

Minutes of the regular meeting of the Board of Trustees of the Village of Elkhart Lake held on Monday, February 4th, 2008 at the Grashorn Memorial Civic Center in the Village of Elkhart Lake with the agenda having been duly posted on Friday, February 1st, 2008 between the hours of 3:22 P.M. and 3:58 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, Gary Kussow, Yvonne Landgraf and Tom Nelson. James Moersch was present by speaker phone.

Others in attendance included: Jeanette Moioffer, Clerk; Steven Rautmann, Superintendent of Public Works; Randy Boeldt, Chief of Police; Mike Wolf; Alan Rudnick; Milton Claussen of the Town of Russell; Ron Feldmann; Jerry Smith, Superintendent of the Elkhart Lake-Glenbeulah Public School System; James and Nancy Hanlon; and Emmitt Feldner of the Review.

The January minutes were tabled until the next meeting.

(Kapellen/Landgraf) moved that the January Treasurer's report showing a balance of \$30,819.17 in the general money market fund be approved as presented.

Motion Carried Unanimously

#### PUBLIC COMMENT –

Milton Claussen of the Town of Russell was present and questioned the Board on some issues on the need for and construction of a new fire station.

#### PUBLIC WORKS REPORT – Rautmann

Rautmann reported that the County is low on salt and will no longer be selling salt to municipalities which means that the Village will be limiting the present salt that the Village has for stop signs and intersections and when it is all the Village will need to go to sand.

#### GUESTS

Jerry Smith, Superintendent of the Elkhart Lake-Glenbeulah Public School System was present to update the Board on the programs and financial status of the school system.

#### COMMITTEE REPORTS – None

#### UNFINISHED BUSINESS

Nancy and Jim Hanlon were present to discuss the non-motorized bike trail grant recently awarded by Sheboygan County to the Village. Hanlon explained that from the end of Lake Street Walkway on the lake side of South Lake Street to Quit-Qui-Oc Lane a bike designation will be painted on the pavement. Hanlon explained that in this section of roadway this would not be a bike lane it would just remind motorists that this road is shared with bicyclists. Jim Hanlon noted that there not be any parking eliminated. Nancy Hanlon indicated that if there is no parking on the lake side of South Lake Street, the County may add a specific lane. From Quit-Qui-Oc Lane to Sugarbush Lane, the County will install

shoulders which will become a bike lane on each side of the road. Jim Hanlon noted that the County will maintain the portion on South Lake Street which is also (County AJ) but the Village would have to maintain (repaint bike designation) on South Lake Street from the Walkway to Quit-Qui-Oc Lane.

(Klahn/Landgraf) moved to amend the agenda and schedule the closed session at the end of the meeting.  
Motion Carried Unanimously

Ordinance 532 permitting the use of neighborhood electric vehicles, introduced by Trustee Kussow was read for a second time.

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

**RESOLUTION THREE – 2008  
VILLAGE OF ELKHART LAKE  
SHEBOYGAN COUNTY, WISCONSIN**

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**ADOPTION OF THE VILLAGE OF ELKHART LAKE’S PORTION OF THE “SHEBOYGAN COUNTY COMPREHENSIVE OUTDOOR RECREATION AND OPEN SPACE PLAN, 2007**

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**WHEREAS**, the Sheboygan County Board has adopted the “Sheboygan County Comprehensive Outdoor Recreation & Open Space Plan, 2007,” prepared by the Sheboygan County Planning & Resources Department; and

**WHEREAS**, this plan includes a mini-plan which appears to be suitable for adoption as a broad, long-range plan to meet the outdoor recreation and open space needs of the Village of Elkhart Lake; and

**WHEREAS**, Adoption of the Village of Elkhart Lake’s portion of the plan qualifies the Village of Elkhart Lake for eligibility to receive available state and federal financial grants in aid for outdoor recreation facility acquisition and development;

**NOW THEREFORE, BE IT RESOLVED**, that by the adoption of this resolution the above referred to “Sheboygan County Comprehensive Outdoor Recreation & Open Space Plan, 2007”, is hereby adopted.

**BE IT FURTHER RESOLVED**, that a copy of said Plan be kept on file in the Office of the Village Clerk to be available for review and inspection by all interested parties.

