



**CITY OF ELKHORN
COMMON COUNCIL MEETING AGENDA**

**January 15, 2024 ~ 5:30 p.m. or later,
depending upon the conclusion of the L&R meeting**

Council Chambers, City Administration Offices, 311 Seymour Ct., Elkhorn, Wisconsin

- 1) **Call to Order**
- 2) **Pledge of Allegiance**
- 3) **Roll Call**
- 4) **Public Comment** *Public comments are limited to three minutes each. The public may speak on any item of City concern whether or not the topic is included on this agenda. However, if the topic does not pertain to an item listed on the Council agenda, the Council is not permitted to address or discuss the matter during this meeting. Under open meeting laws, the Council must notice an item on the agenda to allow discussion on that matter. If Council is not permitted to discuss your concerns, your comments will be considered and may be placed on a future agenda for further discussion.*
- 5) **Consent Agenda** *(One motion & a second will approve all of the following items listed. Any item may be pulled from the list and handled separately.)*
 - a) Council Meeting Minutes: January 3, 2024
 - b) Temporary Class "B" Beer and "Class B" Wine licenses for the Walworth County Agricultural Society, at the Walworth County Fairgrounds. See attached list of events.
- 6) **Bills Payable**
 - a) Consideration and recommendation to pay
- 7) **Report of City Officers**
 - a) Mayor
 - b) City Administrator
- 8) **Reports of City Boards and Community Partners**
 - a) Fire Advisory
 - b) Library
 - c) Recreation Advisory
 - d) Chamber of Commerce
 - e) Community Grant Writer
- 9) **Committee Reports**
 - a) Legislative & Regulatory
 - i) Consider New Application for Calabria-Elkhorn, LLC dba Ricky's Place Restaurant "Class B" Liquor/Class "B" Fermented Malt Beverage, 1 N. Lincoln St., Agent: Ricardo Angeles
- 10) **Unfinished Business**
 - a) Discussion and possible decision regarding proposal from Teska Associates, Inc. to provide professional planning services for the creation of a land use plan and ordinance for the City's ETZ in the Town of Sugar Creek
- 11) **New Business**
 - a) Resolution No. 24-02: A Resolution Authorizing the Issuance and Sale of up to \$460,183 Sewer System Revenue Bonds, Series 2024, and Providing for other Details and Covenants with respect thereto

- b) Resolution No. 24-03: A Resolution Authorizing the Issuance and Sale of up to \$1,991,290 Waterworks and Electric System Revenue Bonds, Series 2024, and Providing for other Details and Covenants with respect thereto
- c) Discussion and possible decision regarding Ordinance No. 24-01: An Ordinance Amending the Elkhorn Municipal Code at Chapter 17.7-2 Yards (*first and possible second reading*)
- d) Discussion and possible decision regarding request by Steve Smith, of Northshore Development, LLC, for conditional use permit at 5384 Hwy 11, located in the City's ETZ in the Town of Delvan, to use the property for marine service and off-season storage
- e) Discussion and possible decision regarding request by Peter Murphy, of OneEnergy Development, LLC, for conditional use permit at Tax Key Parcel KLF 1900006, located in the City's ETZ in the Town of Lafayette, to use the property for solar energy generation project
- f) Discussion and possible decision regarding Resolution No. 24-04: A Resolution Denying a Conditional Use Permit from a Towing Company for an Impound Lot and Outdoor Vehicle Storage located at 544 S Lincoln Street
- g) Discussion and possible decision regarding advertising the 2024 Highway 67 Bypass Lane Project for bids
- h) Discussion and possible decision regarding advertising the 2024 Centralia St Phase II Reconstruction Project for bids including McKenzie Lane and an alternate bid for MacLean Road Speed-Calming Project
- i) Discussion and possible decision regarding implementation date of new water rates
- j) Discussion and possible decision regarding second Council meeting date in February

12) Adjourn

DATED at Elkhorn, Wisconsin, this 12th day of January 2024

Lacey L. Reynolds, City Clerk

Should you have any questions or comments regarding any items on this agenda, please contact the City Clerk's office at 723-2219. Upon reasonable notice to the City Clerk, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services.

CITY OF ELKHORN SPECIAL COMMON COUNCIL
MEETING MINUTES
January 3, 2024
COUNCIL CHAMBERS, 311 SEYMOUR CT., ELKHORN, WI 53121

The Common Council meeting was called to order by Mayor Lechner at 5:30 p.m. in the Council Chambers, followed by the Pledge of Allegiance.

ROLL CALL

Present: Mayor Bruce Lechner, Alderpersons Tim Shiroda, Gary Lee Payson Jr., Ron Dunwiddie, Scott McClory, Ken Meinel, Karel Young.

Others present: City Administrator Adam Swann, Attorney Ward Phillips, City Clerk Lacey Reynolds, Police Chief Joel Christensen, Director of Public Works Matthew Lindstrom, Fire Chief Rod Smith, Finance Director Corrie Daly, Human Resources Generalist Kacey Keogh, Utility Field Office Coordinator Dawn Gall, Water Superintendent Tim Boss, City Engineer Mike Timmers, Chris Clapper, other interested persons.

PUBLIC COMMENT

Guy Finley of 427 Oakland Ln. spoke about water quality and water rate increase.

CONSENT AGENDA

Motion (Dunwiddie/Meinel) to approve the Common Council Meeting minutes from December 18, 2023 and Revised Pay Application No. 7 (Final) from Hydro-Klean, LLC for the 2022 Sewer Rehabilitation Project in the amount of \$51,455.31. Roll call vote: Dunwiddie, yes; Meinel, yes; Young, yes; McClory, yes; Payson Jr., yes; Shiroda, yes. Motion carried.

REPORT OF CITY OFFICERS

MAYOR'S REPORT

CITY ADMINISTRATOR'S REPORT – Administrator Swann shared staff is working on finalizing water loans, tax collection is going well and the PSC public hearing notice went out in the utility bills. City Clerk Reynolds gave an update regarding nominees for the 2024 Spring Election.

UNFINISHED BUSINESS

Discussion and possible decision regarding drafting City ordinance to authorize use of ATVs/UTVs on City streets. Discussion took place and the Council requested the DNR recreational warden attend a meeting, more general information, staff to check in with the City's of Delavan and Whitewater and to revisit the topic at the February 5th meeting.

NEW BUSINESS

Discussion and possible decision regarding advertising the 2024 Northeast Water Treatment Plant Water and Sewer Extension Project for bids. *Motion (Payson Jr./Dunwiddie) to approve advertising the 2024 Northeast Water Treatment Plant Water and Sewer Extension Project for bids. Roll call vote: Payson Jr., yes; Dunwiddie, yes; McClory, yes; Shiroda, yes; Meinel, yes; Young, yes. Motion carried.*

Discussion and possible decision regarding proposal from Teska Associates, Inc. to provide professional planning services for the creation of a land use plan and ordinance for the City's ETZ in the Town of Sugar Creek. No action taken.

Discussion and possible decision regarding proposed Resolution No. 24-01: A Resolution Opposing Senate Bill 691 and Assembly Bill 768, Which Authorize the Creation of Urban Towns. Alderman Payson Jr. requested more information and asked if anyone is attending the State meeting. Discussion took place. *Motion (Shiroda/Meinel) to approve Resolution No. 24-01: A Resolution Opposing Senate Bill 691 and*

Assembly Bill 768, Which Authorize the Creation of Urban Towns. Roll call vote: Shiroda, yes; Meinel, yes; Young, yes; Payson Jr., no; Dunwiddie, yes; McClory, yes. Motion carried 5-1.

Discussion and possible decision regarding canceling Council meeting scheduled for January 8, 2024. *Motion (Meinel/Dunwiddie) to cancel the January 8, 2024 Council meeting. Voice vote, all approved, motion carried.*

ADJOURN TO CLOSED SESSION

Motion (Dunwiddie/Young) to adjourn to closed session pursuant to Wisconsin Statute 19.85(1)(c), a closed session to consider employment, promotion, compensation or performance evaluation of data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Voice vote, all approved, motion carried. Adjourned to closed session at 6:14pm.

RECONVENE IN OPEN SESSION

Reconvened in open session at 6:56pm.

Motion (Payson Jr./Dunwiddie) to proceed with the investigation regarding the personnel matter. Roll call vote: Payson Jr., yes; Dunwiddie, yes; McClory, yes; Young, yes; Shiroda, yes; Meinel, yes. Motion carried.

ADJOURN

Motion (Dunwiddie/Young) to adjourn at 6:57p.m. Voice vote, all approved, motion carried.

Lacey L. Reynolds
City Clerk

<u>Applicant</u>	<u>Location</u>	<u>Beverage type</u>	<u>Event, Date, Time</u>	<u>Day of the week</u>
Wal Cty Ag Society	Fairgrounds	Beer/Wine	Ribfest, July 10 -13, 2024 from 11-11 pm, July 14, 2024 from 11-9 pm	Wed - Sun
Wal Cty Ag Society	Fairgrounds	Beer	Neon Nights, August 2 & 3, 2024 from 1-10 pm	Fri & Sat
Wal Cty Ag Society	Fairgrounds	Beer/Wine	Fair, August 28- September 1, 2024 from 11am-10:30pm, September 2, 2024 from 11am-8pm	Wed - Mon

MEMO

TO: Mayor Bruce Lechner
Alderman Ronald Dunwiddie
Alderman Scott McClory
Alderman Ken Meinel
Alderman Gary Payson, Jr.
Alderman Tim Shiroda
Alderman Karel Young

FROM: Adam Swann

DATE: January 12, 2024

RE: Common Council Meeting on January 15, 2024

City Administrator Report

- **Meeting with Briohn Building Corporation re potential industrial park**

On Tuesday, January 9, 2024, several City staff members met with Joe Jursenas, vice president of building development for Briohn Building Corporation, about a possible industrial park west of Deere Rd. (on approximately 213 acres owned by the Harold and Carol Deback Trusts). City staff members included Zoning Administrator Allison Schwark, Public Works Director Matthew Lindstrom, and me. The City's commercial broker, Ray Gooden of Anderson Commercial Group, was also present, along with his colleague Kristen Parks.

In the next few weeks Briohn is going to be working on several proposed site plans in preparation for presenting concept plans to the Plan Commission and Council. For informational purposes, the proposed project location would have to be rezoned, and the City's Comprehensive Plan would have to be amended in order for the project to move forward. The area is currently zoned R-4, Predominantly Residential Mixed Use District.

- **Wisconsin Senate Hearing re Senate Bill 691 (“Urban Towns”)**

On Wednesday, January 10, 2024, I attended the Senate hearing in Madison, Wisconsin, on Senate Bill 691, which would authorize certain towns in Wisconsin to declare themselves “urban towns” and thereby gain access to city water/sewer services, eliminate city ETZ zoning authority and plat review, and require unanimous property owner approval for annexations. There was significant turnout by both supporters and opponents of the bill. (I had one of the few remaining seats in the overflow section.) The hearing started at 9:30 a.m., and I spoke on behalf of the City at approximately 2:15 p.m. and expressed that the City opposed the bill (based on the Council resolution passed at the last meeting). I kept my remarks relatively brief given the fact that the senators had been listening to testimony uninterrupted for almost five hours.

Earlier during the hearing senators in support of the bill agreed to submit an amendment removing the provisions requiring cities and villages to provide towns with the water and sewer service. It is unclear whether the other provisions in SB 691 will be moved forward for further consideration. My understanding is that Wisconsin associations of planners and developers oppose the bill in addition to cities and villages. The proponents of the bill are towns officials and town residents. According to the League of Wisconsin Municipalities, there is going to be a similar hearing on the Assembly version of the bill.

- **Meeting with Tracy Group re potential residential development**

On Monday, January 15, 2024, the City engineer and several City staff members—including Allison Schwark, Matthew Lindstrom, and I—will be meeting with the Tracy Group to discuss their proposal for a residential development on West Market Street. The goal is to find solutions to some of the potential challenges of their proposal, including site access, right-of-way width, sidewalk locations, and stormwater phasing.

- **Public Service Commission public hearing regarding proposed water rate increase**

As a reminder, the PSC is holding a public hearing on the proposed water rate increase of 24.25% on January 16, 2024 at 2:00 p.m. A copy of the customer notice and PSC rate design is included in the Council packet for

informational purposes. These documents were previously included in the Council packet from December 18, 2024. The customer notice includes a Zoom link to the hearing. The City will be streaming the public hearing and providing customers with an opportunity to speak at the public hearing at the City Administration Building for those customers who do not have internet access or would prefer to observe/participate in the public hearing at the City Administration Building.

- **Availability of Jason Roberts, DNR safety warden, for February 5, 2024 Council meeting to discuss ATVs/UTVs**

Police Chief Joel Christensen has confirmed that Jason Roberts, a safety warden for the Wisconsin DNR, will be available for the February 5, 2024 Council meeting to answer Council's questions about the use of ATVs/UTVs on City streets.

Unfinished Business

- **Discussion and possible decision regarding proposal from Teska Associates, Inc. to provide professional planning services for the creation of a land use plan and ordinance for the City's ETZ in the Town of Sugar Creek**

Teska Associates has provided the City with a proposal to provide the City with planning services during the planning process for the new ETZ in the Town of Sugar Creek. The proposal is in the amount of \$13,770 based on four meetings with the Joint ETZ Committee and one meeting with the City's Plan Commission. The City would be billed for additional meetings. The costs for Teska's services would be charged to the Community Development Fund.

The first Joint ETZ Committee meeting for Sugar Creek was held on January 4, 2024 at 5:00 p.m. The City of Elkhorn and Town of Sugar Creek both had their three appointed representatives in attendance. Zoning Administrator Allison Schwark was present for the meeting and summarized the process for moving forward. Lee Brown of Teska Associates was also present and explained the role of the Joint ETZ Committee in preparing the land use plan for the future of the ETZ area. (Prior to the last Council meeting I had asked Lee Brown to help us prepare for the first Joint ETZ Committee pending Council review of the proposal to provide professional planning services.) The Joint ETZ Committee agreed to meet the first Thursday of every month at 5:00 p.m. while working on the land use plan.

New Business

- **Resolution No. 24-02: A Resolution Authorizing the Issuance and Sale of up to \$460,183 Sewer System Revenue Bonds, Series 2024, and Providing for other Details and Covenants with Respect Thereto**

This resolution would authorize the sale of \$460,183 in sewer system revenue bonds to the State of Wisconsin Clean Water Fund Program, in accordance with the terms and conditions of the Financial Assistance Agreement. The bonds would have an interest rate of 2.255%, and the last principal payment would be due on May 1, 2053. These funds would be used to pay for the sewer portions of the 2023 S. Wright St. Improvement Project and the 2023 Centralia Reconstruction Project (Phase 1).

- **Resolution No. 24-03: A Resolution Authorizing the Issuance and Sale of up to \$1,991,290 Waterworks and Electric System Revenue Bonds, Series 2024, and Providing for other Details and Covenants with Respect Thereto**

This resolution would authorize the sale of \$1,991,290 in water and electric system revenue bonds to the State of Wisconsin Safe Drinking Water Fund Program, in accordance with the terms and conditions of the Financial Assistance Agreement. The bonds would have an interest rate of 2.255%, and the last principal payment would be due on May 1, 2053. These funds would be used to pay for the water portions of the 2023 S. Wright Street Improvement Project and the 2023 Centralia Street Reconstruction Project (Phase 1). As mentioned in my memo from the last Council meeting, the Sewer Fund and Electric Fund provided the Water Fund with short-term financing to cover the costs of the S. Wright St. and Centralia St. (Phase 1) projects until the loans were approved and finalized, so these loans will be used in part to reimburse the Sewer Fund and Electric Fund.

- **Discussion and possible decision regarding Ordinance 24-01: An Ordinance Amending the Elkhorn Municipal Code at Chapter 17.7-2 Yards**

This proposed ordinance is being presented upon the recommendation of the Plan Commission. The zoning administrator and Plan Commission wanted to update the City Code to address certain types of materials used in sheds and fencing that are not addressed in the City Code. In particular, the Plan Commission supports allowing metal as an acceptable material for

sheds. In terms of fencing, the proposed ordinance prohibits barbed wire fencing, chicken wire fencing (except for gardening), electric fences, and several other types as listed in the ordinance. The proposed ordinance adds a provision specifying that if there's a fencing material not addressed in the Code, the zoning administrator has the discretion to make a decision. City Attorney Ward Phillips can provide more explanation at the meeting.

- **Discussion and possible decision regarding implementation date of new water rates**

As Council may recall from the prior Council meeting, the public hearing with the PSC about the proposed water rate increase is scheduled for Tuesday, January 16, 2024 at 2:00 p.m. According to the PSC, it will take 2-3 weeks after the hearing for the PSC to issue a final decision on the new rate increase and then 1-90 days for the City to implement the new rate. It appears the City has discretion to choose when in the 1-90 day window to implement the new rates.

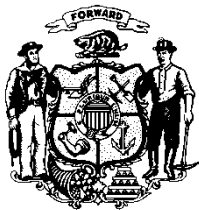
Assuming it takes the PSC two weeks to make a decision, the City would receive a decision by January 30. Unfortunately, this would be after the City has already finalized water bills and inserts for mailing at the end of January. Under this scenario, the City could mail notices to customers in February confirming the rate increases, explaining the reason for the need, and setting March 1 as the start date for the new rates, which would mean that the new rates would appear on bills mailed out at the end of April (for March 1-March 31 usage), which would be due in May. The City could either send a special mailing in early to mid-February or include it with the utility bills mailed out at the end of February.

Under the scenario outlined above, the new rates would be implemented approximately 30 days after a PSC decision. If the Council wants to wait longer, the City could start the rates April 1, which would be approximately 60 days after a PSC decision, assuming the City receives an answer by January 30.

Question for Council: Assuming the PSC approves the new water rates, how soon does the Council want to implement the new rates?

- **Discussion and possible decision regarding second Council meeting date in February**

The Common Council had previously agreed to move the second Council meeting in February from Monday, February 19 to Wednesday, February 21 due to the anticipated spring primary election on Tuesday, February 20. However, based on the candidate filings, the City will not need to hold a spring primary on February 20, 2024. As a result, would Council prefer to have the second Council meeting on Monday, February 19, 2024 per the normal meeting schedule?



Public Service Commission of Wisconsin

Rebecca Cameron Valcq, Chairperson
Tyler Huebner, Commissioner
Summer Strand, Commissioner

4822 Madison Yards Way
P.O. Box 7854
Madison, WI 53707-7854

Public Service Commission of Wisconsin
RECEIVED: 12/7/2023 11:15:02 AM

December 7, 2023

Ms. Corrie Daly, Finance Director
Elkhorn Light and Water
311 Seymour Court
P.O. Box 920
Elkhorn, WI 53121

Re: Application of the City of Elkhorn, Walworth County,
Wisconsin, as a Water Public Utility, for Authority to
Adjust Water Rates

1800-WR-105

Dear Ms. Daly:

Public Service Commission (Commission) staff has analyzed the Elkhorn Light and Water (applicant) application for a water rate increase. The Commission received the application on July 31, 2023. The attached proposed exhibit (Exhibit) contains schedules showing Commission staff's proposed cost-of-service analysis and proposed rates. Commission staff intends to submit the Exhibit at the public hearing, which will be scheduled at a later date.

The revenue requirement for the 2023 test year is comprised of the following:

Operation and Maintenance Expenses	\$	2,127,789
Depreciation Expense	\$	817,291
Property Tax Equivalent and Other Taxes	\$	546,843
Return on Rate Base	\$	1,351,841
Total	\$	4,843,764

Commission staff used a 6.80 percent rate of return on the estimated water utility net investment rate base for the 2023 test year, as recommended by our staff auditor. ([PSC REF#: 485656.](#))

Schedule 13 of the Exhibit shows the proposed rates that would increase annual revenues from water public utility service by an estimated \$931,772. Commission staff estimates \$674,578 would be from general service customers, and \$257,194 would be from the public fire protection (PFP) charge. The increase in water utility revenues results from a 8.88 percent increase in gross plant investment and a 23.45 percent increase in operating expenses since the applicant's last water conventional rate case (CRC) in 2017.

The overall increase in customer rates is 24.25 percent and is comprised of a 22.56 percent increase in general service charges and a 30.20 percent increase in PFP charges.

Under the rates proposed in the Exhibit, a typical single-family residential customer's bill would increase 24.66 percent, including PFP. Schedule 14 of the Exhibit shows Commission staff's analysis of customer bills for comparison of proposed and present rates.

Commission staff proposes several changes on Schedule 13 per the applicant's request. The proposed changes include:

- The applicant proposed a monthly charge for Schedule NSM-1, Non-Standard Meter Service. ([PSC REF#: 481344](#), p. 38.) Commission staff reviewed the applicant's request and did not have concerns with the charge amount but recommends that the Commission adopt the Commission's standardized tariff language for Schedule NSM-1. Commission staff's Exhibit includes the applicant's proposed charge on Schedule NSM-1 and the Commission's standardized tariff language.
- The applicant requested Commission authorization to begin charging non-general service customers direct PFP charges. Commission staff's Exhibit includes standard language on Schedule F-1, Public Fire Protection Service, to charge these customers.

Schedule X-1, Water Utility Operating Rules, of Schedule 13 includes changes to the applicant's filed rules that reflect the latest requirements in Wis. Admin. Code ch. PSC 185. Commission staff will recommend these changes to the Commission.

The proposed Commission staff Exhibit is intended to provide the Commission with Commission staff's analysis and is not a final decision. After review of the attached Exhibit, the applicant may, within five business days of the date of this letter, present its own case and may submit any additional information it believes to be pertinent to support its position. If Commission staff does not receive a response within that time, it will assume the applicant is in agreement with the staff proposal, and Commission staff will contact the applicant to schedule the public hearing. Please note that this is the applicant's primary opportunity to address any concerns or changes to Commission staff's proposed Cost of Service and Rate Design Exhibit.

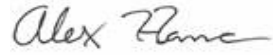
The applicant should also be aware that the Commission will base its decision on the merits of the case and that the general service and PFP rates are typically effective within 90 days of the Final Decision.

In order to receive notification of official correspondence (i.e. data requests, notices, final decisions, etc.), individuals must subscribe to the Utility ID or PSC Docket. To subscribe, go to the Commission's [Electronic Records Filing](#) (ERF) system. For help subscribing, go to [Subscribing to Dockets](#).

Ms. Corrie Daly
Docket 1800-WR-105
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If you have any questions, please contact me.

