

Minutes of the regular meeting of the Board of Trustees of the Village of Elkhart Lake held on Monday, January 7<sup>th</sup>, 2008 at the Grashorn Memorial Civic Center in the Village of Elkhart Lake with the agenda having been duly posted on Friday, January 4<sup>th</sup>, 2008 between the hours of 3:10 P.M. and 3:50 P.M. at National Exchange Bank and Trust, the Elkhart Lake Post Office, Community Bank and Trust, Marshall's One Stop Shop and the Municipal Office.

President Menne called the meeting to order at 7:13 P.M. with the following trustees present: Rola Ann Klahn, Steven Kapellen, Gary Kussow and Tom Nelson. Yvonne Landgraf and James Moersch were absent.

Others in attendance included: Jeanette Moioffer, Clerk; Steven Rautmann, Superintendent of Public Works; Randy Boeldt, Chief of Police; Mike Wolf; Alan Rudnick, and Attorney Marianne Morris of Crivello Carlson, S.C.

The December minutes were tabled until the next meeting.

(Kapellen/Kussow) moved that the December Treasurer's report showing a balance of \$98,801.47 in the general money market fund be approved as presented.

Motion Carried Unanimously

PUBLIC COMMENT – None

PUBLIC WORKS REPORT – Rautmann

Christmas decorations will be coming down tomorrow.

POLICE CHIEF REPORT – Boeldt

Solar powered speed indicator signs obtained through the County's Non-motorized Transportation Grant are ordered and will be going up this spring in the school zones. Also received an equipment grant for a pair of gyro controlled binoculars which should be arriving soon.

COMMITTEE REPORTS –

Public Works – Nelson

- 1) Approved increasing hours for part time help from twenty to twenty-five hours with the approval of the Administration and Finance Committee.
- 2) Will be looking into recommending the abandoning of a small portion of undeveloped street right-of-way of South Washington Street as it extends beyond Osthoff Avenue as proper documentation is filed.
- 3) Will have Superintendent Rautmann look at the possibility of extending sidewalk to Carriage House Lane.
- 4) Authorized Superintendent Rautmann to officially notify, if needed, the property owners that need to repair breaks to their water laterals.
- 5) The Osthoff will keep their guests informed as to the regulations about overnight parking on the street and any snow emergency issues that come up will be handled by the Chief.

Protection of Person & Property – Klahn

- 1) Looking for someone to replace Ed Landgraf and will try to keep the hours to ten or less a week.
- 2) Recommend Ordinance 532 permitting and regulating Neighborhood Electric Vehicles on Village streets with the exception of Birchwood Drive (County Highway JP). Klahn questioned if the Board felt that South Lake Street (County Highway AJ) between Quit-Qui-Oc Lane and Sugarbush should also be eliminated. It was the consensus of the Board that Neighborhood Electric Vehicles would be allowed on all the other roads in the Village that fall within the 35 mile an hour speed limit.

Administration and Finance – Menne

- 1) Reviewed the request and approved additional part time help hours for the Public Works Department which would come to an additional \$14,000.00 in salary and benefits.
- 2) Tabled the Employee Policy Manual Review.

Tourism Commission – Nelson

- 1) Provided the Board with minutes of the November 8<sup>th</sup>, 2007 meeting.
- 2) 2008 Visitors Guide was reviewed.
- 3) Web site is in the final stages of development.
- 4) 2008 ARTfest solicitation requests will be sent out shortly.
- 5) Will be looking for a new Public Relations/Marketing agency.

UNFINISHED BUSINESS

CLOSED SESSION –

(Kussow/Klahn) moved and seconded that the Board of Trustees of the Village of Elkhart Lake convene into closed session at 7:30 p.m. pursuant to Wis. Stat. 19.85(1)(g) to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the Village with regard to litigation in which it is involved with former employee Matthew Elliott.

Motion Carried Unanimously by a Roll Call Vote

President Menne announced that the Board of Trustees will be going into closed session under the above referenced Wisconsin State Statute and will be returning to open session immediately following the closed session.

(Kussow/Klahn) moved and seconded that the Board return to open session at 7:50 p.m.

Motion Carried Unanimously

(Klahn/Nelson) moved and seconded to direct President Peter Menne to sign the settlement agreement with Matthew Elliot and Chief Boeldt to remove Elliot's name from the state web site.

Motion Carried Unanimously

(Kussow/Kapellen) moved and seconded that the Village request that Attorney John St. Peter draft an ordinance permitting neighborhood electric vehicles on the Village streets with the exception of Birchwood Drive (County Highway JP).