Attest:

Adopted and Approved this  
4<sup>th</sup> day of February, 2008.

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

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Jeanette L. Moioffer, Clerk

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Trustee Rola Ann Klahn

Adoption of the Sheboygan County Bicycle and Pedestrian Plan was tabled to give the Board additional time to review.

Trustee Nelson requested permission to put together a committee from the community to review a draft of the employee policy manual. It was the consensus of the Board that he should proceed with this project.

NEW BUSINESS -- None

TRUSTEE REPORTS –

President Menne asked that Chief Boeldt check with other communities to see if they have any ordinances that require trucks/busses to turn off their engines during deliveries in the Village and not allowing them to idle.

Menne also noted an ordinance recently passed in the City of Plymouth that deals with people loitering after bar hours. Chief Boeldt indicated that the Police Department does not see this as an ongoing problem.

COMMUNICATIONS - Moioffer

Moioffer provided the Board with a copy of the Capitol Connection by Joe Leibham.

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

CLOSED SESSION –

(Nelson/Klahn) moved and seconded that the Board go into closed session at 7:50 p.m. under Wisconsin State Statute 19.85(1)(e) to discuss 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 required a closed session.

Motion Unanimously Approved 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.

(Nelson/Landgraf) moved and seconded that the Board return to open session at 8:20 p.m.  
Motion Carried Unanimously

(Nelson/Kapellen) moved that the Inter-Governmental Agreement between the Village and the Town of Rhine drafted by Attorney St. Peter be signed by the Village President for the Village Board and presented to the Town of Rhine.

Ayes: Klahn, Kussow, Kapellen  
Nelson, Moersch  
Nays: Menne  
Abstain: Landgraf

(Klahn/Nelson) moved that recognizing that the Town did pay their share of the rent for the fire station for the first and second quarter of 2007, the Village forgive the rent for the third and fourth quarter of 2007.  
Motion Carried Unanimously

President Menne noted that this does not eliminate rent for 2008 and therefore the rent payment will stay as budgeted.

Trustee Kapellen asked that President Menne signed the Inter-Governmental Agreement to present to the Town of Rhine before the meeting is adjourned. Menne signed the agreement and added "Under Protest" under his signature. Trustee Moersch explained that Menne's signature is as an officer of the Village and not as an individual with an opinion. Discussion followed with Menne expressing opposition to the signing of this document. Trustee Landgraf asked that we confer with Attorney St. Peter to determine the legality of this action.

(Moersch/Landgraf) moved that the meeting be adjourned at 8:28 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, February 18th, 2008 at the Grashorn Memorial Civic Center in the Village of Elkhart Lake with the agenda having been duly posted on Friday, February 15th, 2008 between the hours of 8:56 A.M. and 9:40 A.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, Gary Kussow, Yvonne Landgraf and Tom Nelson. James Moersch was present by speaker phone.

Others in attendance included: Jeanette Moioffer, Clerk; Randy Boeldt, Chief of Police; Attorney John St. Peter; Fire Chief, John Reiss; Assistant Fire Chief Pat Zorn; Alan Rudnick; Milton Claussen of the Town of Russell; Ron Feldmann; Hans Kuhn, Dennis Raeder, Larry Eberly, David Otte and Frank Zimmermann of the Town of Rhine Board of Supervisors; John Stoelting; Ray Franda; Robert Schmidt, Jr.; Bob Mueller and Emmitt Feldner of the Review.

The January minutes were tabled until the next meeting.

PUBLIC COMMENT – None

PUBLIC WORKS REPORT – None

POLICE CHIEF REPORT – Boeldt

Chief Boeldt provided the Board copies with his annual report.

COMMITTEE REPORTS –

Library Board – Nelson

- 1) Provided the Board with minutes of the January 17, 2008 meeting.
- 2) Presented the Board with the 2007 annual report.

Planning Commission – Menne

- 1) Reviewed a request by Dr. Charles Seifert to reconfigure his three lots on the eastern shore of Turtle Bay. Asked that he return to the Planning Commission with documentation that one of the lots he is creating is an unbuildable lot in accordance with a purchase agreement when the land was purchased.
- 2) Are continuing the review of the zoning ordinance.

