



## VILLAGE OF ELKHART LAKE

Elkhart Lake, Wisconsin 53020

### MINUTES September 3<sup>rd</sup>, 2014

Minutes of the regular meeting of the Board of Trustees of the Village of Elkhart Lake held on Wednesday, September 3<sup>rd</sup>, 2014 at the Grashorn Memorial Civic Center in the Village of Elkhart Lake with the agenda having been duly posted on Thursday, August 28<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 2:16 P.M. and 2:45 P.M. and on the Village website on Thursday, August 28<sup>th</sup>, 2014 at 2:15 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.

Others in attendance included: Maureen Schiel; Phil Cosson; Randy Boeldt; Dorothy Farrell; Bernard Schmitt; Janet Schmitt; Lola Roeh; Gary Roeh; Barry Chaet; Vaughn Primozic; Steve Stielow; Jon Jagemann; Tim Jagemann; Jim Heidner; Trevor Lippman; Arlene Klaetsch; Clarence Richter; Emmitt Feldner; Jessica Reilly, Clerk-Treasurer/Administrator.

The Pledge of Allegiance was recited.

Rudnick asked to move sections X A., B. & C. and section IX.B. after public comment.

### Approval of Minutes –

(Shovan/Garton) moved and seconded that the August 4<sup>th</sup> & 18<sup>th</sup>, 2014 Board minutes be approved.

Motion Carried Unanimously

### Treasurer's Report –

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

Motion Carried Unanimously

**Public Comment** – Boeldt thanked Victory for placing the flags where the new 5-acre lot would be. It was very beneficial.

### NEW BUSINESS:

#### Adopt Policy & Procedures Concerning Tax Compliance for Tax – Exempt Borrowings.

Cosson addressed the need for the policy and procedures due to IRS reporting.

(Garton/Baumann) moved and seconded to approve the adoption of the policy & procedures concerning tax compliance for tax-exempt borrowing.

Motion Carried Unanimously

#### Bond Sale & Resolution 15 – Authorizing and Providing for the Sale and Issuance of \$995,000 General Obligation Street Improvement Bonds, Series 2014A, and All Related Details

The Board reviewed 15 – Authorizing and Providing for the Sale and Issuance of \$995,000 General Obligation Street Improvement Bonds, Series 2014A, and All Related Details. Schiel reviewed the sale day report with the Board including who the bidders were and the interest rates. Sadiq asked if the rates were better than projected in the pre-sale report. Schiel reported that the Village will be paying approximately \$20,000 more in interest than the pre-sale report listed.

Sadiq introduced Resolution 15 – Authorizing and Providing for the Sale and Issuance of \$995,000 General Obligation Street Improvement Bonds, Series 2014A, and All Related Details.

(Kapellen/Garton) moved and seconded to approve Resolution 15 – Authorizing and Providing for the Sale and Issuance of \$995,000 General Obligation Street Improvement Bonds, Series 2014A, and All Related Details.

Motion Carried Unanimously  
By Roll Call

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

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**A RESOLUTION AUTHORIZING AND PROVIDING FOR THE SALE AND ISSUANCE OF  
\$995,000 GENERAL OBLIGATION STREET IMPROVEMENT BONDS, SERIES 2014A,  
AND ALL RELATED DETAILS**

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**RECITALS**

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

1. The Issuer needs to finance street improvements (the “**Project**”).
2. On August 4, 2014, the Governing Body adopted an initial resolution authorizing the issuance of general obligation street improvement bonds of the Issuer in the principal amount of not to exceed \$995,000 for the purposes of the Project (the “**Initial Resolution**”).
3. The Clerk of the Issuer caused notice of the sale (the “**Notice to Bidders**”) of the Village of Elkhart Lake, Wisconsin General Obligation Street Improvement Bonds, Series 2014A (the “**Obligations**”) to be given to media typically monitored by potential bidders in the manner and form directed by the Initial Resolution. The Notice to Bidders is made of record in these proceedings, and the Governing Body ratifies the notice.
4. In accordance with the Notice to Bidders and the bidding terms that were included in the document that was used for offering the Obligations for sale by competitive bid (the “**Notice of Sale**”), written bids for the sale of the Obligations were received and delivered to the Governing Body.
5. The Governing Body has considered all the bids it received. The Governing Body has decided to accept the bid of Bankers’ Bank, or a group that it represents

(the “**Purchaser**”), to purchase the Obligations specified in the Purchaser’s bid. The Purchaser bid the price of \$985,050.00 for the entire issue of Obligations (the “**Purchase Price**”), plus any accrued interest, and specified that the Obligations maturing on June 1 in the years shown below will bear interest at the respective interest rates shown below:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2017	\$ 70,000	1.00%
2019	130,000	1.40
2021	150,000	1.90
2023	150,000	2.40
2025	160,000	2.80
2027	165,000	3.10
2029	170,000	3.40

6. The Purchaser’s bid complies with all terms of the Notice to Bidders and the Notice of Sale.

7. The Issuer has taken all actions required by law and has the power to sell and issue the Obligations.

8. The Governing Body is adopting this resolution to sell the Obligations and provide for their issuance upon the terms and conditions set forth in this resolution.

### **RESOLUTIONS**

The Governing Body resolves as follows:

#### **Section 1. Definitions.**

In this resolution, the following terms have the meanings given in this section, unless the context clearly requires another meaning.

“**Book-Entry System**” means a system in which no physical distribution of certificates representing ownership of the Obligations is made to the owners of the Obligations but instead all outstanding Obligations are registered in the name of a securities depository appointed by the Issuer, or in the name of such a depository’s nominee, and the depository and its participants record beneficial ownership and effect transfers of the Obligations electronically.

“**Code**” means the Internal Revenue Code of 1986, as amended.

“**Debt Service Fund**” means the fund created by the Issuer pursuant to Section 67.11 of the Wisconsin Statutes to provide for the payment of debt service on its general obligations.

“**Depository**” means DTC or any successor appointed by the Issuer and acting as securities depository for the Obligations.

“**DTC**” means The Depository Trust Company.

“**Financial Officer**” means the Issuer’s Treasurer.

“**Fiscal Agent**” means Bond Trust Services Corporation, or any successor fiscal agent appointed by the Issuer to act as paying agent and registrar for the Obligations pursuant to Section 67.10 (2) of the Wisconsin Statutes.

“**Governing Body**” means the Issuer’s Village Board.

“**Initial Resolution**” has the meaning set forth in the recitals to this resolution.

“**Issuer**” means the Village of Elkhart Lake, Wisconsin.

“**Municipal Officers**” means the President and the Clerk of the Issuer. These are the officers required by law to execute general obligations on the Issuer’s behalf.

“**Notice of Sale**” has the meaning set forth in the recitals to this resolution.

“**Obligations**” means the \$995,000 Village of Elkhart Lake, Wisconsin General Obligation Street Improvement Bonds, Series 2014A, which will be issued pursuant to this resolution.

“**Original Issue Date**” means September 25, 2014.

“**Project**” has the meaning given in the recitals to this resolution.

“**Purchase Price**” has the meaning given in the recitals to this resolution.

“**Purchaser**” has the meaning given in the recitals to this resolution.