Sincerely,



Alex Hanna
Public Utility Rate Analyst
Public Service Commission of Wisconsin
Division of Water Utility Regulation and Analysis
(608) 267-2336 | Alex.Hanna@wisconsin.gov

AJH:alf:krl DL:01978169

Attachment

cc: Lisa Trebatoski, Ehlers

Ex.-PSC-COSS and Rate Design

Elkhorn Light and Water

	<u>Schedule</u>
Comparative Income Statement	1
Net Investment Rate Base	2
Utility Financed Plant in Service and Depreciation Expense	3
System Demand Ratios	4
Allocation of Utility Financed Plant to Service Cost Functions	5
Allocation of Total Plant to Service Cost Functions	5A
Allocation of Depreciation Expense to Service Cost Functions	6
Allocation of Operation and Maintenance Expenses to Service Cost Functions	7
Summary of Allocation of Operating Costs to Service Cost Functions	8
Customer Class Demand Ratios	9
Customer Class Allocation Factors	10
Allocation of Service Cost Functions to Customer Classes	11
Comparison of Revenue at Present Rates, Cost of Service and Proposed Rates	12
Proposed Water Rates and Rules	13
Customer Water Bill Comparison at Present and Proposed Rates	14

COMPARATIVE INCOME STATEMENT

ACCT NO.	OPERATING REVENUES	TEST YEAR				
		2019	2020	2021	2022	2023
460	Unmetered Sales to General Customers					
	Residential	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
	Multi-Family Residential	0	0	0	0	0
	Commercial	9,562	10,053	23,999	6,980	7,000
	Industrial	0	0	0	0	0
	Public Authority	3,272	0	0	0	0
	Irrigation	0	0	0	0	0
461	Metered Sales to General Customers					
	Residential	1,641,559	1,747,575	1,743,688	1,694,020	1,710,550
	Multi-Family Residential	259,532	262,053	263,482	270,896	238,213
	Commercial	585,396	539,941	585,693	568,522	571,334
	Industrial	266,918	259,671	251,908	241,484	248,511
	Public Authority	195,338	171,914	215,157	224,989	221,725
	Irrigation	0	0	0	0	0
	TOTAL GENERAL SALES	\$ 2,961,577	\$ 2,991,207	\$ 3,083,927	\$ 3,006,891	\$ 2,997,333
462	Private fire protection service	\$ 43,234	\$ 44,311	\$ 49,601	\$ 45,880	\$ 45,878
463	Public fire protection service	826,244	832,736	909,612	840,660	851,566
465	Other water sales	0	0	0	0	0
466	Sales for resale	0	0	0	0	0
467	Interdepartmental sales	0	0	0	0	0
470	Forfeited discounts	9,939	4,593	7,170	7,876	7,215
472	Rents from water property	0	0	0	0	0
473	Interdepartmental rents	0	0	0	0	0
474	Other water revenues	2,370	3,603	13,317	292,400	10,000
	TOTAL OPERATING REVENUES	\$ 3,843,364	\$ 3,876,450	\$ 4,063,627	\$ 4,193,707	\$ 3,911,992
	OPERATING EXPENSES					
	SOURCE OF SUPPLY					
600	Operation labor	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
601	Operation labor and expenses	26,718	83,683	55,345	522,102	78,000
602	Purchased water	0	0	0	0	0
603	Miscellaneous expenses	0	0	0	0	0
604	Rents	0	0	0	0	0
610	Maintenance supervision and engineering	0	0	0	0	0
611	Maintenance of structures and improvements	0	0	0	3,050	0
612	Maint. of collecting and impounding reservoirs	0	0	0	0	0
613	Maintenance of lake, river, and other intakes	0	0	0	0	0
614	Maintenance of wells and springs	0	0	0	0	0
616	Maintenance of supply mains	0	0	0	0	0
617	Maintenance of misc. water source plant	0	0	0	0	0
	PUMPING EXPENSES					
620	Operation supervision and engineering	0	0	0	0	0
621	Fuel for power production	0	0	0	0	0
622	Power production labor and expenses	0	0	0	0	0
623	Fuel or power purchased for production	178,617	174,942	205,979	264,041	237,101
624	Pumping labor and expenses	6,754	5,196	59,605	57,502	36,250
625	Expenses transferred--credit	0	0	0	0	0
626	Miscellaneous expenses	0	0	0	0	0
627	Rents	0	0	0	0	0
630	Maintenance supervision and engineering	0	0	0	0	0
631	Maintenance of structures and improvements	0	0	0	0	0
632	Maintenance of power production equipment	0	0	0	0	0
633	Maintenance of pumping equipment	6,130	8,165	8,802	141,398	21,839

COMPARATIVE INCOME STATEMENT
(continued)

ACCT NO.	OPERATING EXPENSES	TEST YEAR				
		2019	2020	2021	2022	2023
WATER TREATMENT EXPENSES						
640	Operation supervision and engineering	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
641	Chemicals	138,187	144,182	156,078	196,515	200,000
642	Operation labor and expenses	232,126	281,545	349,535	424,129	365,000
643	Miscellaneous expenses	1,615	223	907	2,650	1,500
644	Rents	0	0	0	0	0
650	Maintenance supervision and engineering	0	0	0	415	0
651	Maintenance of structures and improvements	0	0	0	0	0
652	Maintenance of water treatment equipment	70,140	75,768	76,484	73,929	80,000
TRANS & DISTRIBUTION EXPENSES						
660	Operation supervision and engineering	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
661	Storage facilities expenses	0	0	9	0	0
662	Transmission and distribution expenses	53,641	51,351	69,435	412,656	75,000
663	Meter expenses	155	2	51	871	500
664	Customer installations expenses	0	0	16	8,803	250
665	Miscellaneous expenses	0	0	0	0	0
666	Rents	0	0	0	0	0
670	Maintenance supervision and engineering	0	0	0	0	0
671	Maintenance of structures and improvements	0	0	0	0	0
672	Maintenance of distr.reservoirs and standpipes	74,645	16,863	68,485	41,821	114,454
673	Maintenance of transmission and distr. mains	129,649	81,792	124,899	430,227	170,000
675	Maintenance of services	1,502	4,875	1,280	2,631	3,000
676	Maintenance of meters	9,060	4,163	7,725	2,417	6,000
677	Maintenance of hydrants	0	3,513	32,096	0	4,500
678	Maintenance of miscellaneous plant	0	0	0	0	0
CUSTOMER ACCOUNTS EXPENSES						
901	Supervision	0	0	0	0	0
902	Meter reading labor	21,075	13,854	18,383	17,283	19,000
903	Customer records and collection expenses	72,628	62,099	72,697	80,447	80,000
904	Uncollectible accounts	659	251	0	10,825	750
905	Miscellaneous customer accounts expenses	0	0	0	0	0
906	Customer service and Information Expenses	0	0	0	0	0
SALES EXPENSES						
910	Sales Expenses	0	0	0	0	0
ADMIN. & GENERAL EXPENSES						
920	Administrative and general salaries	141,882	128,063	156,605	203,663	205,000
921	Office supplies and expenses	47,789	13,000	87,561	92,581	64,790
922	Administrative expenses transferred -- credit	0	0	0	0	0
923	Outside services employed	19,147	19,265	5,796	77,686	25,000
924	Property insurance	14,586	15,619	16,104	18,534	19,000
925	Injuries and damages	14,157	14,551	15,651	26,370	25,000
926	Employee pensions and benefits	264,255	258,166	270,988	291,077	292,635
928	Regulatory commission expenses	0	2,236	714	0	850
929	Duplicate charges -- credit	0	0	0	0	0
930	Miscellaneous general expenses	518	518	518	518	520
931	Rents	1,950	1,994	1,846	1,846	1,850
932	Maintenance of general plant	0	0	0	0	0
TOTAL OPER. & MAINT. EXPENSES		\$ 1,527,585	\$ 1,465,879	\$ 1,863,594	\$ 3,405,987	\$ 2,127,789
403	DEPRECIATION EXPENSE	720,033	719,568	732,460	796,512	817,291
404-407	AMORTIZATION EXPENSE	0	0	0	0	0
408	TAXES AND TAX EQUIVALENT	535,984	534,899	539,486	545,979	546,843
TOTAL OPERATING EXPENSES		\$ 2,783,602	\$ 2,720,346	\$ 3,135,540	\$ 4,748,478	\$ 3,491,923
NET OPERATING INCOME		\$ 1,059,762	\$ 1,156,104	\$ 928,087	\$ (554,771)	\$ 420,069

NET INVESTMENT RATE BASE

UTILITY FINANCED PLANT IN SERVICE	\$ 30,756,492
Less: ACCUMULATED PROVISION FOR DEPRECIATION	<u>10,920,224</u>
NET PLANT IN SERVICE	\$ 19,836,268
Plus: MATERIALS AND SUPPLIES	60,913
Less: REGULATORY LIABILITY	<u>17,165</u>
NET INVESTMENT RATE BASE	<u><u>\$ 19,880,016</u></u>
RATE OF RETURN ON RATE BASE	6.80%

**ESTIMATED INCOME STATEMENT FOR THE 2023 TEST YEAR
AND
REVENUE REQUIREMENT TO YIELD A 6.80% RETURN ON NET INVESTMENT RATE BASE**

	<u>Present Rates</u>	<u>Increase</u>	<u>After Rate Increase</u>
TOTAL OPERATING REVENUES	\$ <u>3,911,992</u>	\$ <u>931,772</u>	\$ <u>4,843,764</u>
OPERATING EXPENSES:			
OPERATION & MAINTENANCE EXPENSES	\$ 2,127,789		\$ 2,127,789
DEPRECIATION EXPENSE	817,291		817,291
AMORTIZATION EXPENSE	0		0
TAXES AND TAX EQUIVALENT	<u>546,843</u>		<u>546,843</u>
TOTAL OPERATING EXPENSES	\$ <u>3,491,923</u>		\$ <u>3,491,923</u>
NET OPERATING INCOME (LOSS)	\$ <u>420,069</u>		<u><u>\$ 1,351,841</u></u>
RATE OF RETURN ON RATE BASE	2.11%		6.80%

**UTILITY FINANCED PLANT IN SERVICE AND DEPRECIATION EXPENSE
TEST YEAR 2023**

<u>ACCT NO.</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Balance 12/31/2022 (\$)</u>	<u>Major Additions</u>		<u>Retirements (\$)</u>	<u>Balance 12/31/2023 (\$)</u>	<u>Test Year Rate Base Balance (\$)</u>	<u>Depreciation</u>	
			<u>Less Retirements (\$)</u>	<u>Normal Additions (\$)</u>				<u>Rate (%)</u>	<u>Expense (\$)</u>
INTANGIBLE PLANT									
301	Organization	0	0	0	0	0	0	N/A	0
302	Franchises and Consents	0	0	0	0	0	0	N/A	0
303	Miscellaneous Intangible Plant	0	0	0	0	0	0	N/A	0
SOURCE OF SUPPLY									
310	Land and Land Rights	134,072	0	0	0	134,072	134,072	N/A	0
311	Structures and Improvements	439,007	0	0	0	439,007	439,007	3.20%	14,048
312	Collecting and Impounding Reservoirs	1,400	0	0	0	1,400	1,400	1.70%	24
313	Lake, River, and Other Intakes	0	0	0	0	0	0	1.70%	0
314	Wells and Springs	1,023,251	0	0	0	1,023,251	1,023,251	2.90%	29,674
316	Supply Mains	323,872	0	0	0	323,872	323,872	1.80%	5,830
317	Other Water Source Plant	0	0	0	0	0	0	4.50%	0
PUMPING PLANT									
320	Land and Land Rights	0	0	0	0	0	0	N/A	0
321	Structures and Improvements	110,883	0	0	0	110,883	110,883	3.20%	3,548
323	Other Power Production Equipment	407,043	0	0	0	407,043	407,043	4.40%	17,910
325	Electric Pumping Equipment	960,409	0	0	0	960,409	960,409	4.40%	42,258
326	Diesel Pumping Equipment	0	0	0	0	0	0	4.40%	0
328	Other Pumping Equipment	310,449	0	0	0	310,449	310,449	0.00%	0
WATER TREATMENT PLANT									
330	Land and Land Rights	0	0	0	0	0	0	N/A	0
331	Structures and Improvements	3,765,155	0	0	0	3,765,155	3,765,155	3.20%	120,485
332	Sand or Other Media Filtration Equipment	2,775,395	0	0	0	2,775,395	2,775,395	3.30%	91,588
333	Membrane Filtration Equipment	43,372	0	0	0	43,372	43,372	6.00%	2,602
334	Other Water Treatment Equipment	794,390	0	0	0	794,390	794,390	6.00%	47,663

UTILITY FINANCED PLANT IN SERVICE AND DEPRECIATION EXPENSE
TEST YEAR 2023
(continued)

<u>ACCT NO.</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Balance</u>	<u>Major</u>	<u>Normal</u>	<u>Retirements</u>	<u>Balance</u>	<u>TEST YEAR</u>	<u>DEPRECIATION</u>	
		<u>12/31/2022</u>	<u>Additions</u>	<u>Additions</u>		<u>12/31/2023</u>	<u>RATE BASE</u>	<u>RATE</u>	<u>EXPENSE</u>
		<u>(\$)</u>	<u>(\$)</u>	<u>(\$)</u>	<u>(\$)</u>	<u>(\$)</u>	<u>(\$)</u>	<u>(%)</u>	<u>(\$)</u>
TRANSMISSION & DISTRIBUTION PLANT									
340	Land and Land Rights	6,509	0	0	0	6,509	6,509	N/A	0
341	Structures and Improvements	4,318	0	0	0	4,318	4,318	0.00%	0
342	Distribution Reservoirs and Standpipes	2,465,481	0	0	0	2,465,481	2,465,481	1.90%	46,844
343	Transmission and Distribution Mains	8,298,593	1,241,869	0	0	9,540,462	9,540,462	1.30%	124,026
345	Services	1,664,194	425,482	0	0	2,089,676	2,089,676	2.90%	60,601
346	Meters	715,433	79,820	0	0	795,253	795,253	5.50%	21,870
348	Hydrants	1,036,025	166,078	0	0	1,202,103	1,202,103	2.20%	26,447
349	Other Transmission and Distribution Plant	31,993	0	0	0	31,993	31,993	0.00%	0
GENERAL PLANT									
389	Land and Land Rights	462	0	0	0	462	462	N/A	0
390	Structures and Improvements	2,733,597	0	0	0	2,733,597	2,733,597	2.90%	79,274
391	Office Furniture and Equipment	52,761	0	0	0	52,761	52,761	0.00%	0
391	Computer Equipment	66,308	0	0	0	66,308	66,308	26.70%	17,704
392	Transportation Equipment	242,685	0	0	0	242,685	242,685	13.30%	32,277
393	Stores Equipment	1,462	0	0	0	1,462	1,462	0.00%	0
394	Tools, Shop and Garage Equipment	15,711	0	0	0	15,711	15,711	0.00%	0
395	Laboratory Equipment	9,709	0	0	0	9,709	9,709	0.00%	0
396	Power Operated Equipment	0	0	0	0	0	0	7.50%	0
397	Communication Equipment	50,779	0	0	0	50,779	50,779	0.00%	0
397	SCADA Equipment	347,770	0	0	0	347,770	347,770	9.20%	31,995
398	Miscellaneous Equipment	10,755	0	0	0	10,755	10,755	5.80%	624
TOTAL UTILITY FINANCED PLANT IN SERVICE		28,843,243	1,913,249	0	0	30,756,492	30,756,492		817,291

Elkhorn Light and Water

SYSTEM DEMAND RATIOS

MAXIMUM DAY SYSTEM DEMAND

TOTAL ANNUAL PUMPAGE 332,963,038 Gallons

AVERAGE DAILY PUMPAGE 912,228 Gallons

MAXIMUM DAY PUMPAGE 1,368,341 Gallons

FIRE FLOW:

GAL/MIN	4,000	
DURATION (HOURS)	4.00	
TOTAL FLOW	960,000	Gallons

AVERAGE DAY PLUS FIRE FLOW 1,872,228 Gallons

RATIO: BASE = $\frac{912,228}{1,872,228}$ = 48.72%

MAX DAY = 100-BASE = 51.28%

MAXIMUM HOUR SYSTEM DEMAND

AVERAGE HOUR ON MAX DAY 57,014 Gallons

MAXIMUM HOUR PUMPAGE 85,521 Gallons

AVERAGE HOUR PLUS ONE HOUR FIRE FLOW 278,009 Gallons

RATIO: BASE = $\frac{912,228}{6,672,228}$ = 13.67% Use 13.67%

MAX HOUR = 100-BASE = 86.33% Use 86.33%

**ALLOCATION OF UTILITY FINANCED PLANT
TO SERVICE COST FUNCTIONS**

<u>ACCT NO.</u>	<u>ACCOUNT DESCRIPTION</u>	EXTRA-CAPACITY											
		TOTAL	BASE COSTS		MAX DAY			MAX HOUR			CUSTOMER COSTS		
			(\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	Storage (\$)	Billing (\$)	Equivalent Meter (\$)	Equivalent Service (\$)
INTANGIBLE PLANT													
301	Organization	0	0	0	0	0	0	0	0	0	0	0	0
302	Franchises and Consents	0	0	0	0	0	0	0	0	0	0	0	0
303	Miscellaneous Intangible Plant	0	0	0	0	0	0	0	0	0	0	0	0
SOURCE OF SUPPLY													
310	Land and Land Rights	134,072	65,325		68,747								
311	Structures and Improvements	439,007	213,903		225,104								
312	Collecting and Impounding Reservoirs	1,400	682		718								
313	Lake, River, and Other Intakes	0	0		0								
314	Wells and Springs	1,023,251	498,571		524,680								
316	Supply Mains	323,872	157,804		166,068								
317	Other Water Source Plant	0	0		0								
PUMPING PLANT													
320	Land and Land Rights	0	0		0								
321	Structures and Improvements	110,883	54,027		56,856								
323	Other Power Production Equipment	407,043	198,328		208,715								
325	Electric Pumping Equipment	960,409	467,951		492,458								
326	Diesel Pumping Equipment	0	0		0								
328	Other Pumping Equipment	310,449	151,264		159,185								
WATER TREATMENT PLANT													
330	Land and Land Rights	0	0		0								
331	Structures and Improvements	3,765,155	1,834,541		1,930,614								
332	Sand or Other Media Filtration Equipment	2,775,395	1,352,288		1,423,107								
333	Membrane Filtration Equipment	43,372	21,133		22,239								
334	Other Water Treatment Equipment	794,390	387,060		407,330								

**ALLOCATION OF UTILITY FINANCED PLANT
TO SERVICE COST FUNCTIONS
(continued)**

ACCT NO.	ACCOUNT DESCRIPTION	EXTRA-CAPACITY											
		TOTAL (\$)	BASE COSTS		MAX DAY			MAX HOUR		CUSTOMER COSTS			
			System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	Storage (\$)	Billing (\$)	Equivalent Meter (\$)	Equivalent Service (\$)	Fire Protection (\$)
TRANSMISSION & DISTRIBUTION PLANT													
340	Land and Land Rights	6,509	1,493	147	1,428	0	0	927	861	0	322	845	486
341	Structures and Improvements	4,318	991	97	947	0	0	615	571	0	213	561	323
342	Distribution Reservoirs and Standpipes	2,465,481	337,081						2,128,400				
343	Transmission mains	6,885,231	3,354,772		3,530,459								
343	Distribution mains	2,655,231		363,023				2,292,208					
345	Services	2,089,676										2,089,676	
346	Meters	795,253									795,253		
348	Hydrants	1,202,103											1,202,103
349	Other Transmission and Distribution Plant	31,993	7,339	722	7,019	0	0	4,557	4,231	0	1,581	4,154	2,390
GENERAL PLANT													
389	Land and Land Rights	462	155	6	157	0	0	39	36	0	14	36	20
390	Structures and Improvements	2,733,597	914,183	36,548	926,345	0	0	230,772	214,280	0	80,063	210,382	121,024
391	Office Furniture and Equipment	52,761	17,645	705	17,879	0	0	4,454	4,136	0	1,545	4,061	2,336
391	Computer Equipment	66,308	22,175	887	22,470	0	0	5,598	5,198	0	1,942	5,103	2,936
392	Transportation Equipment	242,685	81,160	3,245	82,240	0	0	20,488	19,024	0	7,108	18,677	10,744
393	Stores Equipment	1,462	489	20	495	0	0	123	115	0	43	113	65
394	Tools, Shop and Garage Equipment	15,711	5,254	210	5,324	0	0	1,326	1,232	0	460	1,209	696
395	Laboratory Equipment	9,709	3,247	130	3,290	0	0	820	761	0	284	747	430
396	Power Operated Equipment	0	0	0	0	0	0	0	0	0	0	0	0
397	Communication Equipment	50,779	16,982	679	17,208	0	0	4,287	3,980	0	1,487	3,908	2,248
397	SCADA Equipment	347,770	116,303	4,650	117,850	0	0	29,359	27,261	0	10,186	26,765	15,397
398	Miscellaneous Equipment	10,755	3,597	144	3,645	0	0	908	843	0	315	828	476
	TOTAL	30,756,492	10,285,743	411,212	10,422,576	0	0	2,596,480	2,410,928	0	900,817	2,367,064	1,361,673

**ALLOCATION OF TOTAL PLANT
TO SERVICE COST FUNCTIONS**

<u>ACCT NO.</u>	<u>ACCOUNT DESCRIPTION</u>	EXTRA-CAPACITY										
		TOTAL (\$)	BASE COSTS		MAX DAY		MAX HOUR			CUSTOMER COSTS		
			System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	Storage (\$)	Billing (\$)	Equivalent Meter (\$)	Equivalent Service (\$)
INTANGIBLE PLANT												
301	Organization	0	0	0	0	0	0	0	0	0	0	0
302	Franchises and Consents	0	0	0	0	0	0	0	0	0	0	0
303	Miscellaneous Intangible Plant	0	0	0	0	0	0	0	0	0	0	0
SOURCE OF SUPPLY												
310	Land and Land Rights	134,072	65,325		68,747							
311	Structures and Improvements	452,389	220,423		231,966							
312	Collecting and Impounding Reservoirs	1,400	682		718							
313	Lake, River, and Other Intakes	0	0		0							
314	Wells and Springs	1,186,959	578,336		608,623							
316	Supply Mains	408,003	198,796		209,207							
317	Other Water Source Plant	0	0		0							
PUMPING PLANT												
320	Land and Land Rights	0	0		0							
321	Structures and Improvements	139,862	68,147		71,715							
323	Other Power Production Equipment	429,384	209,214		220,170							
325	Electric Pumping Equipment	1,045,251	509,290		535,961							
326	Diesel Pumping Equipment	0	0		0							
328	Other Pumping Equipment	310,449	151,264		159,185							
WATER TREATMENT PLANT												
330	Land and Land Rights	0	0		0							
331	Structures and Improvements	4,198,917	2,045,888		2,153,029							
332	Sand or Other Media Filtration Equipment	3,120,227	1,520,305		1,599,922							
333	Membrane Filtration Equipment	43,372	21,133		22,239							
334	Other Water Treatment Equipment	823,996	401,485		422,511							

**ALLOCATION OF TOTAL PLANT
TO SERVICE COST FUNCTIONS
(continued)**

ACCT NO.	ACCOUNT DESCRIPTION	EXTRA-CAPACITY											
		TOTAL (\$)	BASE COSTS		MAX DAY		MAX HOUR			CUSTOMER COSTS			
			System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	Storage (\$)	Billing (\$)	Equivalent Meter (\$)	Equivalent Service (\$)	Fire Protection (\$)
TRANSMISSION & DISTRIBUTION PLANT													
340	Land and Land Rights	6,509	1,074	289	1,024	0	0	1,826	639	0	232	900	524
341	Structures and Improvements	4,318	713	192	679	0	0	1,212	424	0	154	597	348
342	Distribution Reservoirs and Standpipes	2,552,025	348,913						2,203,112				
343	Transmission mains	6,885,231	3,354,772		3,530,459								
343	Distribution mains	7,293,975		997,233				6,296,742					
345	Services	3,102,374										3,102,374	
346	Meters	799,378									799,378		
348	Hydrants	1,806,395											1,806,395
349	Other Transmission and Distribution Plant	31,993	5,281	1,422	5,034	0	0	8,978	3,141	0	1,140	4,423	2,575
GENERAL PLANT													
389	Land and Land Rights	462	129	13	131	0	0	84	29	0	11	41	24
390	Structures and Improvements	2,883,368	804,327	82,840	815,947	0	0	523,068	183,012	0	66,404	257,713	150,057
391	Office Furniture and Equipment	52,761	14,718	1,516	14,931	0	0	9,571	3,349	0	1,215	4,716	2,746
391	Computer Equipment	66,308	18,497	1,905	18,764	0	0	12,029	4,209	0	1,527	5,927	3,451
392	Transportation Equipment	242,685	67,698	6,972	68,676	0	0	44,025	15,404	0	5,589	21,691	12,630
393	Stores Equipment	1,462	408	42	414	0	0	265	93	0	34	131	76
394	Tools, Shop and Garage Equipment	15,711	4,383	451	4,446	0	0	2,850	997	0	362	1,404	818
395	Laboratory Equipment	9,709	2,708	279	2,747	0	0	1,761	616	0	224	868	505
396	Power Operated Equipment	0	0	0	0	0	0	0	0	0	0	0	0
397	Communication Equipment	50,779	14,165	1,459	14,370	0	0	9,212	3,223	0	1,169	4,539	2,643
397	SCADA Equipment	417,463	116,453	11,994	118,135	0	0	75,731	26,497	0	9,614	37,313	21,726
398	Miscellaneous Equipment	10,755	3,000	309	3,043	0	0	1,951	683	0	248	961	560
	TOTAL	38,527,942	10,747,526	1,106,916	10,902,793	0	0	6,989,306	2,445,427	0	887,300	3,443,597	2,005,076

**ALLOCATION OF DEPRECIATION EXPENSE
TO SERVICE COST FUNCTIONS**

<u>ACCT NO.</u>	<u>ACCOUNT DESCRIPTION</u>	EXTRA-CAPACITY											
		TOTAL	BASE COSTS		MAX DAY		MAX HOUR			CUSTOMER COSTS			Fire Protection
			(\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	Storage (\$)	Billing (\$)	Equivalent Meter (\$)	
INTANGIBLE PLANT													
301	Organization	0	0	0	0	0	0	0	0	0	0	0	0
302	Franchises and Consents	0	0	0	0	0	0	0	0	0	0	0	0
303	Miscellaneous Intangible Plant	0	0	0	0	0	0	0	0	0	0	0	0
SOURCE OF SUPPLY													
310	Land and Land Rights	0	0		0								
311	Structures and Improvements	14,048	6,845		7,203								
312	Collecting and Impounding Reservoirs	24	12		12								
313	Lake, River, and Other Intakes	0	0		0								
314	Wells and Springs	29,674	14,458		15,216								
316	Supply Mains	5,830	2,841		2,989								
317	Other Water Source Plant	0	0		0								
PUMPING PLANT													
320	Land and Land Rights	0	0		0								
321	Structures and Improvements	3,548	1,729		1,819								
323	Other Power Production Equipment	17,910	8,727		9,183								
325	Electric Pumping Equipment	42,258	20,590		21,668								
326	Diesel Pumping Equipment	0	0		0								
328	Other Pumping Equipment	0	0		0								
WATER TREATMENT PLANT													
330	Land and Land Rights	0	0		0								
331	Structures and Improvements	120,485	58,705		61,780								
332	Sand or Other Media Filtration Equipment	91,588	44,626		46,962								
333	Membrane Filtration Equipment	2,602	1,268		1,334								
334	Other Water Treatment Equipment	47,663	23,223		24,440								