Tourism Commission – Nelson

- 1) Provided the Board with minutes of the January 9<sup>th</sup>, 2008 meeting.
- 2) Kyle Petty Charity Ride will take place on July 13<sup>th</sup>, 2008.
- 3) Governor’s Conference on Tourism is scheduled for March 2<sup>nd</sup> to 4<sup>th</sup>.
- 4) Advertising agency replacements are being interviewed.
- 5) The web site changes are close to being completed.
- 6) The Tom Sutton show was deferred to 2009.
- 7) Will be participating in the golf show in Milwaukee from March 9<sup>th</sup> – 11<sup>th</sup>.

**UNFINISHED BUSINESS**

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

**ORDINANCE NO. 532  
VILLAGE OF ELKHART LAKE  
SHEBOYGAN COUNTY, WISCONSIN**

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**NEIGHBORHOOD ELECTRIC VEHICLES**

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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 an 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.

Attest:

Adopted and Approved this  
18<sup>th</sup> day of February, 2008.

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Peter J. Menne, President

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Jeanette L. Moioffer, Clerk/Treasurer

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Gary Kussow, Trustee

(Klahn/Nelson) moved to approve the Elkhart Lake portion of the Sheboygan County Bicycle & Pedestrian Plan and adopt it as the Village’s plan.

Motion Carried Unanimously

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

**RESOLUTION FOUR – 2008  
VILLAGE OF ELKHART LAKE  
SHEBOYGAN COUNTY, WISCONSIN**

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**REQUESTING SHEBOYGAN COUNTY NMTTP FUNDING**

**RESOLVED**, that the Board of Trustees of the Village of Elkhart Lake headquartered at 40 Pine Street in the Village of Elkhart Lake;

**AUTHROIZES** the Elkhart Lake NMTTP Citizen’s Committee to act on its behalf and prepare an application for financial assistance to the County of Sheboygan under the Sheboygan County NMTTP Funding Program for the eligible project described below; and

**HEREBY AUTHORIZES**, President Peter J. Menne to act on behalf of the Village of Elkhart Lake and the Elkhart Lake NMTTP Citizen’s Committee to sign documents; and to take action necessary to undertake, direct, and complete an approved Sheboygan County NMTTP Funded project:

**PAVED SHOULDERS – on SOUTH LAKE STREET (HWY AJ) from SUGAR BUSH LANE to the intersection of SOUTH LAKE STREET AND HICKORY LANE (HWY AJ) and all appropriate markings (Bicycle Land Striping, Sharrow Marking, and Route Signage) including the section of SOUTH LAKE STREET extending from HWY AJ north ending at the southern end of the LAKE STREET WALKWAY.**

**BE IT FURTHER RESOLVED THAT** the Village of Elkhart Lake recognizes and acknowledges the long-term ownership and management responsibilities (when applicable) associated with this Sheboygan County NMTTP Funding Program, and will meet its obligations under the Funding and Maintenance Contract for the project.

Attest:

Adopted and Approved this  
18th day of February, 2008.

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

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

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Gary Kussow, Trustee

Fire Station Construction

Milton Claussen of the Town of Russell was present to express his concerns about the construction of a new fire station and indicated that he felt the public did not know that the Village is building this station.

Robert Mueller was present to express his concerns about the construction of the new fire station and felt it could be built cheaper and wondered why the Board is not talking about the cost of financing.

Ron Feldmann was present to express his concerns about the site of the new fire station and questioned why the station is sited on the south end of the Village when all the building is occurring on the north. Feldmann along with his feeling that safety is a concern on the site since firemen will have to cross a lane of traffic to access the station.

Ray Franda expressed his agreement with Ron Feldmann and Bob Mueller.

Chairman Kuhn of the Town of Rhine was present to present and discuss the counter Inter-governmental Agreement for the Construction of the Elkhart Lake Fire Station.

**CLOSED SESSION**

(Kussow/Menne) moved and seconded that the Board go into closed session at 7:30 p.m. under Wisconsin State Statute 19.85(1)(e) to discuss 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 required a closed session.