“**Record Date**” means the 15th day (whether or not a business day) of the calendar month just before a regularly scheduled interest payment date for the Obligations.

“**Recording Officer**” means the Issuer’s Clerk.

“**Register**” means the register maintained by the Fiscal Agent at its designated office, in which the Fiscal Agent records:

- (i) **The name and address of the owner of each Obligation.**
- (ii) **All transfers of each Obligation.**

“**Treasurer**” means the Issuer’s Treasurer.

## **Section 2. Exhibits.**

The attached exhibits are also a part of this resolution as though they were fully written out in this resolution:

- (i) ***Exhibit A — Form of Obligation.***
- (ii) ***Exhibit B — Notice to Electors of Sale.***

## **Section 3. Purposes of Borrowing; Issuance of Obligations.**

The Governing Body authorizes the Obligations and orders that they be prepared, executed, and issued. The Obligations will be fully registered, negotiable, general obligation street improvement bonds of the Issuer in the principal amount of \$995,000. The Obligations will be issued pursuant to the provisions of Chapter 67 of the Wisconsin Statutes to pay the costs of the Project and certain expenses of issuing the Obligations (including printing costs and fees for financial consultants, bond counsel, fiscal agent, rating agencies, insurance, and registration, as applicable).

## **Section 4. Terms of Obligations.**

The Obligations will be named “Village of Elkhart Lake, Wisconsin General Obligation Street Improvement Bonds, Series 2014A.” The Obligations will be dated the Original Issue Date, even if they are actually issued or executed on another date. Each Obligation will also be dated the date on which it is authenticated by the Fiscal Agent. That date is its registration date. The face amount of each Obligation will be \$5,000 or any multiple thereof up to the principal amount authorized for that maturity.

The Obligations will bear interest from the Original Issue Date. Interest will be payable semiannually on each June 1 and December 1, beginning on June 1, 2015, until the principal of the Obligations has been paid. Interest on each Obligation will be (i) computed on the basis of a 360-day year of twelve 30-day months and (ii) payable to the person in whose name the

Obligation is registered on the Register at the end of the day on the applicable Record Date. The Obligations will be numbered consecutively as may be required to comply with any applicable rules or customs or as determined by the Municipal Officers executing the Obligations. The Issuer and the Fiscal Agent may treat the entity or person in whose name any Obligation is registered on the Register as the absolute owner of the Obligations for all purposes whatsoever under this resolution. The following table shows when the Obligations will mature and the rate of interest each maturity will bear:

<u>Maturity Date</u> <u>(June 1)</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2017	\$ 70,000	1.00%
2019	130,000	1.40
2021	150,000	1.90
2023	150,000	2.40
2025	160,000	2.80
2027	165,000	3.10
2029	170,000	3.40

The principal of, and interest on, the Obligations will be payable in lawful money of the United States of America.

#### **Section 5. Fiscal Agent.**

The Issuer appoints the Fiscal Agent to act as paying agent and registrar for the Obligations. The appropriate officers of the Issuer are directed to enter into a fiscal agency agreement with the Fiscal Agent on behalf of the Issuer. The fiscal agency agreement may provide for the Issuer to pay the reasonable and customary charges of the Fiscal Agent for those services. The fiscal agency agreement shall require the Fiscal Agent to comply with all applicable federal and state regulations. Among other things, the Fiscal Agent shall maintain the Register.

#### **Section 6. Appointment of Depository.**

The Issuer appoints DTC to act as securities depository for the Obligations. An authorized representative of the Issuer has previously executed a blanket issuer letter of representations with DTC on the Issuer's behalf, and the Issuer ratifies and approves that document.

#### **Section 7. Book-Entry System.**

On the date of their initial delivery, the Obligations will be registered in the name of DTC or its nominee and maintained in a Book-Entry System. If the Issuer's relationship with DTC is terminated, then the Issuer may appoint another securities depository to maintain the Book-Entry System.

The Issuer may decide at any time not to maintain the Obligations in a Book-Entry System. If the Issuer decides not to maintain a Book-Entry System, then it will do the following:

- (i) **At its expense, the Issuer will prepare, authenticate, and deliver to the beneficial owners of the Obligations fully-registered, certificated Obligations in the denomination of \$5,000 or any multiple thereof in the aggregate principal amount then outstanding. The beneficial owners will be those shown on the records of the Depository and its direct and indirect participants.**

- (ii) **The Issuer will appoint a fiscal agent to act as paying agent and registrar for the Obligations under Section 67.10 (2) of the Wisconsin Statutes (the Fiscal Agent may be reappointed in this capacity).**

**Section 8. Redemption.**

The Obligations maturing on and after June 1, 2024 are subject to redemption before their stated maturity dates, at the Issuer’s option, in whole or in part, in the order of maturity selected by the Issuer, on June 1, 2023 and on any date thereafter. The redemption price will be 100% of the principal amount redeemed, plus accrued interest to the redemption date, and no premium will be paid. If payment of an Obligation called for redemption has been made or provided for, then interest on the Obligation stops accruing on the stated redemption date. If less than all the principal amount of a specific maturity is redeemed, then the Obligations will be redeemed in \$5,000 multiples in accordance with Sections 9 and 10 hereof, and if a portion, but not all, of a maturity that is subject to mandatory partial redemptions by operation of a sinking fund (as described below) is being redeemed, then the Municipality will select the amounts to be redeemed on future Sinking Fund Redemption Dates (as defined below) that are reduced as a result of the partial redemption.

The Obligations maturing on June 1 in the years 2017, 2019, 2021, 2023, 2025, 2027, and 2029 (collectively, the “**Term Bonds**”) are also subject to mandatory partial redemptions prior to their stated maturity dates by operation of a sinking fund. On the following redemption dates (each a “**Sinking Fund Redemption Date**”), the Municipality will redeem the following principal amounts (subject to reduction as provided in the immediately preceding paragraph) of the Term Bonds:

Term Bonds Maturing June 1, 2017

Sinking Fund Redemption Date (June 1)	Principal Amount To be Redeemed
2016	\$35,000
2017 (Stated Maturity)	35,000

Term Bonds Maturing June 1, 2019

Sinking Fund Redemption Date (June 1)	Principal Amount To be Redeemed
2018	\$65,000
2019 (Stated Maturity)	65,000

Term Bonds Maturing June 1, 2021

Sinking Fund Redemption Date (June 1)	Principal Amount To be Redeemed
2020	\$75,000
2021 (Stated Maturity)	75,000

Term Bonds Maturing June 1, 2023

Sinking Fund Redemption Date (June 1)	Principal Amount To be Redeemed
2022	\$75,000
2023 (Stated Maturity)	75,000

Term Bonds Maturing June 1, 2025

Sinking Fund Redemption Date (June 1)	Principal Amount To be Redeemed
2024	\$80,000
2025 (Stated Maturity)	80,000

Term Bonds Maturing June 1, 2027

Sinking Fund Redemption Date (June 1)	Principal Amount To be Redeemed
2026	\$80,000
2027 (Stated Maturity)	85,000

Term Bonds Maturing June 1, 2029

Sinking Fund Redemption Date (June 1)	Principal Amount To be Redeemed
2028	\$85,000
2029 (Stated Maturity)	85,000

The redemption price will be 100% of the principal amount redeemed, plus accrued interest to the Sinking Fund Redemption Date, and no premium will be paid. The particular Term Bonds to be redeemed will be selected in accordance with Sections 9 and 10 hereof, and the Municipality will give notice of the redemption in the manner stated in this resolution.

