



## VILLAGE OF ELKHART LAKE

Elkhart Lake, Wisconsin 53020

### MINUTES August 4<sup>th</sup>, 2014

Minutes of the regular meeting of the Board of Trustees of the Village of Elkhart Lake held on Monday, August 4<sup>th</sup>, 2014 at the Grashorn Memorial Civic Center in the Village of Elkhart Lake with the agenda having been duly posted on Thursday, July 31<sup>st</sup>, 2014 at National Exchange Bank and Trust, the Elkhart Lake Post Office, Community Bank and Trust and the Municipal Office between the hours of 3:00 P.M. and 3:50 P.M. and on the Village website on Thursday, July 31<sup>st</sup>, 2014 at 4:15 P.M.

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

Others in attendance included: Maureen Schiel; Dawn Gunderson; Joe Benauer; Emmitt Feldner; Jessica Reilly, Clerk-Treasurer/Administrator.

The Pledge of Allegiance was recited.

### Approval of Minutes –

(Shovan/Baumann) moved and seconded that the July 7<sup>th</sup> & 21<sup>st</sup>, 2014 Board minutes be approved.

Motion Carried Unanimously

### Treasurer's Report –

(Wolf/Baumann) moved and seconded to approve the July Treasurer's report as printed.

Motion Carried Unanimously

### Public Comment – None

### NEW BUSINESS:

#### Resolution 14 – Authorizing the Sale and Issuance of General Obligation Street Improvement Bonds; and Certain Related Details

The Board reviewed Resolution 14 – Authorizing the Sale and Issuance of General Obligation Street Improvement Bonds; and Certain Related Details. Schiel reviewed the pre-sale report with the Board including the potential schedule and interest rates.

Sadiq introduced Resolution 14 – Authorizing the Sale and Issuance of General Obligation Street Improvement Bonds; and Certain Related Details.

(Shovan/Baumann) moved and seconded to approve Resolution 14 - Authorizing the Sale and Issuance of General Obligation Street Improvement Bonds; and Certain Related Details.

Motion Carried Unanimously

By Roll Call

**RESOLUTION FOURTEEN – 2014  
VILLAGE BOARD  
VILLAGE OF ELKHART LAKE  
SHEBOYGAN COUNTY, WISCONSIN**

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**AN INITIAL RESOLUTION AUTHORIZING THE SALE AND ISSUANCE OF  
GENERAL OBLIGATION STREET IMPROVEMENT BONDS; AND CERTAIN  
RELATED DETAILS**

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RECITALS

The Village Board (the “**Governing Body**”) of the Village of Elkhart Lake, Wisconsin (the “**Village**”) makes the following findings and determinations:

1. The Village is currently in need of funds for the construction of and improvements to certain streets (collectively, the “**Project**”).
2. The Governing Body deems it in the best interests of the Village that the funds needed for the Project be borrowed, pursuant to the provisions of Chapter 67 of the Wisconsin Statutes, on the terms and conditions set forth below.

RESOLUTIONS

The Governing Body resolves as follows:

**Section 1. Authorization of the Issuance and Purposes of Bonds.**

Under and by virtue of the provisions of Chapter 67 of the Wisconsin Statutes, the Village shall issue its negotiable, general obligation street improvement bonds in a principal amount of not to exceed \$995,000 (the “**Bonds**”) to finance the Project; *provided, however*, that the Bonds shall be sold and issued in whole or in part from time to time in such amount or amounts as shall be within the limits provided by law.

**Section 2. Authorization of Sale of Bonds.**

The Bonds are hereby authorized and ordered to be sold to a purchaser to be determined by competitive bid (the “**Purchaser**”).

**Section 3. Preparation of Official Statement and Notice of Sale.**

The Village President and the Clerk (in consultation with the Village’s financial advisor, Ehlers and Associates, Inc.) are hereby authorized and directed to cause a preliminary offering document for the Bonds (the “**Official Statement**”) to be prepared and distributed to any banks, underwriters, investment houses, or the like deemed to be advisable, and enclose with the Official Statement a “**Notice of Sale**” and a “**Bid Form**”. The Village President and the Clerk are hereby authorized on behalf of the Village, to approve the form of Official Statement and authorize it to be deemed final as of its date for purposes of Securities and Exchange Commission Rule 15c2-12(b)(1), and to supply copies of the Official Statement upon request. The Clerk is hereby further authorized and directed to cause notice of the sale of the Bonds to be (i) provided to *The Bond Buyer* for inclusion in its complimentary section for the publication of

such notices and (ii) posted in the same locations as the Village routinely posts notices for its official business.

**Section 4. Bids for Bonds.**

Written bids for the sale of the Bonds shall be received by the Village on the date fixed in the Notice of Sale, on which date such bids shall be publicly opened and read. The Governing Body reserves the right in its discretion, without cause, to waive any informality in any bid, to reject any or all bids without cause, and to reject any bid which it determines to have failed to comply with the terms of the Notice of Sale.

**Section 5. Further Actions.**

The issuance of the Bonds shall be subject to the condition that the Governing Body has adopted a resolution to award the sale of the Bonds to the Purchaser, to approve the purchase contract submitted by the Purchaser (the “**Bond Purchase Agreement**”), to fix the interest rate or rates on the Bonds in accordance with the Bond Purchase Agreement, to provide for the form of the Bonds, to set forth any early redemption provisions, to levy taxes to pay the principal of, and interest on, the Bonds as required by law, to designate a fiscal agent for the Bonds, and to take such further action as may be necessary or expedient to provide for the preparation, execution, issuance, delivery, payment, and cancellation of the Bonds.

**Section 6. Severability of Invalid Provisions.**

In case any one or more of the provisions of this resolution shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this resolution.

**Section 7. Authorization to Act.**

The officers of the Village, attorneys for the Village, or other agents or employees of the Village are hereby authorized to do all acts and things required of them by this resolution for the full, punctual, and complete performance of all of the provisions of this resolution.