Motion Carried Unanimously

Read the following ordinance introduced by Trustee Kapellen for a second time:

**ORDINANCE 531  
VILLAGE OF ELKHART LAKE  
SHEBOYGAN COUNTY, WISCONSIN**

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**CAT AND DOG ORDINANCES**

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WHEREAS, the Sheboygan County Humane Society has instituted a new fee schedule in accordance with their contract with the County of Sheboygan for their call out service; and

WHEREAS, the Village of Elkhart Lake wishes to be consistent with the fees imposed by the Sheboygan County Humane Society; and

WHEREAS, the Village of Elkhart Lake does not require the licensing of cats; and

WHEREAS, the Keeping and Retaining of Cats ordinance needed to be corrected to remove a reference to licensing as well as adding the Impounding Fee;

THEREFORE, The Board of Trustees of the Village of Elkhart Lake does hereby ordain as follows:

That Section 8.27(5)(a) be recreated to read as follows:

**(5) IMPOUNDING/ PICKUP FEES**

- (a) The owner of any dog seized under this ordinance shall be ordered to pay an impounding/pick-up fee. This fee shall be payable to the transporting agency and is established as follows:

**Monday through Saturday between 8:00 a.m. and 5:00 p.m., \$50.00**

**After hours Monday through Saturday, \$75.00**

**Sundays and Holidays, \$150.00**

That Section 8.28(3)(a)(b) and Section 8.28 (5)(a) be recreated to read as follows:

**(3) REMEDY**

- (a) Any member of the Elkhart Lake Police Department shall seize and impound any cat found in violation of the aforesaid regulations. All such cats seized and impounded by the police department shall be transported to the humane society. The owner or keeper of such cats, if identified, shall be notified, and said owner or keeper may claim his or her cat.
- (b) Actual seizure of a cat running at large, by the Police Department shall not be necessary. In the event the police officer can ascertain the identity of such cat, the police officer shall notify the owner of such cat and such identity shall be sufficient evidence of which to make an arrest of any violation of this ordinance.

**(5) IMPOUNDING/ PICKUP FEES**

- (a) The owner of any cat seized under this ordinance shall be ordered to pay an impounding/pick-up fee. This fee shall be payable to the transporting agency and is established as follows:

**Monday through Saturday between 8:00 a.m. and 5:00 p.m., \$50.00**

**After hours Monday through Saturday, \$75.00**

**Sundays and Holidays, \$150.00**

(Kapellen/Klahn) moved and seconded that President Menne request that Frank Thielmann be appointed to the Joint Board of Review for the Village's TIF District Amendment.

Motion Carried Unanimously

#### NEW BUSINESS

(Kussow/Kapellen) moved that Michael Schisel be granted an Operator's License for the licensing year expiring June 30, 2008 for the One Stop Shop.

Motion Carried Unanimously

Clerk Moioffer brought a request to the Board from Ralph and Joyce Radtke for monetary restitution for taxes over paid for the last three years due to their claim of unlawful taxes due to an over assessment.

(Nelson/Klahn) moved and seconded to deny the unlawful tax claim by Ralph and Joyce Radtke in accordance with Wisconsin State Statute 74.35(1) which states " 'Unlawful tax' does not include a tax in respect to which the alleged defect is solely that the assessor placed a valuation on the property that is excessive."

Motion Carried Unanimously

#### TRUSTEE REPORTS –

Kussow questioned whether we have heard anything from Don Albright on the Kames project and Moioffer indicated that to date we have not had any further information.

#### COMMUNICATIONS - Moioffer

Moioffer provided the Board with the following communications:

- 1) Information from the American Transmission Company on an upcoming meeting.
- 2) Information on the 2008 Business Day in Madison.
- 3) Information provided by James Heidner on Water Conservation.
- 4) The League Legislative Bulletin.
- 5) Notice of the Town's Association Meeting.
- 6) Notice of the Sheboygan River Basin Annual Meeting.
- 7) FOCUS
- 8) A thank you card from Ed Landgraf.
- 9) Information on a Government Affairs Seminar
- 10) The "Columns" periodical from the State Historical Society availability in the Clerk's office.

#### CLERKS REPORT – Moioffer

- 1) Presented the Board with the third quarter 2007 financial report.
- 2) Presented the Board with the 2006 Tourism Commission audit.
- 3) Had Trustee Kapellen draw the following names for placement on the spring ballot:
  - 1) Mike Baer, 2) Yvonne Landgraf, 3) Alan Rudnick, 4) Thomas Nelson

(Kapellen/Kussow) moved that the meeting be adjourned at 8:00 p.m.

Motion Carried Unanimously

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Jeanette L. Moioffer, Clerk

Minutes of the regular meeting of the Board of Trustees of the Village of Elkhart Lake held on Monday, January 21st, 2008 at the Grashorn Memorial Civic Center in the Village of Elkhart Lake with the agenda having been duly posted on Friday, January 18<sup>th</sup>, 2008 between the hours of 3:15 P.M. and 3:50 P.M. at National Exchange Bank and Trust, the Elkhart Lake Post Office, Community Bank and Trust, Marshall's One Stop Shop and the Municipal Office.

President Menne called the meeting to order at 7:00 P.M. with the following trustees present: Rola Ann Klahn, Steven Kapellen, Yvonne Landgraf, Gary Kussow and Tom Nelson. James Moersch was present from Arizona via a speaker phone.

Others in attendance included: Jeanette Moioffer, Clerk; Steven Rautmann, Superintendent of Public Works; Randy Boeldt, Chief of Police; Alan Rudnick; Fire Chief John Reiss, First Assistant Fire Chief Pat Zorn, and Barry Feldmann of the Elkhart Lake Fire Department; Dennis Raeder, Larry Eberle, Hans Kuhn, Dave Otte and Frank Zimmermann of the Town of Rhine Board of Supervisors; Jim and Nancy Hanlon; Phil Cosson of Ehlers and Emmitt Feldner of the Review.