**Section 9. Manner of Payment/Transfers/Redemption Notices Under Book-Entry System.**

So long as the Issuer maintains the Obligations in a Book-Entry System, the following provisions apply:

*Payment.* The Fiscal Agent is directed to pay the principal of, and interest on, the Obligations by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect.

*Transfers.* The Obligations are transferable, only upon the Register and only if the Depository ceases to act as securities depository for the Obligations and the Issuer appoints a successor securities depository. If that happens, then upon the surrender of the Obligations to the Fiscal Agent, the Issuer will issue new fully registered Obligations in the same aggregate principal amounts to the successor securities depository, and the Obligations will be recorded as transferred to the successor securities depository in the Register.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after such Obligation has been called for redemption.

*Partial Redemption.* If less than all the principal amount of a specific maturity is to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Obligations to be redeemed. If an Obligation has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on the redemption date and upon surrender to the Fiscal Agent of the Obligation, the Issuer will issue one or more new Obligations in the principal amount outstanding after the redemption.

*Notice of Redemption.* Notice of the redemption of any of the Obligations will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed redemption date.

#### **Section 10. Manner of Payment/Transfers/Redemption Notices Not Under Book-Entry System.**

If at any time the Issuer decides *not* to maintain the Obligations in a Book-Entry System, then the following provisions apply:

*Payment.* The Fiscal Agent will pay the principal of each Obligation upon its presentation and surrender on or after its maturity or earlier redemption date at the designated office of the Fiscal Agent, and the Fiscal Agent will pay, on each interest payment date, the interest on each Obligation by wire or other electronic transfer or by check of the Fiscal Agent sent by first class mail to the person in whose name the Obligation is registered on the Register at the end of the day on the applicable Record Date.

*Transfers.* Each Obligation is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of \$5,000. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Obligation shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Issuer will issue one or more new fully registered Obligations in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Obligations and upon the payment of a charge sufficient to reimburse the Issuer or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar day period before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after the Obligation has been called for redemption.

*Partial Redemptions.* If less than all the principal amount of a specific maturity is to be redeemed, then the Issuer or the Fiscal Agent will randomly select the Obligations to be redeemed. If less than the entire principal amount of a particular Obligation has been called for redemption, then upon surrender to the Fiscal Agent of the Obligation to be redeemed, the Issuer will issue one or more new Obligations in the principal amount outstanding after the redemption.

*Notice of Redemption.* Notice of the redemption of any of the Obligations shall be sent by first class mail, not less than 30, and not more than 60, days before the redemption date to the registered owners of the Obligations to be redeemed at the addresses set forth in the Register. A notice of redemption may be revoked by sending a notice, by first class mail, not less than 15 days prior to the proposed redemption date to the registered owners of the Obligations which have been called for redemption.



## **Section 11. Form of Obligations.**

The Obligations shall be in substantially the form shown in Exhibit A. Omissions, insertions, or variations are permitted if they are deemed necessary or desirable and are consistent with this resolution or any supplemental resolution. The Issuer may cause the approving opinion of bond counsel to be printed or reproduced on the Obligations.

## **Section 12. Execution of Obligations.**

The Obligations shall be signed by the persons who are the Municipal Officers on the date on which the Obligations are signed. The Obligations shall be sealed with the Issuer's corporate seal (or a facsimile), if the Issuer has one, and they shall also be authenticated by the manual signature of an authorized representative of the Fiscal Agent.

The Obligations will be valid and binding even if before they are delivered any person whose signature appears on the Obligations is no longer living or is no longer the person authorized to sign the Obligations. In that event, the Obligations will have the same effect as if the person were living or were still the person authorized to sign the Obligations.

A facsimile signature may be used as long as at least one signature of a Municipal Officer is a manual signature or the Fiscal Agent's certificate of authentication has a manual signature. If a facsimile signature is used, then it will be treated as the officer's own signature.

## **Section 13. Continuing Disclosure.**

The Obligations are exempt from the requirement that a participating underwriter obtain the Issuer's undertaking to provide continuing disclosure.

## **Section 14. Sale of Obligations.**

The Issuer awards the sale of the Obligations to the Purchaser at the Purchase Price, plus any accrued interest from the Original Issue Date to the date of delivery of the Obligations. The Issuer approves and accepts the purchase agreement signed and presented by the Purchaser to evidence the purchase of the Obligations (the "**Purchase Agreement**"). The Municipal Officers are directed (i) to sign the Purchase Agreement in the Issuer's name and (ii) to take any additional actions needed to complete the sale of the Obligations, including arranging for a specific time and place of closing of the sale.

The Financial Officer is directed to comply with the terms of the Notice of Sale with respect to any good-faith deposit requirements.

The officers of the Issuer are directed to sign the Obligations and to arrange for delivery of the Obligations to the Purchaser through the facilities of DTC in accordance with the Notice of Sale, the Purchase Agreement, and this resolution. The Obligations may be delivered to the Purchaser upon payment by the Purchaser of the Purchase Price, plus any accrued interest, as required by the Notice of Sale.

Unless waived by the Purchaser, the delivery of the Obligations is conditioned upon the Issuer furnishing the following items to the Purchaser:

- (i) **The Obligations, together with the written, unqualified approving opinion of the law firm of Foley & Lardner LLP, bond counsel, evidencing the legality of the Obligations and that interest on the Obligations will be excluded from gross income for federal income tax purposes.**

- (ii) **A transcript of the proceedings relating to the issuance of the Obligations.**
- (iii) **A certificate showing that no litigation has been threatened or is pending that would affect the legality of the Obligations or the right of the Issuer to issue them at the time of their delivery.**

**Section 15. General Obligation Pledge; Tax Levy.**

For the prompt payment of the principal of, and interest on, the Obligations, the Issuer irrevocably pledges its full faith and credit. The Issuer hereby levies upon all taxable property in its territory a direct, annual, and irrevocable tax in an amount sufficient to pay, and for the express purpose of paying, the interest on the Obligations as it falls due and also to pay and discharge the principal of the Obligations on their maturity dates.