Motion Unanimously Approved 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 which was read by Attorney St. Peter noting that the Board will be returning to open session immediately following the closed session as noticed.

(Landgraf/Nelson) moved and seconded that the Board return to open session at 8:06 p.m.

Motion Carried Unanimously

The counter proposal of the Inter-governmental agreement for the construction of a fire station with the Town of Rhine was discussed with Chairman Kuhn. Attorney St. Peter thanked the Town of Rhine on behalf of the Village Board for their cooperation and prompt response to this proposal and access to their attorney. In response to Attorney St. Peter questioning if Rhine would be able to take action tonight concerning the terms of this agreement, Kuhn noted that they did not provide that kind of notice and are only here to hear the issues and gather information.

St. Peter identified the following language issues:

1) On Page 1 a statutory reference to 61.65 is a reference to Village Police Department Powers that the Village would like back in and it does not affect the Town in any way.

2) Section 12 – The fire station management committee – The Village would like to keep the Chief as a part of the committee and felt that the department should have an official role in the management of the fire station. Kuhn felt that the Chief should act as an advisor and that it does not seem appropriate for that advisor to also have a vote. St. Peter reminded Chairman Kuhn that when it comes down to money, each respective Board must approve the expenditure and the Chief would have no say in that matter. Kuhn questioned if there could be a fifth person that was not the Chief and the Chief would only act in an advisory capacity.

3) Section 15 – Rhine’s original version there was language that indicated if for any reason, there was not a fire service agreement, the Town could walk away and the Village would be required to buy the Town out. St. Peter reminded Chairman Kuhn that this is a partnership and they will be part owners. Kuhn noted that this was to protect the Town should the Village decide some day not to service the Town with fire protection. St. Peter questioned if the same courtesy would be granted to the Village and Kuhn indicated that that concept would be given consideration. Attorney questioned if the Town Board supports this agreement and Chairman Kuhn indicated that they would if the Village and Town and come to an agreement.

4) Money – Under the Towns proposal, the Village would pay approximately \$1.6 million and the Town would pay approximately \$1.2 million. The difference is \$422,872.00. The Village does not feel that it is fair for the Village to carry that entire burden. The Village would be willing to accept the \$200,000.00 for site upgrade but the remaining upgrades of \$272,872.00 would need to be split equally with the Town and the Village (\$136,436.00 each). Dispute the premise that these are Village upgrades meaning special features planned just for the Village. Rhine will participate in all the benefits of the building equally with the Village. Kuhn felt that some of the design aspects are for aesthetic purposes which benefit the Village more than the Town. St. Peter indicated that it is difficult for the Village to accept as much of the financial portion of the station as Rhine requires and then agree that Rhine is an equal owner.

Kuhn noted that although it may seem unfair but the Town and the Village have different interests in how that building looks.

St. Peter summarized that the Town does not want the Chief on the Management Committee, the Town might consider changing language on the buy-out provision, the statutory reference will probably be okay, and the Town feels that it cannot not accept any more of the financial burden.

Kuhn noted that the suggestion was made in the cover letter from Tom Nelson that accompanied the Villages counter agreement that there be a joint meeting with the Town. Attorney reminded both Chairman Kuhn and the Board of Trustees that they have a deadline of February 25<sup>th</sup>, which is the extension given by Selmer for the acceptance or rejection of the bids. Discussion followed on the possible increase in costs to the project due to the delays being a shared cost. Chairman Kuhn indicated that he felt that if we have an agreement in place he realizes that Rhine would be responsible for an equal share of the increased costs.

A joint meeting of the Town of Rhine and Village of Elkhart Lake was scheduled for Thursday, February 21, 2008 at 4:00 p.m. at the Town of Rhine Hall. Attorney St. Peter suggested that the meeting notice should refer to multiple closed session to allow for negotiations.

(Nelson/Klahn) moved that Items 5 and 6, Intergovernmental Agreement with Rhine and Award of Fire Station Bid respectfully would be tabled until the next meeting.

Motion Carried Unanimously

The inquiry by Morris for annexation and development was referred to the Planning Commission.

#### NEW BUSINESS –

Moioffer reported that we have a request for a conditional use permit for a new pier from Thomas Lieb and Trustee Nelson indicated that his shoreland committee will be meeting in the next few weeks. Moioffer will try to schedule the hearing after the committee meets.