**ALLOCATION OF DEPRECIATION EXPENSE
TO SERVICE COST FUNCTIONS
(continued)**

<u>ACCT NO.</u>	<u>ACCOUNT DESCRIPTION</u>	EXTRA-CAPACITY									<u>Fire Protection</u> (\$)		
		<u>TOTAL</u> (\$)	<u>BASE COSTS</u>		<u>MAX DAY</u>		<u>MAX HOUR</u>			<u>CUSTOMER COSTS</u>			
			<u>System</u> (\$)	<u>Distribution</u> (\$)	<u>System</u> (\$)	<u>Distribution</u> (\$)	<u>System</u> (\$)	<u>Distribution</u> (\$)	<u>Storage</u> (\$)	<u>Billing</u> (\$)		<u>Equivalent Meter</u> (\$)	<u>Equivalent Service</u> (\$)
TRANSMISSION & DISTRIBUTION PLANT													
340	Land and Land Rights	0	0	0	0	0	0	0	0	0	0	0	0
341	Structures and Improvements	0	0	0	0	0	0	0	0	0	0	0	0
342	Distribution Reservoirs and Standpipes	46,844	6,405					40,439					
343	Transmission mains	89,508	43,612		45,896								
343	Distribution mains	34,518		4,719			29,799						
345	Services	60,601									60,601		
346	Meters	21,870									21,870		
348	Hydrants	26,447											26,447
349	Other Transmission and Distribution Plant	0	0	0	0	0	0	0	0	0	0	0	0
GENERAL PLANT													
389	Land and Land Rights	0	0	0	0	0	0	0	0	0	0	0	0
390	Structures and Improvements	79,274	28,187	571	28,847	0	0	3,604	4,891	0	2,645	7,330	3,199
391	Office Furniture and Equipment	0	0	0	0	0	0	0	0	0	0	0	0
391	Computer Equipment	17,704	6,295	127	6,442	0	0	805	1,092	0	591	1,637	714
392	Transportation Equipment	32,277	11,476	232	11,745	0	0	1,467	1,992	0	1,077	2,984	1,302
393	Stores Equipment	0	0	0	0	0	0	0	0	0	0	0	0
394	Tools, Shop and Garage Equipment	0	0	0	0	0	0	0	0	0	0	0	0
395	Laboratory Equipment	0	0	0	0	0	0	0	0	0	0	0	0
396	Power Operated Equipment	0	0	0	0	0	0	0	0	0	0	0	0
397	Communication Equipment	0	0	0	0	0	0	0	0	0	0	0	0
397	SCADA Equipment	31,995	11,376	230	11,643	0	0	1,455	1,974	0	1,068	2,958	1,291
398	Miscellaneous Equipment	624	222	4	227	0	0	28	39	0	21	58	25
	TOTAL	817,291	290,595	5,885	297,409	0	0	37,158	50,427	0	27,271	75,568	32,979

**ALLOCATION OF OPERATION AND MAINTENANCE EXPENSES
TO SERVICE COST FUNCTIONS**

ACCT NO.	ACCOUNT DESCRIPTION	EXTRA-CAPACITY										
		TOTAL (\$)	BASE COSTS		MAX DAY			MAX HOUR		CUSTOMER COSTS		
			System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	Storage (\$)	System (\$)	Distribution (\$)	Billing (\$)	Equivalent Meter (\$)	Equivalent Service (\$)
SOURCE OF SUPPLY												
600	Operation labor	0	0			0						
601	Operation labor and expenses	78,000	38,005			39,995						
602	Purchased water	0	0									0
603	Miscellaneous expenses	0	0			0						
604	Rents	0	0			0						
610	Maintenance supervision and engineering	0	0			0						
611	Maintenance of structures and improvements	0	0			0						
612	Maint. of collecting and impounding reservoirs	0	0			0						
613	Maintenance of lake, river, and other intakes	0	0			0						
614	Maintenance of wells and springs	0	0			0						
616	Maintenance of supply mains	0	0			0						
617	Maintenance of misc. water source plant	0	0			0						
PUMPING EXPENSES												
620	Operation supervision and engineering	0	0			0						
621	Fuel for power production	0	0									
622	Power production labor and expenses	0	0									
623	Fuel or power purchased for production	237,101	237,101									
624	Pumping labor and expenses	36,250	17,663			18,587						
625	Expenses transferred--credit	0	0			0						
626	Miscellaneous expenses	0	0			0						
627	Rents	0	0			0						
630	Maintenance supervision and engineering	0	0			0						
631	Maintenance of structures and improvements	0	0			0						
632	Maintenance of power production equipment	0	0			0						
633	Maintenance of pumping equipment	21,839	10,641			11,198						
WATER TREATMENT EXPENSES												
640	Operation supervision and engineering	0	0			0						
641	Chemicals	200,000	200,000									
642	Operation labor and expenses	365,000	177,843			187,157						
643	Miscellaneous expenses	1,500	731			769						
644	Rents	0	0			0						
650	Maintenance supervision and engineering	0	0			0						
651	Maintenance of structures and improvements	0	0			0						
652	Maintenance of water treatment equipment	80,000	38,979			41,021						

**ALLOCATION OF OPERATION AND MAINTENANCE EXPENSES
TO SERVICE COST FUNCTIONS
(continued)**

ACCT NO.	ACCOUNT DESCRIPTION	TOTAL (\$)	EXTRA-CAPACITY						CUSTOMER COSTS			Fire Protection (\$)	
			BASE COSTS		MAX DAY		MAX HOUR		Billing (\$)	Equivalent Meter (\$)	Equivalent Service (\$)		
			System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)					Storage (\$)
TRANSMISSION & DISTRIBUTION EXPENSES													
660	Operation supervision and engineering	0	0	0	0	0	0	0	0	0	0	0	
661	Storage facilities expenses	0	0					0					
662	Transmission lines expenses	27,442	13,371		14,071								
662	Distribution lines expenses	47,558		6,502			41,056						
663	Meter expenses	500							500				
664	Customer installations expenses	250									250		
665	Miscellaneous expenses	0	0	0	0	0	0	0	0	0	0	0	
666	Rents	0	0	0	0	0	0	0	0	0	0	0	
670	Maintenance supervision and engineering	0	0	0	0	0	0	0	0	0	0	0	
671	Maintenance of structures and improvements	0	0	0	0	0	0	0	0	0	0	0	
672	Maintenance of distr.reservoirs and standpipes	114,454	15,648					98,805					
673	Maintenance of transmission mains	62,203	30,308		31,895								
673	Maintenance of distribution mains	107,797		14,738			93,059						
675	Maintenance of services	3,000									3,000		
676	Maintenance of meters	6,000							6,000				
677	Maintenance of hydrants	4,500										4,500	
678	Maintenance of miscellaneous plant	0	0	0	0	0	0	0	0	0	0	0	
CUSTOMER ACCOUNTS EXPENSES													
901	Supervision	0							0				
902	Meter reading labor	19,000							19,000				
903	Customer records and collection expenses	80,000							80,000				
904	Uncollectible accounts	750							750				
905	Miscellaneous customer accounts expenses	0							0				
906	Customer service and Information Expenses	0							0				
SALES EXPENSES													
910	Sales Expenses	0							0				
ADMINISTRATIVE & GENERAL EXPENSES													
920	Administrative and general salaries	205,000	70,623	4,371	70,932	0	0	27,599	20,333	8,211	1,338	669	926
921	Office supplies and expenses	64,790	22,320	1,381	22,418	0	0	8,723	6,426	2,595	423	211	293
922	Administrative expenses transferred -- credit	0	0	0	0	0	0	0	0	0	0	0	0
923	Outside services employed	25,000	8,613	533	8,650	0	0	3,366	2,480	1,001	163	82	113
924	Property insurance	19,000	5,300	546	5,377	0	0	3,447	1,206	0	438	1,698	989
925	Injuries and damages	25,000	8,613	533	8,650	0	0	3,366	2,480	1,001	163	82	113
926	Employee pensions and benefits	292,635	100,813	6,239	101,255	0	0	39,397	29,024	11,721	1,909	955	1,322
928	Regulatory commission expenses	850	293	18	294	0	0	114	84	34	6	3	4
929	Duplicate charges -- credit	0	0	0	0	0	0	0	0	0	0	0	0
930	Miscellaneous general expenses	520	179	11	180	0	0	70	52	21	3	2	2
931	Rents	1,850	637	39	640	0	0	249	183	74	12	6	8
932	Maintenance of general plant	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL OPERATION & MAINTENANCE EXPENSES		2,127,789	997,680	34,912	563,090	0	0	220,445	161,073	124,408	10,955	6,957	8,270

SUMMARY OF ALLOCATION OF OPERATING COSTS TO SERVICE COST FUNCTIONS

OPERATING COST	EXTRA-CAPACITY											
	BASE COSTS			MAX DAY					CUSTOMER COSTS			Fire Protection
	TOTAL	System	Distribution	System	Distribution	System	Distribution	Storage	Billing	Equivalent Meter	Equivalent Service	
(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	
OPERATION AND MAINTENANCE	2,127,789	997,680	34,912	563,090	0	0	220,445	161,073	124,408	10,955	6,957	8,270
DEPRECIATION EXPENSE	817,291	290,595	5,885	297,409	0	0	37,158	50,427	0	27,271	75,568	32,979
AMORTIZATION EXPENSE	0	0	0	0	0	0	0	0	0	0	0	0
TAXES AND TAX EQUIVALENT	546,843	152,544	15,711	154,748	0	0	99,202	34,709	0	12,594	48,876	28,459
RETURN ON NET INVESTMENT RATE BASE	1,351,841	452,090	18,074	458,104	0	0	114,123	105,968	0	39,594	104,040	59,850
TOTAL	4,843,764	1,892,908	74,582	1,473,350	0	0	470,928	352,177	124,408	90,413	235,441	129,557

CUSTOMER CLASS DEMAND RATIOS

CUSTOMER CLASS	BASE COSTS					EXTRA-CAPACITY MAX DAY DEMAND					EXTRA-CAPACITY MAX HOUR DEMAND					
	Annual Volume 100 CCF	Average Day Volume CF	Percent (%)	System Adjusted Percent (%)	Distribution Adjusted Percent (%)	Extra Capacity Ratio	Volume Rate CF Per Day	Percent (%)	System Adjusted Percent (%)	Distribution Adjusted Percent (%)	Extra Capacity Ratio	Volume Rate CF Per Hour	Percent (%)	System Adjusted Percent (%)	Distribution Adjusted Percent (%)	Storage Adjusted Percent (%)
Residential	176,900	48,466	50.37%	50.37%	50.37%	2.65	128,434	36.89%	36.89%	36.89%	5.15	10,400	20.88%	29.33%	29.33%	20.88%
Multifamily Residential	31,700	8,685	9.03%	9.03%	9.03%	2.40	20,844	5.99%	5.99%	5.99%	4.63	1,674	3.36%	4.72%	4.72%	3.36%
Commercial	70,500	19,315	20.07%	20.07%	20.07%	2.15	41,527	11.93%	11.93%	11.93%	4.10	3,300	6.62%	9.31%	9.31%	6.62%
Industrial	39,550	10,836	11.26%	11.26%	11.26%	1.10	11,919	3.42%	3.42%	3.42%	2.20	993	1.99%	2.80%	2.80%	1.99%
Public Authority	29,050	7,959	8.27%	8.27%	8.27%	2.15	17,112	4.91%	4.91%	4.91%	4.10	1,360	2.73%	3.84%	3.84%	2.73%
Public Fire Protection	3,512	962	1.00%	1.00%	1.00%		128,342	36.86%	36.86%	36.86%		32,086	64.41%	50.00%	50.00%	64.41%
TOTALS	351,212	96,222	100%	100%	100%		348,179	100%	100%	100%		49,812	100%	100%	100%	100%

50% 50% <-- Public Fire % Limits --> 50% 50% 80%

Maximum Day Demand = 315,097 (CUBIC FEET/DAY) SUM OF GENERAL SERVICE AVERAGE AND MAXIMUM DAY EXTRA CAPACITY DEMAND

Maximum Hour Demand = 21,695 (CUBIC FEET/HR) SUM OF GENERAL SERVICE AVERAGE AND MAXIMUM HOUR EXTRA CAPACITY DEMAND

1.72 = NON-COINCIDENT / COINCIDENT RATIO FOR MAX DAY

1.90 = NON-COINCIDENT / COINCIDENT RATIO FOR MAX HOUR

CUSTOMER CLASS ALLOCATION FACTORS

NUMBER OF METERS

Meter size (inches):	NUMBER OF METERS												TOTAL		
	5/8	3/4	1	1-1/4	1-1/2	2	2-1/2	3	4	6	8	10	12	METERS	PERCENT
Residential	3,482	20	0	0	0	0	0	0	0	0	0	0	0	3,502	85.1%
Multifamily Residential	10	0	9	0	23	6	0	1	1	0	0	0	0	50	1.2%
Commercial	313	49	66	0	23	16	0	5	1	0	0	0	0	473	11.5%
Industrial	5	2	7	0	9	8	0	0	0	0	0	0	0	31	0.8%
Public Authority	8	4	4	0	15	16	0	5	5	1	0	0	0	58	1.4%
TOTALS	3,818	75	86	0	70	46	0	11	7	1	0	0	0	4,114	100.0%

EQUIVALENT METERS

ALLOCATION FACTOR:		EQUIVALENT METERS												TOTAL	
Meter size (inches):	5/8	3/4	1	1-1/4	1-1/2	2	2-1/2	3	4	6	8	10	12	EQUIV.	PERCENT
Equiv. meters ratio:	1.0	1.0	2.5	3.7	5.0	8.0	12.5	15.0	25.0	50.0	80.0	120.0	160.0	METERS	
Residential	3,482	20	0	0	0	0	0	0	0	0	0	0	0	3,502	67.1%
Multifamily Residential	10	0	23	0	115	48	0	15	25	0	0	0	0	236	4.5%
Commercial	313	49	165	0	115	128	0	75	25	0	0	0	0	870	16.7%
Industrial	5	2	18	0	45	64	0	0	0	0	0	0	0	134	2.6%
Public Authority	8	4	10	0	75	128	0	75	125	50	0	0	0	475	9.1%
TOTALS	3,818	75	215	0	350	368	0	165	175	50	0	0	0	5,216	100.0%

EQUIVALENT SERVICES

ALLOCATION FACTOR:		EQUIVALENT SERVICES												TOTAL	
Meter size (inches):	5/8	3/4	1	1-1/4	1-1/2	2	2-1/2	3	4	6	8	10	12	EQUIV.	PERCENT
Equiv. services ratio:	1.0	1.0	1.3	1.7	2.0	3.0	3.5	4.0	5.0	6.0	7.0	8.0	9.0	SERVICES	
Residential	3,482	20	0	0	0	0	0	0	0	0	0	0	0	3,502	80.2%
Multifamily Residential	10	0	12	0	46	18	0	4	5	0	0	0	0	95	2.2%
Commercial	313	49	86	0	46	48	0	20	5	0	0	0	0	567	13.0%
Industrial	5	2	9	0	18	24	0	0	0	0	0	0	0	58	1.3%
Public Authority	8	4	5	0	30	48	0	20	25	6	0	0	0	146	3.3%
TOTALS	3,818	75	112	0	140	138	0	44	35	6	0	0	0	4,368	100.0%

ALLOCATION OF SERVICE COST FUNCTIONS TO CUSTOMER CLASSES

	TOTAL	Residential	Multifamily Residential	Commercial	Industrial	Public Authority	Public Fire Protection
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
BASE COSTS:							
SYSTEM	1,892,908	953,428	170,852	379,970	213,160	156,569	18,929
DISTRIBUTION	74,582	37,566	6,732	14,971	8,399	6,169	746
EXTRA-CAPACITY COSTS:							
MAXIMUM-DAY SYSTEM	1,473,350	543,482	88,203	175,727	50,437	72,410	543,092
MAXIMUM-DAY DISTRIBUTION	0	0	0	0	0	0	0
MAXIMUM-HOUR SYSTEM	0	0	0	0	0	0	0
MAXIMUM-HOUR DISTRIBUTION	470,928	138,147	22,232	43,831	13,194	18,061	235,464
MAXIMUM-HOUR STORAGE	352,177	73,529	11,833	23,329	7,023	9,613	226,850
CUSTOMER COSTS:							
BILLING	124,408	105,901	1,512	14,304	937	1,754	
EQUIVALENT METERS	90,413	60,703	4,082	15,080	2,314	8,234	
EQUIVALENT SERVICES	235,441	188,771	5,105	30,553	3,132	7,881	
FIRE PROTECTION	129,557						129,557
TOTAL COST	4,843,764	2,101,526	310,550	697,765	298,596	280,689	1,154,638
LESS OTHER REVENUE	70,093	9,807	1,449	10,256	1,393	1,310	45,878
COST OF SERVICE	4,773,671	2,091,720	309,101	687,509	297,203	279,380	1,108,760
REVENUE AT PRESENT RATES	3,841,899	1,710,550	238,213	571,334	248,511	221,725	851,566
DIFFERENCE	931,772	381,170	70,888	116,175	48,692	57,655	257,194
PERCENT INCREASE/DECREASE	24.25%	22.28%	29.76%	20.33%	19.59%	26.00%	30.20%

**Elkhorn Light and Water
Comparison of Revenue
at
Present Rates, Cost of Service and Proposed Rates**

<u>Customer Class</u>	<u>Revenue at Present Rates</u>	<u>Cost of Service</u>		<u>Proposed Rates</u>		
		<u>Revenue Required</u>	<u>Increase over Present Rates</u>	<u>Revenue</u>	<u>Increase over Present Rates</u>	<u>Percent of Cost of Service</u>
Residential	\$1,710,550	\$2,091,720	22.28%	\$2,101,655	22.86%	100.47%
Multifamily Residential	\$238,213	\$309,101	29.76%	\$293,487	23.20%	94.95%
Commercial	\$571,334	\$687,509	20.33%	\$699,480	22.43%	101.74%
Industrial	\$248,511	\$297,203	19.59%	\$302,991	21.92%	101.95%
Public Authority	\$221,725	\$279,380	26.00%	\$268,772	21.22%	96.20%
Public Fire Protection	\$851,566	\$1,108,760	30.20%	\$1,108,806	30.21%	100.00%
Total	<u>\$3,841,899</u>	<u>\$4,773,671</u>	<u>24.25%</u>	<u>\$4,775,190</u>	<u>24.29%</u>	<u>100.03%</u>

Elkhorn Light and Water
Proposed Water Rates and Rules

Docket 1800-WR-105

Elkhorn Light and Water

Water Rate File Changes

Amended

F-1
Upf-1
Mg-1
Am-1
OC-1
Mpa-1
Ug-1
Sg-1
BW-1
R-1
Cz-1
X-1
X-2
X-3
X-4

New

NSM-1

Public Service Commission of Wisconsin

Elkhorn Light and Water

Public Fire Protection Service

Public fire protection service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purpose of extinguishing fires within the service area. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission shall apply.

Under Wis. Stat. § 196.03(3)(b), the municipality has chosen to have the utility bill the retail general service customers for public fire protection service.

Monthly Public Fire Protection Service Charges:

5/8 - inch meter:	\$ 17.70	3 - inch meter:	\$ 266.00
3/4 - inch meter:	\$ 17.70	4 - inch meter:	\$ 443.00
1 - inch meter:	\$ 44.00	6 - inch meter:	\$ 886.00
1 1/4 - inch meter:	\$ 66.00	8 - inch meter:	\$ 1,417.00
1 1/2 - inch meter:	\$ 89.00	10 - inch meter:	\$ 2,125.00
2 - inch meter:	\$ 142.00	12 - inch meter:	\$ 2,833.00

Customers who are provided service under Schedules Mg-1, Ug-1, or Sg-1 shall also be subject to the charges in this schedule according to the size of their primary meter. Customers who are provided service under Schedule Am-1 are exempt from these charges for any additional meters.

Under Wis. Stat. § 196.03(3)(b), the City of Elkhorn has elected to make the charges in this schedule applicable to non-general service customers who own property that is located both within the municipal limits and in an area where the utility has an obligation to provide water for public fire protection. Each parcel shall be billed at the 5/8-inch meter rate under this schedule.

Billing: Same as Schedule Mg-1.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Private Fire Protection Service - Unmetered

This service shall consist of permanent or continuous unmetered connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes, and private hydrants. This service shall also include reasonable quantities of water used for testing check valves and other backflow prevention devices.

Monthly Private Fire Protection Service Demand Charges:

2 - inch or smaller connection:	\$	10.00
3 - inch connection:	\$	20.00
4 - inch connection:	\$	30.00
6 - inch connection:	\$	60.00
8 - inch connection:	\$	90.00
10 - inch connection:	\$	140.00
12 - inch connection:	\$	190.00
14 - inch connection:	\$	240.00
16 - inch connection:	\$	280.00

Billing: Same as Schedule Mg-1.

Public Service Commission of Wisconsin

Elkhorn Light and Water

General Service - Metered

Monthly Service Charges:

5/8 - inch meter:	\$ 11.00	3 - inch meter:	\$ 88.00
3/4 - inch meter:	\$ 11.00	4 - inch meter:	\$ 154.00
1 - inch meter:	\$ 22.00	6 - inch meter:	\$ 253.00
1 1/4 - inch meter:	\$ 33.00	8 - inch meter:	\$ 352.00
1 1/2 - inch meter:	\$ 44.00	10 - inch meter:	\$ 451.00
2 - inch meter:	\$ 66.00	12 - inch meter:	\$ 550.00

Plus Volume Charges:

First	1,670	cubic feet used each month:	\$9.28 per 100 cubic feet
Next	5,000	cubic feet used each month:	\$8.80 per 100 cubic feet
Next	26,670	cubic feet used each month:	\$8.15 per 100 cubic feet
Over	33,340	cubic feet used each month:	\$5.52 per 100 cubic feet

Billing: Bills for water service are rendered monthly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of 1 percent per month will be added to bills not paid within 20 days of issuance. This late payment charge will be applied to the total unpaid balance for utility service, including unpaid late payment charges. The late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued. Unless payment or satisfactory arrangement for payment is made within the next 10 days, service may be disconnected pursuant to Wis. Adm. Code ch. PSC 185.

Combined Metering: For a residential customer with more than one meter on a single service lateral, volumetric reading from all meters shall be combined for billing. For a nonresidential customer, volumetric readings may be combined for billing if the utility for its own convenience places more than one meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are not considered for utility convenience and may not be combined for billing. This requirement does not preclude the utility from combining readings where metering configurations support such an approach. Volumetric readings from individually metered separate service laterals may not be combined for billing purposes.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Non-Standard Meter Service

The utility shall assess a charge of \$20.31 per month to a customer who is provided service under Schedule Mg-1 and who requests a non-standard meter. The utility may only charge a customer one NSM charge for customers with both water and electric services.

If a customer establishes service at a new location on which a standard meter is installed, and the customer requests non-standard meter service, the utility shall assess the customer a one-time charge, based on actual utility costs, for the installation of a non-standard meter.

If a customer requests initial service at a location where a non-standard meter is installed, the utility may not assess a charge for installing a standard meter. The utility may not charge an existing customer who chooses to convert from a non-standard meter to a standard meter.

Billing: Same as Schedule Mg-1.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Additional Meter Rental Charge

Upon request, the utility shall furnish and install additional meters to:

- A. Water service customers for the purpose of measuring the volume of water used that is not discharged into the sanitary sewer system; and
- B. Sewerage service customers who are not customers of the water utility for the purpose of determining the volume of sewage that is discharged into the sanitary sewer system.

The utility shall charge a meter installation charge of \$50.00 and a monthly rental fee for the use of this additional meter.

Monthly Additional Meter Rental Charges:

5/8 - inch meter:	\$	5.50
3/4 - inch meter:	\$	5.50
1 - inch meter:	\$	11.00
1 1/4 - inch meter:	\$	16.50
1 1/2 - inch meter:	\$	22.00
2 - inch meter:	\$	33.00

This schedule applies only if the additional meter is installed on the same service lateral as the primary meter and either:

- A. The additional meter is 3/4-inch or smaller if the metering configuration is the Addition Method; or
- B. The additional meter is 2-inch or smaller for all other metering configurations.

If the additional meter is larger than 2-inch or larger than 3/4-inch and installed in the Addition Method, each meter shall be treated as a separate account and Schedule Mg-1 rates shall apply.

Billing: Same as Schedule Mg-1.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Other Charges

Payment Not Honored by Financial Institution Charge: The utility shall assess a \$35.00 charge when a payment rendered for utility service is not honored by the customer's financial institution. This charge may not be in addition to, but may be inclusive of, other such charges when the payment was for multiple services.

Billing: Same as Schedule Mg-1.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Public Service

Metered Service

Water used by the City of Elkhorn on an intermittent basis for flushing sewers, street washing, flooding skating rinks, drinking fountains, etc., shall be metered and billed according to the rates set forth in Schedule Mg-1.

Unmetered Service

Where it is impossible to meter the service, the utility shall estimate the volume of water used based on the pressure, size of opening, and the period of time the water is used. The estimated quantity shall be billed at the volumetric rates set forth in Schedule Mg-1, excluding any service charges.

Billing: Same as Schedule Mg-1.

Public Service Commission of Wisconsin

Elkhorn Light and Water

General Water Service - Unmetered

Service may be supplied temporarily on an unmetered basis where the utility cannot immediately install a water meter, including water used for construction. Unmetered service shall be billed the amount that would be charged to a metered residential customer using 400 cubic feet of water monthly under Schedule Mg-1, including the service charge for a 5/8-inch meter. If the utility determines that actual usage exceeds 400 cubic feet of water monthly, an additional charge for the estimated excess usage shall be made according to the rates under Schedule Mg-1.

This schedule applies only to customers with a 1-inch or smaller service connection. For customers with a larger service connection, the utility shall install a temporary meter and charges shall be based on the rates set forth under Schedule Mg-1.

Billing: Same as Schedule Mg-1.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Seasonal Service

Seasonal customers are general service customers who voluntarily request disconnection of water service and who resume service at the same location within 12 months of the disconnection, unless service has been provided to another customer at that location in the intervening period. The utility shall bill seasonal customers the applicable service charges under Schedule Mg-1 year-round, including the period of temporary disconnection.

Seasonal service shall include customers taking service under Schedule Mg-1, Schedule Ug-1, or Schedule Am-1.

Upon reconnection, the utility shall apply a charge under Schedule R-1 and require payment of any unpaid charges under this schedule.

Billing: Same as Schedule Mg-1, unless the utility and customer agree to an alternative payment schedule for the period of voluntary disconnection.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Bulk Water

All bulk water supplied from the water system through hydrants or other connections shall be metered or estimated by the utility. Utility personnel or a party approved by the utility shall supervise the delivery of water.

Bulk water sales are:

- A. Water supplied by tank trucks or from hydrants for the purpose of extinguishing fires outside the utility's service area;
- B. Water supplied by tank trucks or from hydrants for purposes other than extinguishing fires, such as water used for irrigation or filling swimming pools; or,
- C. Water supplied from hydrants or other temporary connections for general service type applications, except that Schedule Ug-1 applies for water supplied for construction purposes.