This tax shall be carried from year to year into the Issuer’s tax roll. It shall be collected in addition to all other taxes and in the same manner and at the same time as all other taxes. The amount of this tax that is carried into the Issuer’s tax roll may be reduced in any year by the amount of any surplus money in the account within the Debt Service Fund (as described below) available to pay debt service on the Obligations for such year. This tax for each year the levy is made will be in the following amounts:

<u>Levy Year</u>	<u>Debt Service Amount Due in Following Year</u>	<u>Levy Year</u>	<u>Debt Service Amount Due in Following Year</u>
2014	\$28,808.25	2022	\$91,275.00
2015	59,170.00	2023	94,225.00
2016	58,820.00	2024	92,015.00
2017	88,190.00	2025	89,655.00
2018	87,280.00	2026	92,097.50
2019	96,112.50	2027	89,335.00
2020	94,687.50	2028	86,445.00
2021	93,075.00		

**Section 16. Debt Service Fund.**

The Treasurer is directed to keep the proceeds of the taxes levied under this resolution, when they are collected, in the Debt Service Fund. The Debt Service Fund shall be maintained and administered as provided in Section 67.11 of the Wisconsin Statutes. The Issuer shall create a separate account within the Debt Service Fund solely for the Obligations. Any accrued interest received on the date of delivery of the Obligations and the premium, if any, paid to the Issuer by the Purchaser in excess of the stated principal amount of the Obligations shall be deposited into the Debt Service Fund and used to pay interest on the Obligations. If the money in the Debt Service Fund is insufficient to make a payment of principal of, or interest on, the Obligations on a date on which such a payment is due, then the Issuer will promptly provide the necessary funds to make the payment from other available sources.

**Section 17. Borrowed Money Fund.**

The sale proceeds of the Obligations (not including any accrued interest or premium received) shall be deposited in and kept by the Treasurer in a separate fund. The fund shall be designated with both the name of the Obligations and the name Borrowed Money Fund (herein referred to as

the “**Borrowed Money Fund**”). Money in the Borrowed Money Fund, including any earnings, shall be (a) used to pay the costs of the Project and issuing the Obligations, or (b) transferred to the Debt Service Fund as provided by law.

### **Section 18. Official Statement.**

The Issuer approves and ratifies the preliminary offering document prepared and distributed in connection with the sale of the Obligations, and the Issuer authorizes and approves the final version of such document (the “**Official Statement**”) to be prepared prior to the issuance of the Obligations; *provided, however*, that the Official Statement shall be substantially in the form submitted to this meeting, with such modifications as the Municipal Officers approve. The Municipal Officers are directed to deliver copies of the Official Statement to the Purchaser and, if the Purchaser requests, execute one or more copies on behalf of the Issuer. Execution and delivery of the Official Statement will conclusively evidence the approval of the Municipal Officers.

### **Section 19. Publication of Notice.**

The Recording Officer is directed to publish notice that the Issuer has agreed to sell the Obligations. The notice shall be published in the Issuer’s official newspaper as a class 1 notice under Chapter 985 of the Wisconsin Statutes promptly after the adoption of this resolution. The notice shall be in substantially the form shown in Exhibit B. The Recording Officer shall obtain proof, in affidavit form, of the publication, and shall compare the notice as published with the attached form to make sure that no mistake was made in publication.

### **Section 20. Authorization of Officers.**

The appropriate officers of the Issuer are directed to prepare and furnish the following items to the Purchaser and the attorneys approving the legality of the Obligations:

- (i) **Certified copies of proceedings and records of the Issuer relating to the Obligations and to the financial condition and affairs of the Issuer.**
- (ii) **Other affidavits, certificates, and information that may be required to show the facts about the legality of the Obligations, as such facts appear on the books and records under the officer’s custody or control or as are otherwise known to the officer.**

All certified copies, affidavits, certificates, and information furnished for such purpose will be representations of the Issuer as to the facts they present.

### **Section 21. Qualified Tax-Exempt Obligations.**

The Issuer designates the Obligations as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code.

### **Section 22. Tax Law Covenants.**

The Issuer covenants that it will comply with all requirements of the Code and the Treasury Regulations promulgated thereunder, that shall be satisfied so that interest on the Obligations will be excluded from gross income for federal income tax purposes.

**Section 23. Further Authorization.**

The Issuer authorizes its officers, attorneys, and other agents or employees to do all acts required of them to carry out the purposes of this resolution.

**Section 24. Conflict with Prior Acts.**

In case any part of a prior action of the Governing Body conflicts with this resolution, that part of the prior action is hereby rescinded.

**Section 25. Severability of Invalid Provisions.**

If a court holds any provision of this resolution to be illegal or invalid, then the illegality or invalidity shall not affect any other provision of this resolution.

**Section 26. Effective Date.**

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

Attest:

Adopted and Approved this  
September 3<sup>rd</sup>, 2014

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

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

\_\_\_\_\_  
Richard Sadiq, Trustee

Ordinance 594 – Conditional Approval of Zoning Change – Victory Residential Rezoning

The Board held a public hearing on the rezoning on August 18<sup>th</sup>. The Board reviewed their concerns about seeing a concept plan for the entire 35 acre parcel before the rezoning could occur. The Board would like the Planning Commission to review the concept plan and make a recommendation back to the Board.

(I-Wolf/Shovan/Garton) moved and seconded to approve Ordinance 594 – Conditional Approval of Zoning Change – Victory Residential Rezoning.

Motion Carried Unanimously  
By Roll Call

**ORDINANCE 594  
VILLAGE OF ELKHART LAKE  
SHEBOYGAN COUNTY, WISCONSIN**

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**CONDITIONAL APPROVAL OF ZONING CHANGE – VICTORY RESIDENTIAL  
REZONING**

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**WHEREAS**, The Board of Trustees of the Village of Elkhart Lake, Sheboygan County, Wisconsin, does hereby ordain as follows:

That pursuant to the Municipal Code of the Village of Elkhart Lake, Section 16.28, and after considering the recommendation of the Planning Commission, and after hearing the public's comments at a legally noticed public hearing held on August 18<sup>th</sup>, 2014, the zoning map affecting the property described below is hereby amended as follows:

That, subject to the terms and conditions of this Ordinance, the following-described property is conditionally rezoned from a present zoning designation of Single Family Residential (R-1) to a zoning designation of Multi Family Residential (R-3).

That the property located in the Village of Elkhart Lake, County of Sheboygan, State of Wisconsin, is described as follows:

located in part of the NE 1/4 of the SW 1/4 and part of the NW 1/4 of the SE 1/4 of Section 20, T16N, R21 E, Village of Elkhart Lake commencing at the West 1/4 of Section 20, T16N, R21 E.; thence S 89°-04'-09" E, 2278.71 feet along the north line of said SW 1/4 to the northeast corner of tract 2 of a certified survey map recorded in volume 3 of certified survey maps, page 143; thence S 00°-53'-38" E, 367.28 feet along the east line of said tract 2 to the point of beginning; thence S 88°-14'-41" E, 342.61 feet; thence S 00°-53'-38" E, 536.31 feet; thence S 78°-58'-35"W, 399.42 feet; thence N 00°-53'-38" W, 402.00 feet; thence 119.05 feet along the arc of a curve to the right with a radius of 238.92 feet, the chord of which bears N 13°-22'-52" E, 117.83 feet; thence 88.84 feet along the arc of a curve to the left with a radius of 178.28 feet, the chord of which bears N 13°-22'-48" E, 87.93 feet to the point of beginning, containing 218,740 sq. ft. or 5.02 acres; and

Attachment A provides a map of the area to be rezoned.