**Section 8. Prior Actions Superseded.**

All prior resolutions, rules, ordinances, or other actions, or parts thereof, of the Governing Body in conflict with the provisions of this resolution shall be, and the same are hereby, rescinded insofar as they may so conflict.

**Section 9. Effective Date.**

This resolution shall take effect upon its adoption and approval in the manner provided by law.

Attest:

Adopted and Approved this  
August 4, 2014

\_\_\_\_\_  
Alan S. Rudnick, Village President

**COMMITTEE REPORTS**

*JULY BUILDING PERMITS* – Reilly

This report was included in the Board packet on dropbox.

*ADMINISTRATION & FINANCE* – Sadiq

Highlights of the August 4<sup>th</sup>, 2014 meeting:

- 1) The Committee revised the criteria for beach weddings; no weddings will be allowed between June 15<sup>th</sup> and August 15<sup>th</sup>.
- 2) The Committee reviewed the potential 2015 board outlay items.
- 3) The Committee recommended the resolution for the bond sale and issuance.
- 4) The Committee will begin meeting on the budget in the coming weeks.

*PUBLIC WORKS* – Wolf

Highlights of the August 4<sup>th</sup>, 2014 meeting:

- 1) The Committee recommended the denial of the parkway pavers for Mr. Morter, as it creates liability issues.
- 2) The Committee will look at negotiating for a site for a new public works building.
- 3) The proposed outlay items for the 2015 budget were reviewed.

*TOURISM* – Baumann

Minutes – June 25<sup>th</sup>, 2014

Highlights of the July 23<sup>rd</sup>, 2014 meeting:

- 1) The 4<sup>th</sup> of July and Hawk race weekends went well.
- 2) The Commission is working on having more B-Roll photos taken for TV and ads.
- 3) The Tough Mudder will be held in September at Road America.
- 4) The rebuilding of the website is progressing.
- 5) The fall media tour will be held September 15h-19<sup>th</sup>.
- 6) The Commission discussed the fall ad campaigns.

*PLANNING COMMISSION* – Rudnick

Minutes – June 11<sup>th</sup>, 2014

Highlights of the July 23<sup>rd</sup>, 2014 meeting:

- 1) The Commission approved the sign permit application for SainRx.
- 2) The Commission also recommended the R-3 rezoning request by Victory Elkhart, contingent on the Commission seeing a plan for the entire site at their meeting in August.

*PRESIDENT'S REPORT* – Rudnick – None.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

Ordinance 590 – Revise 30.04 Penalties for Violations of the Building Code

Ordinance 590 – Revise 30.04 Penalties for Violations of the Building Code had its second reading.

**ORDINANCE 590  
VILLAGE OF ELKHART LAKE  
SHEBOYGAN COUNTY, WISCONSIN**

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**REVISE CHAPTER 30.04 – PENALTIES FOR VIOLATIONS OF THIS CHAPTER**

---

**WHEREAS**, the Village of Elkhart Lake finds it necessary to revise Village Ordinance Section 30.04 which relates to penalties under violation of building codes; and

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Trustees of the Village of Elkhart Lake repeals & recreates Section 30.04, to read as follows:

**30.04 Penalties for Violations of this Chapter.**

It shall be unlawful for any person to erect, use, occupy, or maintain any building or structure in violation of any provisions of this chapter, or to cause, permit, or suffer any such violations to be committed. Any person violating any of the provisions of this chapter shall, upon conviction, be subject to a forfeiture of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), plus the costs of prosecution (including reasonable attorneys' fees) and court costs. If the violation includes failure to obtain a necessary building permit, the person shall also be subject to an additional forfeiture equal to two times the cost of a building permit for each violation. It shall be the responsibility of the offender to immediately abate the violation and remove the offending building or structure (or part thereof), and each day that such violation is continued shall constitute a separate offense. If, in any action, a permit was issued, it shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or zoning administrator constitute a defense. If any penalty provision is provided by the Wisconsin Administrative Code as adopted in this chapter for a violation specified therein, that penalty provision shall be in addition to the penalties provided herein.

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

Ordinance 591 - Revise 6.12 Motor Vehicles in Certain Areas Prohibited

Ordinance 591 – Revise Chapter 6.12 Motor Vehicles in Certain Areas Prohibited had its second reading.

**ORDINANCE 591  
VILLAGE OF ELKHART LAKE  
SHEBOYGAN COUNTY, WISCONSIN**

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**REVISE CHAPTER 6.12 – MOTOR VEHICLES IN CERTAIN AREAS PROHIBITED.**

---

**WHEREAS**, the Village of Elkhart Lake finds it necessary to revise Village Ordinance Section 6.12 which relates to motor vehicles on the pedestrian walkway formerly known as Lake Street ; and

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Trustees of the Village of Elkhart Lake recreates Section 6.12, to read as follows:

**6.12 Motor Vehicles in Certain Areas Prohibited.**

(1) No motor vehicles, except emergency vehicles or vehicles allowed by special permit issued by the Village Board, shall be allowed on the pedestrian walkway and mall area formerly known as “Lake Street.”

(a) Vehicles over 16,000 pounds will not be granted permits for the walkway.

(b) The special permit will have an application fee that will be set from time to time by resolution of the Village Board.

(2) **PENALTIES.** Any person who violates this section shall forfeit not more than \$500.00, together with the costs of prosecution and may be ordered to pay restitution and complete community service.

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

Ordinance 592 - Revise & Create Chapters 8.19 & 8.36 – Tobacco Regulations & Smoking Regulations- Second Reading

Ordinance 592 – Revise & Create Chapters 8.19 & 8.36 – Tobacco Regulations & Smoking Regulations had its second reading.