(Klahn/Kussow) moved to approve the minutes of the regular Board Meetings of December 3<sup>rd</sup> and December 17<sup>th</sup>, 2007; the December 17<sup>th</sup>, 2007 meeting with the Board of Supervisors of the Town of Rhine; and the December 17<sup>th</sup>, 2007 meeting with the Elkhart Lake Planning Commission with the following corrections:

December 17<sup>th</sup>, 2007 joint meeting with the Town of Rhine, under New Fire Station – change the question marks to periods. Under paragraph four, insert the word “be” after “options to”.

Motion Carried Unanimously

PUBLIC COMMENT – None

#### PUBLIC WORKS REPORT – Rautmann

Rautmann reported that he looked into the cost of running sidewalk from the present ending to Carriage House Lane as requested by Jeff and Gail Miller. Rautmann indicated that there would be approximately 200 feet of sidewalk which could navigate around the Verizon utility pole if the bushes next to the house were removed at a cost of \$6,500.00 complete with sidewalk, fill and landscaping. Rautmann questioned who would pay for this extension and who would maintain the extension. President Menne instructed Clerk Moioffer to send the Miller's a letter indicating that the addition of this sidewalk is presently not in the Village's plans.

POLICE CHIEF REPORT – Boeldt - None

#### FIRE CHIEF ANNUAL REPORT – Reiss

- 1) Total of 56 calls for 2007
- 2) Of the 56 calls, 14 were car accidents, 6 were house fires, 1 was a barn fire, 1 was a boat fire and rescue, 2 were garage/shed fires, 3 grass fires, 5 active and 1 false alarm, and 24 individually identified fires.
- 3) 32 fires were in the Town of Rhine, 15 in the Village of Elkhart Lake, and 9 were mutual aid.
- 4) Not counting clean-up, 1,585 hours were spent on fire calls in 2007. (674 hours in Rhine and 272 hours in the Village with the rest being mutual aid.)
- 5) 43 practices were held in 2007
- 6) Current Department membership is 39 (29 from the Village and 10 from the Township.)
- 7) Special community training was given to school teachers, boater safety classes, K-5 school children and a Downtown Night demonstration.

- 8) With Aid from the Elkhart Lake First Responders, all firemen have had their blood pressure checked, completed health surveys, and have had face pieces tested.

COMMITTEE REPORTS –

Library Board – Nelson

- 1) Provided the Board with copies of the December 13<sup>th</sup>, 2007 meeting minutes.
- 2) Reported that circulation in 2007 is the highest on record.
- 3) Looking for a replacement for Ed Landgraf.

Planning Commission – Menne

- 1) Provided the Board with minutes of the December 17<sup>th</sup>, 2007 joint meeting.
- 2) Passed a TIF Project Amendment Resolution
- 3) Recommend approval of a Conditional Use Permit for Jennifer Liermann at 92 S. Lincoln Street.

Tourism Commission – Nelson

- 1) Provided the Board with minutes of the December 19<sup>th</sup>, 2007 meeting.
- 2) Sponsoring in part the 2008 Triathlon.
- 3) Web site should be up and running in February.
- 4) 2008 ARTfest scheduled for September.
- 5) Looking at new Public Relations/Marketing agencies.

UNFINISHED BUSINESS

Phil Cosson of Ehler’s reviewed the TIF project plan amendment which includes 1/6<sup>th</sup> of the new fire station and 50 per cent of a new ladder truck.

(I-Kussow Klahn/Nelson) introduced, moved and unanimously approved by a roll call vote the following resolution:

**RESOLUTION NO. TWO - 2008**  
**A RESOLUTION AMENDING, DESCRIBING AND MAKING CERTAIN FINDINGS**  
**AND APPROVING PROJECT PLAN AMENDMENT FOR**  
**TAX INCREMENTAL DISTRICT NO. 1,**  
**VILLAGE OF ELKHART LAKE, WISCONSIN**

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**WHEREAS**, the overall development of the Village of Elkhart Lake is recognized as a major need of the Village; and

**WHEREAS**, Tax Incremental District No. 1 (the “District”) was created by the Village of Elkhart Lake on September 26, 1993 as a rehabilitation and conservation District; and

**WHEREAS**, in order to support the existing District development the Village is amending the District to provide for the undertaking of additional expenditures; and

**WHEREAS**, the Village desires to amend the District, in accordance with the provisions of Section 66.1105 of the Wisconsin Statutes (the "Tax Increment Law"), in order to provide a viable method of financing the costs of needed public improvements and other project costs within said District and thereby provide incentives and opportunities for appropriate private development, which will contribute to the overall development of the Village; and

**WHEREAS**, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on January 21, 2008, held a public hearing concerning the proposed amendment of the District and proposed Project Plan Amendment thereof in the Village, wherein interested parties were afforded a reasonable opportunity to express their views; and

**WHEREAS**, prior to its publication, a copy of the notice of said hearing was sent to the chief executive officer of Sheboygan County, the Elkhart Lake - Glenbeulah School District, and the Lakeshore Technical College District, and the other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