**BE IT RESOLVED**, that this rezoning does not take effect until and unless the Board of Trustees duly approves the applicant's concept plan (Attachment B) for the development which approval is subject to the Board's sole discretion; and

**BE IT FURTHER RESOLVED**, that the Village Board expressly reserves all legislative discretion to rezone the subject property back to Single Family Residential (R-1) if the applicant or potential developer fails to obtain a building permit and begin construction on the proposed apartment development on or before December 31<sup>st</sup>, 2016. The applicant or developer shall have no property rights in the Multi Family Residential (R-3) zoning classification if the Board of Trustees in fact rezones the property to Single Family Residential (R-1) because the applicant or developer has failed to obtain a building permit and begin construction on the proposed apartment development by December 31<sup>st</sup>, 2016; and

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

Attest:

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

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

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

\_\_\_\_\_  
Michael Wolf, Trustee

## **COMMITTEE REPORTS**

### *AUGUST BUILDING PERMITS – Reilly*

This report was included in the Board packet on dropbox.

### *ADMINISTRATION & FINANCE – Sadiq*

Highlights of the August 19<sup>th</sup>, 20<sup>th</sup>, 26<sup>th</sup>, and September 3<sup>rd</sup>, 2014 meetings:

- 1) The Committee began working on the 2015 budget.
- 2) The Committee reviewed proposals from Community Bank & Ehlers for investing. The Committee also approved an investment policy.
- 3) The Committee approved some HVAC maintenance to the Civic Center air intake system.
- 4) The Committee reviewed the potential 2015 board outlay items.

### *PUBLIC WORKS – Wolf*

Highlights of the August 21<sup>st</sup> & September 3<sup>rd</sup>, 2014 meeting:

- 1) The Committee reviewed the situation with the walkway pavers and storm water in front of the Osthoff.
- 2) The Committee received an update on the status of negotiations for the public works site.
- 3) The Committee discussed the naming of the short street to be Arno Way, after a business that used to be located along the street.
- 4) The Committee asked Public Works to fix the pavement issues at 352 Sugarbush Lane and asked for more pricing information for the concrete work at 622 Autumn Drive.
- 5) The two road projects (Osthoff Ave/S. Lake St. & N. Lake Street) are scheduled to begin in the next 2 weeks.
- 6) The Committee approved the sewer repairs needed on Crestwood and Moraine Drive.

### *PUBLIC HEALTH & WELFARE – Shovan*

Highlights of the September 3<sup>rd</sup>, 2014 meeting:

- 1) The Committee is recommending changes to the garbage ordinance.

*PRESIDENT'S REPORT – Rudnick – Reported that he will be in Alaska and then having his knees replaced, so will not be at a meeting until October 20<sup>th</sup>.*

### **UNFINISHED BUSINESS: None**

Ordinance 593 – Revise 6.02(10) – Vehicles Parked on the Streets for Extended Periods of Time  
Ordinance 593 – Revise 6.02(10) – Vehicles Parked on the Streets for Extended Periods of Time had its second 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.**

---

**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.

Ordinance 595 - Revise Chapter 42.39 – Garbage Collection

Shovan introduced Ordinance 595 - Revise Chapter 42.39 – Garbage Collection and it had its first reading.

**ORDINANCE 595  
VILLAGE OF ELKHART LAKE  
SHEBOYGAN COUNTY, WISCONSIN**

---

**REVISE CHAPTER 42.39 – GARBAGE COLLECTION.**

---

**WHEREAS**, the Board of Trustees of the Village of Elkhart Lake finds it necessary to revise Village Ordinance Section 42.39 which relates to garbage collection in the Village; and

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Trustees of the Village of Elkhart Lake recreates Section 42.39, to read as follows:

**42.39 GARBAGE COLLECTION.** (1) Definitions. All items not considered recyclable materials under sec. 42.10(18) shall be considered garbage and includes all organic kitchen waste, solid waste, and other materials or items not specifically defined as recyclable materials. Solid waste is garbage.

(2) Separation and Preparation. All garbage shall be kept separate from recyclable materials and placed in the collection bins as designated by the hauler employed by or contracted with the Village of Elkhart Lake and placed at curbside for collection not more than 24 hours before the time of collection as specified by the Village Board. The collection bins need to be removed from the curb no later than 7 am on the day after collection. The Village Board may direct or authorize collection in containers in a different manner than prescribed herein as conditions shall warrant, and any garbage not placed for collection in accordance with the provisions of this section may be refused by the hauler.

(3) Materials Not to be Placed for Pickup With Garbage. Large amounts of stone, concrete, rubber, earth, sod, tree stumps or trunks, grass, leaves or brush shall not be placed for pickup

with garbage and shall be disposed of as otherwise directed by the Village Board of the Village of Elkhart Lake.

(4) Collection for Industrial Districts. In a further attempt to reduce costs, an industrial district is hereby established for the collection of garbage and is defined pursuant to Chapter 16 of the Municipal Code of the Village of Elkhart Lake and the zoning map referred to therein. For purposes of this ordinance, any public school, as that term is defined under Wis. Stat. sec. 115.01(1) as amended from time to time, shall be considered in the industrial district. The Village shall not be responsible for the collection of garbage or recyclable materials in any industrial district. Any owner of property in any industrial district shall be required to contract with their own hauler or collector and shall be responsible for the costs of the same for collection of garbage and recyclable materials.

Page 2- Ordinance 595

(5) Pickup for Multi-Family Residential and Commercial Areas. Any residential building, containing four or less units, or commercial building will be allowed one recycling and one refuse container that will be emptied by the hauler employed by or contracted with the Village of Elkhart Lake once per week, at a day and time to be set by the Village Board. The owner/tenant of the building shall be responsible for any additional refuse that is generated.

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

**NEW BUSINESS:**

Investment Policy & Proposals

The Administration and Finance Committee recommends the investment policy and community bank investment proposal.

(Sadiq/Garton) moved and seconded to approve the investment policy as presented.

Motion Carried Unanimously

(Sadiq/Kapellen) moved and seconded to approve investing \$600,000 with Community Bank & Trust.

Motion Carried Unanimously

Resolution 16 – Sewer Rate Increase

(I-Kapellen/Garton/Baumann) moved and seconded to approve Resolution 16 – Sewer Rate Increase.

Motion Carried Unanimously

By Roll Call

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

---

**SEWER COLLECTION FEES**

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WHEREAS, it is the desire of the Village Board of the Village of Elkhart Lake's to balance the income and expenses of the Elkhart Lake Sewer Utility in accordance with Chapter 36.02 of the Elkhart Lake Municipal Code, and

NOW THEREFORE, BE IT RESOLVED, that the Village of Elkhart Lake will increase the sewer charges in the volume rate by \$0.50 per 100 cubic feet of water used thereby having a total volume rate of \$4.75 per 100 cubic feet, and

BE IT FURTHER RESOLVED, that the above charges begin after the meter reading taken on the 26<sup>th</sup> of December, 2014 thereby being in effect for the first quarter of 2015.

Attest:

Adopted and Approved this  
3<sup>rd</sup> day of September, 2014.

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

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

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

Operator's Licenses – New

(Sadiq/Kapellen) moved and seconded to approve Jenifer Wallner for a new operators' licenses expiring June 30, 2015.

Motion Carried Unanimously

Operator's Licenses – Renewal

(Kapellen/Garton) moved and seconded to approve Cheryl Hau for a renewed operators' licenses expiring June 30, 2015.