A service charge of \$50.00 and a charge for the volume of water used shall be billed to the party using the water. The volumetric charge shall be calculated using the highest volumetric rate for residential customers under Schedule Mg-1. In addition, for meters that are assigned to bulk water customers for more than 7 days, the applicable service charge in Schedule Mg-1 will apply after the first 7 days.

The water utility may require a reasonable deposit for the temporary use of its equipment under this and other rate schedules. The deposit(s) collected shall be refunded upon return of the utility's equipment. Damaged or lost equipment shall be repaired or replaced at the customer's expense.

Billing: Same as Schedule Mg-1.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Reconnection Charges

The utility shall assess a charge to reconnect a customer, which includes reinstalling a meter and turning on the valve at the curb stop, if necessary. A utility may not assess a charge for disconnecting a customer.

During normal business hours:	\$50.00
After normal business hours:	\$100.00

Billing: Same as Schedule Mg-1.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Water Lateral Installation Charge

The utility shall charge a customer for the actual cost of installing a water service lateral from the main through curb stop and box if these costs are not contributed as part of a subdivision development or otherwise recovered under Wis. Stats. Chapter 66.

Billing: Same as Schedule Mg-1.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Water Utility Operating Rules

Compliance with Rules

All persons now receiving water service from this water utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

Establishment of Service

Application for water service may be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be served, the name of the owner, the exact use to be made of the service, and the size of the service lateral and meter desired. Note particularly any special refrigeration, fire protection, or water-consuming air-conditioning equipment.

Service will be furnished only if (1) the premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where the property owner has agreed to and complied with the provisions of the water utility's filed main extension rule, (2) the property owner has installed or agrees to install a service lateral from the curb stop to the point of use that is not less than 6 feet below the surface of an established or proposed grade and meets the water utility's specifications, and (3) the premises have adequate piping beyond the metering point.

The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units. Each meter and meter connection will be treated as a separate water utility account for the purpose of the filed rules and regulations.

No division of the water service lateral to any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land. Except for duplexes, no division of a water service lateral shall be made at the curb for separate supplies for two or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties. Duplexes may be served by one lateral provided (1) individual metered service and disconnection is provided and (2) it is permitted by local ordinance.

Buildings used in the same business, located on the same parcel, and served by a single lateral may have the customer's water supply piping installed to a central point so that volume can be metered in one place.

The water utility may withhold approval of any application where full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Water Utility Operating Rules

Reconnection of Service

Where the water utility has disconnected service at the customer's request, a reconnection charge shall be made when the customer requests reconnection of service. See Schedule R-1 for the applicable rate.

A reconnection charge shall also be required from customers whose services are disconnected (shut off at curb stop box) because of nonpayment of bills when due. See Schedule R-1 for the applicable rate.

If reconnection is requested for the same location by any member of the same household, or, if a place of business, by any partner of the same business, it shall be considered as the same customer.

Temporary Metered Service, Meter, and Deposits

An applicant for temporary water service on a metered basis shall make and maintain a monetary deposit for each meter installed as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter. See Schedule BW-1 for the applicable rate.

Water for Construction

When water is requested for construction purposes or for filling tanks or other such uses, an application shall be made to the water utility, in writing, giving a statement of the amount of construction work to be done or the size of the tank to be filled, etc. Payment for the water for construction may be required in advance at the scheduled rates. The service lateral must be installed into the building before water can be used. No connection with the service lateral at the curb shall be made without special permission from the water utility. In no case will any employee of the water utility turn on water for construction work unless the contractor has obtained permission from the water utility.

Customers shall not allow contractors, masons, or other persons to take unmetered water from their premises without permission from the water utility. Any customer failing to comply with this provision may have water service discontinued and will be responsible for the cost of the estimated volume of water used.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Water Utility Operating Rules

Use of Hydrants

In cases where no other supply is available, permission may be granted by the water utility to use a hydrant. No hydrant shall be used until the proper meter and valve are installed. In no case shall any valve be installed or moved except by an employee of the water utility.

Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. Where applicable, see Schedule BW-1 for deposits and charges. Upon completing the use of the hydrant, the customer must notify the water utility to that effect.

Operation of Valves and Hydrants and Unauthorized Use of Water - Penalty

Any person who shall, without authority of the water utility, allow contractors, masons, or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly damage or impair the same, shall be subject to a fine as provided by municipal ordinance. Utility permission for the use of hydrants applies only to such hydrants that are designated for the specific use.

Refunds of Monetary Deposits

All money deposited as security for payment of charges arising from the use of temporary water service on a metered basis, or for the return of a hydrant valve and fixtures if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the water utility's equipment.

Service Laterals

No water service lateral shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service lateral, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the water utility. Service laterals passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing not less than twice the diameter of the service connection. The space between the service lateral and the channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material and made impervious to moisture.

In backfilling the pipe trench, the service lateral must be protected against injury by carefully hand tamping the ground filling around the pipe. There should be at least 6 inches of ground filling over the pipe, and it should be free from hard lumps, rocks, stones, or other injurious material.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Water Utility Operating Rules

Service Laterals (continued)

All water service laterals shall be of undiminished size from the street main into the point of meter placement. Beyond the meter outlet valve, the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of the water supply for the greatest probable number of fixtures or appliances operating simultaneously.

Replacement and Repair of Service Laterals

The service lateral from the main to and through the curb stop will be maintained and kept in repair and, when worn out, replaced at the expense of the water utility. The property owner shall maintain the service lateral from the curb stop to the point of use.

If an owner fails to repair a leaking or broken service lateral from the curb to the point of metering or use within such time as may appear reasonable to the water utility after notification has been served on the owner by the water utility, the water will be shut off and will not be turned on again until the repairs have been completed.

Abandonment of Service

If a property owner changes the use of a property currently receiving water service such that water service will no longer be needed in the future, the water utility may require the abandonment of the water service at the water main. In such case, the property owner may be responsible for all removal and/or repair costs, including the water main and the utility portion of the water service lateral.

Charges for Water Wasted Due to Leaks

See Wis. Admin. Code § PSC 185.35 or Schedule X-4, if applicable.

Thawing Frozen Service Laterals

See Wis. Admin. Code § PSC 185.88 or Schedule X-4, if applicable.

Curb Stop Boxes

The curb stop box is the property of the water utility. The water utility is responsible for its repair and maintenance. This includes maintaining, through adjustment, the curb stop box at an appropriate grade level where no direct action by the property owner or occupant has contributed to an elevation problem. The property owner is responsible for protecting the curb stop box from situations that could obstruct access to it or unduly expose it to harm. The water utility shall not be liable for failure to locate the curb stop box and shut off the water in case of a leak on the owner's premises.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Water Utility Operating Rules

Installation of Meters

Meters will be owned, furnished, and installed by the water utility or a utility-approved contractor and are not to be disconnected or tampered with by the customer. All meters shall be so located that they shall be protected from obstructions and permit ready access for reading, inspection, and servicing, such location to be designated or approved by the water utility. All piping within the building must be supplied by the owner. Where additional meters are desired by the owner, the owner shall pay for all piping. Where applicable, see Schedule Am-1 for rates.

Repairs to Meters

Meters will be repaired by the water utility, and the cost of such repairs caused by ordinary wear and tear will be borne by the water utility.

Repair of any damage to a meter resulting from the carelessness of the owner of the premises, owner's agent, or tenant, or from the negligence of any one of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be damaged from the presence of hot water or steam in the meter, shall be paid for by the customer or the owner of the premises.

Service Piping for Meter Settings

Where the original service piping is installed for a new metered customer, where existing service piping is changed for the customer's convenience, or where a new meter is installed for an existing unmetered customer, the owner of the premises at his/her expense shall provide a suitable location and the proper connections for the meter. The meter setting and associated plumbing shall comply with the water utility's standards. The water utility should be consulted as to the type and size of the meter setting.

Turning on Water

The water may only be turned on for a customer by an authorized employee of the water utility. Plumbers may turn the water on to test their work, but upon completion must leave the water turned off.

Sprinkling Restrictions and Emergency Water Conditions

Where the municipality has a policy regarding sprinkling restrictions and/or emergency water conditions, failure to comply with such may result in disconnection of service.

See Wis. Admin. Code § PSC 185.37.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Water Utility Operating Rules

Failure to Read Meters

Where the water utility is unable to read a meter, the fact will be plainly indicated on the bill, and either an estimated bill will be computed or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding billing period will be computed with the gallons or cubic feet in each block of the rate schedule doubled, and credit will be given on that bill for the amount of the bill paid the preceding period. Only in unusual cases shall more than three consecutive estimated or minimum bills be rendered.

If the meter is damaged (see Surreptitious Use of Water) or fails to operate, the bill will be based on the average use during the past year, unless there is some reason why the use is not normal. If the average use cannot be properly determined, the bill will be estimated by some equitable method.

See Wis. Admin. Code § PSC 185.33.

Complaint Meter Tests

See Wis. Admin. Code § PSC 185.77.

Inspection of Premises

During reasonable hours, any officer or authorized employee of the water utility shall have the right of access to the premises supplied with service for the purpose of inspection or for the enforcement of the water utility's rules and regulations. Whenever appropriate, the water utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water.

See Wis. Stat. § 196.171.

Vacation of Premises

When premises are to be vacated, the water utility shall be notified, in writing, at once, so that it may remove the meter and shut off the water supply at the curb stop. The owner of the premises shall be liable for prosecution for any damage to the water utility's property. See "Abandonment of Service" in Schedule X-1 for further information.

Deposits for Residential Service

See Wis. Admin. Code § PSC 185.36.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Water Utility Operating Rules

Deposits for Nonresidential Service

See Wis. Admin. Code § PSC 185.361.

Deferred Payment Agreement

See Wis. Admin. Code § PSC 185.38 or Schedule X-4, if applicable.

Dispute Procedures

See Wis. Admin. Code § PSC 185.39.

Disconnection and Refusal of Service

See Wis. Admin. Code § PSC 185.37.

The following is an example of a disconnection notice that the utility may use to provide the required notice to customers.

DISCONNECTION NOTICE

Dear Customer:

The bill enclosed with this notice includes your current charge for water utility service and your previous unpaid balance.

You have 10 days to pay the water utility service arrears or your service is subject to disconnection.

If you fail to pay the service arrears or fail to contact us within the 10 days allowed to make reasonable deferred payment arrangement or other suitable arrangement, we will proceed with disconnection action.

To avoid the inconvenience of service interruption and an additional charge of (amount) for reconnection, we urge you to pay the full arrears IMMEDIATELY AT ONE OF OUR OFFICES.

If you have entered into a Deferred Payment Agreement with us and have failed to make the deferred payments you agreed to, your service will be subject to disconnection unless you pay the entire amount due within 10 days.

If you have a reason for delaying the payment, call us and explain the situation.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Water Utility Operating Rules

Disconnection and Refusal of Service (continued)

DISCONNECTION NOTICE (continued)

PLEASE CALL THIS TELEPHONE NUMBER, (telephone number), IMMEDIATELY IF:

1. You dispute the notice of delinquent account.
2. You have a question about your water utility service arrears.
3. You are unable to pay the full amount of the bill and are willing to enter into a deferred payment agreement with us.
4. There are any circumstances you think should be taken into consideration before service is discontinued.
5. Any resident is seriously ill.

Illness Provision: If there is an existing medical emergency in your home and you furnish the water utility with a statement signed by either a licensed Wisconsin physician or a public health official, we will delay disconnection of service up to 21 days. The statement must identify the medical emergency and specify the period of time during which disconnection will aggravate the existing emergency.

Deferred Payment Agreements: If you are a residential customer and you are unable to pay the full amount of the water utility service arrears on your bill, you may contact the water utility to discuss arrangements to pay the arrears over an extended period of time.

This time payment agreement will require:

1. Payment of a reasonable amount at the time the agreement is made.
2. Payment of the remainder of the outstanding balance in monthly installments over a reasonable length of time.
3. Payment of all future water utility service bills in full by the due date.

In any situation where you are unable to resolve billing disputes or disputes about the grounds for proposed disconnection through contacts with our water utility, you may make an appeal to the Public Service Commission of Wisconsin by calling (800) 225-7729.

(WATER UTILITY NAME)

Public Service Commission of Wisconsin

Elkhorn Light and Water

Water Utility Operating Rules

Collection of Overdue Bills

An amount owed by the customer may be levied as a tax as provided in Wis. Stat. § 66.0809.

Surreptitious Use of Water

When the water utility has reasonable evidence that a person is obtaining water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the water utility service being delivered, the water utility reserves the right to estimate and present immediately a bill for unmetered service as a result of such interference, and such bill shall be payable subject to a 24-hour disconnection of service. If the water utility disconnects the service for any such reason, the water utility will reconnect the service upon the following conditions:

- A. The customer will be required to deposit with the water utility an amount sufficient to guarantee the payment of the bills for water utility service.
- B. The customer will be required to pay the water utility for any and all damages to water utility equipment resulting from such interference with the metering.
- C. The customer must further agree to comply with reasonable requirements to protect the water utility against further losses.

See Wis. Stat. §§ 98.26 and 943.20.

Repairs to Mains

The water utility reserves the right to shut off the water supply in the mains temporarily to make repairs, alterations, or additions to the plant or system. When the circumstances will permit, the water utility will give notification, by newspaper publication or otherwise, of the discontinuance of the water supply. No credit will be allowed to customers for such temporary suspension of the water supply.

See Wis. Admin. Code § PSC 185.87.

Duty of Water Utility with Respect to Safety of the Public

It shall be the duty of the water utility to see that all open ditches for water mains, hydrants, and service laterals are properly guarded to prevent accident to any person or vehicle, and at night there shall be displayed proper signal lighting to ensure the safety of the public.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Water Utility Operating Rules

Handling Water Mains and Service Laterals in Excavation Trenches

Contractors must call Digger's Hotline and ensure a location is done to establish the existence and location of all water mains and service laterals as provided in Wis. Stat. § 182.0175. Where water mains or service laterals have been removed, cut, or damaged during trench excavation, the contractors must, at their own expense, cause them to be replaced or repaired at once. Contractors must not shut off the water service laterals to any customer for a period exceeding 6 hours.

Protective Devices

- A. Protective Devices in General: The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the premise supply and all appliances against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water-cooled compressors for refrigeration systems by means of high and/or low pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.
- B. Relief Valves: On all "closed systems" (i.e., systems having a check valve, pressure regulator, reducing valve, water filter, or softener), an effective pressure relief valve shall be installed at or near the top of the hot water tank or at the hot water distribution pipe connection to the tank. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. See applicable plumbing codes.
- C. Air Chambers: An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be sized in conformance with local plumbing codes. Where possible, the air chamber should be provided at its base with a valve for water drainage and replenishment of air.

Cross-Connections

Every person owning or occupying a premise receiving municipal water supply shall maintain such municipal water supply free from any connection, either of a direct or of an indirect nature, with a water supply from a foreign source or of any manner of connection with any fixture or appliance whereby water from a foreign supply or the waste from any fixture, appliance, or waste or soil pipe may flow or be siphoned or pumped into the piping of the municipal water system.

See Wis. Admin. Code § NR 811.06.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Water Main Extension Rule

Water mains will be extended for new customers on the following basis:

- A. Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under Wis. Stat. § 66.0703 will apply, and no additional customer contribution to the utility will be required.

- B. Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:
 - 1. The applicant(s) will advance as a contribution in aid of construction the total amount equivalent to that which would have been assessed for all property under paragraph A.

 - 2. Part of the contribution required in paragraph B.1. will be refundable. When additional customers are connected to the extended main within 10 years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under paragraph A. for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under paragraph A., nor will it exceed the total assessable cost of the original extension.

- C. When a customer connects to a transmission main or connecting loop installed at utility expense within 10 years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under paragraph A.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Water Main Installations in Platted Subdivisions

Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the utility.

If the developer, or a contractor employed by the developer, is to install the water mains (with the approval of the utility), the developer shall be responsible for the total cost of construction.

If the utility or its contractor is to install the water mains, the developer shall be required to advance to the utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within 30 days. If final costs are less than estimated, a refund of the overpayment will be made by the water utility.

Public Service Commission of Wisconsin

Elkhorn Light and Water

Water Customer Supplemental Rules

Compliance with Rules

All persons now receiving water service from this water utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

Thawing Frozen Service Laterals

See Wis. Admin. Code § PSC 185.88.

Deferred Payment Agreement

The utility shall offer deferred payment agreements to residential accounts and may offer such agreements to other customers. However, the utility will not offer a deferred payment agreement to a residential customer who is a tenant if any of the following criteria applies:

- The residential tenant has greater than \$100 of account arrearages that are more than 90 days past due for utilities that bill monthly, or for utilities that do not bill monthly, has greater than \$100 of account arrearages that are past due for more than two billing cycles.
- The tenant has defaulted on a deferred payment agreement in the past 12 months. This criterion only applies to deferred payment agreements and not to other types of payment extensions or agreements.
- The residential tenant is responsible for account arrearages that were placed on any property owner's tax bill in the utility's service territory in the past 24 months.
- The residential tenant has a balance that accrued during the winter moratorium that is more than 80 days past due.

Elkhorn Light and Water
Customer Water Bill Comparison at Present and Proposed Rates

Customer Type	Meter Size	Volume (100 Cubic Feet)	<u>Monthly</u>			<u>Monthly Including Public Fire Protection</u>		
			Bills at Old Rates	Bills at New Rates	Percent Change	Bills at Old Rates	Bills at New Rates	Percent Change
Small Residential	5/8"	2	\$ 24.60	\$ 29.56	20.16%	\$ 38.20	\$ 47.26	23.72%
Average Residential	5/8"	4	\$ 39.20	\$ 48.12	22.76%	\$ 52.80	\$ 65.82	24.66%
Large Residential	5/8"	8	\$ 68.40	\$ 85.24	24.62%	\$ 82.00	\$ 102.94	25.54%
Large Residential	5/8"	16	\$ 126.80	\$ 159.48	25.77%	\$ 140.40	\$ 177.18	26.20%
Large Residential	5/8"	24	\$ 183.74	\$ 230.22	25.29%	\$ 197.34	\$ 247.92	25.63%
Multifamily Residential	5/8"	6	\$ 53.80	\$ 66.68	23.94%	\$ 67.40	\$ 84.38	25.19%
Multifamily Residential	5/8"	9	\$ 75.70	\$ 94.52	24.86%	\$ 89.30	\$ 112.22	25.67%
Multifamily Residential	5/8"	12	\$ 97.60	\$ 122.36	25.37%	\$ 111.20	\$ 140.06	25.95%
Multifamily Residential	5/8"	18	\$ 141.14	\$ 177.42	25.70%	\$ 154.74	\$ 195.12	26.09%
Commercial	2"	240	\$ 1,680.69	\$ 2,073.37	23.36%	\$ 1,790.69	\$ 2,215.37	23.72%
Commercial	3"	295	\$ 2,063.69	\$ 2,543.62	23.26%	\$ 2,268.69	\$ 2,809.62	23.84%
Commercial	3"	440	\$ 2,812.82	\$ 3,445.01	22.48%	\$ 3,017.82	\$ 3,711.01	22.97%
Commercial	4"	210	\$ 1,562.69	\$ 1,916.87	22.66%	\$ 1,897.69	\$ 2,359.87	24.35%
Industrial	1 1/2"	290	\$ 1,990.69	\$ 2,458.87	23.52%	\$ 2,058.69	\$ 2,547.87	23.76%
Industrial	1 1/2"	1,785	\$ 9,027.07	\$ 10,825.41	19.92%	\$ 9,095.07	\$ 10,914.41	20.00%
Industrial	2"	135	\$ 987.69	\$ 1,217.62	23.28%	\$ 1,097.69	\$ 1,359.62	23.86%
Industrial	2"	285	\$ 1,977.69	\$ 2,440.12	23.38%	\$ 2,087.69	\$ 2,582.12	23.68%
Public Authority	4"	250	\$ 1,826.69	\$ 2,242.87	22.78%	\$ 2,161.69	\$ 2,685.87	24.25%
Public Authority	4"	350	\$ 2,454.32	\$ 3,014.21	22.81%	\$ 2,789.32	\$ 3,457.21	23.94%
Public Authority	4"	755	\$ 4,337.57	\$ 5,249.81	21.03%	\$ 4,672.57	\$ 5,692.81	21.83%
Public Authority	6"	14	\$ 332.20	\$ 382.92	15.27%	\$ 1,007.20	\$ 1,268.92	25.98%

PUBLIC NOTICE TO ALL CUSTOMERS OF THE ELKHORN LIGHT AND WATER

The Elkhorn Light and Water has filed an application with the Public Service Commission of Wisconsin (PSCW) to increase water rates. The increase is necessary due to an 8.88 percent increase in gross plant investment and a 23.45 percent increase in operating expenses since the last water rate case was completed in 2017.

The total increase in water revenues requested is \$931,772 which will result in an estimated overall rate increase of 24.25 percent over the water utility's present revenues. If the request is granted, the water bill for an average residential customer with a 5/8-inch or 3/4-inch meter who uses 400 cubic feet of water per month will increase from \$52.80 to \$65.82, or 24.66 percent, including the public fire protection charge.

A public hearing on the application has been scheduled for Tuesday, January 16, 2024, at 2:00 p.m. This hearing has no physical location. Parties and Commission staff appear by Zoom. Parties and Commission staff may use the telephone connection as a backup or if no practicable internet connection exists. Members of the public attend by Zoom or by audio-only telephone connection.

Join Zoom over the internet at:

<https://us02web.zoom.us/my/pschearings>

To join Zoom telephone:

1. Dial: +1 312 626 6799
2. Enter: 809 513 2930 # (Meeting ID)

The Commission intends to livestream and record this hearing on YouTube. To access the livestream, go to the Commission's website at <http://psc.wi.gov>, click the dropdown menu labeled "News & Events", and select item labeled "Broadcasts".

A person may testify in this proceeding without becoming a party and without attorney representation. A person may submit this testimony in only one of the following ways:

- **Web Comment.** File a comment on the internet. Go to the Commission's web site at <http://psc.wi.gov>, click the dropdown menu labeled "Commission Action". Select the item labeled "File a Public Comment". On the next page select the "File a comment" link that appears for docket number 1800-WR-105. Web comments shall be received no later than the Thursday, January 18, 2024.
- **Live Comment.** Make a live comment at the hearing. The ALJ may receive live comments from any member of the public in attendance after the close of any party and Commission staff testimony. The ALJ will receive such comments by stating the name of each member of the public connected to the hearing one at a time and asking if they would like to comment.

- **Mail Comment.** Send a comment by U.S. Mail. All comments submitted by U.S. Mail shall be received no later than Thursday, January 18, 2024 and shall be addressed to: Attn: Docket 1800-WR-105 Comments, Public Service Commission, P.O. Box 7854, Madison, WI 53707-7854.

To access the documents, schedule, and other information about this docket, go to the Commission's web site at <http://psc.wi.gov>, select the dropdown menu labeled 'eServices'. Select the item labeled "Docket Search (CMS)". On the next page enter 1800-WR-105 in the spaces labeled "Case #" and select "Search".

If you have any questions, please contact the Elkhorn Light and Water at (262) 723-2910.



Adam Swann, City Administrator
City of Elkhorn
311 Seymour Ct
Elkhorn, WI 53121

12/19/2023

Mr. Swann,

In response to the recent request for a building permit from the Town of Sugar Creek for a commercial use on property outside the City of Elkhorn limits, and the subsequent decision by the City of Elkhorn Common Council to establish an Extraterritorial Zoning District as allowed under Wisconsin Statutes 62.23(7a), the City intends to call a meeting of the Sugar Creek Joint Extraterritorial Zoning Committee. With this letter, we offer to provide professional services, working with City Staff toward the preparation of documents, and advice and guidance toward the adoption of an ETZ Plan and Ordinance.

We would suggest the following steps as a scope of services for Teska Associates:

- With City Staff, prepare an Agenda for the Initial and subsequent Joint ETZ Committee Meetings
- Attend Initial JETZ Committee Meeting
- Prepare initial draft land-use plan for the area within the ETZ district
- Present initial draft land use plan to the Joint ETZ Committee
- Prepare draft comprehensive zoning plan for ETZ Committee (and Elkhorn Plan Commission) review
- In conjunction with the City staff and Legal Counsel, prepare initial comprehensive zoning plan and zoning ordinance for Joint ETZ Committee review.
- Present the Draft plan and Zoning Ordinance to the JETZ Committee
- Prepare revisions, if requested, in response to JETZ Committee review
- Present the Draft District Plan Zoning Ordinance at a JETZ Committee Public Hearing
- Prepare Final Draft Extraterritorial zoning ordinance for Elkhorn Plan Commission Review and Common Council Adoption

There are significant unknowns regarding the number of meetings and the potential for multiple sub-areas / zoning districts which may or may not mirror language in the City's other ETZ or City Zoning Ordinance. As such, our best estimate is a fee to complete the above tasks is \$13,770. This would include 4 meetings with the Joint Committee and 1 meeting with the City's Plan Commission. If, however, additional meetings are necessary, we would seek your authorization to exceed that estimate on a time and materials basis. Our billing rates for 2024 would be

Principals	\$170-\$190/hr
Senior Associates	\$130-\$150/hr
Associates	\$110-\$130/hr

Sincerely,

A handwritten signature in blue ink, appearing to read "Lee M. Brown".

Lee M. Brown, FAICP, President

A handwritten signature in blue ink, appearing to read "Michael Blue".