**WHEREAS**, after said public hearing, the Plan Commission recommended to the Village Board that it amend such District as specified in the Project Plan Amendment attached to this resolution as Exhibit A hereof, and entitled "Project Plan Amendment of Tax Incremental District No. 1, Village of Elkhart Lake, Wisconsin", and

**WHEREAS**, the Plan Commission has prepared and adopted a Project Plan Amendment to the District, (the "Amendment") which includes:

- a. A Statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Section 66.1105(2)(f)1., Wisconsin Statutes outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when such costs or monetary obligations related thereto are to be incurred;
- e. Proposed changes of zoning ordinances, master plan, map, building codes and Village ordinances;
- f. A list of estimated non-project costs;
- g. A statement of the proposed plan for relocating any displaced persons or businesses;
- h. A statement of how the district promotes orderly development;
- i. A map showing existing uses and conditions of real property in such District;
- j. A map showing proposed improvements and uses therein;
- k. An opinion of the Village Attorney or of an Attorney retained by the Village advising the plan is complete and complies with Wisconsin Statutes, Section 66.1105(4)(f); and

**WHEREAS**, the Plan Commission has submitted such Project Plan Amendment to the Village Board and recommended approval thereof;

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of the Village of Elkhart Lake as follows:

1. Pursuant to the Tax Increment Law, there is hereby amended in the Village of Elkhart Lake, as of January 1, 2008, a District known as "Tax Incremental District No. 1, Village of Elkhart Lake", the boundaries of which shall remain the same as in the original Project Plan.
2. The Village Board hereby finds and declares that:

- a. Based upon the findings, as stated in (a) above, the District remains declared as a rehabilitation District or conservation District within the meaning of Section 66.1337(2m)(b) of the Wisconsin Statutes based on the identification and classification of the property included within the District, furthermore any property standing vacant for seven years immediately preceding adoption of the resolution for this district will not comprise more than 25% of the area in the District in compliance with Section 66.11054gm(1) of the Statutes; and; and
- b. The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District; and
- c. The project costs of the District, as amended, relate directly to eliminating blight and directly serve to rehabilitate or conserve the District consistent with the purpose for which the District is created.

**BE IT FURTHER RESOLVED THAT** the Village Board of the Village of Elkhart Lake approves the Project Plan Amendment adopted by the Plan Commission, attached as Exhibit A, and finds that:

- 1. Such Amendment for the District in the Village is feasible, and
- 2. Such Amendment is in conformity with the master plan of the Village.

The Village Clerk is hereby authorized and directed to notify the Wisconsin Department of Revenue, within 60 days of adoption of the amendment that this amendment has taken place, pursuant to the provisions of Section 66.1105(5)(cm) of the Wisconsin Statutes.

The Village Assessor is hereby authorized and directed to make notations to the assessment roll under Section 70.45 of the Wisconsin Statutes, and the Village Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes, pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes.

Attest:

Adopted and Approved this  
21<sup>st</sup> day of January, 2008.

\_\_\_\_\_  
Peter J. Menne, Village President

\_\_\_\_\_  
Jeanette L. Moioffer, Village Clerk

\_\_\_\_\_  
Gary Kussow, Trustee

Hans Kuhn from the Town of Rhine was in attendance and presented the Board of Trustees with a Memorandum of Understanding (Attachment A) concerning the building, financing and management of the new fire station. Kuhn indicated that if the Village and Town could come to an agreement, the Town would support the building of a new fire station.

A closed session to discuss this memorandum and the award of the bid for the fire station was tabled until a special meeting scheduled for 4:00 p.m. on Monday, January 28<sup>th</sup>, 2008.

(Kapellen/Kussow) moved to direct President Menne to sign a contract with Foley & Lardner appointing them as Bond Counsel for the Village.

Motion Carried Unanimously

(I-Kapellen Klahn/Kussow) introduced, moved and unanimously approved by a roll call vote the following ordinance:

**ORDINANCE 531**  
**VILLAGE OF ELKHART LAKE**  
**SHEBOYGAN COUNTY, WISCONSIN**

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**CAT AND DOG ORDINANCES**

---

WHEREAS, the Sheboygan County Humane Society has instituted a new fee schedule in accordance with their contract with the County of Sheboygan for their call out service; and

WHEREAS, the Village of Elkhart Lake wishes to be consistent with the fees imposed by the Sheboygan County Humane Society; and

WHEREAS, the Village of Elkhart Lake does not require the licensing of cats; and

WHEREAS, the Keeping and Retaining of Cats ordinance needed to be corrected to remove a reference to licensing as well as adding the Impounding Fee;

THEREFORE, The Board of Trustees of the Village of Elkhart Lake does hereby ordain as follows:

That Section 8.27(5)(a) be recreated to read as follows:

**(5) IMPOUNDING/ PICKUP FEES**

- (a) The owner of any dog seized under this ordinance shall be ordered to pay an impounding/pick-up fee. This fee shall be payable to the transporting agency and is established as follows:

**Monday through Saturday between 8:00 a.m. and 5:00 p.m., \$50.00**  
**After hours Monday through Saturday, \$75.00**  
**Sundays and Holidays, \$150.00**

That Section 8.28(3)(a)(b) and Section 8.28 (5)(a) be recreated to read as follows:

**(3) REMEDY**

- (a) Any member of the Elkhart Lake Police Department shall seize and impound any cat found in violation of the aforesaid regulations. All such cats seized and impounded by the police department shall be transported to the humane society. The owner or keeper of such cats, if identified, shall be notified, and said owner or keeper may claim his or her cat.
- (b) Actual seizure of a cat running at large, by the Police Department shall not be necessary. In the event the police officer can ascertain the identity of such cat, the police officer shall notify the owner of such cat and such identity shall be sufficient evidence of which to make an arrest of any violation of this ordinance.