Motion Carried Unanimously

**TRUSTEE REPORTS:**

Wolf discussed the leaking of the liner in the pond by at Cedar Landing. Shovan stated she would like to see the small street named Hollfelder Way.

**COMMUNICATIONS:** "The Researcher" and FOCUS are available for review. Reilly read a thank you from the chamber for downtown night and a thank you from the Hersey family for flowers.

**ADMINISTRATOR'S REPORT:** Reilly stated that the volunteer & employee appreciation banquet would be held on Sunday, October 19, 2014 at the Osthoff. Reilly also stated the 2013 audit is in dropbox if anyone has any questions please let her know.

**ANY OTHER BUSINESS: None**

(Kapellen/Sadiq) moved and seconded that the meeting be adjourned at 8:07 P.M.

Motion Carried Unanimously

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

## **MINUTES September 15<sup>th</sup>, 2014**

Minutes of the regular meeting of the Board of Trustees of the Village of Elkhart Lake held on Monday, September 15<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, September 11<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 1:23 P.M. and 1:55 P.M. and on the Village website on Thursday, September 11<sup>th</sup>, 2014 at 2:12 P.M.

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

Others in attendance include: Leoda Wolf; Emmitt Feldner; Jessica Reilly, Clerk/Treasurer Administrator.

(Sadiq/Baumann) moved to elect Kapellen to serve as President Pro Tem of the meeting.  
Motion Carried Unanimously

The Pledge of Allegiance was recited.

**AGENDA APPROVAL** – None

**PUBLIC COMMENT** – None

## **COMMITTEE REPORTS**

### *PUBLIC WORKS* – Wolf

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

- 1) The Committee reviewed the pavement issues on Autumn Drive and Sugarbush Lane. The Committee voted to approve paying for the concrete to fix the issue at Joe Liebham's house on Sugarbush Lane.
- 2) The Osthoff Avenue/S. Lake Street road project is in progress.
- 3) The Committee recommends Arno Way as the name of the street between Rhine and Lake Streets.

### *LIBRARY BOARD* – Baumann

The Board received minutes of the August 11<sup>th</sup>, 2014 meeting.

Highlights of the September 8<sup>th</sup>, 2014 meeting –

- 1) The Board approved the 2015 budget.
- 2) The Board continued reviewing library policies.

### *TOURISM COMMISSION* – Baumann

The Board received minutes of the August 13<sup>th</sup>, 2014 meeting.

Highlights of the September 10<sup>th</sup>, 2014 meeting –

- 1) The Tough Mudder was very successful with over 12,000 participants.
- 2) The Fall media tour will be in the Village.
- 3) The preliminary budget was reviewed.
- 4) Work has begun on the 2015 Visitor's Guide, over 18,000 copies are printed annually.

### *NORTHERN MORAINES UTILITY COMMISSION* – Reilly

The Board received minutes of the August 11<sup>th</sup>, 2014 meeting.

Highlights of the September 8<sup>th</sup>, 2014 meeting:

- 1) NM is waiting on the County for the driveway blacktopping.
- 2) Nothing new to report in the Aquarius membrane testing.
- 3) The radio monitoring system needs updating, as it is not working properly to cell phones.

**UNNISHED BUSINESS:**

Ordinance 593 – Revise 6.02(10) – Vehicles Parked on the Streets for Extended Periods of Time  
Ordinance 593 – Revise 6.02(10) – Vehicles Parked on the Streets for Extended Periods of Time had its third reading.

(I-Shovan/Sadiq/Baumann) moved and seconded to approve Ordinance 593 – Revise 6.02(10) – Vehicles Parked on the Streets for Extended Periods of Time.

Motion Carried Unanimously

By Roll Call

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

---

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

---

**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.**

- c. 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.
- d. 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.
- j. 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.

Attest:

Approved and Adopted this  
15<sup>th</sup> of September, 2014

---

Alan S. Rudnick, President

Ordinance 595 - Revise Chapter 42.39 – Garbage Collection

Ordinance 595 - Revise Chapter 42.39 – Garbage Collection had its second reading.

**ORDINANCE 595  
VILLAGE OF ELKHART LAKE  
SHEBOYGAN COUNTY, WISCONSIN**

---

**REVISE CHAPTER 42.39 – GARBAGE COLLECTION.**

---

**WHEREAS**, the Board of Trustees of the Village of Elkhart Lake finds it necessary to revise Village Ordinance Section 42.39 which relates to garbage collection in the Village; and

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Trustees of the Village of Elkhart Lake recreates Section 42.39, to read as follows:

**42.39 GARBAGE COLLECTION.** (1) Definitions. All items not considered recyclable materials under sec. 42.10(18) shall be considered garbage and includes all organic kitchen waste, solid waste, and other materials or items not specifically defined as recyclable materials. Solid waste is garbage.

(2) Separation and Preparation. All garbage shall be kept separate from recyclable materials and placed in the collection bins as designated by the hauler employed by or contracted with the Village of Elkhart Lake and placed at curbside for collection not more than 24 hours before the time of collection as specified by the Village Board. The collection bins need to be removed from the curb no later than 7 am on the day after collection. The Village Board may direct or authorize collection in containers in a different manner than prescribed herein as conditions shall warrant, and any garbage not placed for collection in accordance with the provisions of this section may be refused by the hauler.

(3) Materials Not to be Placed for Pickup With Garbage. Large amounts of stone, concrete, rubber, earth, sod, tree stumps or trunks, grass, leaves or brush shall not be placed for pickup with garbage and shall be disposed of as otherwise directed by the Village Board of the Village of Elkhart Lake.

(4) Collection for Industrial Districts. In a further attempt to reduce costs, an industrial district is hereby established for the collection of garbage and is defined pursuant to Chapter 16 of the Municipal Code of the Village of Elkhart Lake and the zoning map referred to therein. For purposes of this ordinance, any public school, as that term is defined under Wis. Stat. sec. 115.01(1) as amended from time to time, shall be considered in the industrial district. The Village shall not be responsible for the collection of garbage or recyclable materials in any industrial district. Any owner of property in any industrial district shall be required to contract with their own hauler or collector and shall be responsible for the costs of the same for collection of garbage and recyclable materials.

(5) Pickup for Multi-Family Residential and Commercial Areas. Any residential building, containing four or less units, or commercial building will be allowed one recycling and one refuse container that will be emptied by the hauler employed by or contracted with the Village of Elkhart Lake once per week, at a day and time to be set by the Village Board. The owner/tenant of the building shall be responsible for any additional refuse that is generated.

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

## **NEW BUSINESS**

### Trick or Treat Hours

(Sadiq/Wolf) moved and seconded approve Trick or Treat Hours in the Village for Sunday, October 26<sup>th</sup>, 2014 from 3:00 pm to 5:00 pm.

Motion Carried Unanimously  
By Roll Call

### Resolution 17 – Withdrawing from the Wisconsin Public Employers’ Group Health Insurance Program

Reilly explained that the Administration & Finance Committee is looking at leaving the State Health Insurance Plan and Resolution 17 – Withdrawing from the Wisconsin Public Employers’ Group Health Insurance Program needs to be passed by October 1, 2014 in order to do so.