#### TRUSTEE REPORTS –

Trustee Kussow reported that some people in his neighborhood had some snow plowing issues that were resolved after meeting with Steven and Rich.

Trustee Landgraf noted that Marcia Schamberger reported that The Osthoff was using salt on the walkway and wondered if that was good for the brick. Schamberger also questioned the size of the trucks that The Osthoff used on the walkway for the spreading of the salt.

#### COMMUNICATIONS - Moioffer

Moioffer provided Board members with copies of the Northern Moraine Minutes and Agenda, Capitol Report from Joe Leibham; FOCUS, the League Bulletin, and information on Senate Bill 165. Moioffer reported on a letter from Time Warner concerning the participation of the Elkhart Lake-Glenbeulah Middle School in their annual contest.

#### CLERKS REPORT – Moioffer

Moioffer question which committee should be reviewing the Northern Moraine Utility Agreement and it was the consensus of the Board that the Administration and Finance Committee, presently designated as the entire Board, should review the document along with Attorney St. Peter.

Moioffer questioned if the Village wanted to explore the possibility of connecting to the Old Plank Road Trail by contacting neighboring communities and forming an inter-government committee. It was the

consensus of the Board that the appropriate communities should be contacted to determine their interest in such a project.

#### VOUCHER APPROVAL

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

V-060	WE Energies	Power & Light	\$272.81
V-061	Bankcard Services	Com. Support, video, music etc	391.07
V-067	Badger Office City	Library toner	66.99
V-067	A & A Fire & Security, Inc.	Fire Alarm service	12.57
V-068	Baker & Taylor	Library books	1,051.03
V-077	Demco Media	Library office supplies	157.29
V-078	Eastern Shores Library Sys.	Phone shared automation	3,483.07
V-084	Gale Group	Library books	126.29
V-094	Michelle Galloway	Cleaning Dec. & Jan.	481.50
V-095	Midwest Tape	Library videos	111.95
V-100	Pennworthy Company	FOL books	519.91
V-107	Sun Graphics	Letterhead & envelopes	106.00
V-109	Terminix	Extermination service	20.00
V-111	The Wall Street Journal	Library annual subscription	199.00
V-113	Verizon	Phone service	72.84
V-114	Wisconsin Public Service	Natural Gas	320.61
V-120	Globalcom	Long distance service	<u>7.54</u>
	Total Library		\$7,400.47

(Nelson/Landgraf) 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-019	WE Energies	Power & Light	\$1,128.47
WV-020	U.S. Cellular	Cell phone service	80.41
WV-021	Bankcard Services	Battery-water Dept.	26.99
WV-022	Village of Elkhart Lake	Sewer collection	16,563.10
WV-023	Badger Meter	Dummy cover	169.70
WV-024	Badger Office City	Water Dept. pencil sharpener	19.99
WV-025	Burkart Heisdorf Insurance	Water-4 <sup>th</sup> quarter insurance	141.00
WV-026	Davies Water Equipment Co	Water-Taps	775.00
WV-027	Diggers Hotline	Diggers Call fees	20.15
WV-028	Excel Net Inc.	Water internet	192.00
WV-029	Hawkins Water Treatment	Water cylinder rental	20.00
WV-030	Superior Electric	Water remote read wire	103.17
WV-031	Verizon	Water phone service	36.84
WV-032	Wisc. Emerg. Management	Water Emerg. Manage. Fee	300.00
WV-033	Wisconsin Public Service	Natural Gas	230.39
WV-034	Village of Elkhart Lake	Wage-Jan.	2,524.53
WV-035	Globalcom Inc. USA	Water long distance service	7.41
WV-036	Village of Elkhart Lake	Sewer collection	2,354.08
WV-037	Village of Elkhart Lake	Sewer collection	<u>595.44</u>
	Total Water		\$25,288.67

(Kussow/Klahn) 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-082	Ehlers & Assoc. Inc.	TIF consulting services	\$8,500.00
V-118	Wisconsin Newpress	TID amendment publication	<u>53.26</u>
	Total C.D.A.		\$8,553.26