Michael Blue, FAICP, Principal

RESOLUTION NO. 24-02

RESOLUTION AUTHORIZING THE ISSUANCE AND
SALE OF UP TO \$460,183 SEWER SYSTEM REVENUE BONDS, SERIES 2024,
AND PROVIDING FOR OTHER DETAILS AND
COVENANTS WITH RESPECT THERETO

WHEREAS, the City of Elkhorn, Walworth County, Wisconsin (the "Municipality") owns and operates a sewer system (the "System") which is operated for a public purpose as a public utility by the Municipality; and

WHEREAS, pursuant to Resolution No. 20-14 adopted by the Governing Body on June 15, 2020 (the "2020C Resolution"), the Municipality has heretofore issued its Sewer System Revenue Bonds, Series 2020C, dated July 9, 2020 (the "2020C Bonds"), which are payable from the income and revenues of the System; and

WHEREAS, certain improvements to the System are necessary to meet the needs of the Municipality and the residents thereof, consisting of the construction of a project (the "Project") assigned Clean Water Fund Program Project No. 4552-03 by the Department of Natural Resources, and as described in the Department of Natural Resources approval letter for the plans and specifications of the Project, or portions thereof, issued under Section 281.41, Wisconsin Statutes, assigned No. S-2023-0341 and dated June 21, 2023 and No. W-2023-0114 and dated February 21, 2023 by the DNR; and

WHEREAS, under the provisions of Chapter 66, Wisconsin Statutes any municipality may, by action of its governing body, provide for purchasing, acquiring, constructing, extending, adding to, improving, operating and managing a public utility from the proceeds of bonds, which bonds are to be payable only from the revenues received from any source by such utility, including all rentals and fees; and

WHEREAS, the Municipality deems it to be necessary, desirable and in its best interest to authorize and sell sewer system revenue bonds of the Municipality payable solely from the revenues of the System, pursuant to the provisions of Section 66.0621, Wisconsin Statutes, to pay the cost of the Project; and

WHEREAS, the 2020C Resolution permits the issuance of additional bonds on a parity with the 2020C Bonds upon certain conditions, and those conditions have been met; and

WHEREAS, other than the 2020C Bonds, no bonds or obligations payable from the revenues of the System are now outstanding.

NOW, THEREFORE, be it resolved by the Governing Body of the Municipality that:

Section 1. Definitions. The following terms shall have the following meanings in this Resolution unless the text expressly or by implication requires otherwise:

- (a) "Act" means Section 66.0621, Wisconsin Statutes;

(b) "Bond Registrar" means the Municipal Treasurer which shall act as Paying Agent for the Bonds;

(c) "Bonds" means the \$460,183 Sewer System Revenue Bonds, Series 2024, of the Municipality dated their date of issuance, authorized to be issued by this Resolution;

(d) "Bond Year" means the twelve-month period ending on each May 1;

(e) "Current Expenses" means the reasonable and necessary costs of operating, maintaining, administering and repairing the System, including salaries, wages, costs of materials and supplies, insurance and audits, but shall exclude depreciation, debt service, tax equivalents and capital expenditures;

(f) "Debt Service Fund" means the Sewer System Revenue Bond and Interest Special Redemption Fund of the Municipality, which shall be the "special redemption fund" as such term is defined in the Act;

(g) "Financial Assistance Agreement" means the Financial Assistance Agreement by and between the State of Wisconsin by the Department of Natural Resources and the Department of Administration and the Municipality pursuant to which the Bonds are to be issued and sold to the State, substantially in the form attached hereto and incorporated herein by this reference;

(h) "Fiscal Year" means the twelve-month period ending on each December 31;

(i) "Governing Body" means the Common Council, or such other body as may hereafter be the chief legislative body of the Municipality;

(j) "Gross Earnings" means the gross earnings of the System, including earnings of the System derived from sewer charges imposed by the Municipality, all payments to the Municipality under any wastewater treatment service agreements between the Municipality and any contract users of the System, and any other monies received from any source including all rentals and fees, any tax incremental district revenues or other revenues of the Municipality pursuant to Section 9 appropriated by the Governing Body to the System, and any special assessments levied and collected in connection with the Project;

(k) "Municipal Treasurer" means the Treasurer of the Municipality who shall act as Bond Registrar and Paying Agent;

(l) "Municipality" means the City of Elkhorn, Walworth County, Wisconsin;

(m) "Net Revenues" means the Gross Earnings of the System after deduction of Current Expenses;

(n) "Parity Bonds" means bonds payable from the revenues of the System other than the Bonds but issued on a parity and equality with the Bonds pursuant to the restrictive provisions of Section 11 of this Resolution;

(o) "Project" means the Project described in the preamble to this Resolution. All elements of the Project are to be owned and operated by the Municipality as part of the System as described in the preamble hereto;

(p) "Record Date" means the close of business on the fifteenth day of the calendar month next preceding any principal or interest payment date;

(q) "System" means the entire sewer system of the Municipality specifically including that portion of the Project owned by the Municipality and including all property of every nature now or hereafter owned by the Municipality for the collection, transmission, treatment, storage, metering and disposal of domestic, industrial and public sewage and waste, including all improvements and extensions thereto made by the Municipality while any of the Bonds and Parity Bonds remain outstanding, including all real and personal property of every nature comprising part of or used or useful in connection with such sewer system and including all appurtenances, contracts, leases, franchises, and other intangibles;

(r) "2020C Bonds" means the Municipality's Sewer System Revenue Bonds, Series 2020C, dated July 9, 2020; and

(s) "2020C Resolution" means Resolution No. 20-14 adopted by the Governing Body on June 15, 2020 authorizing the issuance of the 2020C Bonds.

Section 2. Authorization of the Bonds and the Financial Assistance Agreement. For the purpose of paying the cost of the Project (including legal, fiscal, engineering and other expenses), there shall be borrowed on the credit of the income and revenue of the System up to the sum of \$460,183; and fully registered revenue bonds of the Municipality are authorized to be issued in evidence thereof and sold to the State of Wisconsin Clean Water Fund Program in accordance with the terms and conditions of the Financial Assistance Agreement, which is incorporated herein by this reference and the Mayor and City Clerk of the Municipality are hereby authorized, by and on behalf of the Municipality, to execute the Financial Assistance Agreement.

Section 3. Terms of the Bonds. The Bonds shall be designated "Sewer System Revenue Bonds, Series 2024" (the "Bonds"); shall be dated their date of issuance; shall be numbered one and upward; shall bear interest at the rate of 2.255% per annum; shall be issued in denominations of \$0.01 or any integral multiple thereof; and shall mature on the dates and in the amounts as set forth in Exhibit B of the Financial Assistance Agreement and in the Bond form attached hereto as Exhibit A as it is from time to time adjusted by the State of Wisconsin based upon the actual draws made by the Municipality. Interest on the Bonds shall be payable commencing on May 1, 2024 and semiannually thereafter on May 1 and November 1 of each year. The Bonds shall not be subject to redemption prior to maturity except as provided in the Financial Assistance Agreement.

The schedule of maturities of the Bonds is found to be such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices.

Section 4. Form, Execution, Registration and Payment of the Bonds. The Bonds shall be issued as registered obligations in substantially the form attached hereto as Exhibit A and incorporated herein by this reference.

The Bonds shall be executed in the name of the Municipality by the manual signatures of the Mayor and City Clerk, and shall be sealed with its official or corporate seal, if any.

The principal of, premium, if any, and interest on the Bonds shall be paid by the Municipal Treasurer, who is hereby appointed as the Municipality's Bond Registrar.

Both the principal of and interest on the Bonds shall be payable in lawful money of the United States of America by the Bond Registrar. Payment of principal of the final maturity on the Bond will be payable upon presentation and surrender of the Bond to the Bond Registrar. Payment of principal on the Bond and each installment of interest shall be made to the registered owner of each Bond who shall appear on the registration books of the Municipality, maintained by the Bond Registrar, on the Record Date and shall be paid by electronic transfer or by check or draft of the Municipality (as directed by the registered owner) and if by check or draft, mailed to such registered owner at his or its address as it appears on such registration books or at such other address may be furnished in writing by such registered owner to the Bond Registrar.

Section 5. Security for the Bonds. The Bonds, together with interest thereon, shall not constitute an indebtedness of the Municipality nor a charge against its general credit or taxing power. The Bonds, together with interest thereon, shall be payable only out of the Debt Service Fund hereinafter created and established, and shall be a valid claim of the registered owner or owners thereof only against such Debt Service Fund and the revenues of the System pledged to such fund, on a parity with the pledge granted to the holders of the 2020C Bonds. Sufficient revenues are hereby pledged to said Debt Service Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on the 2020C Bonds, the Bonds and any Parity Bonds as the same becomes due.

Section 6. Funds and Accounts. In accordance with the Act, for the purpose of the application and proper allocation of the revenues of the System, and to secure the payment of the principal of and interest on the 2020C Bonds, the Bonds and Parity Bonds, certain funds of the System which were created and established by the 2020C Resolution are hereby continued and shall be used solely for the following respective purposes:

- (a) Sewer System Operation and Maintenance Fund (the "Operation and Maintenance Fund"), which shall be used for the payment of Current Expenses.
- (b) Sewer System Revenue Bond and Interest Special Redemption Fund (the "Debt Service Fund"), which shall be used for the payment of the principal of, premium, if any, and interest on the 2020C Bonds, the Bonds and Parity Bonds as the same becomes due. The Debt Service Reserve Account (the "Reserve Account") created by the 2020C Resolution within the Debt Service Fund is not pledged to the payment of principal of or interest on the Bonds and moneys in the Reserve Account shall under no circumstances be used to pay principal of or interest on the Bonds.

- (c) Sewer System Depreciation Fund (the "Depreciation Fund"), which shall be used to provide a proper and adequate depreciation account for the System.
- (d) Sewer System Surplus Fund (the "Surplus Fund"), which shall first be used whenever necessary to meet requirements of the Operation and Maintenance Fund including the one month reserve, the Debt Service Fund including the Reserve Account and the Depreciation Fund. Any money then remaining in the Surplus Fund at the end of any Fiscal Year may be used only as permitted and in the order specified in Section 66.0811(2), Wis. Stats. Money thereafter remaining in the Surplus Fund may be transferred to any of the funds or accounts provided in this section.

Section 7. Application of Revenues. After the delivery of the Bonds, the Gross Earnings of the System shall be transferred monthly to the funds listed below in the following order of priority and in the manner set forth below:

- (a) to the Operation and Maintenance Fund, in an amount equal to the estimated Current Expenses for such month and for the following month (after giving effect to available amounts in said Fund from prior deposits);
- (b) to the Debt Service Fund, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the 2020C Bonds, the Bonds and any Parity Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the 2020C Bonds, the Bonds and any Parity Bonds coming due during such Bond Year (after giving effect to available amounts in said Fund from accrued interest, any premium or any other source), and any amount required by the 2020C Resolution or a future resolution authorizing the issuance of Parity Bonds to fund the Reserve Account;
- (c) to the Depreciation Fund, an amount determined by the Governing Body to be sufficient to provide a proper and adequate depreciation account for the System; and
- (d) to the Surplus Fund, any amount remaining after the monthly transfers required above have been completed.

Transfers to the Operation and Maintenance Fund, the Debt Service Fund, the Depreciation Fund and the Surplus Fund shall be made monthly not later than the tenth day of each month, and such transfer shall be applicable to monies on deposit as of the last day of the month preceding. Any other transfers and deposits to any fund required or permitted by subsection (a) through (d) of this Section, except transfers or deposits which are required to be made immediately or annually, shall be made on or before the tenth day of the month. Any transfer or deposit required to be made at the end of any Fiscal Year shall be made within sixty (60) days after the close of such Fiscal Year. If the tenth day of any month shall fall on a day other than a business day, such transfer or deposit shall be made on the next succeeding business day.

It is the express intent and determination of the Governing Body that the amounts deposited in the Debt Service Fund shall be sufficient in any event to pay the interest on the 2020C Bonds, the Bonds and any Parity Bonds as the same accrues and the principal thereof as the same matures, and to fund the Reserve Account for the 2020C Bonds or any Parity Bonds secured thereby.

Section 8. Deposits and Investments. The Debt Service Fund shall be kept apart from monies in the other funds and accounts of the Municipality and the same shall be used for no purpose other than the prompt payment of principal of and interest on the 2020C Bonds, the Bonds and any Parity Bonds as the same becomes due and payable. All monies therein shall be deposited in special and segregated accounts in a public depository selected under Chapter 34, Wisconsin Statutes and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes. The other funds herein created (except the Sewer System CWFPP Project Fund) may be combined in a single account in a public depository selected in the manner set forth above and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes.

Section 9. Service to the Municipality. The reasonable cost and value of services rendered to the Municipality by the System by furnishing sewer services for public purposes shall be charged against the Municipality and shall be paid in monthly installments as the service accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the System; that is to say, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. The reasonable cost and value of such service to the Municipality in each year shall be equal to an amount which, together with other revenues of the System, will produce in each Fiscal Year Net Revenues equivalent to not less than the annual principal and interest requirements on the 2020C Bonds, the Bonds, any Parity Bonds and any other obligations payable from the revenues of the System then outstanding, times the greater of (i) 110% or (ii) the highest debt service coverage ratio required with respect to any obligations payable from revenues of the System then outstanding. However, such payment out of the tax levy shall be subject to (a) approval of the Public Service Commission, or successors to its function, if applicable, (b) yearly appropriations therefor, and (c) applicable levy limitations, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of the services rendered to the Municipality and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

Section 10. Operation of System; Municipality Covenants. It is covenanted and agreed by the Municipality with the owner or owners of the Bonds, and each of them, that the Municipality will perform all of the obligations of the Municipality as set forth in the Financial Assistance Agreement.

Section 11. Additional Bonds. The Bonds are issued on a parity with the 2020C Bonds as to the pledge of revenues of the System. No bonds or obligations payable out of the revenues of the System may be issued in such manner as to enjoy priority over the Bonds. Additional obligations may be issued if the lien and pledge is junior and subordinate to that of the Bonds. Parity Bonds may be issued only under the following circumstances:

(a) Additional Parity Bonds may be issued for the purpose of completing the Project and for the purpose of financing costs of the Project which are ineligible for payment under the State of Wisconsin Clean Water Fund Program. However, such additional Parity Bonds shall be in an aggregate amount not to exceed 20% of the face amount of the Bonds; or

(b) Additional Parity Bonds may also be issued if all of the following conditions are met:

(1) The Net Revenues of the System for the Fiscal Year immediately preceding the issuance of such additional bonds must have been in an amount at least equal to the maximum annual interest and principal requirements on all bonds outstanding payable from the revenues of the System, and on the bonds then to be issued, times the greater of (i) 1.10 or (ii) the highest debt service coverage ratio to be required with respect to the Additional Parity Bonds to be issued or any other obligations payable from the revenues of the System then outstanding. Should an increase in permanent rates and charges, including those made to the Municipality, be properly ordered and made effective during the Fiscal Year immediately prior to the issuance of such additional bonds or during that part of the Fiscal Year of issuance prior to such issuance, then Net Revenues for purposes of such computation shall include such additional revenues as a registered municipal advisor, an independent certified public accountant, consulting professional engineer or the Wisconsin Public Service Commission may calculate would have accrued during the prior Fiscal Year had the new rates been in effect during that entire immediately prior Fiscal Year.

(2) The payments required to be made into the funds enumerated in Section 6 of this Resolution must have been made in full.

(3) The additional bonds must have principal maturing on May 1 of each year and interest falling due on May 1 and November 1 of each year.

(4) The proceeds of the additional bonds must be used only for the purpose of providing extensions or improvements to the System, or to refund obligations issued for such purpose.

Section 12. Sale of Bonds. The sale of the Bonds to the State of Wisconsin Clean Water Fund Program for the purchase price of up to \$460,183 and at par, is ratified and confirmed; and the officers of the Municipality are authorized and directed to do any and all acts, including executing the Financial Assistance Agreement and the Bonds as hereinabove provided, necessary to conclude delivery of the Bonds to said purchaser, as soon after adoption of this Resolution as is convenient. The purchase price for the Bonds shall be paid upon requisition therefor as provided in the Financial Assistance Agreement, and the officers of the Municipality are authorized to prepare and submit to the State requisitions and disbursement requests in anticipation of the execution of the Financial Assistance Agreement and the issuance of the Bonds.

Section 13. Application of Bond Proceeds. The proceeds of the sale of the Bonds shall be deposited by the Municipality into a special fund designated as "Sewer System CWFP Project Fund." The Sewer System CWFP Project Fund shall be used solely for the purpose of paying the costs of the Project as more fully described in the preamble hereof and in the Financial Assistance Agreement. Moneys in the Sewer System CWFP Project Fund shall be disbursed within three (3) business days of their receipt from the State of Wisconsin and shall not be invested in any interest-bearing account.

Section 14. Amendment to Resolution. After the issuance of any of the Bonds, no change or alteration of any kind in the provisions of this Resolution may be made until all of the Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except: (a) the Municipality may, from time to time, amend this Resolution without the consent of any of the owners of the Bonds, but only to cure any ambiguity, administrative conflict, formal defect, or omission or procedural inconsistency of this Resolution; and (b) this Resolution may be amended, in any respect, with a written consent of the owners of not less than two-thirds (2/3) of the principal amount of the Bonds then outstanding, exclusive of Bonds held by the Municipality; provided, however, that no amendment shall permit any change in the pledge of revenues derived from the System or the maturity of any Bond issued hereunder, or a reduction in the rate of interest on any Bond, or in the amount of the principal obligation thereof, or in the amount of the redemption premium payable in the case of redemption thereof, or change the terms upon which the Bonds may be redeemed or make any other modification in the terms of the payment of such principal or interest without the written consent of the owner of each such Bond to which the change is applicable.

Section 15. Defeasance. When all Bonds have been discharged, all pledges, covenants and other rights granted to the owners thereof by this Resolution shall cease. The Municipality may discharge all Bonds due on any date by irrevocably depositing in escrow with a suitable bank or trust company a sum of cash and/or bonds or securities issued or guaranteed as to principal and interest of the U.S. Government, or of a commission, board or other instrumentality of the U.S. Government, maturing on the dates and bearing interest at the rates required to provide funds sufficient to pay when due the interest to accrue on each of said Bonds to its maturity or, at the Municipality's option, if said Bond is prepayable to any prior date upon which it may be called for redemption, and to pay and redeem the principal amount of each such Bond at maturity, or at the Municipality's option, if said Bond is prepayable, at its earliest redemption date, with the premium required for such redemption, if any, provided that notice of the redemption of all prepayable Bonds on such date has been duly given or provided for.

Section 16. Rebate Fund. Unless the Bonds are exempt from the rebate requirements of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality shall establish and maintain, so long as the Bonds and any Parity Bonds are outstanding, a separate account to be known as the "Rebate Fund." The sole purpose of the Rebate Fund is to provide for the payment of any rebate liability with respect to the Bonds under the relevant provisions of the Code and the Treasury Regulations promulgated thereunder (the "Regulations"). The Rebate Fund shall be maintained by the Municipality until all required rebate payments with respect to the Bonds have been made in accordance with the relevant provisions of the Code and the Regulations.

The Municipality hereby covenants and agrees that it shall pay to the United States from the Rebate Fund, at the times and in the amounts and manner required by the Code and the Regulations, the portion of the "rebate amount" (as defined in Section 1.148-3(b) of the Regulations) that is due as of each "computation date" (within the meaning of Section 1.148-3(e) of the Regulations). As of the date of this Resolution, the provisions of the Regulations specifying the required amounts of rebate installment payments and the time and manner of such payments are contained in Sections 1.148-3(f) and (g) of the Regulations, respectively. Amounts held in the Rebate Fund and the investment income therefrom are not pledged as security for the Bonds or any Parity Bonds and may only be used for the payment of any rebate liability with respect to the Bonds.

The Municipality may engage the services of accountants, attorneys or other consultants necessary to assist it in determining the rebate payments, if any, owed to the United States with respect to the Bonds. The Municipality shall maintain or cause to be maintained records of determinations of rebate liability with respect to the Bonds for each computation date until six (6) years after the retirement of the last of the Bonds. The Municipality shall make such records available to the State of Wisconsin upon reasonable request therefor.

Section 17. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owner or owners of the Bonds, and after issuance of any of the Bonds no change or alteration of any kind in the provisions of this Resolution may be made, except as provided in Section 14, until all of the Bonds have been paid in full as to both principal and interest. The owner or owners of any of the Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce such owner's or owners' rights against the Municipality, the Governing Body thereof, and any and all officers and agents thereof including, but without limitation, the right to require the Municipality, its Governing Body and any other authorized body, to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution.

Section 18. Continuing Disclosure. The officers of the Municipality are hereby authorized and directed, if requested by the State of Wisconsin, to provide to the State of Wisconsin Clean Water Fund Program and to such other persons or entities as directed by the State of Wisconsin such ongoing disclosure regarding the Municipality's financial condition and other matters, at such times and in such manner as the Clean Water Fund Program may require, in order that securities issued by the Municipality and the State of Wisconsin satisfy rules and regulations promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended and as it may be amended from time to time, imposed on brokers and dealers of municipal securities before the brokers and dealers may buy, sell, or recommend the purchase of such securities.

Section 19. Conflicting Resolutions. All ordinances, resolutions (other than the 2020C Resolution), or orders, or parts thereof heretofore enacted, adopted or entered, in conflict with the provisions of this Resolution, are hereby repealed and this Resolution shall be in effect from and after its passage. In case of any conflict between this Resolution and the 2020C Resolution, the 2020C Resolution shall control as long as any 2020C Bonds are outstanding.

Passed: January 15, 2024

Approved: January 15, 2024

Bruce Lechner
Mayor

Attest:

Lacey L. Reynolds
City Clerk

EXHIBIT A

(Form of Municipal Obligation)

REGISTERED
NO. _____

UNITED STATES OF AMERICA
STATE OF WISCONSIN
WALWORTH COUNTY
CITY OF ELKHORN

REGISTERED
\$ _____

SEWER SYSTEM REVENUE BOND, SERIES 2024

Final
Maturity Date

May 1, 2053

Date of
Original Issue

_____, 20__

REGISTERED OWNER: STATE OF WISCONSIN CLEAN WATER FUND PROGRAM

FOR VALUE RECEIVED the City of Elkhorn, Walworth County, Wisconsin (the "Municipality") hereby acknowledges itself to owe and promises to pay to the registered owner shown above, or registered assigns, solely from the fund hereinafter specified, the principal sum of an amount not to exceed _____ DOLLARS (\$ _____) (but only so much as shall have been drawn hereunder, as provided below) on May 1 of each year commencing May 1, 2024 until the final maturity date written above, together with interest thereon (but only on amounts as shall have been drawn hereunder, as provided below) from the dates the amounts are drawn hereunder or the most recent payment date to which interest has been paid, at the rate of 2.255% per annum, calculated on the basis of a 360-day year made up of twelve 30-day months, such interest being payable on the first days of May and November of each year, with the first interest being payable on May 1, 2024.

The principal amount evidenced by this Bond may be drawn upon by the Municipality in accordance with the Financial Assistance Agreement entered by and between the Municipality and the State of Wisconsin by the Department of Natural Resources and the Department of Administration including capitalized interest transferred (if any). The principal amounts so drawn shall be repaid in installments on May 1 of each year commencing on May 1, 2024 in an amount equal to an amount which when amortized over the remaining term of this Bond plus current payments of interest (but only on amounts drawn hereunder) at Two and 255/1000ths percent (2.255%) per annum shall result in equal annual payments of the total of principal and the semiannual payments of interest. The State of Wisconsin Department of Administration shall record such draws and corresponding principal repayment schedule on a cumulative basis in the format shown on the attached Schedule A.

Both principal and interest hereon are hereby made payable to the registered owner in lawful money of the United States of America. On the final maturity date, principal of this Bond shall be payable only upon presentation and surrender of this Bond at the office of the Municipal Treasurer. Principal hereof and interest hereon shall be payable by electronic transfer or by check or draft dated on or before the applicable payment date (as directed by the registered owner) and if by check or draft, mailed from the office of the Municipal Treasurer to the person in whose name this Bond is registered at the close of business on the fifteenth day of the calendar month next preceding such interest payment date.

This Bond shall not be redeemable prior to its maturity, except with the consent of the registered owner.

This Bond is transferable only upon the books of the Municipality kept for that purpose at the office of the Municipal Treasurer, by the registered owner in person or its duly authorized attorney, upon surrender of this Bond, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Municipal Treasurer, duly executed by the registered owner or its duly authorized attorney. Thereupon a replacement Bond shall be issued to the transferee in exchange therefor. The Municipality may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or interest hereof and for all other purposes. This Bond is issuable solely as a negotiable, fully-registered bond, without coupons, and in denominations of \$0.01 or any integral multiple thereof.

This Bond is issued for the purpose of providing for the payment of the cost of constructing improvements to the Sewer System of the Municipality, pursuant to Article XI, Section 3, of the Wisconsin Constitution, Section 66.0621, Wisconsin Statutes, and a resolution adopted January 15, 2024, and entitled: "Resolution Authorizing the Issuance and Sale of Up to \$460,183 Sewer System Revenue Bonds, Series 2024, and Providing for Other Details and Covenants With Respect Thereto" and is payable only from the income and revenues of the Sewer System of the Municipality (the "Utility"). The Bonds are issued on a parity with the Municipality's Sewer System Revenue Bonds, Series 2020C, dated July 9, 2020, as to the pledge of income and revenues of the Utility. This Bond does not constitute an indebtedness of said Municipality within the meaning of any constitutional or statutory debt limitation or provision.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen, and be performed precedent to and in the issuance of this Bond have existed, have happened and have been performed in due time, form and manner as required by law; and that sufficient of the income and revenue to be received by said Municipality from the operation of its Utility has been pledged to and will be set aside into a special fund for the payment of the principal of and interest on this Bond.

IN WITNESS WHEREOF, the Municipality has caused this Bond to be signed by the signatures of its Mayor and City Clerk, and its corporate seal to be impressed hereon, all as of the date of original issue specified above.