(I-Sadiq/Wolf/Baumann) moved and seconded to approve Resolution 17 – Withdrawing from the Wisconsin Public Employers’ Group Health Insurance Program.

Motion Carried Unanimously

## **RESOLUTION SEVENTEEN – 2014 VILLAGE OF ELKHART LAKE SHEBOYGAN COUNTY, WISCONSIN**

---

### **RESOLUTION WITHDRAWING FROM THE WISCONSIN PUBLIC EMPLOYERS’ GROUP HEALTH INSURANCE PROGRAM**

---

**WHEREAS**, it is the desire of the Village Board of the Village of Elkhart Lake to pursue other health insurance plans that will save money for the Village, and

**NOW THEREFORE, BE IT RESOLVED**, that pursuant to the provisions of Wis. Stat. Section 40.51(7), the Village Board of the Village of Elkhart Lake resolves to withdrawn from participation in the Wisconsin Public Employers’ Group Health Insurance Program effective next January 1, 2015; and

**BE IT FURTHER RESOLVED**, that coverage will terminate for all insured participants, including annuitants and any participants who are on continuation of coverage. The Village understands that employers who withdraw may not reapply for participation in the Wisconsin Public Employers’ Group Health Insurance Program for three years without underwriting which may result in a surcharge being assessed.

Attest:

Adopted and Approved this

15<sup>th</sup> Day of September, 2014

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Alan Rudnick, President

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Jessica Reilly, Clerk

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Richard Sadiq, Trustee

Resolution 18 – Community Bank Investing – Corporate Authorization  
(I-Sadiq/Wolf/Baumann) moved and seconded to approve Resolution 18 – Community Bank Investing – Corporate Authorization.

Motion Carried Unanimously

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

---

**RESOLUTION DESIGNATING A FINANCIAL INSTITUTION FOR INVESTMENT**

---

**IT IS RESOLVED**, that Community Bank & Trust (“Financial Institution):

(1) is designated as a depository for the funds of the Village and to provide other financial accommodations indicated in this resolution.

(2) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Board of Trustees of the Village and certified to the Financial Institution as governing the operation of this Village's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes.

(3) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Village. Any Agent, so long as they act in a representative capacity as an Agent of the Village, Is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.

(4) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Village with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.

(5) The Village agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Village. The Village authorizes the Financial Institution, at any time, to charge the Village for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.

(6) The Village acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Village to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.

(7) The Village acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or  
 Page 2 – Resolution 18 - 2014

that are filed separately by the Village with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Village authorizes each Agent to have custody of the Village's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

Attest:

Adopted and Approved this  
 15<sup>th</sup> day of September, 2014.

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

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

\_\_\_\_\_  
 Richard Sadiq, Trustee

Operator’s License- New

(Baumann/Wolf) moved and seconded that Wendy Kaiser & Sarah LaDuke for Marshall’s One Stop be granted operator’s licenses expiring June 30, 2015.

Motion Carried Unanimously

**TRUSTEE REPORTS – None**

**COMMUNICATIONS – Reilly**

“Lake Tides,” Wisconsin Magazine of History, Wisconsin Taxpayer, SEWISC Roadside Invasive Plan Management are available for review. The Thank you for the park dedication from Jeanette Moioffer was also read.

**ADMINISTRATOR’S REPORT – Reilly**

Reilly stated that her office is busying working on the website update and that the volunteer/employee appreciation banquet will be held in the new ballroom at the Osthoff Resort on Sunday, October 19<sup>th</sup>, 2014 starting at 5:30 pm.

**VOUCHERS**

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

493	NATIONAL EXCHANGE BANK	OFFICE SUPPLIES	\$24.92
499	WE ENERGIES	ELECTRICITY	\$319.26
505	BAKER & TAYLOR	GIFTS, BOOKS, VIDEOS, MUSIC	\$1,205.39
511	EICHHORST, LORI	CLEANING	\$260.00
519	FIRST COMMUNICATIONS	PHONE SERVICE	\$12.72

520	FRONTIER	PHONE SERVICE	\$84.53
533	SERVICEMASTERS	CARPET CLEANING	\$260.00
546	WPS	NATURAL GAS	\$20.56
TOTAL LIBRARY			\$2,187.38

(Sadiq/Baumann) 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:

20170	NATIONAL EXCHANGE BANK	BATTERIES, POSTAGE	\$21.35
20171	WE ENERGIES	ELECTRICITY	\$1,426.72
20174	CORSON, PETERSON	ACCOUNTING 2013 AUDIT	\$2,500.00
20175	DIGGERS HOTLINE	DIGGERS FEE	\$33.06
20176	FIRST COMMUNICATIONS	LONG DISTANCE	\$7.70
20177	FRONTIER	INTERNET, PHONE	\$67.81
20178	HAWKINS WATER	CHLORINE	\$483.00
20179	MARTELLE WATER	AQUA MAG	\$1,033.75
20180	NORTHERN LAKE SERVICE	WATER TESTING	\$720.00
20181	PRL EXCAVATING	REPLACE HYDRANT LIONS PARK, VALVE PT EL	\$2,585.00
20182	U.S. CELLULAR	CELL PHONE	\$31.51
20183	UTILITY SERVICE CO.	TOWER QUARTERLY MAINT	\$1,565.94
20184	VILLAGE OF ELKHART LAKE	3RD Q TAXES, SEPT WAGES, BENEFITS	\$24,174.03
20185	WPS	WATER NATURAL GAS	\$15.03
20187	VILLAGE OF ELKHART LAKE	SEWER COLLECTIONS 9-23-14	\$1,264.69
TOTAL WATER			\$35,929.59

(Wolf/Sadiq) 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:

509	CORSON, PETERSON	ACCOUNTING OSTHOFF & SARGENTO TIDS	\$750.00
510	EDGARTON, ST.PETER	LEGAL GENERAL, LEGAL SARGENTO TID	\$144.25
545	WISCONSIN NEWSPRESS	BOARD - PH NOTICE - REZONING VICTORY	\$52.25
498	SAINRX	CDA START UP LOAN- SAINRX	\$5,000.00
TOTAL CDA-TID			\$5,946.50

(Sadiq/Wolf) 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:

492	DEPT OF SAFETY	FD BOILER PERMIT	\$50.00
493	NATIONAL EXCHANGE BANK	CLEANING SUPPLIES, COURT DVD PLAYER, ELECTION FOOD, POLICE TRAINING HOTEL, MEAL, MISC SUPPLIES	\$722.23
494	TENT RENTERS MIDWEST	FR BOTTLE GAS ADAPTER, HOSE	\$138.00
495	U.S. CELLULAR	POLICE CELL PHONE	\$142.00
499	WE ENERGIES	ELECTRICITY	\$7,421.91
496	WINNEBAGO CO. TREAS	PARKS, TC CHAINSAW SAFETY PAT & RALPH	\$220.00