(5) IMPOUNDING/ PICKUP FEES

(a) The owner of any cat seized under this ordinance shall be ordered to pay an impounding/pick-up fee. This fee shall be payable to the transporting agency and is established as follows:

**Monday through Saturday between 8:00 a.m. and 5:00 p.m., \$50.00**

**After hours Monday through Saturday, \$75.00**

**Sundays and Holidays, \$150.00**

Attest:

Adopted and Approved this

21<sup>st</sup> day of January, 2008

\_\_\_\_\_  
Peter J. Menne, President

\_\_\_\_\_  
Jeanette L. Moioffer, Clerk

\_\_\_\_\_  
Steven Kapellen, Trustee

Jim and Nancy Hanlon were present to report that the Village has been awarded the non-motorized vehicle grant for the installation of shoulders along South Lake Street (County AJ) from Quit-Qui-Oc Lane to Sugarbush Lane and appropriate stripping or marking from Quit-Qui-Oc Lane to the southern end of Lake Street Walkway.

(Nelson/Landgraf) moved to renew and direct President Menne to sign our Federal Migratory Bird Depredation Permit Application for goose management.

Motion Carried Unanimously

Trustee Kussow introduced the following ordinance for Board consideration:

**ORDINANCE NO. 532**  
**VILLAGE OF ELKHART LAKE**  
**SHEBOYGAN COUNTY, WISCONSIN**  
\_\_\_\_\_  
**NEIGHBORHOOD ELECTRIC VEHICLES**

The Village of Elkhart Lake, Sheboygan County, Wisconsin, does hereby ordain as follows:

SECTION 1: PURPOSE.

Wis. Stat., § 349.26 authorizes a municipality to allow persons to operate Neighborhood Electric Vehicles on local highways. The purpose of this Ordinance is to authorize such vehicles on roads within the Village of Elkhart Lake, subject to the restrictions, below.

SECTION II: PROVISION CREATED.

Village of Elkhart Lake Code sec. 6.14 is created by this Ordinance.

SECTION III:PROVISION AS CREATED.

Village of Elkhart Lake Code sec. 6.14 is created as follows:

**6.14 NEIGHBORHOOD ELECTRIC VEHICLES PERMITTED**

(1) Definitions:

- (A) “Neighborhood Electric Vehicles” (NEV) means a self-propelled motor vehicle that has successfully completed the neighborhood electric vehicle America test program conducted by the Federal Department of Energy and that conforms to the definition and requirements for low speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for “low-speed vehicles” under 49 CFR 571.3(b) and 571.500.
  
- (B) NEVs shall be 4-wheeled and have a speed range of at least 20 miles per hour and not more than 25 miles per hour on a paved surface and have a gross vehicle weight at rest of less than 2,500 pounds. NEV does not include an electric golf cart. A NEV shall have:
  - 1. Headlamps;
  - 2. Front and rear turn signals;
  - 3. Stop lamps;
  - 4. Reflex reflectors: one red and each side as far to the rear as practicable, and one red on the rear;
  - 5. An exterior mirror mounted on the driver’s side and either an exterior mirror on the passenger side or an interior rearview mirror;
  - 6. Parking brake;
  - 7. A windshield that conforms to the requirements of the federal motor vehicle safety standard on glazing materials (49 CFR 571.205);
  - 8. A Vehicle Identification Number (VIN) that complies with federal law (49 CFR 565);
  - 9. A Type 1 or Type 2 seatbelt assembly conforming to 49 CFR 571.209, and Federal Motor Safety Standard No. 209, for each designated seating position; and
  - 10. Meets the general test conditions under 49 CRF 571.50056.

(2) Permitted Users of Neighborhood Electric Vehicles. To use a NEV on Village streets as described in (1) above, the individual must have a valid Wisconsin driver’s license.

(3) Permitted Use of Neighborhood Electric Vehicles on Village Streets. Except as provided below, a licensed individual may operate a NEV on the streets of the Village of Elkhart Lake having a posted speed limit of 35 miles per hour or less and headlamps must be on during operation. However, the operation of a NEV is strictly prohibited on CTH JP/Birchwood Drive. For purposes of this Ordinance the walkway between the Osthoff Resort and Elkhart Lake is not a street upon which a NEV may be operated.