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

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

V-060	WE Energies	Power & Light	\$6,263.60
V-061	Bankcard Services	Police conf., stamp	266.89
V-062	Dept. of Emp.Trust Fund	Income cont. insurance	285.47
V-063	Dept. of Emp. Trust Fund	Employee health insurance	7,323.20
V-064	Citgo	Garage/Police/ gas	1,509.32
V-065	A & A Fire & Security	Fire Alarm service	50.28
V-066	Airgas North Central	F.R./Garage Oxygen	333.78
V-067	Badger Office City	Clerk office supplies	61.64
V-069	Benefit Advantage	Flex plan fee	35.00
V-070	Burkart Heisdorf Insurance	4 <sup>th</sup> Quarter insurance	5,985.00
V-071	Business forms & Acct.	Clerk-payroll checks	130.37
V-072	Cal & Gus	Garage vehicle maint.	25.81
V-073	VOID		
V-074	Community Bank & Trust	F.D. February rent	4,000.00
V-075	Conventure Corp	Garage fuel	179.54
V-076	Dad's Excavating, Inc.	Snow removal	300.00
V-079	Steve Ecker	F.D. mileage	18.00
V-080	Edgarton, St. Peter & Petak	Village legal service	2,117.34
V-081	EL Postmaster	Clerk Postage	185.00
V-083	Emergency Medical Products	F.R. Medical supplies	492.59
V-085	George's Tree Service	Tree removal	800.00
V-086	Hawley, Kaufman & Kautzer	Police legal service	495.54
V-087	Kapur & Associates	West Street/Planning Com..	1,399.00
V-088	Lakeside International LLC	Parts Sterling	177.96
V-089	Larry's Hauling	Refuse & recycling Coll.	3,450.56
V-090	Liberty Flags & Speciality	.Holiday LED bulbs	977.45
V-091	LAPWA	Membership dues--2008	65.00
V-092	Marvin Weber	Election mileage-training	6.00
V-093	Machine Service Inc.	Repair 1997 International	1,088.89
V-094	Michelle Galloway	Cleaning Dec. & Jan.	490.50
V-096	Marlene Mohr	Election mileage-training	6.00
V-097	NAPA Auto Parts	Garage parts	30.13
V-098	Northern Moraine Utility	Sewage Treatment	13,080.80
V-099	Northeast Wis. Tech College	Police training-legal update	90.00
V-101	Prinicpal Life	Employee life ins.	111.87
V-102	Professional Door Systems	F.D. keyless entry to garage	112.00

V-103	Jeanette Moioffer	Clerk mileage	56.00
V-104	Service Motor Company	Garage vehicle parts	198.32
V-105	Sheb. County Treasurer	Court assess., comp support	1,067.97
V-105	Sheb. County Treasurer	Salt/Sand	1,392.84
V-106	Short, Elliott, Henderickson	F.D. architect service	766.50
V-108	State of Wisconsin	State Court Assessments	578.71
V-109	Terminix	Extermination service	80.00
V-110	The Uniform Shoppe	Police part time uniform	61.45
V-112	U.S.Cellular	Police cell phones	76.77
V-113	Verizon	Phone Service & Internet	567.37
V-114	Wisconsin Public Service	Natural gas	1,353.93
V-115	WE Energies	Holiday decoration lighting	1,542.52
V-116	Peter Wagner	Election mileage-training	6.00
V-117	West Bend Mutual	Bonds –	105.00
V-119	Franks Radio Service	F.R. equipment –V-clip	9.80
V-120	Globalcom	Long distance service	48.80
V-121	Community Bank	Library Loan	<u>18,687.94</u>
	Total General checks		\$78,544.45

(Kapellen/Landgraf) moved that the general vouchers be approved and paid as presented.  
Motion Carried Unanimously

(Kapellen/Landgraf) moved that the meeting be adjourned at 9:00 p.m.  
Motion Carried Unanimously

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Jeanette L. Moioffer, Clerk

Minutes of a special joint meeting of the Board of Trustees of the Village of Elkhart Lake and the Board of Supervisors of the Township of Rhine held on Thursday, February 21st, 2008 at the Rhine Town Hall in the Town of Rhine with the agenda having been duly posted on Wednesday, February 20th, 2008 between the hours of 11:10 P.M. and 11:35 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 Village's meeting to order at 4:08 P.M. with the following trustees present: Yvonne Landgraf, Rola Ann Klahn, Steven Kapellen, Gary Kussow and Tom Nelson. Trustee Moersch was present by speaker phone at 4:13 p.m.