CITY OF ELKHORN,
WISCONSIN

(SEAL)

By: _____
Bruce Lechner
Mayor

By: _____
Lacey L. Reynolds
City Clerk

COPY

(Form of Assignment)

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

(Please print or typewrite name and address, including zip code, of Assignee)

Please insert Social Security or other identifying number of Assignee

the within Bond and all rights thereunder, hereby irrevocably constituting and appointing

Attorney to transfer said Bond on the books kept for the registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature of this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Signature(s) guaranteed by

SCHEDULE A

\$460,183

CITY OF ELKHORN, WISCONSIN
SEWER SYSTEM REVENUE BONDS, SERIES 2024

<u>Amount of Disbursement</u>	<u>Date of Disbursement</u>	<u>Series of Bonds</u>	<u>Principal Repaid</u>	<u>Principal Balance</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

COPY

SCHEDULE A (continued)

PRINCIPAL REPAYMENT SCHEDULE

<u>Date</u>	<u>Principal Amount</u>
May 1, 2024	\$10,897.42
May 1, 2025	11,143.16
May 1, 2026	11,394.44
May 1, 2027	11,651.38
May 1, 2028	11,914.12
May 1, 2029	12,182.78
May 1, 2030	12,457.51
May 1, 2031	12,738.42
May 1, 2032	13,025.67
May 1, 2033	13,319.40
May 1, 2034	13,619.75
May 1, 2035	13,926.88
May 1, 2036	14,240.93
May 1, 2037	14,562.06
May 1, 2038	14,890.44
May 1, 2039	15,226.22
May 1, 2040	15,569.57
May 1, 2041	15,920.66
May 1, 2042	16,279.68
May 1, 2043	16,646.78
May 1, 2044	17,022.17
May 1, 2045	17,406.02
May 1, 2046	17,798.52
May 1, 2047	18,199.88
May 1, 2048	18,610.29
May 1, 2049	19,029.95
May 1, 2050	19,459.07
May 1, 2051	19,897.87
May 1, 2052	20,346.57
May 1, 2053	20,805.39

RESOLUTION NO. 24-03

RESOLUTION AUTHORIZING THE ISSUANCE AND
SALE OF UP TO \$1,991,290 WATERWORKS AND ELECTRIC SYSTEM REVENUE
BONDS, SERIES 2024,
AND PROVIDING FOR OTHER DETAILS AND
COVENANTS WITH RESPECT THERETO

WHEREAS, the City of Elkhorn, Walworth County, Wisconsin (the "Municipality") owns and operates a waterworks and electric system (the "System") which is operated for a public purpose as a public utility by the Municipality; and

WHEREAS, pursuant to Resolution No. 16-07 adopted by the Governing Body on March 21, 2016, as supplemented by a Certificate Approving the Preliminary Official Statement and Details of Waterworks and Electric System Revenue Refunding Bonds, Series 2016A, dated April 20, 2016 (collectively, the "2016A Resolution"), the Municipality has heretofore issued its Waterworks and Electric System Revenue Refunding Bonds, Series 2016A, dated May 17, 2016 (the "2016A Bonds"), which are payable from the income and revenues of the System; and

WHEREAS, pursuant to Resolution No. 16-10 adopted by the Governing Body on May 23, 2016 (the "2016B Resolution"), the Municipality has heretofore issued its Taxable Waterworks and Electric System Revenue Bonds, Series 2016B, dated June 8, 2016 (the "2016B Bonds"), which are payable from the income and revenues of the System; and

WHEREAS, pursuant to Resolution No. 17-09 adopted by the Governing Body on May 15, 2017 (the "2017 Resolution"), the Municipality has heretofore issued its Waterworks and Electric System Revenue Bonds, Series 2017, dated June 14, 2017 (the "2017 Bonds"), which are payable from the income and revenues of the System; and

WHEREAS, pursuant to Resolution No. 20-13 adopted by the Governing Body on June 15, 2020 (the "2020B Resolution"), the Municipality has heretofore issued its Waterworks and Electric System Revenue Bonds, Series 2020B, dated July 9, 2020 (the "2020B Bonds"), which are payable from the income and revenues of the System; and

WHEREAS, the 2016A Bonds, the 2016B Bonds, the 2017 Bonds and the 2020B Bonds shall collectively be referred to as the "Prior Bonds"; and

WHEREAS, the 2016A Resolution, the 2016B Resolution, the 2017 Resolution and the 2020B Resolution shall collectively be referred to as the "Prior Resolutions"; and

WHEREAS, certain improvements to the System are necessary to meet the needs of the Municipality and the residents thereof, consisting of the construction of a project (the "Project") assigned Safe Drinking Water Loan Program Project No. 5525-06 and No. 5525-08 by the Department of Natural Resources, and as described in the Department of Natural Resources approval letter for the plans and specifications of the Project, or portions thereof, issued under Section 281.41, Wisconsin Statutes, assigned No. W-2023-0311 and dated April 7, 2023, No. W-

2023-0114 and dated February 21, 2023 and No. S-2023-0341 and dated June 21, 2023 by the DNR; and

WHEREAS, under the provisions of Chapter 66, Wisconsin Statutes any municipality may, by action of its governing body, provide for purchasing, acquiring, constructing, extending, adding to, improving, operating and managing a public utility from the proceeds of bonds, which bonds are to be payable only from the revenues received from any source by such utility, including all rentals and fees; and

WHEREAS, the Municipality deems it to be necessary, desirable and in its best interest to authorize and sell waterworks and electric system revenue bonds of the Municipality payable solely from the revenues of the System, pursuant to the provisions of Section 66.0621, Wisconsin Statutes, to pay the cost of the Project; and

WHEREAS, the Prior Resolutions permit the issuance of additional bonds on a parity with the Prior Bonds upon certain conditions, and those conditions have been met; and

WHEREAS, other than the Prior Bonds, no bonds or obligations payable from the revenues of the System are now outstanding.

NOW, THEREFORE, be it resolved by the Governing Body of the Municipality that:

Section 1. Definitions. The following terms shall have the following meanings in this Resolution unless the text expressly or by implication requires otherwise:

- (a) "Act" means Section 66.0621, Wisconsin Statutes;
- (b) "Bond Registrar" means the Municipal Treasurer which shall act as Paying Agent for the Bonds;
- (c) "Bonds" means the \$1,991,290 Waterworks and Electric System Revenue Bonds, Series 2024, of the Municipality dated their date of issuance, authorized to be issued by this Resolution;
- (d) "Bond Year" means the twelve-month period ending on each May 1;
- (e) "Current Expenses" means the reasonable and necessary costs of operating, maintaining, administering and repairing the System, including salaries, wages, costs of materials and supplies, insurance and audits, but shall exclude depreciation, debt service, tax equivalents and capital expenditures;
- (f) "Debt Service Fund" means the Waterworks and Electric System Revenue Bond and Interest Special Redemption Fund of the Municipality, which shall be the "special redemption fund" as such term is defined in the Act;
- (g) "Financial Assistance Agreement" means the Financial Assistance Agreement by and between the State of Wisconsin by the Department of Natural Resources and the Department

of Administration and the Municipality pursuant to which the Bonds are to be issued and sold to the State, substantially in the form attached hereto and incorporated herein by this reference;

(h) "Fiscal Year" means the twelve-month period ending on each December 31;

(i) "Governing Body" means the Common Council, or such other body as may hereafter be the chief legislative body of the Municipality;

(j) "Gross Earnings" means the gross earnings of the System, including earnings of the System derived from waterworks and electric charges imposed by the Municipality, all payments to the Municipality under any service agreements between the Municipality and any contract users of the System, and any other monies received from any source including all rentals and fees, any tax incremental district revenues or other revenues of the Municipality pursuant to Section 9 appropriated by the Governing Body to the System, and any special assessments levied and collected in connection with the Project;

(k) "Municipal Treasurer" means the Treasurer of the Municipality who shall act as Bond Registrar and Paying Agent;

(l) "Municipality" means the City of Elkhorn, Walworth County, Wisconsin;

(m) "Net Revenues" means the Gross Earnings of the System after deduction of Current Expenses;

(n) "Parity Bonds" means bonds payable from the revenues of the System other than the Bonds but issued on a parity and equality with the Bonds pursuant to the restrictive provisions of Section 11 of this Resolution;

(o) "Prior Bonds" means the 2016A Bonds, the 2016B Bonds, the 2017 Bonds and the 2020B Bonds, collectively;

(p) "Prior Resolutions" means the 2016A Resolution, the 2016B Resolution, the 2017 Resolution and the 2020B Resolution, collectively;

(q) "Project" means the Project described in the preamble to this Resolution. All elements of the Project are to be owned and operated by the Municipality as part of the System as described in the preamble hereto;

(r) "Record Date" means the close of business on the fifteenth day of the calendar month next preceding any principal or interest payment date;

(s) "System" means the entire waterworks and electric system of the Municipality specifically including that portion of the Project owned by the Municipality and including all property of every nature now or hereafter owned by the Municipality for the generation, transmission, metering and distribution of electric power and energy, and the extraction, collection, treatment, storage, transmission, distribution, metering and discharge of industrial and potable public water, including all improvements and extensions thereto made by the Municipality while any of the Bonds and Parity Bonds remain outstanding, including all real and

personal property of every nature comprising part of or used or useful in connection with such waterworks and electric system and including all appurtenances, contracts, leases, franchises, and other intangibles;

(t) "2016A Bonds" means the Municipality's Waterworks and Electric System Revenue Refunding Bonds, Series 2016A, dated May 17, 2016;

(u) "2016A Resolution" means Resolution No. 16-07 adopted by the Governing Body on March 21, 2016, authorizing the issuance of the 2016A Bonds, as supplemented by a Certificate Approving the Preliminary Official Statement and Details of Waterworks and Electric System Revenue Refunding Bonds, Series 2016A, dated April 20, 2016;

(v) "2016B Bonds" means the Municipality's Taxable Waterworks and Electric System Revenue Bonds, Series 2016B, dated June 8, 2016;

(w) "2016B Resolution" means Resolution No. 16-10 adopted by the Governing Body on May 23, 2016 authorizing the issuance of the 2016B Bonds;

(x) "2017 Bonds" means the Municipality's Waterworks and Electric System Revenue Bonds, Series 2017, dated June 14, 2017;

(y) "2017 Resolution" means Resolution No. 17-09 adopted by the Governing Body on May 15, 2017 authorizing the issuance of the 2017 Bonds;

(z) "2020B Bonds" means the Municipality's Waterworks and Electric System Revenue Bonds, Series 2020B, dated July 9, 2020; and

(aa) "2020B Resolution" means Resolution No. 20-13 adopted by the Governing Body on June 15, 2020 authorizing the issuance of the 2020B Bonds.

Section 2. Authorization of the Bonds and the Financial Assistance Agreement. For the purpose of paying the cost of the Project (including legal, fiscal, engineering and other expenses), there shall be borrowed on the credit of the income and revenue of the System up to the sum of \$1,991,290; and fully registered revenue bonds of the Municipality are authorized to be issued in evidence thereof and sold to the State of Wisconsin Safe Drinking Water Loan Program in accordance with the terms and conditions of the Financial Assistance Agreement, which is incorporated herein by this reference and the Mayor and City Clerk of the Municipality are hereby authorized, by and on behalf of the Municipality, to execute the Financial Assistance Agreement.

Section 3. Terms of the Bonds. The Bonds shall be designated "Waterworks and Electric System Revenue Bonds, Series 2024" (the "Bonds"); shall be dated their date of issuance; shall be numbered one and upward; shall bear interest at the rate of 2.255% per annum; shall be issued in denominations of \$0.01 or any integral multiple thereof; and shall mature on the dates and in the amounts as set forth in Exhibit B of the Financial Assistance Agreement and in the Bond form attached hereto as Exhibit A as it is from time to time adjusted by the State of Wisconsin based upon the actual draws made by the Municipality. Interest on the Bonds shall be payable commencing on May 1, 2024 and semiannually thereafter on May 1 and November 1 of each

year. The Bonds shall not be subject to redemption prior to maturity except as provided in the Financial Assistance Agreement.

The schedule of maturities of the Bonds is found to be such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices.

Section 4. Form, Execution, Registration and Payment of the Bonds. The Bonds shall be issued as registered obligations in substantially the form attached hereto as Exhibit A and incorporated herein by this reference.

The Bonds shall be executed in the name of the Municipality by the manual signatures of the Mayor and City Clerk, and shall be sealed with its official or corporate seal, if any.

The principal of, premium, if any, and interest on the Bonds shall be paid by the Municipal Treasurer, who is hereby appointed as the Municipality's Bond Registrar.

Both the principal of and interest on the Bonds shall be payable in lawful money of the United States of America by the Bond Registrar. Payment of principal of the final maturity on the Bond will be payable upon presentation and surrender of the Bond to the Bond Registrar. Payment of principal on the Bond and each installment of interest shall be made to the registered owner of each Bond who shall appear on the registration books of the Municipality, maintained by the Bond Registrar, on the Record Date and shall be paid by electronic transfer or by check or draft of the Municipality (as directed by the registered owner) and if by check or draft, mailed to such registered owner at his or its address as it appears on such registration books or at such other address may be furnished in writing by such registered owner to the Bond Registrar.

Section 5. Security for the Bonds. The Bonds, together with interest thereon, shall not constitute an indebtedness of the Municipality nor a charge against its general credit or taxing power. The Bonds, together with interest thereon, shall be payable only out of the Debt Service Fund hereinafter created and established, and shall be a valid claim of the registered owner or owners thereof only against such Debt Service Fund and the revenues of the System pledged to such fund, on a parity with the pledge granted to the holders of the Prior Bonds. Sufficient revenues are hereby pledged to said Debt Service Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on the Prior Bonds, the Bonds and any Parity Bonds as the same becomes due.

Section 6. Funds and Accounts. In accordance with the Act, for the purpose of the application and proper allocation of the revenues of the System, and to secure the payment of the principal of and interest on the Prior Bonds, the Bonds and Parity Bonds, certain funds of the System which were created and established by Ordinance No. 558 adopted April 17, 1979 are hereby continued and shall be used solely for the following respective purposes:

- a) Waterworks and Electric System Operation and Maintenance Fund (the "Operation and Maintenance Fund"), which shall be used for the payment of Current Expenses.

- (b) Waterworks and Electric System Revenue Bond and Interest Special Redemption Fund (the "Debt Service Fund"), which shall be used for the payment of the principal of, premium, if any, and interest on the Prior Bonds, the Bonds and Parity Bonds as the same becomes due. The Reserve Account created by the 2016A Resolution within the Debt Service Fund is not pledged to the payment of principal of or interest on the Bonds and moneys in the Reserve Account shall under no circumstances be used to pay principal of or interest on the Bonds.
- (c) Waterworks System Depreciation Fund (the "Waterworks Depreciation Fund"), which shall be used to provide a proper and adequate depreciation account for the waterworks system.
- (d) Electric System Depreciation Fund (the "Electric Depreciation Fund"), which shall be used to provide a proper and adequate depreciation account for the electric system.
- (e) Waterworks and Electric System Surplus Fund (the "Surplus Fund"), which shall first be used whenever necessary to meet requirements of the Operation and Maintenance Fund including the one month reserve, the Debt Service Fund including the Reserve Account and the Depreciation Funds. Any money then remaining in the Surplus Fund at the end of any Fiscal Year may be used only as permitted and in the order specified in Section 66.0811(2), Wis. Stats. Money thereafter remaining in the Surplus Fund may be transferred to any of the funds or accounts provided in this section.

Section 7. Application of Revenues. After the delivery of the Bonds, the Gross Earnings of the System shall be transferred monthly to the funds listed below in the following order of priority and in the manner set forth below:

- (a) to the Operation and Maintenance Fund, in an amount equal to the estimated Current Expenses for such month and for the following month (after giving effect to available amounts in said Fund from prior deposits);
- (b) to the Debt Service Fund, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the Prior Bonds, the Bonds and any Parity Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the Prior Bonds, the Bonds and any Parity Bonds coming due during such Bond Year (after giving effect to available amounts in said Fund from accrued interest, any premium or any other source), and any amounts required by the 2016A Resolution, the 2020B Resolution or a future resolution authorizing the issuance of Parity Bonds to fund the Reserve Account;
- (c) to the Depreciation Funds, from Gross Earnings of the respective Systems, an amount determined by the Governing Body to be sufficient to provide a proper and adequate depreciation account for the respective System; and
- (d) to the Surplus Fund, any amount remaining after the monthly transfers required above have been completed.

Transfers to the Operation and Maintenance Fund, the Debt Service Fund, the Depreciation Funds and the Surplus Fund shall be made monthly not later than the tenth day of each month, and such transfer shall be applicable to monies on deposit as of the last day of the month preceding. Any other transfers and deposits to any fund required or permitted by subsection (a) through (d) of this Section, except transfers or deposits which are required to be made immediately or annually, shall be made on or before the tenth day of the month. Any transfer or deposit required to be made at the end of any Fiscal Year shall be made within sixty (60) days after the close of such Fiscal Year. If the tenth day of any month shall fall on a day other than a business day, such transfer or deposit shall be made on the next succeeding business day.

It is the express intent and determination of the Governing Body that the amounts deposited in the Debt Service Fund shall be sufficient in any event to pay the interest on the Prior Bonds, the Bonds and any Parity Bonds as the same accrues and the principal thereof as the same matures, and to fund the Reserve Account for the 2016A Bonds and the 2020B Bonds or any Parity Bonds secured thereby.

Section 8. Deposits and Investments. The Debt Service Fund shall be kept apart from monies in the other funds and accounts of the Municipality and the same shall be used for no purpose other than the prompt payment of principal of and interest on the Prior Bonds, the Bonds and any Parity Bonds as the same becomes due and payable. All monies therein shall be deposited in special and segregated accounts in a public depository selected under Chapter 34, Wisconsin Statutes and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes. The other funds herein created (except the Waterworks System SDWLP Project Fund) may be combined in a single account in a public depository selected in the manner set forth above and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes.

Section 9. Service to the Municipality. The reasonable cost and value of services rendered to the Municipality by the System by furnishing waterworks and electric services for public purposes shall be charged against the Municipality and shall be paid in monthly installments as the service accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the System; that is to say, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. The reasonable cost and value of such service to the Municipality in each year shall be equal to an amount which, together with other revenues of the System, will produce in each Fiscal Year Net Revenues equivalent to not less than the annual principal and interest requirements on the Prior Bonds, the Bonds, any Parity Bonds and any other obligations payable from the revenues of the System then outstanding, times the greater of (i) 110% or (ii) the highest debt service coverage ratio required with respect to any obligations payable from revenues of the System then outstanding. However, such payment out of the tax levy shall be subject to (a) approval of the Public Service Commission, or successors to its function, if applicable, (b) yearly appropriations therefor, and (c) applicable levy limitations, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of the services rendered to the

Municipality and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

Section 10. Operation of System; Municipality Covenants. It is covenanted and agreed by the Municipality with the owner or owners of the Bonds, and each of them, that the Municipality will perform all of the obligations of the Municipality as set forth in the Financial Assistance Agreement.

Section 11. Additional Bonds. The Bonds are issued on a parity with the Prior Bonds as to the pledge of revenues of the System. No bonds or obligations payable out of the revenues of the System may be issued in such manner as to enjoy priority over the Bonds. Additional obligations may be issued if the lien and pledge is junior and subordinate to that of the Bonds. Parity Bonds may be issued only under the following circumstances:

(a) Additional Parity Bonds may be issued for the purpose of completing the Project and for the purpose of financing costs of the Project which are ineligible for payment under the State of Wisconsin Safe Drinking Water Loan Program. However, such additional Parity Bonds shall be in an aggregate amount not to exceed 20% of the face amount of the Bonds; or

(b) Additional Parity Bonds may also be issued if all of the following conditions are met:

(1) The Net Revenues of the System for the Fiscal Year immediately preceding the issuance of such additional bonds must have been in an amount at least equal to the maximum annual interest and principal requirements on all bonds outstanding payable from the revenues of the System, and on the bonds then to be issued, times the greater of (i) 1.10 or (ii) the highest debt service coverage ratio to be required with respect to the Additional Parity Bonds to be issued or any other obligations payable from the revenues of the System then outstanding. Should an increase in permanent rates and charges, including those made to the Municipality, be properly ordered and made effective during the Fiscal Year immediately prior to the issuance of such additional bonds or during that part of the Fiscal Year of issuance prior to such issuance, then Net Revenues for purposes of such computation shall include such additional revenues as a registered municipal advisor, an independent certified public accountant, consulting professional engineer or the Wisconsin Public Service Commission may calculate would have accrued during the prior Fiscal Year had the new rates been in effect during that entire immediately prior Fiscal Year.

(2) The payments required to be made into the funds enumerated in Section 6 of this Resolution must have been made in full.

(3) The additional bonds must have principal maturing on May 1 of each year and interest falling due on May 1 and November 1 of each year.

(4) The proceeds of the additional bonds must be used only for the purpose of providing extensions or improvements to the System, or to refund obligations issued for such purpose.

Section 12. Sale of Bonds. The sale of the Bonds to the State of Wisconsin Safe Drinking Water Loan Program for the purchase price of up to \$1,991,290 and at par, is ratified and confirmed; and the officers of the Municipality are authorized and directed to do any and all acts, including executing the Financial Assistance Agreement and the Bonds as hereinabove provided, necessary to conclude delivery of the Bonds to said purchaser, as soon after adoption of this Resolution as is convenient. The purchase price for the Bonds shall be paid upon requisition therefor as provided in the Financial Assistance Agreement, and the officers of the Municipality are authorized to prepare and submit to the State requisitions and disbursement requests in anticipation of the execution of the Financial Assistance Agreement and the issuance of the Bonds.

Section 13. Application of Bond Proceeds. The proceeds of the sale of the Bonds shall be deposited by the Municipality into a special fund designated as "Waterworks System SDWLP Project Fund." The Waterworks System SDWLP Project Fund shall be used solely for the purpose of paying the costs of the Project as more fully described in the preamble hereof and in the Financial Assistance Agreement. Moneys in the Waterworks System SDWLP Project Fund shall be disbursed within three (3) business days of their receipt from the State of Wisconsin and shall not be invested in any interest-bearing account.

Section 14. Amendment to Resolution. After the issuance of any of the Bonds, no change or alteration of any kind in the provisions of this Resolution may be made until all of the Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except: (a) the Municipality may, from time to time, amend this Resolution without the consent of any of the owners of the Bonds, but only to cure any ambiguity, administrative conflict, formal defect, or omission or procedural inconsistency of this Resolution; and (b) this Resolution may be amended, in any respect, with a written consent of the owners of not less than two-thirds (2/3) of the principal amount of the Bonds then outstanding, exclusive of Bonds held by the Municipality; provided, however, that no amendment shall permit any change in the pledge of revenues derived from the System or the maturity of any Bond issued hereunder, or a reduction in the rate of interest on any Bond, or in the amount of the principal obligation thereof, or in the amount of the redemption premium payable in the case of redemption thereof, or change the terms upon which the Bonds may be redeemed or make any other modification in the terms of the payment of such principal or interest without the written consent of the owner of each such Bond to which the change is applicable.

Section 15. Defeasance. When all Bonds have been discharged, all pledges, covenants and other rights granted to the owners thereof by this Resolution shall cease. The Municipality may discharge all Bonds due on any date by irrevocably depositing in escrow with a suitable bank or trust company a sum of cash and/or bonds or securities issued or guaranteed as to principal and interest of the U.S. Government, or of a commission, board or other instrumentality of the U.S. Government, maturing on the dates and bearing interest at the rates required to provide funds sufficient to pay when due the interest to accrue on each of said Bonds to its maturity or, at the Municipality's option, if said Bond is prepayable to any prior date upon which

it may be called for redemption, and to pay and redeem the principal amount of each such Bond at maturity, or at the Municipality's option, if said Bond is prepayable, at its earliest redemption date, with the premium required for such redemption, if any, provided that notice of the redemption of all prepayable Bonds on such date has been duly given or provided for.

Section 16. Rebate Fund. Unless the Bonds are exempt from the rebate requirements of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality shall establish and maintain, so long as the Bonds and any Parity Bonds are outstanding, a separate account to be known as the "Rebate Fund." The sole purpose of the Rebate Fund is to provide for the payment of any rebate liability with respect to the Bonds under the relevant provisions of the Code and the Treasury Regulations promulgated thereunder (the "Regulations"). The Rebate Fund shall be maintained by the Municipality until all required rebate payments with respect to the Bonds have been made in accordance with the relevant provisions of the Code and the Regulations.

The Municipality hereby covenants and agrees that it shall pay to the United States from the Rebate Fund, at the times and in the amounts and manner required by the Code and the Regulations, the portion of the "rebate amount" (as defined in Section 1.148-3(b) of the Regulations) that is due as of each "computation date" (within the meaning of Section 1.148-3(e) of the Regulations). As of the date of this Resolution, the provisions of the Regulations specifying the required amounts of rebate installment payments and the time and manner of such payments are contained in Sections 1.148-3(f) and (g) of the Regulations, respectively. Amounts held in the Rebate Fund and the investment income therefrom are not pledged as security for the Bonds or any Parity Bonds and may only be used for the payment of any rebate liability with respect to the Bonds.

The Municipality may engage the services of accountants, attorneys or other consultants necessary to assist it in determining the rebate payments, if any, owed to the United States with respect to the Bonds. The Municipality shall maintain or cause to be maintained records of determinations of rebate liability with respect to the Bonds for each computation date until six (6) years after the retirement of the last of the Bonds. The Municipality shall make such records available to the State of Wisconsin upon reasonable request therefor.