- (4) Operation of Neighborhood Electric Vehicles. The operation of NEVs as permitted herein shall in all respects be in compliance with Chapter VI of the Village of Elkhart Lake Code of Ordinances.
- (5) Registration. All NEVs shall be registered in accordance to Wisconsin Statutes.
- (6) Enforcement. Enforcement of this ordinance regulating the use of a NEV within the Village shall be pursuant to the Village of Elkhart Lake Code of Ordinances. If not otherwise provided, the penalty for the unauthorized use of a NEV within the Village of Elkhart Lake shall be \$65.00 per occurrence.

#### SECTION IV: VALIDITY.

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

#### SECTION V: CONFLICTING PROVISIONS REPEALED.

All Ordinances in conflict with any provisions of this Ordinance are hereby repealed.

#### SECTION VI: EFFECTIVE DATE.

This Ordinance shall be in force from and after its introduction and publication as provided by statute.

#### SECTION VII.

This Ordinance becomes a part of the Village of Elkhart Lake Code, Chapter VI.

Moioffer reported that Verizon has provided us with a draft of a lease agreement which she has given to President Menne for his review and recommendation concerning the addition of cell towers to the water sphere.

#### NEW BUSINESS

(Klahn/Nelson) moved to approve June 28<sup>th</sup>, 2008 as the Elkhart Lake Triathlon date.

President Menne appointed Gary Kussow to sit on the Administration and Finance Committee since Trustee Moersch is not readily available. Trustee Kapellen indicated that he would also be interested in serving on the Administration and Finance Committee. It was the consensus of the Board that from this time forward, the entire Board will serve as the Administration and Finance Committee.

(Nelson/Klahn) moved to authorize Trustee Nelson to reconvene the Shoreland Ordinance Committee to review issues that are arising in the administration of the ordinance as it relates to piers, tree removals, water toys or any other issues that are identified.

Motion Carried Unanimously

Pleasantview Realty requested the use of the Village logo in a promotional article that will appear in the TEMPO and it was the consensus of the Board that this request would be denied.

President Menne upon request of the Library Board appointed Kathleen Baldikoski to fill the unexpired term of Ed Landgraf on the Library Board.

(Nelson/Landgraf) moved that the appointment of Kathleen Baldikoski to fill the unexpired term of Ed Landgraf on the Library Board be approved.

Motion Carried Unanimously

The Northern Moraine Utility Agreement was tabled until such a time as it can be reviewed by the proper committee and Attorney John St. Peter.

#### TRUSTEE REPORTS –

Kussow reminded the Board that School Superintendent Jerry Smith will be at the next meeting to bring the Board up to date on school issues.

Menne reported that John Jensen, a water specialist would be available to consult with the Village. Kapellen indicated that he was not aware of the Committee of experts appointed by County Planning having met again.

Steve Kapellen requested that any communication with SEH be directed through him.

#### COMMUNICATIONS - Moioffer

Moioffer provided the Board with the following communications:

- 1) Northern Moraine Minutes and Agenda
- 2) Joe Leibham newsletter
- 3) The League Legislative Bulletin.
- 4) FOCUS
- 5) A thank you from the Ed Landgraf family.

#### CLERKS REPORT – Moioffer – None

#### VOUCHER APPROVAL

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

V-001	WE Energies	Power & Light	\$279.74
V-008	Baker & Taylor	Library books	582.06
V-009	Bardon Enterprises	Building supplies	96.50
V-013	Elkhart Lake Water Dept.	Fourth quarter water	7.50
V-014	Eastern Shores Library	Phone shared automation	920.00
V-021	Gale Group	Library books	19.51
V-022	Globalcom	Long distance service	8.27
V-024	Imagetec LP	Library copier lease	174.00
V-025	Journal Sentinel, Inc.	Journal subscription	221.00
V-028	Kone, Inc.	Elevator maint.	167.58
V-032	Marshall Canendish corp	Library books	137.09
V-033	Midwest Tape	Library videos	27.29
V-039	Quill	Library office supplies	47.80
V-048	Verizon	Phone service	68.47
V-054	Wis. Library Assoc.	Library Dues	152.00
V-054	Wis. Library Assoc.	Library programs	50.00
V-058	Wisconsin Public Service	Natural Gas	<u>331.07</u>

Total Library \$3,289.88

(Klahn/Kapellen) moved that the Library vouchers be approved and paid as presented.

Motion Carried Unanimously

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

WV-001	WE Energies	Power & Light	797.71
WV-002	Village of Elkhart Lake	Sewer collection	170.87
WV-003	Village of Elkhart Lake	Sewer collection	3,544.54
WV-004	Corson & Peterson	3 <sup>rd</sup> Quarter accounting	625.00
WV-005	Diggers Hotline	Diggers Call fees	20.15
WV-006	Elkhart Lake Water Dept.	4 <sup>th</sup> Qt. water	21.41
WV-007	Globalcom Inc. USA	Water long distance service	6.96
WV-008	Hawkins Water Treatment	Water cylinder rental	10.00
WV-009	U.S. Cellular	Cell phone service	76.61
WV-010	Verizon	Water phone service	36.96
WV-011	Village of Elkhart Lake	Wage-Dec..	2,508.17
WV-012	Village of St. Nazianz	Water billing cards	10.00
WV-013	Weber, Corson & Peterson	Assist with rate increase	175.00
WV-014	Wisconsin Public Service	Natural Gas	200.17
WV-015	Workhorse Software Service	New billing program	6,000.00
WV-016	Village of Elkhart Lake	Sewer collection	5,753.96
WV-017	Village of Elkhart Lake	Sewer Collection	<u>3,871.71</u>
	Total Water		\$23,829.24

(Klahn/Landgraf) moved that the Water Utility vouchers be approved and paid as presented.

