Village will also be closed on December 23, 2011,
December 26, 2011, and January 2, 1012.