**ORDINANCE 592  
VILLAGE OF ELKHART LAKE  
SHEBOYGAN COUNTY, WISCONSIN**

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**REVISE CHAPTERS 8.19 & 8.36 – TOBACCO PRODUCTS POSSESSION AND SMOKING REGULATIONS**

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**WHEREAS**, the Village of Elkhart Lake finds it necessary to revise Village Ordinance Sections 8.19 & 8.36 which relate to the purchase and possession of tobacco products; and

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Trustees of the Village of Elkhart Lake repeals and recreates Section 8.19, and creates Section 8.36, to read as follows:

**8.19 Purchase or Possession of Tobacco Products by Children Prohibited**

(1) **DEFINITION**

(a) “Child” means a person who is less than 18 years of age.

(b) “Cigarette” means any rolled tobacco wrapped in paper and shall include electronic cigarettes as defined as any electronic-smoking device that is used to deliver nicotine or any other substances to the person inhaling from a device.

(c) “Law Enforcement Officer” means any person employed by the state or any political subdivision of the state, for the purpose of detecting or preventing crime and enforcing laws or ordinances that the person is employed to enforce. This also include a person appointed as conservation warden.

(d) “Tobacco Products” means cigars; electronic cigarettes, electronic cigars, electronic pipes, cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff; snuff flour; Cavendish; plug and

twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clipping, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe otherwise, or both for chewing and smoking; but “tobacco products” does not include cigarettes, as defined under s. 139.30(1).

(2) **PROHIBITION AGAINST THE PURCHASE OR POSSESSION OF TOBACCO PRODUCTS BY CHILDREN.** No children may do any of the following:

- (a) Buy or attempt to buy any cigarette or tobacco product;
- (b) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product;
- (c) Possess any cigarette or tobacco product.

(3) **PROHIBITION AGAINST THE PURCHASE AND SUPPLY OF TOBACCO PRODUCTS FOR CHILDREN.**

- (a) No person may knowingly permit any person under the age of 18 years of age to purchase tobacco products.
- (b) No person may knowingly supply any person under the age of 18 years of age with tobacco products.
- (c) No person under the age of 18 years may possess any cigarette, tobacco product or tobacco related devices and which shall include any electronic smoking device that can be used to deliver nicotine or any other substances to the person inhaling from the device as defined in Chapter 8.36(1).

(4) **PENALTIES.** Any person who violates this section shall forfeit not more than \$250.00, together with the cost of prosecution and may be ordered to pay restitution and complete community service.

**8.36 Smoking Regulations – Smoking Prohibited.** Section 101.123, Wis. Stats., as amended from time to time, is adopted by reference and incorporated as though fully set forth herein, except for the definition of “Enclosed Place”, “Smoking” and “Tobacco Product”.

(1) **DEFINITIONS.** In this section:

(a) “Smoking” means burning or holding, or inhaling or exhaling smoke from, any of the following items containing tobacco and an electronic smoking device that can be used to deliver nicotine or any other substance to the person inhaling from the device, any of the following:

1. A lighted cigar.
2. A lighted cigarette.
3. A lighted pipe.
4. Any other lighted smoking equipment.
5. An electronic cigarette.
6. An electronic cigar.
7. An electronic pipe.

(b) “Tobacco and tobacco related devices” mean any form of tobacco prepared in a manner suitable for smoking but not including a cigarette and shall include electronic

cigarettes as defined as any electronic-smoking device that can be used to deliver nicotine or any other substances to the person inhaling from the device. The term shall include such devices whether they are manufactured as electronic cigarettes, electronic cigars, electronic pipes or any other product name.

**(2) SMOKING PROHIBITED.**

(1) Smoking, as defined in 8.36(1), is prohibited on school grounds, in village municipal buildings, and in public places.

(2) **PENALTIES.** Any person who violates this section shall forfeit not more than \$250.00, together with the costs of prosecution and may be ordered to pay restitution and complete community service.

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

Pavers in the Parkway Request – Morter – 151 S. Lake Street

(Sadiq/Shovan) moved and seconded to deny the request to have pavers in the parkway at 151 S. Lake Street due to liability concerns.

Motion Carried Unanimously  
By Roll Call

Class B Picnic License – First Responder Fish Boil – September 19, 2014

(Baumann/Wolf) moved and seconded to approve the Class B Picnic License for the First Responder's Fish Boil on September 19, 2014.

Motion Carried Unanimously

Temporary Operator's Licenses – First Responder's Fish Boil- September 19, 2014

(Sadiq/Baumann) moved and seconded to approve Liza Holzmann as a temporary operator for the First Responder's Fish Boil on September 19, 2014.

Motion Carried Unanimously

Operator's Licenses – New

(Kapellen/Wolf) moved and seconded to approve Scott Gangler for a new operators' licenses expiring June 30, 2015.

Motion Carried Unanimously

**TRUSTEE REPORTS:**

Sadiq asked about the progress of the vehicles on the street ordinance.

**COMMUNICATIONS:** None.

**ADMINISTRATOR'S REPORT:** Reilly reported that the Fall Primary will be held on August 12, 2014 and that the Board meeting in September will be moved to Wednesday, September 3, 2014. The Chamber also will be having the petting zoo in the park and the horses in the street, as they are not able to use Victorian Village's lawn.

**ANY OTHER BUSINESS:**

(Sadiq/Shovan) moved and seconded that the meeting be adjourned at 7:29 P.M.



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Jessica Reilly, Administrator/Clerk

**MINUTES August 18<sup>th</sup>, 2014**

Minutes of the regular meeting of the Board of Trustees of the Village of Elkhart Lake held on Monday, August 18<sup>th</sup>, 2014 at the Grashorn Memorial Civic Center in the Village of Elkhart Lake with the agenda having been duly posted on Thursday, August 14<sup>th</sup>, 2014 at National Exchange Bank and Trust, the Elkhart Lake Post Office, Community Bank and Trust and the Municipal Office between the hours of 3:05 P.M. and 3:40 P.M. and on the Village website on Thursday, August 14<sup>th</sup>, 2014 at 4:05 P.M.