Others in attendance included: Attorney John St. Peter for the Village of Elkhart Lake and Attorney Paul Dirkse for the Town of Rhine; Jeanette Moioffer, Clerk; Pat Zorn and Mark Landgraf of the Elkhart Lake Fire Department; Ron Feldmann; Hans Kuhn, Dennis Raeder, Larry Eberle, and Dave Otte of the Town of Rhine Board; Bonnie Stoelting, Town Clerk; John Stoelting, and Don Sagar.

The Town of Rhine also called their meeting to order.

New Fire Station – Inter-Governmental Agreement for Shared Construction Costs

Chairman Kuhn recapped for both Boards the following areas that are in contention and in need of discussion: 1) Breakup agreement, dissolution 2) Fire Station Board 3) Costs and Upgrades.

Attorney St. Peter summarized that at Monday's meeting, the Village felt that a fifty-fifty split for the entire building project was fair and equitable. Chairman Kuhn reported that he had indicated at Monday's meeting that he could not recommend that to the Town of Rhine Board in lieu of the upgrades that the Rhine Board identified. Chairman Kuhn verified that it would need to be Rhine's numbers or there would be no deal.

On behalf of President Menne, Attorney St. Peter announced that the Board of Trustees of the Village of Elkhart Lake will be going into closed session pursuant to Wis. Stat. Sec. 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, because competitive or bargaining reasons require a closed session. The purpose of the closed session concerns negotiations with the Town of Rhine over the terms of an agreement for a proposed fire station. Please note that the Village Board may convene into closed session and then return into open session on multiple occasions during the same meeting as may be necessary to protect the Village's interests under the above-referenced statutory closed session exemption.

(Klahn/Kussow) moved to convene into closed session at 4:25 p.m. in the kitchen area of the Town Hall pursuant to Wis. Stat. Sec. 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, because competitive or bargaining reasons require a closed session and will return to open session at the end of this closed session.

Motion Carried Unanimously  
by a roll call vote

(Kussow/Klahn) moved to go out of closed session into open session at 6:07 p.m.

Motion Carried Unanimously

Attorney St. Peter summarized the Village's position concerning the negotiations noting that we are working from the latest draft document prepared by the Town of Rhine (Attachment A) with the following exceptions:

1) Money – Section Eight will rework all of the numbers but the bottom line is that with regard to the upgrade total of \$272,872.00, \$100,000.00 is estimated for the hose tower. The Village will assume that cost. The remaining \$172,872.00 will be divided equally (\$86,436.00 each) between the Town of Rhine and the Village of Elkhart Lake. The final Rhine obligation will then be \$1,324,700.00 and the final Village obligation will be \$1,574,700.00. St. Peter clarified that the Village understands that the cost of the sewer and water extension belongs to the Village.

2) Any gifts received by either the Town or the Village, even if designated, will be a shared as an equal donation to each municipality.

3) The Village understands that Section 11 means elector approval and a referendum for the Town.

4) Section 12, Fire Station Management -- The Village agrees that the Fire Chief will be an advisory, not voting, member of that management committee.

5) Section 14 – The Village accepts the language that any change orders, additions, remodeling, reconstruction or other capital improvements, major repairs, etc. have to be approved by the Village and the Town.

6) Section 15 -- Dissolution Clause – Unlike present language, either party will have the option to sell their interest and offer it to the other party. Therefore, either party wanting to leave the partnership would give notice to the other party. The cost for the buy-out would be a figure that would be arbitrated or both parties decide to leave the building and it goes up for sale.

Attorney Dirkse clarified that in regard to the Village bringing water and sewer to the site, it is Rhine’s understanding that there will not be any special assessments for this service to the property. The Elkhart Lake Board of Trustees agreed that this assumption is accurate.