Motion Carried Unanimously

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

V-001	WE Energies	Power & Light	\$6,244.48
V-002	Dept. of Emp. Trust Fund	Income cont. insurance	264.78
V-003	Dept. of Emp. Trust Fund	Employee health insurance	5,422.40
V-004	Jacob & Clark	Web page update	1,650.00
V-005	Airgas North Central	F.R. Oxygen	47.74
V-006	Joe Andrietsch	Police-TRIAD reg. & room	262.00
V-007	Aurora EAP	Employee assistance Prog.	70.20
V-009	Bardon Enterprises	Building supplies	96.50
V-010	Benefit Advantage	Flex plan fee	55.00
V-011	Cal & Gus	Garage vehicle maint.	30.65
V-012	Citgo	Garage/Police/ gas	1,659.65
V-013	Elkhart Lake Water Dept.	4 <sup>th</sup> Quarter Water	279.34
V-015	Edgerton, St. Peter & Petak	Village legal service	642.48
V-016	EL Postmaster	Clerk Postage-Minutes	116.00
V-017	Emergency Medical Products	F.R. Medical supplies	222.59
V-018	Excel Net, Inc.	F.R. Internet	192.00
V-019	Feed Mill Market	Fruit Basket-Menne	73.50
V-020	Fox Valley Tech College	Police Comp.Support RMS	1,030.00
V-022	Globalcom	Long distance service	48.57

V-023	Hawley, Kaufman & Kautzer	Police legal service	386.56
V-026	J. Mauel & Assoc.	Tax program support	350.00
V-027	Kapur & Associates	Stephanie review-storm plan	352.00
V-029	Larry's Hauling	Refuse & recycling Coll.	3,345.16
V-030	League of Wis. Municipalities	League Dues	962.63
V-031	MOCIC	Police Annual Fee	100.00
V-034	NAPA Auto Parts	Garage vehicle maint.	87.03
V-035	Northern Moraine Utility	Sewage Treatment	12,509.72
V-036	Kathleen Eickhoff	Tourism mileage	117.80
V-037	Pomp's Tire Service, Inc.	Police tires	306.00
V-038	Prinicpal Life	Employee life ins.	111.87
V-039	Quill	Police office supplies	160.90
V-040	Sheb. Chevrolet Cadillac	Police vehicle maint.	308.84
V-041	Sheb. County Treasurer	Court assess., comp. plan etc.	862.23
V-041	Sheb. County Treasurer	Salt/Sand	2,492.54
V-042	Sheb. County Unit WTA	Annual dues	10.00
V-043	Short, Elliott, Henderickson	F.D. architect service	13,559.75
V-044	Technical Assistance Co.	GIS update	295.00
V-045	TDN Utility Service	Remove Christmas Decor.	350.00
V-046	UW-Extension	Clerk Wisline sessions	40.00
V-047	U.S.Cellular	Police cell phones	76.77
V-048	Verizon	Phone Service & Internet	559.33
V-049	WCPA-4 <sup>TH</sup> CLASS CVT	Police training	70.00
V-050	Weber, Corson & Peterson	3 <sup>rd</sup> Qtr. Accounting	2,000.00
V-051	Wis. Chiefs of Police	Police annual dues	100.00
V-052	WI Dept.of Justice-Time	Police Terminal access	222.00
V-053	Wis. Dept of Revenue	Sales tax permit	10.00
V-055	State of Wisconsin	State Court Assessments	708.00
V-056	Wisc. Munic. Clerks Assoc	Clerk annual dues	45.00
V-057	Wisc. Newspaper, Inc.	Publish Ord. 530	33.20
V-058	Wisconsin Public Service	Natural gas	1,163.03
V-059	Community Bank	Fire Dept. Rent	<u>4,000.00</u>
	Total General checks		\$64,053.64
	January Wages & Benefits		<u>\$62,498.90</u>
	Total January Expenses		\$126,552.54

(Kussow/Landgraf) moved that the general expenses be approved and paid as presented.

Motion Carried Unanimously

(Nelson/Kapellen) moved that the meeting be adjourned at 8:37 p.m.

Motion Carried Unanimously

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Jeanette L. Moioffer, Clerk

Minutes of a special meeting of the Board of Trustees of the Village of Elkhart Lake held on Monday, January 28<sup>th</sup>, 2008 at the Grashorn Memorial Civic Center in the Village of Elkhart Lake with the agenda having been duly posted on Thursday, January 24<sup>th</sup>, 2008 between the hours of 3:51 P.M. and 4:15 P.M. at National Exchange Bank and Trust, the Elkhart Lake Post Office, Community Bank and Trust, Marshall's One Stop Shop and the Municipal Office.

President Menne called the meeting to order at 4:05 P.M. with the following trustees present: Rola Ann Klahn, Steven Kapellen, Yvonne Landgraf, Gary Kussow and Tom Nelson. James Moersch was present by speaker phone.