President Rudnick called the meeting to order at 7:05 P.M. with the following Trustees present: Richard Baumann, Mike Wolf, Pam Garton, Steve Kapellen, Lynn Shovan, and Richard Sadiq. Steve Kapellen & Richard Baumann were absent. Richard Sadiq left at 7:20 pm.

Others in attendance include: Lola Roeh; Gary Roeh; Richard Baumann; Janet Baumann; Bill Klaetsch; Arlene Klaetsch; Randy Boeldt; Dorothy Farrell; Christina Meyers; Peter Menne; Trevor Lippmann; James Heidner; Don Albright, Richard Solek, Clyde Morter, Joe Benauer, Emmitt Feldner; Jessica Reilly, Clerk/Treasurer Administrator.

The Pledge of Allegiance was recited.

**AGENDA APPROVAL** – Move sections VI. I, VIII.C., and VIII.A. after public comment.

**PUBLIC COMMENT** – James Heidner of 7 Cedar Lane discussed the tree removal regulations in the Village, including the removal of trees at a property along the north shore of the lake.

**COMMITTEE REPORTS**

*PUBLIC HEARING* – Rudnick- Rezone 5-acres from R-1 to R-3

The public hearing was held and comments were taken from Peter Menne and Randy Boeldt regarding the need for more information.

**NEW BUSINESS**

Ordinance 594- Revise Chapter 16 – Rezoning – Victory 5-Acre Portion of Parcel #59121583870

(Shovan/Sadiq) moved and seconded to postpone any action on the rezoning of 5-acres of Victory’s parcel.

Motion Carried Unanimously  
By Roll Call

**COMMITTEE REPORTS**

*PUBLIC WORKS* – Wolf

Highlights of the August 18<sup>th</sup>, 2014 meeting –

- 1) The Committee will look into the process of naming the short street in the Village.
- 2) The Committee is recommending an agreement be signed for the parkway plantings at Meyers’ property.

- 3) The parties involved with the drainage have agreed to allow for an easement to clear the brush and maintain the drainage way.

*PROTECTION OF PERSON & PROPERTY – Shovan*

Highlights of the August 18<sup>th</sup>, 2014 meeting -

- 1) The Committee reviewed the police outlay budget items.
- 2) The Committee recommends that the extended parking ordinance be revised and limit the weight to 12,000 pounds.

*PUBLIC HEALTH AND WELFARE – Shovan*

Highlights of the August 18<sup>th</sup>, 2014 meeting -

- 1) The Committee began reviewing the garbage ordinance. Revisions need to be made.

*LIBRARY BOARD – Reilly*

The Board received minutes of the July 14<sup>th</sup>, 2014 meeting.

Highlights of the August 11<sup>th</sup> meeting –

- 1) The Board continued reviewing library policies.
- 2) The chairs have been ordered for the civic center.
- 3) The new eastern shores library director attended the meeting.

*TOURISM COMMISSION – Reilly*

The Board received minutes of the July 25<sup>th</sup>, 2014 meeting.

Highlights of the August 13<sup>th</sup>, 2014 meeting –

- 1) The Tough Mudder is taking place at the beginning of September.
- 2) The Commission reviewed the fall billboards and their 2015 budget.
- 3) The fall media tour will take place from September 15<sup>th</sup> – 19<sup>th</sup>.
- 4) The Commission reviewed the VSCDA grant application.

*NORTHERN MORAINES UTILITY COMMISSION – Reilly*

The Board received minutes of the July 14<sup>th</sup>, 2014 meeting.

Highlights of the August 11<sup>th</sup>, 2014 meeting:

- 1) The driveway blacktopping is beginning.
- 2) The DNR approved the by-pass report that was submitted.
- 3) Aquarius has approached northern moraine to allow for some additional testing. The Commission are working on an agreement.

*MUNICIPAL BOARD OF CANVASS – Reilly*

Highlights of the August 15<sup>th</sup>, 2014 meeting –

The Board met and no outstanding ballots were received.

*PLANNING COMMISSION – Rudnick*

The Board received minutes of the July 23<sup>rd</sup>, 2014 meeting.

Highlights of the August 13<sup>th</sup>, 2014 meeting –

- 1) The Commission reviewed a plan of the entire site that was presented by Victory Elkhart.
- 2) The Commission is going to begin reviewing the conditional uses in the zoning ordinance.

*PRESIDENT'S REPORT – Rudnick-*

Met with Don Sager to discuss some intergovernmental issues.

**UNNISHED BUSINESS:**

Ordinance 590 – Revise 30.04 Penalties for Violations of the Building Code

Ordinance 590 – Revise 30.04 Penalties for Violations of the Building Code had its third reading.

(I-Kapellen/Wolf/Garton) moved and seconded to approve Ordinance 590 – Revise 30.04 Penalties for Violations of the Building Code.

Motion Carried Unanimously  
By Roll Call

**ORDINANCE 590  
VILLAGE OF ELKHART LAKE  
SHEBOYGAN COUNTY, WISCONSIN**

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**REVISE CHAPTER 30.04 – PENALTIES FOR VIOLATIONS OF THIS CHAPTER**

---

**WHEREAS**, the Village of Elkhart Lake finds it necessary to revise Village Ordinance Section 30.04 which relates to penalties under violation of building codes; and

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Trustees of the Village of Elkhart Lake repeals & recreates Section 30.04, to read as follows:

**30.04 Penalties for Violations of this Chapter.**

It shall be unlawful for any person to erect, use, occupy, or maintain any building or structure in violation of any provisions of this chapter, or to cause, permit, or suffer any such violations to be committed. Any person violating any of the provisions of this chapter shall, upon conviction, be subject to a forfeiture of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), plus the costs of prosecution (including reasonable attorneys' fees) and court costs. If the violation includes failure to obtain a necessary building permit, the person shall also be subject to an additional forfeiture equal to two times the cost of a building permit for each violation. It shall be the responsibility of the offender to immediately abate the violation and remove the offending building or structure (or part thereof), and each day that such violation is continued shall constitute a separate offense. If, in any action, a permit was issued, it shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or zoning administrator constitute a defense. If any penalty provision is provided by the Wisconsin Administrative Code as adopted in this chapter for a violation specified therein, that penalty provision shall be in addition to the penalties provided herein.