Section 17. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owner or owners of the Bonds, and after issuance of any of the Bonds no change or alteration of any kind in the provisions of this Resolution may be made, except as provided in Section 14, until all of the Bonds have been paid in full as to both principal and interest. The owner or owners of any of the Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce such owner's or owners' rights against the Municipality, the Governing Body thereof, and any and all officers and agents thereof including, but without limitation, the right to require the Municipality, its Governing Body and any other authorized body, to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution.

Section 18. Continuing Disclosure. The officers of the Municipality are hereby authorized and directed, if requested by the State of Wisconsin, to provide to the State of Wisconsin Safe Drinking Water Loan Program and to such other persons or entities as directed by the State of Wisconsin such ongoing disclosure regarding the Municipality's financial condition and other matters, at such times and in such manner as the Safe Drinking Water Loan Program may require, in order that securities issued by the Municipality and the State of Wisconsin satisfy rules and regulations promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended and as it may be amended from time to time, imposed on brokers and dealers of municipal securities before the brokers and dealers may buy, sell, or recommend the purchase of such securities.

Section 19. Conflicting Resolutions. All ordinances, resolutions (other than the Prior Resolutions), or orders, or parts thereof heretofore enacted, adopted or entered, in conflict with the provisions of this Resolution, are hereby repealed and this Resolution shall be in effect from and after its passage. In case of any conflict between this Resolution and the Prior Resolutions, the Prior Resolutions shall control as long as any of the respective Prior Bonds are outstanding.

Passed: January 15, 2024

Approved: January 15, 2024

Bruce Lechner
Mayor

Attest:

Lacey L. Reynolds
City Clerk

EXHIBIT A

(Form of Municipal Obligation)

REGISTERED
NO. _____

UNITED STATES OF AMERICA
STATE OF WISCONSIN
WALWORTH COUNTY
CITY OF ELKHORN

REGISTERED
\$ _____

WATERWORKS AND ELECTRIC SYSTEM REVENUE BOND, SERIES 2024

Final
Maturity Date

May 1, 2053

Date of
Original Issue

_____, 20__

REGISTERED OWNER: STATE OF WISCONSIN SAFE DRINKING WATER LOAN PROGRAM

FOR VALUE RECEIVED the City of Elkhorn, Walworth County, Wisconsin (the "Municipality") hereby acknowledges itself to owe and promises to pay to the registered owner shown above, or registered assigns, solely from the fund hereinafter specified, the principal sum of an amount not to exceed _____ DOLLARS (\$ _____) (but only so much as shall have been drawn hereunder, as provided below) on May 1 of each year commencing May 1, 2024 until the final maturity date written above, together with interest thereon (but only on amounts as shall have been drawn hereunder, as provided below) from the dates the amounts are drawn hereunder or the most recent payment date to which interest has been paid, at the rate of 2.255% per annum, calculated on the basis of a 360-day year made up of twelve 30-day months, such interest being payable on the first days of May and November of each year, with the first interest being payable on May 1, 2024.

The principal amount evidenced by this Bond may be drawn upon by the Municipality in accordance with the Financial Assistance Agreement entered by and between the Municipality and the State of Wisconsin by the Department of Natural Resources and the Department of Administration including capitalized interest transferred (if any). The principal amounts so drawn shall be repaid in installments on May 1 of each year commencing on May 1, 2024 in an amount equal to an amount which when amortized over the remaining term of this Bond plus current payments of interest (but only on amounts drawn hereunder) at Two and 255/1000ths percent (2.255%) per annum shall result in equal annual payments of the total of principal and the semiannual payments of interest. The State of Wisconsin Department of Administration shall record such draws and corresponding principal repayment schedule on a cumulative basis in the format shown on the attached Schedule A.

Both principal and interest hereon are hereby made payable to the registered owner in lawful money of the United States of America. On the final maturity date, principal of this Bond shall be payable only upon presentation and surrender of this Bond at the office of the Municipal Treasurer. Principal hereof and interest hereon shall be payable by electronic transfer or by check or draft dated on or before the applicable payment date (as directed by the registered owner) and if by check or draft, mailed from the office of the Municipal Treasurer to the person in whose name this Bond is registered at the close of business on the fifteenth day of the calendar month next preceding such interest payment date.

This Bond shall not be redeemable prior to its maturity, except with the consent of the registered owner.

This Bond is transferable only upon the books of the Municipality kept for that purpose at the office of the Municipal Treasurer, by the registered owner in person or its duly authorized attorney, upon surrender of this Bond, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Municipal Treasurer, duly executed by the registered owner or its duly authorized attorney. Thereupon a replacement Bond shall be issued to the transferee in exchange therefor. The Municipality may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or interest hereof and for all other purposes. This Bond is issuable solely as a negotiable, fully-registered bond, without coupons, and in denominations of \$0.01 or any integral multiple thereof.

This Bond is issued for the purpose of providing for the payment of the cost of constructing improvements to the Waterworks and Electric System of the Municipality, pursuant to Article XI, Section 3, of the Wisconsin Constitution, Section 66.0621, Wisconsin Statutes, and a resolution adopted January 15, 2024, and entitled: "Resolution Authorizing the Issuance and Sale of Up to \$1,991,290 Waterworks and Electric System Revenue Bonds, Series 2024, and Providing for Other Details and Covenants With Respect Thereto" and is payable only from the income and revenues of the Waterworks and Electric System of the Municipality (the "Utility"). The Bonds are issued on a parity with the Municipality's Waterworks and Electric System Revenue Refunding Bonds, Series 2016A, dated May 17, 2016, Taxable Waterworks and Electric System Revenue Bonds, Series 2016B, dated June 8, 2016, Waterworks and Electric System Revenue Bonds, Series 2017, dated June 14, 2017 and Waterworks and Electric System Revenue Bonds, Series 2020B, dated July 9, 2020, as to the pledge of income and revenues of the Utility. This Bond does not constitute an indebtedness of said Municipality within the meaning of any constitutional or statutory debt limitation or provision.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen, and be performed precedent to and in the issuance of this Bond have existed, have happened and have been performed in due time, form and manner as required by law; and that sufficient of the income and revenue to be received by said Municipality from the operation of its Utility has been pledged to and will be set aside into a special fund for the payment of the principal of and interest on this Bond.

IN WITNESS WHEREOF, the Municipality has caused this Bond to be signed by the signatures of its Mayor and City Clerk, and its corporate seal to be impressed hereon, all as of the date of original issue specified above.

CITY OF ELKHORN,
WISCONSIN

(SEAL)

By: _____
Bruce Lechner
Mayor

By: _____
Lacey L. Reynolds
City Clerk

COPY

(Form of Assignment)

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

(Please print or typewrite name and address, including zip code, of Assignee)

Please insert Social Security or other identifying number of Assignee

the within Bond and all rights thereunder, hereby irrevocably constituting and appointing

Attorney to transfer said Bond on the books kept for the registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature of this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Signature(s) guaranteed by

SCHEDULE A

\$1,991,290

CITY OF ELKHORN, WISCONSIN
WATERWORKS AND ELECTRIC SYSTEM REVENUE BONDS, SERIES 2024

<u>Amount of Disbursement</u>	<u>Date of Disbursement</u>	<u>Series of Bonds</u>	<u>Principal Repaid</u>	<u>Principal Balance</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

COPY

SCHEDULE A (continued)

PRINCIPAL REPAYMENT SCHEDULE

<u>Date</u>	<u>Principal Amount</u>
May 1, 2024	\$47,154.99
May 1, 2025	48,218.34
May 1, 2026	49,305.66
May 1, 2027	50,417.51
May 1, 2028	51,554.42
May 1, 2029	52,716.97
May 1, 2030	53,905.74
May 1, 2031	55,121.32
May 1, 2032	56,364.30
May 1, 2033	57,635.32
May 1, 2034	58,934.99
May 1, 2035	60,263.98
May 1, 2036	61,622.93
May 1, 2037	63,012.53
May 1, 2038	64,433.46
May 1, 2039	65,886.43
May 1, 2040	67,372.17
May 1, 2041	68,891.41
May 1, 2042	70,444.92
May 1, 2043	72,033.45
May 1, 2044	73,657.80
May 1, 2045	75,318.79
May 1, 2046	77,017.22
May 1, 2047	78,753.96
May 1, 2048	80,529.87
May 1, 2049	82,345.81
May 1, 2050	84,202.71
May 1, 2051	86,101.48
May 1, 2052	88,043.07
May 1, 2053	90,028.45

**CITY OF ELKHORN
ORDINANCE NO. 24-01**

AN ORDINANCE AMENDING
THE ELKHORN MUNICIPAL CODE
AT CHAPTER 17.7-2 REGARDING YARDS

IT IS HEREBY ORDAINED by the Common Council of the City of Elkhorn that Section 17.7-2 of the Elkhorn Municipal Code is repealed and replaced as follows:

17.7-2 Yards.

The yard requirements stipulated elsewhere in this chapter may be modified as follows:

- (1) Uncovered stairs, landings, decks and fire escapes may project into any required yard but not to exceed 6 feet and not closer than 3 feet to any lot line. However, this modification does not modify any requirements of the state or local building codes relating to uncovered stairs, landings, decks and fire escapes.
- (2) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard; but such projection shall not exceed 3 feet.
- (3) (a) General Fence Standards for all Districts.
 1. Construction. All fences must be erected or installed so that the finished side faces outward (i.e., construction supports facing in).
 2. Visibility. In no instance shall a fence obscure the visibility of motorists or be located within the line-of-sight triangle as defined in Section 17.2-1 Definitions.
 3. Locations near rights-of-way and utility easements. Private fences or walls shall be allowed or constructed a minimum of one foot back from the rights-of-way of public streets, highways, or alleys. Fences or walls may, by permit, be placed on public utility easements, so long as the structures do not interfere in any way with existing underground, ground, or over ground utilities. Furthermore, the City or any utility company having authority to use such easements shall not be liable for repair or replacement of such fences or walls, in the event they are moved, damaged or destroyed by virtue of the lawful use of the easement.
 4. Good repair. All fences shall be maintained in good repair and in clean, presentable and attractive condition.
 5. Drainage. Fences shall not block or hinder natural drainage or water flow.
- (b) Fences in Residential Districts (RS-1, RS-2, RD-1, RM-1, RM-2, RM-3, R-4, and T-1).
 1. Fences are permitted in the required street yard, side street yard and rear yard of double frontage lots if such fence meets the following standards:

- a. Fences are limited to a maximum height of 4 feet, as measured from abutting grade.
 - b. Fences must be a minimum of 50% open.
 - c. Finials on support posts are limited to 4 inches above the finished top of the fence.
 2. Solid fences are permitted in interior side yards and rear yards and are limited to 6 feet in height. Solid fences are permitted in street side yards located a minimum of 10 feet back from the street right-of-way and are limited to 4 feet in height.
 3. Solid fences are permitted in a street rear yard of through lot properties directly abutting the road right-of-way and are limited to 6 feet in height.
 4. Open fence material shall be picket, chain link, wood, vinyl, wire mesh, wrought iron, aluminum, metal, and/or lattice. Other types of fencing may be approved if the proposed fence receives specific approval by the Zoning Administrator or the Plan Commission and the requested fence is consistent with the requirements of this chapter, of good quality materials not specifically identified above. It is the specific goal of this section to not require a zoning code amendment every time a new or different material, style or design is proposed. Any new materials, styles, or designs approved in such a manner shall be listed in the Zoning Administration Office and available to the public. (See 17.5-1 entitled "Interpretation of Use")
 5. Solid fence material shall be wood, metal, or vinyl. Other types of fencing may be approved if the proposed fence receives specific approval by the Zoning Administrator or the Plan Commission and the requested fence is consistent with the requirements of this chapter, of good quality materials not specifically identified above. It is the specific goal of this section to not require a zoning code amendment every time a new or different material, style or design is proposed. Any new materials, styles, or designs approved in such a manner shall be listed in the Zoning Administration Office and available to the public. (See 17.5-1 entitled "Interpretation of Use")
 6. No barbed wire, chicken wire (except for gardening purposes limited to 4 feet in height and at least 2 feet off the property line). Razor wire or electrically charged fences, or other dangerously constructed fences shall not be allowed in residential zoning districts under any circumstances.
- (4) Security fences are permitted on the property lines in all districts except residential districts but shall not exceed 10 feet in height and shall be of an open type with woven or welded wire, chain link, aluminum, steel, or wrought iron fencing. Other types of fencing may be approved if the proposed fence receives specific approval by the Zoning Administrator or the Plan Commission and the requested fence is consistent with the requirements of this chapter, of good quality materials not specifically identified above. It is the specific goal of this section to not require a zoning code amendment every time a new or different material, style or design is proposed. Any new materials, styles, or designs approved in such a

manner she be listed in the Zoning Administration Office and available to the public. (See 17.5-1 entitled “Interpretation of Use”)

THIS ORDINANCE shall be effective after compliance with Wisconsin Statutory requirements for adoption and publication.

APPROVED AND ADOPTED this _____ day of _____ 2024.

Bruce Lechner, Mayor

ATTEST:

Lacey L. Reynolds, City Clerk

1st Reading _____
2nd Reading _____
Adopted _____
Published _____

ETZ COMMITTEE – FINDING OF FACT

DATE: January 8, 2024
PROJECT: 5384 State Road Hwy 11
PC ID: E23.10.001
ACTION: Conditional Use Permit

The City of Elkhorn ETZ Committee officially convened on December 14, 2023, to consider the Conditional Use Permit application submitted by Steve Smith, Northshore Development, LLC for existing Marine Service & Boat Storage business with off season storage to continue in operation.

After considering the Conditional Use Permit application, the staff report, oral and written testimony, the Elkhorn 2040 Comprehensive Development Plan, the Zoning on the subject property, and other materials presented at the meeting, the ETZ Committee does hereby make the following "finding of fact":

FINDING OF FACT

- 1) The existing Marine Service & Boat Storage business with off season storage, if properly conditioned, are in accordance with the intent and purpose of Chapter 17 (Zoning) of the City of Elkhorn Municipal Code.
- 2) The existing Marine Service & Boat Storage business with off season storage on the subject property, if properly conditioned, are compatible with other uses permitted in the same zone or vicinity.
- 3) The existing Marine Service & Boat Storage business with off season storage on the subject property, if properly conditioned, will not be hazardous, harmful, offensive, or otherwise adverse to the environment.
- 4) The existing Marine Service & Boat Storage business with off season storage on the subject property, if properly conditioned, will not be detrimental to the value of the neighborhood or community.

Based upon the "Findings of Fact", the ETZ Committee motioned, seconded, and voted to recommend **APPROVAL** of the Conditional Use Permit application to the Common Council.

**CITY OF ELKHORN EXTRATERRITORIAL ZONING
CONDITIONAL USE PERMIT No. 24-01**

STEVE SMITH, NORTSHORE DEVELOPMENT LLC. – 5384 STATE ROAD HWY 11.

Pursuant to Section 17.5-1 of the City of Elkhorn Municipal Code, "Marine Service and off season storage" located at 5384 State Road Hwy 11, Tax Key Parcel FD 200002 & FD 200004C shall be permitted as a Conditional Use. The operation at said location shall be subject to the following conditions:

1. The project shall be developed in accordance with the approved site plan and plan of operations. Any deviation from the approved plans shall require zoning administrator and/or Plan Commission approval.
2. All additional permits be applied for and approved.
3. No more than 5 buildings shall be constructed on site.
4. The sale of boats, motors, trailers, lifts, and new and used parts are permitted under this Conditional Use.
5. The outdoor storage of boats is limited to 70 and shall be reduced by 15 after each building is constructed.
6. There shall be no burning of waste material, or marine equipment. All Removal must be properly completed with a licensed waste hauler.
7. Ingress and egress shall be property graveled and maintained at all times and shall not become overgrown with weeds or vegetation.
8. All signage must comply with the Walworth County Sign Ordinance.
9. Site plan and all business operations shall meet all applicable Federal, State, County, City, and Town regulations.
10. The designated "future parking area" may be used for no more than 5 boats displayed for sale.
11. On-site hours of operation shall be from 8AM-6PM seven days a week.
12. Boats shall only be stored indoors and outside west of building 2 and north of building 1.
13. Outside lighting shall comply with the Town Lighting Ordinance.
14. Project site must be kept in a neat and orderly fashion and shall be mowed, and landscaping maintained at all times.
15. Only one building shall be constructed at a time.
16. The Amos Road entrance shall be gated and locked shut outside hours of operation.
17. Garbage bins and collection site shall be shielded by proper fencing or landscaping buffer.
18. Failure to actively exercise this Conditional Use within 3 years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the original 3-year period. Any extension requested during the 3-year active exercise period greater than 1 year beyond the original 3-year period shall require additional Town of Delavan and City of Elkhorn committee approvals.
19. Conditional Use Permit shall be posted on site where all employees have access and knowledge of conditions.

Failure to fully comply with the above stated conditions shall be considered grounds for revocation of this permit.

Common Council of the City of Elkhorn

By: _____
Bruce Lechner, Mayor

Attest: _____
Lacey L. Reynolds, City Clerk

State of Wisconsin
County of Walworth
Subscribed and sworn/affirmed to before me
this _____ day of _____ 20__,

State of Wisconsin
County of Walworth
Subscribed and sworn/affirmed to before me
this _____ day of _____ 20__,

Notary Public
My Commission Expires: _____

Notary Public
My Commission Expires: _____

By: _____
Owner

Printed Name

State of Wisconsin
County of Walworth
Subscribed and sworn/affirmed to before me
this _____ day of _____ 20____,

Notary Public
My Commission Expires: _____

This instrument was drafted by:
Allison Schwark
Zoning Administrator

ETZ COMMITTEE – FINDING OF FACT

DATE: January 8, 2024
PROJECT: Nyssa Solar Project- Cobb Rd (KLF 1900006)
PC ID: E23.11.026
ACTION: Conditional Use Permit

The City of Elkhorn ETZ Committee officially convened on December 14, 2023, to consider the Conditional Use Permit application submitted by Peter Murphy, OneEnergy Development, LLC for a solar energy generation project with continued agricultural use outside of project area.

After considering the Conditional Use Permit application, the staff report, oral and written testimony, the Elkhorn 2040 Comprehensive Development Plan, the Zoning on the subject property, and other materials presented at the meeting, the ETZ Committee does hereby make the following “finding of fact”:

FINDING OF FACT

- 1) A solar energy generation project with continued agricultural use outside of project area if properly conditioned, are in accordance with the intent and purpose of Chapter 17 (Zoning) of the City of Elkhorn Municipal Code.
- 2) A solar energy generation project with continued agricultural use outside of project area on the subject property, if properly conditioned, are compatible with other uses permitted in the same zone or vicinity.
- 3) A solar energy generation project with continued agricultural use outside of project area on the subject property, if properly conditioned, will not be hazardous, harmful, offensive, or otherwise adverse to the environment.
- 4) A solar energy generation project with continued agricultural use outside of project area on the subject property, if properly conditioned, will not be detrimental to the value of the neighborhood or community.

Based upon the “Findings of Fact”, the ETZ Committee motioned, seconded, and voted to recommend **APPROVAL** of the Conditional Use Permit application to the Common Council.

**CITY OF ELKHORN EXTRATERRITORIAL ZONING
CONDITIONAL USE PERMIT No. 24-02**

ONEENERGY DEVELOPMENT, LLC/PETER MURPHY – COBB RD KLF 1900006

Pursuant to Section 17.5-1 of the City of Elkhorn Municipal Code, "Solar energy generation project with continued agricultural use outside of project area" located at Cobb Road, Tax Key Parcel KLF 1900006 shall be permitted as a Conditional Use. The operation at said location shall be subject to the following conditions:

1. The project shall be developed in accordance with the plan of operations. Any deviation from the approved plans shall require zoning administrator and/or Committee approval.
2. All additional permits be applied for and approved.
3. The project is not expandable.
4. Upon completion, if evaluation of sight lines from residences proves a need for screening, applicant will follow through.
5. Native vegetation is allowed to be planted and grown throughout the site and must be maintained.
6. No additional outside storage will be permitted.
7. If the solar panel is damaged or abandoned or of no use it shall be removed from site within 30 days.
8. If and when solar farm becomes inoperable, the site must be fully deconditioned and returned to agricultural land within 12 months.

Failure to fully comply with the above stated conditions shall be considered grounds for revocation of this permit.

Common Council of the City of Elkhorn

By: _____
Bruce Lechner, Mayor

Attest: _____
Lacey L Reynolds, City Clerk

State of Wisconsin
County of Walworth
Subscribed and sworn/affirmed to before me
this _____ day of _____ 20__

State of Wisconsin
County of Walworth
Subscribed and sworn/affirmed to before me
this _____ day of _____ 20__

Notary Public
My Commission Expires: _____

Notary Public
My Commission Expires: _____

By: _____
Owner

Printed Name

State of Wisconsin
County of Walworth
Subscribed and sworn/affirmed to before me
This _____ day of _____ 20__

Notary Public
My Commission Expires: _____

This instrument was drafted by:
Allison Schwark
Zoning Administrator

**CITY OF ELKHORN
RESOLUTION NO. 24-04**

**A RESOLUTION OF THE CITY OF ELKHORN COMMON COUNCIL DENYING A
CONDITIONAL USE PERMIT FROM A TOWING COMPANY FOR AN IMPOUND
LOT AND OUTDOOR VEHICLE STORAGE LOCATED AT 544 S LINCOLN STREET**

WHEREAS, the City received an application from Lee Loveall, On Time Towing, LLC for a Conditional Use Permit for an impoundment lot and outdoor vehicle storage for use by a towing company on real property located at 544 Lincoln Street in the M-1 Zoning District within the City of Elkhorn; and

WHEREAS, the Plan Commission held a duly noticed public hearing on the application for conditional use permit on September 7, 2023 and received input on the application;

WHEREAS, on September 7, 2023, the Plan Commission recommended approval of the application for conditional use permit subject to certain conditions;

WHEREAS, on September 18, 2023, the Common Council referred the application back to the Plan Commission with questions and concerns for the Plan Commission to review and address on the application for conditional use permit;

WHEREAS, the Plan Commission again reviewed and discussed the application for conditional use permit at its meeting on November 2, 2023 and the item was deferred to the next Plan Commission meeting to receive a revised site plan and additional information from the Applicant and City staff;

WHEREAS, the Plan Commission again reviewed and discussed the application at its meeting on November 16, 2023, and passed a motion recommending to the City Council to deny the Conditional Use Permit for use as an impoundment lot and outdoor vehicle storage located at 544 S Lincoln Street for the following reasons:

1. While the back part will be maintained as a RS-1 zoning, the parcel is already small and nonconforming for a M-1 parcel, it is not possible to provide a better transition between the proposed industrial use of outdoor storage and residential uses on the other adjacent parcel to minimize adverse impacts on that existing use;
2. The 2040 Comprehensive Plan provides that when a light industrial use is to be located adjacent to residential uses, they should be well buffered by landscaping to mitigate adverse impacts on residential and other existing uses and a 100' separation should try to be achieved between the building and adjacent property, with a ten (10) foot wide landscaped screen of evergreen shrubbery not less than six (6) feet in height. The proposed site is too small to fully achieve this and a 100 foot separation between the building and the boundary line of the adjacent residential parcel can never be achieved;
3. Traffic volumes on the street and safety concerns with blocking traffic with delivery of towed cars and concerns that small site can't handle the site circulation;
4. The setbacks, safety concerns, site overutilization, noise, buffering and screening cannot be addressed with appropriate conditions because the site is too small for such an intensive outdoor use and too close to the adjacent residential uses;

5. The fact that applicant is requesting exceptions to the Code with regard to many of the requirements of Section 17.6 of the Municipal Code, including parking space size, aisle width, parking lot landscaping, and surfacing tells us that this site is too small for the proposed use;
6. Conditions cannot adequately address the blending of the proposed use of outdoor storage and residential uses adjacent to this property as intended light industrial uses for the area are those types of uses that occur within a structure with limited outdoor storage not a use that is solely just outdoor storage per the 2040 Comprehensive Plan; and
7. Proposed uses should have adequate conditions to protect the character of this area while allowing for future higher density residential and community business activities like offices, food establishments, service or light industrial uses and that even with the proposed draft of conditions it is not achievable for this proposed use.

WHEREAS, the Plan Commission found that substantial evidence existed to show that potential conditions are insufficient to address the negative impacts and safety concerns from the proposed use and cannot solve for the issues created by the proposed use as further set forth in the November 16, 2023 Plan Commission meeting minutes attached to this resolution as **Exhibit A**; and

WHEREAS, the City’s Fire Department still expressed concerns about the use and indicated the proximity of adjacent uses including the electrical substation, make the risk of fire and negative impacts of use of excessive water to put out fires from this site on adjacent parcels, particularly concerning with the storage of vehicles that are increasingly electric or hybrids that a reasonable condition cannot adequately address without a disproportionate impact on the City's enforcement and inspection capabilities.

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Elkhorn, Walworth County, Wisconsin that the application for a conditional use for the Property at 544 S. Lincoln Street be denied for the same 7 reasons indicated by the Plan Commission as set forth above as well as for the reasons identified by the City Fire Department as also set forth above and these findings and reasons are hereby adopted by the Common Council as its final decision.

BE IT FURTHER RESOLVED, the above reasons and findings constitute substantial evidence supporting the denial of the Conditional Use in the M-1 district at 544 S Lincoln Street, as it is apparent that the establishment, maintenance and operation of the proposed Conditional Use will be detrimental to and endanger the general welfare of the City and neighboring properties, and that the use, value and enjoyment of surrounding properties will be substantially impaired and diminished by the establishment, maintenance and operation of the proposed Conditional Use.

DATED this _____ day of _____, 2024.

Bruce Lechner, Mayor

ATTEST:

Lacey L. Reynolds, City Clerk

Exhibit A

**CITY OF ELKHORN
ARCHITECTURAL REVIEW BOARD/CITY PLAN COMMISSION MEETING
Council Chambers, 311 Seymour Ct., Elkhorn, WI
November 16, 2023**

The Architectural Review Board/City Plan Commission Meeting was called to order at 6:00 p.m. by Vice-Chairman Meinel followed by the Pledge of Allegiance and Roll Call.