Others in attendance included: Jeanette Moioffer, Clerk; Village Attorney John St. Peter and Hans Kuhn, Chairman of the Town of Rhine.

(Klahn/Kussow) moved to go into closed session at 4:10 p.m. under Wisconsin State Statute 19.85(1)(e) for discussing public business involving private competition, deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

Motion Carried Unanimously by a roll call vote.

President Menne announced the intent to go into closed session under the above referenced Wisconsin Statute.

(Landgraf/Kussow) moved that the Board return to open session at 6:13 p.m.

Motion Carried Unanimously

Attorney St. Peter will prepare a response document to the Town of Rhine's Memorandum of Understanding .

The award of the Fire Station bid was tabled with Selmer Company extending the deadline to award the bid to March 1, 2008.

(Landgraf/Kussow) moved that the fire station rent for the third and fourth quarters of 2007 be eliminated.

Motion Carried Unanimously

(Kapellen/Nelson) moved that the meeting be adjourned at 6:16 p.m.

Motion Carried Unanimously

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Jeanette L. Moioffer, Clerk

### **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](http://www.elkhartlake.com)**

MONDAY, March 3, 2008 – 7:00 P.M.	BOARD OF TRUSTEES
WEDNESDAY, March 5 <sup>th</sup> , 2008 – 6:30 P.M.	TREE COMMISSION
WEDNESDAY, March 12, 2008 – 6:00 P.M.	PLANNING COMMISSION
MONDAY, March 17, 2008 – 7:00 P.M.	BOARD OF TRUSTEES
TUESDAY, APRIL 1ST, 2008 – SPRING ELECTION	
POLLS ARE OPEN FROM 7:00 A.M. TO 8:00 P.M.	
MONDAY, April 7th, 2008 – 7:00 P.M.	BOARD OF TRUSTEES
WEDNESDAY, April 2nd, 2008 – 6:30 P.M.	TREE COMMISSION

WEDNESDAY, April 16th, 2008 – 6:00 P.M.  
MONDAY, April 21st, 2008 – 7:00 P.M.  
TUESDAY, April 22<sup>nd</sup>, 2008 – 6:00 P.M.

PLANNING COMMISSION  
BOARD OF TRUSTEES  
BOARD OF TRUSTEES –  
ORGANIZATIONAL MEETING

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.

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**YOU MUST RECYCLE OR YOUR REFUSE WILL BE TAGGED!!**

**CLEAR BAGS MUST BE USED FOR GARBAGE!**  
**BLUE BAGS MUST BE USED FOR RECYCABLES!**  
**CARDBOARD MUST BE FLATTENED AND**  
**BUNDLED OR PLACED IN BROWN PAPER BAGS**  
**BLACK BAGS WILL NOT BE PICKED UP**

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**CHARGES FOR WATER**  
**Effective December 21, 2007**

First 3000 cu. ft. per quarter-\$1.90 per 100 cu. ft. + meter chg.  
Next 17,000 cu. ft. per quarter-\$1.64 per 100 cu. ft. + meter chg.  
Next 30,000 cu. ft. per quarter-\$1.33 per 100 cu. ft. + meter chg.  
Over 50,000 cu. ft. per quarter\$1.02 per 100 cu. ft. + meter chg.

**METER CHARGES**

5/8" meters -- \$17.65 per quarter    3/4" meters -- \$17.65 per quarter  
1" meters --\$21.67 per quarter    1 1/4" meters -- \$27.86 per quarter  
1 1/2" meters -- \$34.06 per quarter    2" meters -- \$55.73 per quarter  
3" meters -- \$102.17 per quarter    4" meters --\$154.80 per quarter

**CHARGES FOR SEWER**

\$3.00 per 100 cubic feet of water consumption beginning + \$10.00 base fee per quarter.

**PENALTY**  
**1% PER MONTH**

President: Peter Menne (876-2590) Everything  
Trustee: Gary Kussow (876-3086) New Industry, Refuse Collection, Recycling  
Trustee: Rola Ann Klahn (876-2513) Emergency Response, First Responders, Animal Control  
Nuisances, Pollution, Insect Control  
Trustee: Yvonne Landgraf (876-2536) Police, Fire, House to House Sanctions, Insurance,  
Employee Policy, CDA  
Trustee: Steve Kapellen (876-2177) Property Management, New Construction, Weeds, Parks  
Vehicles & Equipment, Municipal Services  
Trustee: James Moersch (876-3024) Finance, Bondings, Vettings, Land Acquisition &  
Recreational Development, CDA  
Trustee: Thomas Nelson (876-3431) Village Planning, Building Authority, Library  
Administration, Zoning, Streets, Sidewalks,  
Drainage, Sewer, Tree Commission, Tourism  
Commission  
Clerk: Jeanette Moioffer (876-2122) Beach Tags, Building Permits, Taxes, Licenses  
Garage: Steven Rautmann (876-2231) Building Insp. & Public Works Super.  
Richard Solek (876-2231) Water Operator and Public Works  
Police: Randy Boeldt, Chief (876-2244) Non Emergency Line  
Fire Chief: John Reiss (876-3333) Non Emergency Line

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