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

Attest:

Approved and Adopted this  
18<sup>th</sup> of August, 2014

\_\_\_\_\_  
Alan S. Rudnick, President

\_\_\_\_\_  
Jessica Reilly, Clerk

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

Ordinance 591 - Revise 6.12 Motor Vehicles in Certain Areas Prohibited

Ordinance 591 – Revise Chapter 6.12 Motor Vehicles in Certain Areas Prohibited had its third reading.

(I-Shovan/Garton/Wolf) moved and seconded to approve Ordinance 591 – Revise Chapter 6.12 Motor Vehicles in Certain Areas Prohibited.

Motion Carried Unanimously  
By Roll Call

**ORDINANCE 591  
VILLAGE OF ELKHART LAKE  
SHEBOYGAN COUNTY, WISCONSIN**

---

**REVISE CHAPTER 6.12 – MOTOR VEHICLES IN CERTAIN AREAS PROHIBITED.**

---

**WHEREAS**, the Village of Elkhart Lake finds it necessary to revise Village Ordinance Section 6.12 which relates to motor vehicles on the pedestrian walkway formerly known as Lake Street ; and

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Trustees of the Village of Elkhart Lake recreates Section 6.12, to read as follows:

**6.12 Motor Vehicles in Certain Areas Prohibited.**

(1) No motor vehicles, except emergency vehicles or vehicles allowed by special permit issued by the Village Board, shall be allowed on the pedestrian walkway and mall area formerly known as “Lake Street.”

(a) Vehicles over 16,000 pounds will not be granted permits for the walkway.

(b) The special permit will have an application fee that will be set from time to time by resolution of the Village Board.

(2) **PENALTIES.** Any person who violates this section shall forfeit not more than \$500.00, together with the costs of prosecution and may be ordered to pay restitution and complete community service.

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

Attest:

Approved and Adopted this  
18<sup>th</sup> of August, 2014

\_\_\_\_\_  
Alan S. Rudnick, President

\_\_\_\_\_  
Jessica Reilly, Clerk

\_\_\_\_\_  
Lynn Shovan, Trustee

Ordinance 592 - Revise & Create Chapters 8.19 & 8.36 – Tobacco Regulations & Smoking Regulations- Second Reading

Ordinance 592 – Revise & Create Chapters 8.19 & 8.36 – Tobacco Regulations & Smoking Regulations had its second reading.

(I- Garton/Shovan/Wolf) moved and seconded to approve Ordinance 592 – Revise & Create Chapters 8.19 & 8.36 – Tobacco Regulations & Smoking Regulations.

Motion Carried Unanimously  
By Roll Call

**ORDINANCE 592  
VILLAGE OF ELKHART LAKE  
SHEBOYGAN COUNTY, WISCONSIN**

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**REVISE CHAPTERS 8.19 & 8.36 – TOBACCO PRODUCTS POSSESSION AND SMOKING  
REGULATIONS**

---

**WHEREAS**, the Village of Elkhart Lake finds it necessary to revise Village Ordinance Sections 8.19 & 8.36 which relate to the purchase and possession of tobacco products; and

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Trustees of the Village of Elkhart Lake repeals and recreates Section 8.19, and creates Section 8.36, to read as follows:

**8.19 Purchase or Possession of Tobacco Products by Children Prohibited**

- (1) **DEFINITION**
  - (a) “Child” means a person who is less than 18 years of age.
  - (b) “Cigarette” means any rolled tobacco wrapped in paper and shall include electronic cigarettes as defined as any electronic-smoking device that is used to deliver nicotine or any other substances to the person inhaling from a device.
  - (c) “Law Enforcement Officer” means any person employed by the state or any political subdivision of the state, for the purpose of detecting or preventing crime and enforcing laws or ordinances that the person is employed to enforce. This also include a person appointed as conservation warden.
  - (d) “Tobacco Products” means cigars; electronic cigarettes, electronic cigars, electronic pipes, cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff; snuff flour; Cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clipping, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepare in such manner as to be suitable for chewing or smoking in a pipe otherwise, or both for chewing and smoking; but “tobacco products” does not include cigarettes, as defined under s. 139.30(1).
- (2) **PROHIBITION AGAINST THE PURCHASE OR POSSESSION OF TOBACCO PRODUCTS BY CHILDREN.** No children may do any of the following:
  - (a) Buy or attempt to buy any cigarette or tobacco product;
  - (b) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product;
  - (c) Possess any cigarette or tobacco product.
- (3) **PROHIBITION AGAINST THE PURCHASE AND SUPPLY OF TOBACCO PRODUCTS FOR CHILDREN.**

- (a) No person may knowingly permit any person under the age of 18 years of age to purchase tobacco products.
- (b) No person may knowingly supply any person under the age of 18 years of age with tobacco products.
- (c) No person under the age of 18 years may possess any cigarette, tobacco product or tobacco related devices and which shall include any electronic smoking device that can be used to deliver nicotine or any other substances to the person inhaling from the device as defined in Chapter 8.36(1).

(4) PENALTIES. Any person who violates this section shall forfeit not more than \$250.00, together with the cost of prosecution and may be ordered to pay restitution and complete community service.

**8.36 Smoking Regulations – Smoking Prohibited.** Section 101.123, Wis. Stats., as amended from time to time, is adopted by reference and incorporated as though fully set forth herein, except for the definition of “Enclosed Place”, “Smoking” and “Tobacco Product”.