497	WI SUPREME COURT	COURT CLERK OF COURTS TRAINING TERESE	\$20.00
500	5 ALARM - FIRE & SAFETY	FD SCBA TESTING	\$875.20
501	ACE SUPPLY & RENTAL	STREETS - PLATE TAPER FOR WALKWAY PAVERS	\$40.50
502	ACL	POLICE BLOOD DRAW	\$46.80
503	ADVANCED DISPOSAL	REFUSE, RECYCLING, YARD WASTE COLLECTION	\$7,555.91
504	ALL FLAGS, LLC	BOARD FLAGS	\$87.58
506	BARDON ENTERPRISES	GARAGE PAPER TOWELS	\$31.00
507	BENEFIT ADVANTAGE	FLEX PLAN MONTHLY FEE	\$35.00
508	CAL & GUS MOTORS	POLICE OIL CHANGE	\$32.75
509	CORSON, PETERSON	ACCOUNTING 2013 AUDIT	\$14,250.00
518	DIGITAL-ALLY	POLICE CAMERA ASSEMBLY	\$167.50
510	EDGARTON, ST.PETER	LEGAL GENERAL, LEGAL SARGENTO TID	\$604.50
511	EICHHORST, LORI	CLEANING	\$260.00
517	EL FIRE DEPARTMENT	FD JAWS, BOAT MOTOR, REPAIR, MISC SUPPLIES, GAS & OIL, LADDER TESTING, FIREHOUSE CLEANING	\$3,724.59
513	EL FIRST RESPONDERS	FR UNIFORMS	\$1,051.28
514	EL POST MASTER	CLERK POSTAGE	\$1,715.00
515	EL WATER DEPARTMENT	HYDRANT RENTAL 3RD QTR	\$25,833.50
512	EL-GLEN. SCHOOL DIST	CELL TOWER LEASE	\$1,593.63
516	ENCHANTED FLORALS	FUNERAL FLOWERS- HERSEY	\$47.00
522	FELDMANN SALES	STREETSS KUBOTA REPAIR,LEAFBLOWER PARTS	\$90.65
521	FELDMANN, BARRY	FD BARRY FELDMANN INJURY	\$40.00
519	FIRST COMMUNICATIONS	LONG DISTANCE	\$49.03
520	FRONTIER	INTERNET, PHONE	\$525.51
523	GEORGE'S TREE SERVICE	TREE COM - TREE REMOVAL & STUMP GRINDING	\$225.00
524	HARPER PUMPING	STREET STORM SEWER CLEANING	\$400.00
525	HAWLEY, KAUFMAN	POLICE LEGAL	\$747.50
526	MBM	POLICE COPIER SERVICE CONTRACT	\$86.53
527	MOIOFFER, JEANETTE	CLERK-MOIOFFER INSURANCE 11 MOS PAYOUT	\$5,480.20
528	NAPA AUTO PARTS	GARAGE OIL FILTERS	\$26.22
530	NORTH STAR EMERGENCY	FD AERIAL MAINT TOWN, VILLAGE	\$1,426.93
529	NORTHERN MORAIN	SEWAGE TREATMENT	\$21,492.80
531	PRINCIPAL	LIFE INSURANCE	\$105.86
532	REILLY, JESSICA	CLERK TRAINING FOOD, MILEAGE	\$216.19
533	SERVICEMASTERS	CC CARPET CLEANING	\$130.00
534	SHEBOYGAN CHEVROLET	POLICE VEHICLE '12 A/C REPAIR	\$40.00
535	SHEBOYGAN CO TREAS	CT CO ASSESS; BOAT, NO PARKING SIGNS	\$783.53
536	STATE OF WISCONSIN	COURT - STATE ASSESSMENT	\$1,600.40
537	TOTAL ENERGY SYSTEMS	FD GENERATOR REPAIR	\$910.50
538	TOWNSHIP OF RHINE	CT PENALTIES JULY & AUG, EHLEN ANNEX TAXES	\$173.00
539	TRANSAMERICA	CRITICAL ILLNESS	\$47.00
540	U.S. CELLULAR	POLICE INTERNET CHIP	\$85.96
541	U.S. CELLULAR	PW, TOURISM CELL PHONE	\$130.41
542	WEBER WOOD CUTTING	TREE COMMISSION - TREE BRANCH	\$35.00
543	WEX BANK	PW GAS	\$654.48
544	WEX BANK	POLICE & BOAT PATROL GAS	\$1,036.16
546	WPS	NATURAL GAS	\$129.94
547	VILLAGE OF ELKHART LAKE	FIRE STATION MAINT JULY- SEPT	\$1,067.44
TOTAL GENERAL			\$104,402.12
TOTAL PAYROLL			\$ 50,810.59

Total September Expenses \$ 155,212.71

(Sadiq/Wolf) moved and seconded to approve the general vouchers for September and pay as presented.

Motion Carried Unanimously

**OTHER BUSINESS THAT CAN LEGALLY COME BEFORE THIS BOARD**

Resolution 19 – Disallowing Claims - Closed Session

(Sadiq/Wolf) moved to go into closed session under Wisconsin Statute 19.85(1)(g) Conferring with legal counsel at approximately 7:12 p.m. to confer with legal counsel for the governmental body who is rendering oral or written advice concerning resolution to disallow claim.

Motion Carried Unanimously

By Roll Call

Kapellen announced that the Committee would be going into a closed session under the above referenced statute and would return to open session in approximately three minutes.

(Sadiq/Wolf) moved and seconded to return to recess into open session at 7:15 p.m.

Motion Carried Unanimously

(I-Sadiq/Wolf/Baumann) moved and seconded to approve Resolution 19 – Disallowing Claims for Damages.

Motion Carried Unanimously

(Wolf/Sadiq) moved and seconded to adjourn the meeting at 7:15 p.m.

Motion Carried Unanimously

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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 20 <sup>th</sup> , 2014 – 7:00 P.M.	BOARD OF TRUSTEES
MONDAY, November 3 <sup>rd</sup> , 2014 – 7:00 P.M	BOARD OF TRUSTEES
WEDNESDAY, November 12 <sup>th</sup> , 2014 - 6:00 P.M.	PLANNING COMMISSION
WEDNESDAY, November 19 <sup>th</sup> , 2014 – 6:00 P.M.	CDA
MONDAY, November 17 <sup>th</sup> , 2014 – 7:00 P.M.	BOARD OF TRUSTEES

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

THE DEADLINE FOR BEING PLACED ON THE AGENDA FOR ANY REGULAR BOARD MEETING WILL BE AT 5:00 P.M. ON THE WEDNESDAY PRIOR TO THE REGULAR MEETING MONDAY AND ONE WEEK PRIOR TO A COMMITTEE OR COMMISSION MEETING. 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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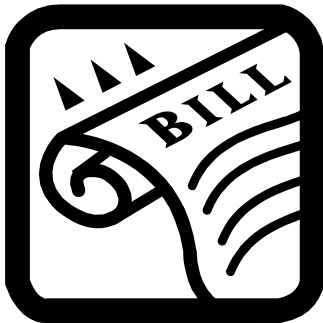
**TRICK OR TREATING  
SUNDAY, OCTOBER 26<sup>TH</sup>  
FROM 3-5 P.M.**



The Village Clerk's Office will be closed on Thursday, November 27<sup>th</sup> and Friday, November 28<sup>th</sup> in observance of the Thanksgiving Holiday.

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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.**

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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).



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## 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.



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## 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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