Dirkse also clarified that regarding donations, it is not necessary to split donations as they are received but the final costs need to be allocated accurately taking into consideration the donations each municipality may have received.

Dirkse also clarified that should the referendum be only an advisory referendum and fail, the Town is still not obligated to proceed. Attorney St. Peter indicated that with the approval of this agreement, the Village expects the Town Board’s good faith support of this project.

(Kapellen/Kussow) moved to approve legal counsel preparing an agreement as was just described.  
Motion Carried Unanimously

It is noted that on the Town’s vote, Larry Eberle voted against preparing an agreement as described.

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

**RESOLUTION FIVE – 2008  
VILLAGE OF ELKHART LAKE  
SHEBOYGAN COUNTY, WISCONSIN**

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**RESOLUTION ACCEPTING THE SELMER COMPANY BID FOR THE NEW FIRE STATION**

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WHEREAS, the Village has advertised for bids for the construction of a new fire station for the Village of Elkhart Lake and the Town of Rhine; and

WHEREAS, the bids have been opened, analyzed and forwarded to the Village Board by Shore Elliott Hendrickson, Inc. (“SEH”), the Village’s consulting engineers, together with a certification that the lowest responsible bidder is The Selmer Co. (“Bid”); and

WHEREAS, the Village Board wishes to accept the Bid Subject to the terms and conditions of this authorizing resolution;

RESOLVED, that the Bid is hereby accepted by the Village Board; and

FURTHER RESOLVED, that SEH shall proceed to prepare the necessary contract documents consistent with the Project Manual, provided, however, SEH shall not issued its notice to

proceed until after the Town of Rhine has obtained all necessary elector and voter approvals authorizing the Town of Rhine's participation in the project.

Attest:

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

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

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

\_\_\_\_\_  
Thomas J. Nelson, Trustee

(Kussow/Kapellen) moved that the meeting be adjourned at 6:25 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, April 7<sup>th</sup>, 2008 – 7:00 P.M.  
WEDNESDAY, April 2<sup>nd</sup>, 2008 – 6:00 P.M.  
WEDNESDAY, April 16<sup>th</sup>, 2008 – 6:00 P.M.  
MONDAY, April 21<sup>st</sup>, 2008 – 7:00 P.M.  
TUESDAY, April 22<sup>nd</sup>, 2008 – 6:00 P.M.

BOARD OF TRUSTEES  
TREE COMMISSION  
PLANNING COMMISSION  
BOARD OF TRUSTEES  
BOARD OF TRUSTEES –  
ORGANIZATIONAL  
ARBOR DAY  
CELEBRATION  
VILLAGE PARK

FRIDAY, April 25<sup>th</sup>, 2008 -- 11:00 A.M.

MONDAY, May 5<sup>th</sup>, 2008 – 7:00 P.M.  
WEDNESDAY, May 7<sup>th</sup>, 2008 – 6:00 P.M.  
WEDNESDAY, May 14<sup>th</sup>, 2008 – 6:00 P.M.  
MONDAY, May 19<sup>th</sup>, 2008 – 7:00 P.M.

BOARD OF TRUSTEES  
TREE COMMISSION  
PLANNING COMMISSION  
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.

The “Meals-on-Wheels” **Senior Food and Fellowship** site is a great success!! Come and join everyone and bring a friend at 11:00 A.M. on the **LAST THURSDAY** of each month at the Grashorn Civic Center at 84 N. Lake Street in Elkhart Lake. Reservations must be made by the Wednesday prior to the meal. Call your reservations in to Mary Richter at 892-6592. The cost of the meal is about \$4.00-donations will be accepted but are not necessary to attend. **BRING A FRIEND!!**

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**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.** PLEASE BE AWARE, THE SIDEWALK, THE AREA BETWEEN THE SIDEWALK AND STREET (PARKWAY), THE STREET, LAKE STREET WALKWAY, AND ALL PARKS AND PARKING LOTS **ARE PUBLIC PROPERTY!!**

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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**

**YARD WASTE DUMPSTER WILL RETURN ON APRIL 16<sup>TH</sup>, 2008**  
**THINK SPRING!**

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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% Penalty per month if paid after due date.

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**WINTER PARKING REGULATIONS ARE NO LONGER IN EFFECT**

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