(1) DEFINITIONS. In this section:

(a) “Smoking” means burning or holding, or inhaling or exhaling smoke from, any of the following items containing tobacco and an electronic smoking device that can be used to deliver nicotine or any other substance to the person inhaling from the device, any of the following:

1. A lighted cigar.
2. A lighted cigarette.
3. A lighted pipe.
4. Any other lighted smoking equipment.
5. An electronic cigarette.
6. An electronic cigar.
7. An electronic pipe.

(b) “Tobacco and tobacco related devices” mean any form of tobacco prepared in a manner suitable for smoking but not including a cigarette and shall include electronic cigarettes as defined as any electronic-smoking device that can be used to deliver nicotine or any other substances to the person inhaling from the device. The term shall include such devices whether they are manufactured as electronic cigarettes, electronic cigars, electronic pipes or any other product name.

(2) SMOKING PROHIBITED.

(1) Smoking, as defined in 8.36(1), is prohibited on school grounds, in village municipal buildings, and in public places.

(2) PENALTIES. Any person who violates this section shall forfeit not more than \$250.00, together with the costs of prosecution and may be ordered to pay restitution and complete community service.

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

Attest:  
Approved and Adopted this  
18<sup>th</sup> of August, 2014

\_\_\_\_\_  
Alan S. Rudnick, President

\_\_\_\_\_  
Jessica Reilly, Clerk

\_\_\_\_\_  
Pamela Garton, Trustee

**NEW BUSINESS**

Flowers in the Parkway Request – Meyers – 51 S. West St.

(Garton/Shovan) moved and seconded Meyers be allowed to have plantings in the parkway at 51 S. West St. as stipulated in the agreement.

Motion Carried Unanimously  
By Roll Call

Ordinance 593 – Revise 6.02(10) Extended Parking

Shovan introduced Ordinance 593 – Revise 6.02(10) Vehicles Parked on Streets for Extended Periods of Time and it had its first reading.

**ORDINANCE 593  
VILLAGE OF ELKHART LAKE  
SHEBOYGAN COUNTY, WISCONSIN**

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**REVISE CHAPTER 6.02(10) – VEHICLES PARKED ON STREETS FOR EXTENDED PERIODS OF TIME.**

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**WHEREAS**, the Village of Elkhart Lake finds it necessary to revise Village Ordinance Section 6.02(10) which relates to vehicles parking for extended periods of time on village streets and alleys; and

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Trustees of the Village of Elkhart Lake recreates Section 6.02(10), to read as follows:

**6.02(10) Vehicles Parked on Streets for Extended Periods of Time.**

- a. No owner or operator of any vehicle, including trailers or campers of any kind, shall park such a vehicle or permit the vehicle to be parked on any street, parking lot or alley for longer than forty-eight (48) continuous hours.
- b. Between the hours of 10:00 p.m. and 5:00 a.m., no person shall park on any Village street, parking, or alley: highway motor trucks, truck tractors, semi-trailers, or vehicles exceeding or equal to 12,000 pounds gross weight.
  - i. Vehicles in violation of the ordinance may be parked during the hours of 10:00 p.m. and 5:00 a.m. provided that a special permit is first obtained. The Chief of Police or his/her designee shall be able to grant special permits based on unusual, non-recurring circumstances, the absence of reasonable alternatives, emergencies, etc.

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

Temporary Operator's License

(Baumann/Kapellen) moved and seconded that Kyle Preissner be granted a temporary operator's license for the First Responder Fish Boil on September 19, 2014.

Motion Carried Unanimously

**TRUSTEE REPORTS –**

Shovan discussed the need to revisit the sandwich board sign ordinance. Rudnick asked her to compile suggestions for the ordinance to bring to Planning Commission.

**COMMUNICATIONS – Reilly**

“FOCUS”, Wisconsin Taxpayer, and Columns are available for review.

**ADMINISTRATOR’S REPORT – Reilly**

Reilly stated that the first September Board meeting will be on Wednesday, September 3, 2014. The bond sale will also occur on September 3<sup>rd</sup>, 2014. The Village also received an updated population estimate of 955 from the State.

**VOUCHERS**

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

445	NATIONAL EXCHANGE BANK	ECOLL, PROGRAMS, MISC SUPPLIES, EXPENSES	\$184.97
447	WE ENERGIES	ELECTRICITY	\$285.98
452	BADGER OFFICE CITY	OFFICE SUPPLIES	\$62.92
453	BAKER & TAYLOR	LIBRARY VIDEOS, BOOKS, AUDIO BOOKS	\$1,732.72
456	BURKART HEISDORF	INSURANCE	\$147.00
459	DEMCO MEDIA	OFFICE SUPPLIES	\$106.34
460	EASTERN SHORES	EQUIPMENT	\$214.93
462	EICHHORST, LORI	CLEANING	\$260.00
464	FIRST COMMUNICATIONS	LONG DISTANCE PHONE SERVICE	\$12.55
465	FRONTIER	PHONE SERVICE	\$82.58
470	LINTECUM, JULIE	LIBRARY BOOKS	\$30.99
471	MARIS ASSOCIATES	LIBRARY BOOKS	\$215.50
483	VORPAHL FIRE & SAFETY	FIRE EXTINGUISHER MAINTENANCE	\$9.50
491	WISCONSIN PUBLIC SERVICE	NATURAL GAS	\$24.77
TOTAL LIBRARY			\$3,370.75

(Wolf/Garton) 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:

20152	NATIONAL EXCHANGE BANK	EQUIPMENT REPAIR AND MAINT	\$59.84
20153	WE ENERGIES	ELECTRICITY	\$1,141.46
20154	WI RURAL WATER ASSOC	TRAINING	\$65.00
20157	BURKART HEISDORF	INSURANCE	\$152.00
20158	CRYSTAL LK CRUSHED STON	REPAIRS TO PLANT	\$178.92
20159	DIGGERS HOTLINE, INC.	DIGGERS HOT LINE FEES	\$50.46
20160	FERGUSON ENTERPRISES	REPAIRS TO PLANT, OCC SUPPLIES	\$3,959.83
20161	FIRST COMMUNICATIONS	LONG DISTANCE PHONE SERVICE	\$7.67
20162	FRONTIER	PHONE SERVICE, INTERNET	\$61.87
20163	HAWKINS WATER	WATER CHEMICALS	\$15.00



20164	L-R METER TESTING	WATER METER TEST	\$764.20
20165	U.S. CELLULAR	PHONE SERVICE	\$31.51
20166	WISCONSIN PUBLIC SERVICE	NATURAL GAS	\$17.67
20150	VILLAGE OF ELKHART LAKE	SEWER COLLECTIONS	\$7,059.91
20151	VILLAGE OF ELKHART LAKE	SEWER COLLECTIONS	\$3,272.70
20154	VILLAGE OF ELKHART LAKE	SEWER COLLECTIONS	\$10,825.64
20156	VILLAGE OF ELKHART LAKE	SEWER COLLECTIONS	\$23,299.17
20168	VILLAGE OF ELKHART LAKE	SEWER COLLECTIONS	\$5,782.26
20169	VILLAGE OF ELKHART LAKE	SEWER COLLECTIONS	\$493.96
TOTAL WATER			\$57,239.07

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

The following TIF & CDA vouchers were presented to the Board for approval and payment:

461	EDGARTON, ST.PETER	LEGAL SARGENTO TID	\$680.00
487	WISCONSIN NEWSPRESS	BD- PUBLISH BID N LAKE STREET	\$105.50
487	WISCONSIN NEWSPRESS	BD- PUBLISH WETLANDS NOTICE N. LAKE ST EXT	\$49.35
488	KAPUR & ASSOCIATES	SARGENTO TID #2 N LAKE STREET EXTENTION	\$8,924.90
TOTAL CDA/TID			\$9,759.75

(Wolf/Garton) moved that the CDA & TIF vouchers be paid as presented.  
Motion Carried Unanimously

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

443	ADVANCED DISPOSAL	REFUSE COLLECTION RESIDENTIAL	\$7,216.45
444	HARBOR HOUSE DOMESTIC	BOARD VINTAGE NIGHT - ROPE HOL	\$200.00
445	NATIONAL EXCHANGE BANK	POLICE OCC SUPPLIES AMMO	\$1,941.85
446	U.S. CELLULAR	POLICE CELL PHONE NIEMI	\$142.26
447	WE ENERGIES	LIBRARY ELECTRIC	\$7,838.93
448	ACL	POLICE BLOOD DRAW	\$46.80
449	ADVANCED DISPOSAL	REFUSE & RECYCLING COLLECTION	\$7,036.45
450	AURORA HEALTH CARE	STREETS PW BAC TEST	\$25.00
451	BACK DOOR BIKE SHOP	POLICE BICYCLE EQUIPMENT	\$424.99
452	BADGER OFFICE CITY	CLERK COPY PAPER	\$65.90
454	BARDON ENTERPRISES	PAPER PRODUCTS, TRASH LINERS	\$200.00
455	BENEFIT ADVANTAGE	FLEX PLAN MONTHLY FEE	\$35.00
456	BURKART HEISDORF	INSURANCE	\$6,478.00
457	COMMUNITY BANK & TRUST	CBT N. MORAINES LOAN INTEREST	\$14,583.33
458	CORSON, PETERSON	ACCTING FORM C, CHART ACCTS WORK	\$2,750.00
461	EDGARTON, ST.PETER	LEGAL GENERAL VILLAGE	\$513.50
462	EICHHORST, LORI	CLEANING	\$260.00
463	FELDMANN, RICHARD	STREETS TIRES FOR KUBOTA	\$60.00
464	FIRST COMMUNICATIONS	LONG DISTANCE	\$44.44
465	FRONTIER	PHONE & INTERNET	\$530.84
466	HAWLEY, KAUFMAN	POLICE LEGAL SERVICES	\$1,179.75
467	IQ PRINT MEDIA	WEB SITE DESIGN	\$3,499.00
488	KAPUR & ASSOCIATES	PUBLIC WORKS SITE EVALUATION	\$2,000.00
468	LANDMARK LANDSCAPING	PARKS SOD FOR MOIOFFER PARK	\$3,500.00
469	LEAGUE OF WI MUNI	HANDBOOKS- ANNEXATION, LIQUOR LICENSE	\$35.00
472	MILLHOME NURSERY	SPRING & SUMMER PLANTERS	\$1,222.00
473	NEUMANN PLUMBING	CC HVAC CHECK, FD HVAC SERVICE CONTRACT & MAINTENANCE	\$997.26

474	NORTHERN MORAIN UTILITY	SEWAGE TREATMENT	\$23,914.48
475	PRINCIPAL INSURANCE	LIFE INSURANCE	\$105.86
476	SHEBOYGAN CO TREASURER	CLOUD SUPPORT, BLDG PERMIT FORMS, COURT, POLICE FORMS, COURT CO ASSESS	\$787.70
477	STATE OF WISCONSIN	STATE/COUNTY ASSESSMENT	\$2,637.59
480	THE UNIFORM SHOPPE	POLICE EMBLEMS, AMMO POUCHES, PT UNIFOR	\$156.65
478	THEEL AUTO INC.	POLICE SQUAD REPAIRS	\$637.60
479	TRANSAMERICA	CRITICAL ILLNESS	\$47.00
481	U.S. CELLULAR	POLICE INTERNET CHIP	\$74.88
482	U.S. CELLULAR	PW & TOURISM CELL PHONE	\$130.16
483	VORPAHL FIRE & SAFETY	FIRE EXTINGUISHER MAINTENANCE	\$962.40
489	WENDTS MARINE INC.	POLICE BOAT KEYS	\$15.84
484	WEX BANK	PW GAS & OIL	\$769.63
485	WEX BANK	POLICE, WATER PATROL GAS & OIL	\$1,240.54
490	WI DEPT. OF TRANS	POLICE TRAINING MEEUSEN	\$35.00
486	WI DEPT. OF JUSTICE	POLICE COMPUTER TIME 3 <sup>RD</sup> QTR	\$223.50
487	WISCONSIN NEWSPRESS	PUBLISH PUBLIC HEARING-VICTORY, ELECTION EQUIPMENT TESTING	\$97.88
491	WISCONSIN PUBLIC SERVICE	NATURAL GAS	\$147.15
TOTAL GENERAL			\$94,810.61
TOTAL PAYROLL			\$ 81,088.06
Total August Expenses			\$ 175,898.67

(Shovan/Garton) moved and seconded to approve the general vouchers for August and pay as presented.

Motion Carried Unanimously

**OTHER BUSINESS THAT CAN LEGALLY COME BEFORE THIS BOARD – None**

(Garton/Wolf) moved and seconded to adjourn the meeting at 7:33 p.m.

Motion Carried Unanimously

\_\_\_\_\_  
Jessica Reilly, Administrator/Clerk-Treasurer

## 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, October 6 <sup>th</sup> , 2014 – 7:00 P.M	BOARD OF TRUSTEES
WEDNESDAY, October 8 <sup>th</sup> , 2014 - 6:00 P.M.	PLANNING COMMISSION
WEDNESDAY, October 15 <sup>th</sup> , 2014 – 6:00 P.M.	CDA
MONDAY, October 20 <sup>th</sup> , 2014 – 6:00 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. The Municipal Office is located in the Grashorn Memorial Civic Center and is open on Monday through Friday from 9:00 a.m. to 4:30 p.m. Please call and make an appointment for special needs.

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### 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:** Richard Baumann (22 Cedar Lane) 920-781-2030

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Hydrant Flushing will be done during the week of October 6<sup>th</sup>.

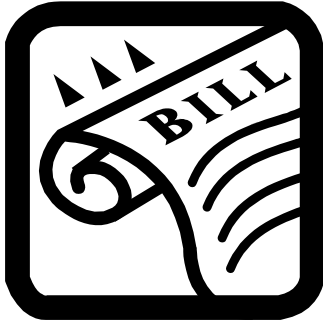
**Please watch for this activity in your area and refrain from water usage at that time.**

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**TRICK OR TREATING  
SUNDAY, OCTOBER 26<sup>TH</sup>  
FROM 3-5 P.M.**



2014 Fall General Election  
November 4, 2014  
Grashorn Memorial Civic Center  
84 N. Lake Street



**Pay your water bill  
automatically!**  
**Call the Village Clerk's Office at  
920-876-2122  
for more information.**

The 2013 Elkhart Lake Water Department Consumer Confidence Report is now available. To view it online visit <http://www.elkhartlake.com/wp-content/uploads/2008/02/2013-CCR-Water.pdf>. To obtain a paper copy, please stop in at the Clerk's Office at 40 Pine Street or call 876-2122 or email [clerk@elkhartlakewi.gov](mailto:clerk@elkhartlakewi.gov).



## YARD WASTE DUMPSTER

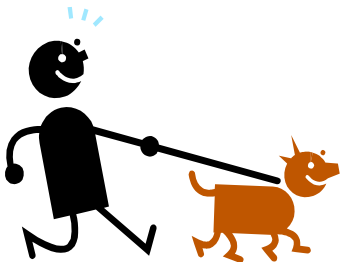


A DUMPSTER IS PROVIDED AT THE VILLAGE GARAGE BEGINNING APRIL 16<sup>th</sup>, 2014. CURRENT HOURS ARE WEDNESDAYS FROM 2 P.M. to 6 p.m. and SATURDAYS FROM 8:30 a.m. to 3 p.m. **This is for yard waste only, not lake waste!** YARD WASTE, LEAVES/BRUSH/GARDEN DEBRIS ETC., WILL NOT BE PICKED UP CURBSIDE. A TRUCK FOR LARGE BRUSH OR TREES CAN BE OBTAINED BY CALLING THE VILLAGE GARAGE AT 876-2231.



## GARBAGE COLLECTION CHANGES

Effective June 4<sup>th</sup>, 2014, garbage & recycling must be placed in carts provided by Advanced Disposal Services. For more information, please contact the Clerk's Office at 920-876-2122 or [clerk@elkhartlakewi.gov](mailto:clerk@elkhartlakewi.gov). You may also stop in at the office at 40 Pine Street Monday-Friday, 9:00a.m.-4:30p.m.



## ATTENTION DOG OWNERS:

### Updates to the Village's Dog Leash Ordinance 8.27

It shall be unlawful for any person who owns, harbors, or keeps a dog to permit such dogs to **run at large** any time of year within the Village limits. Any dog which is off the premises of its owner or keeper must be under the control of an **attendant holding a leash**, maximum of 8 feet. Any dog on owner's premise which is not leashed (15 feet maximum), fenced in, or under control of an attendant would be considered running at large.

**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.**

The Village has installed Dog Refuse Stations throughout the Village to help in the cleanup effort. The stations are located at

- S. End of Walkway
- N. End of Walkway
- Near Village Square Park
- S. Lake Street near Elm St.
- Osthoff Avenue
- Lions Park
- E. Rhine St. near Charlene's
- E. Rhine St. near Cal & Gus

Please keep our beautiful village clean.



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**Reminder:** It is unlawful for a dog to be within any public park or beach or the fireman's park or beach except as provided in the Village of Elkhart Lake-Glenbeulah Athletic Association Park rules and regulations (1)b14.

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