ROLL CALL

Present: Boardman, Stotko, Hunter, Wuttke, Meinel
Absent: Geaslen, Lechner
Also Present: Swann, Schwart, Ekes
Visitors: Lee Loveall, Eric Jones, an unidentified person

APPROVAL OF MINUTES

Motion (Hunter/Wuttke) to approve the minutes of the Architectural Review Board and Plan Commission meetings of November 2, 2023. Motion carried unanimously.

CONDITIONAL USE PERMIT/544 S. LINCOLN ST./ON TIME TOWING LLC

Vice-Chairman Meinel reported that a public hearing was held on September 7, 2023 before the Plan Commission regarding the Conditional Use Permit (CUP) request for property located at 544 South Lincoln Street by Lee Loveall, On Time Towing LLC, with citizen comment. He said that the Plan Commission had recommended to City Council to approve the Conditional Use Permit (CUP) with conditions that were stipulated by the Zoning Administrator at the September 7, 2023 meeting. The matter was placed on the September 18, 2023 Council meeting agenda for discussion and/or action. The Council referred the matter back to the Plan Commission for more detail because the applicant was not able to attend the previous meetings to respond to questions and/or comments. He asked the Zoning Administrator to provide the Staff Report to be followed by the applicant's response to those comments.

The Zoning Administrator presented the Staff Report dated November 10, 2023. The applicant is requesting a Conditional Use Permit (CUP) for vehicle outdoor storage behind security fencing at 544 South Lincoln Street (Tax Key No. YP00030). **Staff Recommendations:** At this time, staff recommendation is pending for the CUP for outdoor storage located at 544 S Lincoln Street until further discussion is had at the Plan Commission Meeting. The following draft conditions have been prepared for your consideration should the Plan Commission recommendation be to approve subject to conditions: 1) Fencing shall be installed around the entire perimeter of the rear and side yards of the property; a solid fence shall comply with sec. 17.7-2, and not exceed 6 feet in height, an open style fence shall comply with sec. 17.7-2, and not exceed 10 feet in height. Material shall be determined by the plan commission. 2) A closing security gate attached to the fencing shall be installed at the entrance of the property and shall always remain closed unless vehicles are being pulled in or out of the property. 3) A ten (10) foot wide landscaped screen of evergreen shrubbery not less than six (6) feet in height shall be installed around the perimeter of the fence, and property to prevent noise carryover, and properly separate residential and commercial properties. Landscaping and plant materials shall be maintained in a healthy growing and live condition. Trimming and pruning shall occur regularly. Any dead or diseased landscaping shall be removed

and replaced regularly. 4) Trucks entering or exiting the property shall not use back up alarms on vehicles for back up past 10:00PM. 5) Property shall maintain adequate space in the street yard for tow trucks to pull into site head on, and back into tow lot on the property instead of backing in off the street when traffic is present. Tow trucks shall never back in off the street when any traffic is present. 6) Property building appearance shall be maintained to abide by all City of Elkhorn Municipal Ordinances pertaining to exterior property maintenance. The property owner shall be responsible for adding landscaping in the street yard to increase curb appeal. 7) No vehicle shall be stored on the property for longer than 90 days. 8) The property owner/ tenant shall be responsible for installing a Knox box on the front of the property for the fire department and ensuring that the building and parcel is in full compliance with all applicable fire codes. Additionally, the fire department shall have access, or be able to open gates in the event of an emergency. The applicant shall comply with all fire department requirements. 9) The property parking area shall be asphalted where gravel is currently existing. Applicant shall comply with all City Engineer requirements including for paving and stormwater management. 10) Vehicles shall be stored on hard surfaces only, and never be stored in the front yard, or grassed and landscaped areas on site. All vehicles shall be stored behind the fencing. No vehicles shall be advertised as for sale on the property. All vehicles associated with the business shall be parked on premises and not on City streets. 11) No vehicle shall ever be stored in a manner where fluid, oil, or gasoline is leaking from the vehicle. In the event vehicle(s) are leaking fluids proper drip trays shall be placed at all times, and property shall be equipped with proper clean up equipment and materials such as sawdust, oil dry, etc. All vehicle fluids shall be properly disposed of. Any oil or hazardous fluids must be stored in a designated containment area that complies with all Wisconsin Department of Natural Resources (WI-DNR) regulations. Any oil or hazardous fluids must be disposed of in an environmentally sound manner. 12) No employees will be on site, therefore, all emergency responders, police, fire, and building and zoning departments shall have on record an authorized individual to contact 24/7 in the event of an emergency, and that can respond within 30 minutes. 13) No electric vehicles shall be stored on site at any time. 14) Security cameras shall be installed on site. 15) Security lighting shall be installed on site and comply with 17.10-9. 16) Property owner shall hook up to City water and sewer and install proper bathroom facilities. The property owner shall supply Zoning Administrator bids for hook up services to establish a timeline for hookup. Hook up shall be completed before any business operation begins, and be completed within one year of approval. 17) Rear property currently zoned RS-1 shall never be used for business operations, and shall be used as greenspace, and landscaping buffer for neighboring residential properties. Greenspace shall be mowed and maintained at all times. 18) The applicant must obtain permit cards from the office of the City Zoning Administrator after paying the zoning fees. These cards must be displayed in a prominent location at the site, and a copy of these conditions must be kept at the site at all times. 19) Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit. 20) The proposed use must be conducted in compliance with the plans and documents on file with the City of Elkhorn Zoning Office. 21) Any proposed advertising sign at the site will require a separate permit prior to installation. Please contact City Zoning staff for advertising sign regulations and permit procedures. 22) This approval will expire six (6) months from the date of the City's final approval unless substantial work has commenced following such grant. If this office determines that no substantial work has commenced, the project may not occur unless the City grants a written extension. Written extension requests must be submitted to the City Zoning Office thirty (30) days before permit/approval expiration. 23) Any fence, wall, hedge, yard, space or landscaped area must be kept free of any accumulation of refuse or debris. No other types of outside storage is allowed on the property. 24) No vehicle parts or vehicle salvage yard activity is allowed at the

site. 25) No additions, deletions, or changes may be made to the project, site plan, or these conditions without the City 's prior approval. All addition, deletion, and/or change requests must be submitted to the City Zoning Administrator in writing. A minor change to the conditions of this permit, as deemed by the Zoning Administrator, may be made at a staff level, if authorized by the Zoning Administrator. 26) Your accepting the conditional use approval/permit and beginning the project

means that you have read, understand, and agree to follow all conditions of this approval. Applicant, and its heirs, successors, and assigns are responsible for full compliance with the above conditions. 27) It is the property owner's responsibility to inform any subsequent owner or operator of these conditions. 28) The applicants must allow any City employee full and unlimited access to the project site at a reasonable time to investigate the project's construction, operation, or maintenance. 29) The applicants are responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The applicant is required to comply with all applicable local, state and federal regulations. 30) Applicant shall reimburse the City all costs incurred by the City for review of this conditional use including but not limited to engineering, legal and planning review that occurred prior to permit issuance and during the implementation of the plans and construction of improvements.

The Zoning Administrator continued by stating that **the proposed conditional use for outdoor storage as a towing business is a conditional use application. The law governing conditional use permits is under Sec. 62.23 (7) (de) of the Wisconsin Statutes which provides as follows:**

a) A "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the City. b) If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the City ordinance or those imposed by the City Plan Commission and Council, the City shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and **be based on substantial evidence.** c) The requirements and conditions described must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. d) The applicant must demonstrate that the application and all requirements and conditions established by the City relating to the conditional use are or shall be satisfied, both of which **must be supported by substantial evidence.** e) The City's decision to approve or deny the permit **must be supported by substantial evidence.** f) "Substantial evidence" means facts and information, **other than merely personal preferences or speculation,** directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

Vice-Chairman Meinel felt there should not be a limit of not more than 10 vehicles stored on site. Brief discussion. The Zoning Administrator said that this could be added as a condition to the Conditional Use Permit (CUP). Lee Loveall responded by saying that he would need to increase the 10 to 20 vehicles allowed to be stored on the property but could reduce that number from 20 to 10 vehicles if that is the recommendation by the Plan Commission. Mr. Loveall explained that he had contacted a contractor for the installation/connection of water and sewer but the contractor could not meet the project deadline proposed in the conditions with completion date prior to occupancy. He also does not agree with some of the other proposed conditions. Discussion regarding the 30 conditions. Some additional discussion on Condition No. 13 regarding clarification of electric vehicle storage.

Motion (Meinel/Stotko) to recommend to the City Council to deny Conditional Use Permit (CUP) for vehicle outdoor storage behind security fencing at 544 South Lincoln Street (Tax Key No. YP00030) requested by On Time Towing LLC, Lee Lovell. Discussion. A guideline listing the two reasons for and eight reasons against approving the Conditional Use Permit (CUP) created by Attorney Ekes, legal counsel, and distributed to members at this time, explaining the reason this list was not distributed to members in advance of the meeting. She was requested to read the reasons not to approve the Conditional Use Permit (CUP) request. She suggested that any motion to be made by members should include the Plan Commission's reasons for denial and advised that the original motion should be amended to reflect the reasons against approving the Conditional Use Permit (CUP).

Attorney Ekes read aloud the eight reasons to deny the Conditional Use Permit (CUP): 1) While the back part will be maintained as a RS-1 zoning, the parcel is already small and nonconforming for a M-1 parcel, it is not possible to provide a better transition between the proposed industrial use of outdoor storage and residential uses on the other adjacent parcel to minimize adverse impacts on that existing use. 2) The 2040 Comprehensive Plan provides that when a light industrial use is to be located adjacent to residential uses, they should be well buffered by landscaping to mitigate adverse impacts on residential and other existing uses and a 100' separation should try to be achieved between the building and adjacent property, with a ten (10) foot wide landscaped screen of evergreen shrubbery not less than six (6) feet in height. The proposed site is too small to fully achieve this and a 100 foot separation between the building and the boundary line of the adjacent residential parcel can never be achieved. 3) Traffic volumes on the street and safety concerns with blocking traffic with delivery of towed cars and concerns that small site can't handle the site circulation. 4) The setbacks, safety concerns, site overutilization, noise, buffering and screening cannot be addressed with appropriate conditions because the site is too small for such an intensive outdoor use and too close to the adjacent residential uses. 5) The proximity of adjacent uses including the electrical substation, make the risk of fire and negative impacts of use of excessive water to put out fires on adjacent parcels, particularly concerning with the storage of vehicles that are increasingly electric or hybrids that a reasonable condition cannot adequately address without a disproportionate impact on the City's enforcement and inspection capabilities. 6) The fact that applicant is requesting exceptions to the Code with regard to many of the requirements of Section 17.6 of the Municipal Code, including parking space size, aisle width, parking lot landscaping, and surfacing tells us that this site is too small for the proposed use. 7) Conditions cannot adequately address the blending of the proposed use of outdoor storage and residential uses adjacent to this property as intended light industrial uses for the area are those types of uses that occur within a structure with limited outdoor storage not a use that is solely just outdoor storage per the 2040 Comprehensive Plan. 8) Proposed uses should have adequate conditions to protect the character of this area while allowing for future higher density residential and community business activities like offices, food establishments, service or light industrial uses and that even with the proposed draft of conditions it is not achievable for this proposed use.

Attorney Ekes was also requested to read the reasons for approving the conditional use which are: 1) The proposed use is allowed as a conditional use and through the building, site, and operation plan review process in the M-1 zoning district; and 2) The applicant can meet and agrees to meet all of the requirements and conditions specified in the City ordinance and those imposed by the City Plan Commission and Common Council based on the substantial evidence

presented at the public hearing and provided as a part of the application and review process. Discussion.

Motion (Boardman/Stotko) to amend the original motion to recommend to the City Council to deny the Conditional Use Permit (CUP) for vehicle outdoor storage behind security fencing at 544 South Lincoln Street (Tax Key No. YP00030) requested by On Time Towing LLC, Lee Lovell, to include the eight reasons, Item Nos. 1-8 for denial prepared by Attorney Ekes, legal counsel, with the exception of Item No. 5 and striking same from list. Discussion.

Vice-Chairman Meinel requested a roll call vote on the original motion to recommend to the City Council to deny the Conditional Use Permit (CUP) for vehicle outdoor storage behind security fencing at 544 South Lincoln Street (Tax Key No. YP00030) requested by On Time Towing LLC, Lee Lovell for the property located at 544 South Lincoln Street. Roll Call Vote: Wuttke-Yes; Hunter-Yes; Stotko-Yes; Boardman-Yes; Meinel-Yes. Motion carried unanimously.

Vice-Chairman Meinel requested a roll call vote on the amended motion to recommend to the City Council to deny the Conditional Use Permit (CUP) for vehicle outdoor storage behind security fencing at 544 South Lincoln Street (Tax Key No. YP00030) requested by On Time Towing LLC, Lee Lovell subject to Item Nos. 1-8, striking and excluding No. 5 of the list of reasons against the Conditional Use Permit (CUP) created by Attorney Ekes, legal counsel. Roll Call Vote: Wuttke-Yes; Hunter-Yes; Stotko-Yes; Boardman-Yes; Meinel-Yes. Motion carried unanimously.

ETZ COMMITTEE MEMBERS/TOWN OF SUGAR CREEK

It was noted that an ordinance was adopted to amend City Code at the Elkhorn City Council meeting of October 16, 2023, in order to create an interim zoning ordinance to preserve existing zoning in the Extraterritorial zoning jurisdiction (ETZ) area of the Town of Sugar Creek, which would freeze zoning in the Town of Sugar Creek and extends 1.5 miles beyond City limits into the town. Three members of the Plan Commission would be required to be appointed and serve on the ETZ Committee to represent the City's membership at future committee meetings. Discussion.

Motion (Wuttke/Boardman) moved to recommend to the City Council to appoint the same three Plan Commission citizen members (Stotko, Boardman, Wuttke) who currently serve on the other ETZ Committees with the Towns of Delavan and LaFayette, to the City's newly established ETZ Committee with the Town of Sugar Creek. Motion carried unanimously.

MEETING DATES

Meeting dates: The next Plan Commission meeting may be scheduled for Thursday, January 4, 2024 since there were no application submittals for the month of December.

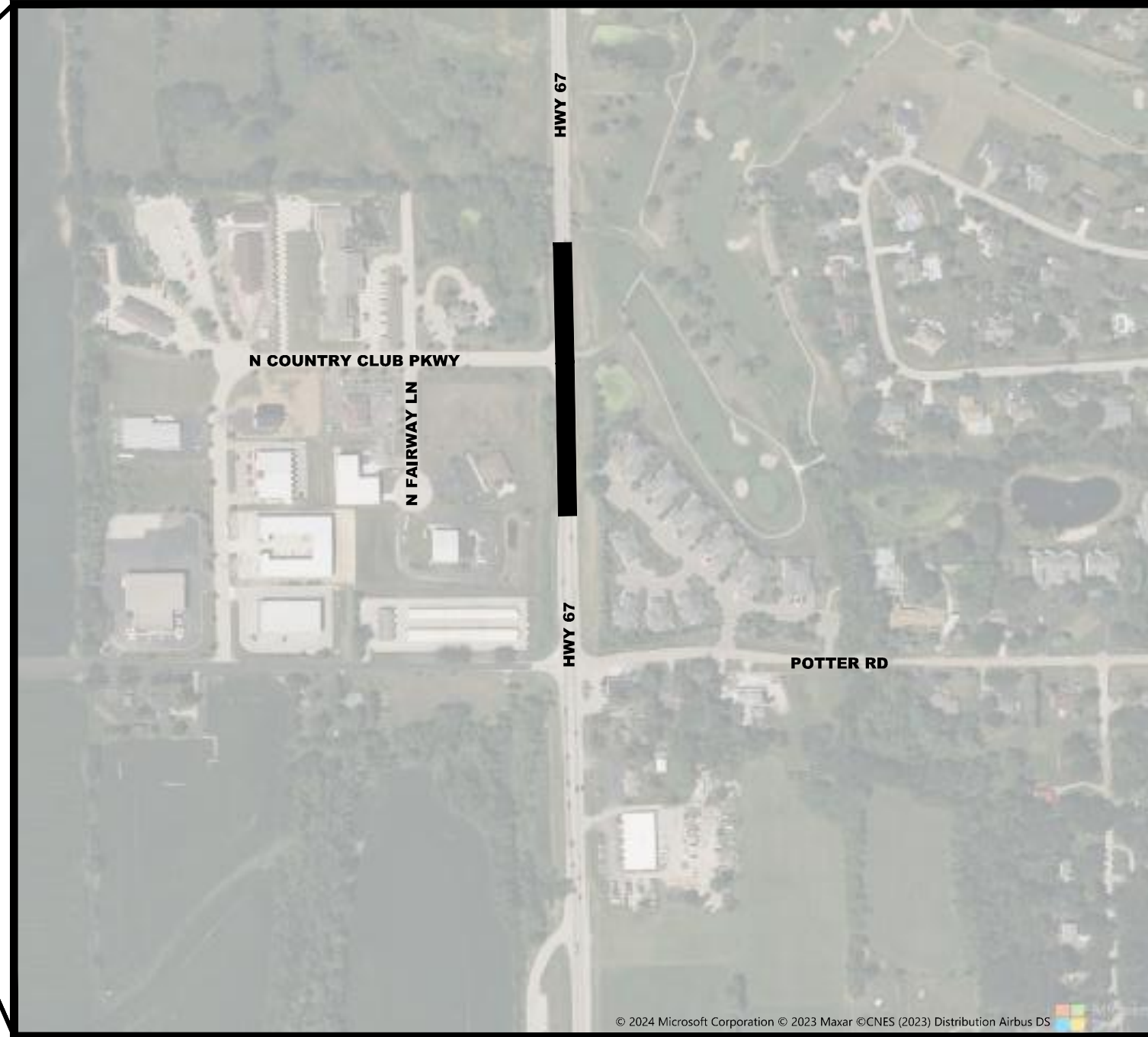
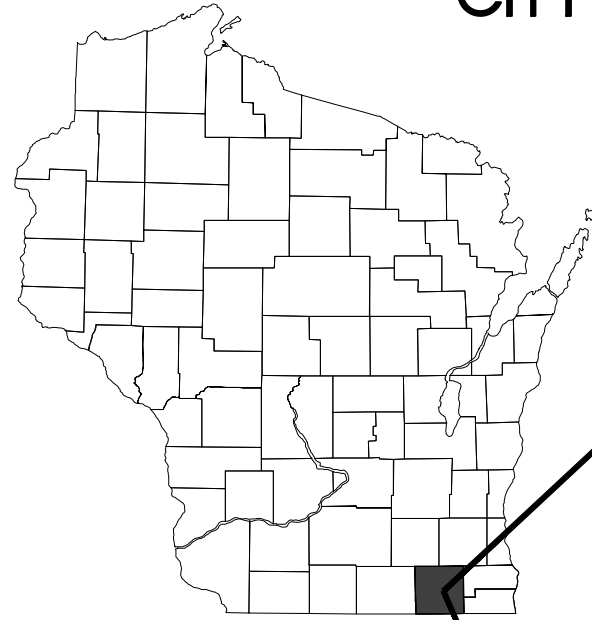
ADJOURNMENT

Motion (Wuttke/Boardman) to adjourn. Motion carried unanimously. Meeting adjourned at 6:40 p.m.

Shari McKinney
Plan Commission Secretary

HIGHWAY 67 BYPASS LANE

CITY OF ELKHORN, WALWORTH COUNTY, WISCONSIN



LOCATION MAP

SHEET INDEX

TITLE	1.0
GENERAL NOTES	2.0
CONSTRUCTION DETAILS & TYPICAL SECTIONS	2.1
REMOVALS PLAN	3.0
PAVING & GRADING PLAN	3.1
MARKING AND RESTORATION PLAN	3.2
CROSS SECTIONS	4.0 – 4.5

COORDINATES ON THE PLAN ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, WALWORTH COUNTY.

ELEVATIONS SHOWN ON THIS PLAN ARE REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM (NGVD29).



Toll Free (800) 242-8511
 Milwaukee Area (414) 258-1181
 Hearing Impaired TDD (800) 542-2268
 www.DiggersHotline.com

**ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ELKHORN LAND DEVELOPMENT STANDARDS, AND THE STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION; LATEST EDITIONS AND REVISIONS.



1224 S. Pine Street
 Burlington, Wisconsin
 53105

kapurinc.com

PROJECT:
HIGHWAY 67 BYPASS LANE

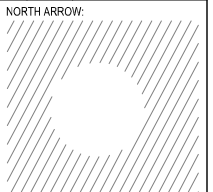
LOCATION:
CITY OF ELKHORN, WALWORTH COUNTY, WISCONSIN

CLIENT:

RELEASE:
FOR BID

REVISIONS:

#	DATE	DESCRIPTION



SCALE:

SEAL:

all in

SHEET:
OVERVIEW

PROJECT MANAGER: MGT
 PROJECT NUMBER: 23.0638
 DATE: 1/25/2024

SHEET NUMBER:
1.0

FOR BID 1-25-2024

FILENAME: D:\Walworth_Co\Elkhorn_City\Cov\230638_Elkhorn_Hwy 67 Bypass Lane\Design\230638_Design - Copy.dwg
 LAST SAVED DATE: 1/12/2024
 PLOT DATE/TIME: 1/12/2024 11:51 AM
 PLOTTED BY: JACOB A. BRECKLER



STH 67 Bypass Lane
City of Elkhorn, Walworth County, Wisconsin
Date: January 12, 2024

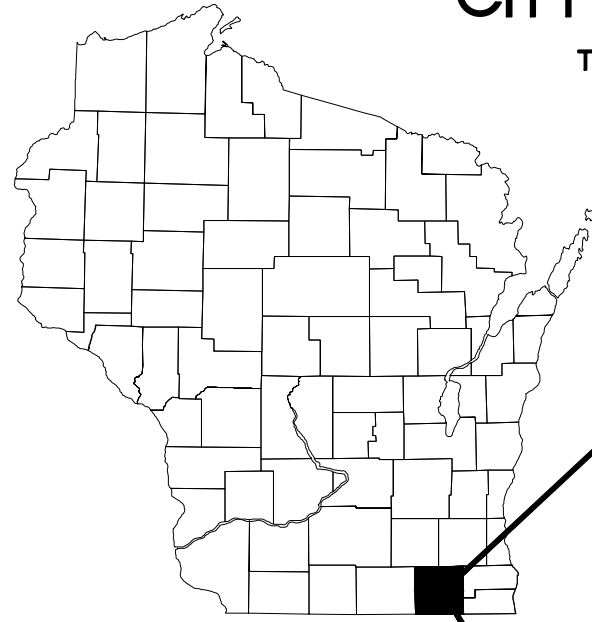


STH 67 BYPASS LANE					
Item No.	Item Description	Unit	Bid Qty.	Bid Unit Price	Bid Price
204.0110	Removing Asphlatic Surface	SY	345	\$ 10.00	\$ 3,450.00
204.0165	Removing Guardrail	LF	223	\$ 6.50	\$ 1,449.50
205.0100	Excavation Common	CY	555	\$ 25.00	\$ 13,875.00
205.0100	Excavation Common (EBS)	CY	90	\$ 25.00	\$ 2,250.00
305.0110	Base Aggregate Dense 3/4-Inch - Gravel Shoulder	TON	100	\$ 35.00	\$ 3,500.00
305.0120	Base Aggregate Dense 1 1/4-Inch	TON	770	\$ 22.50	\$ 17,325.00
311.0110	Breaker Run (3" Crushed Allowed) (EBS)	TON	180	\$ 27.50	\$ 4,950.00
460.6223	HMA Pavement 3 MT 58-28 S	TON	240	\$ 115.00	\$ 27,600.00
460.6224	HMA Pavement 4 MT 58-28 S, Item also includes tack coat (455.0605)	TON	95	\$ 135.00	\$ 12,825.00
614.0397	Guardrail Mow Strip Emulsified Asphalt	SY	105	\$ 40.00	\$ 4,200.00
614.2300	MGS Guardrail 3	LF	155	\$ 30.00	\$ 4,650.00
614.2610	MGS Guardrail Terminal EAT	EACH	1	\$ 5,000.00	\$ 5,000.00
628.1504	Silt Fence	LF	825	\$ 3.00	\$ 2,475.00
628.2008	Erosion Mat Urban Class I, Type B	SY	965	\$ 3.00	\$ 2,895.00
630.0500	Seed Water	MGAL	40	\$ 50.00	\$ 2,000.00
638.2102	Moving Signs Type II	EACH	1	\$ 150.00	\$ 150.00
646.2020	Marking Line Epoxy 6-Inch (White)	LF	330	\$ 3.50	\$ 1,155.00
646.2040	Marking Line Grooved Wet Ref Epoxy 6-Inch (White)	LF	800	\$ 2.00	\$ 1,600.00
690.0150	Sawing Asphalt	LF	800	\$ 3.00	\$ 2,400.00
SPV.0105.01	Traffic Control (Entire Project)	LS	1	\$ 50,000.00	\$ 50,000.00
SPV.0105.02	Fill Existing Guardrail Posts With Slurry	LS	1	\$ 50,000.00	\$ 50,000.00
SPV.0180.01	Geogrid NX750 (EBS)	SY	1150	\$ 10.00	\$ 11,500.00
SPV.0180.02	Restoration of Disturbed Areas	SY	965	\$ 7.00	\$ 6,755.00
STH 67 BYPASS LANE SUBTOTAL				\$	232,004.50
BASE BID SUBTOTAL				\$	232,004.50

2024 E CENTRALIA STREET RECONSTRUCTION

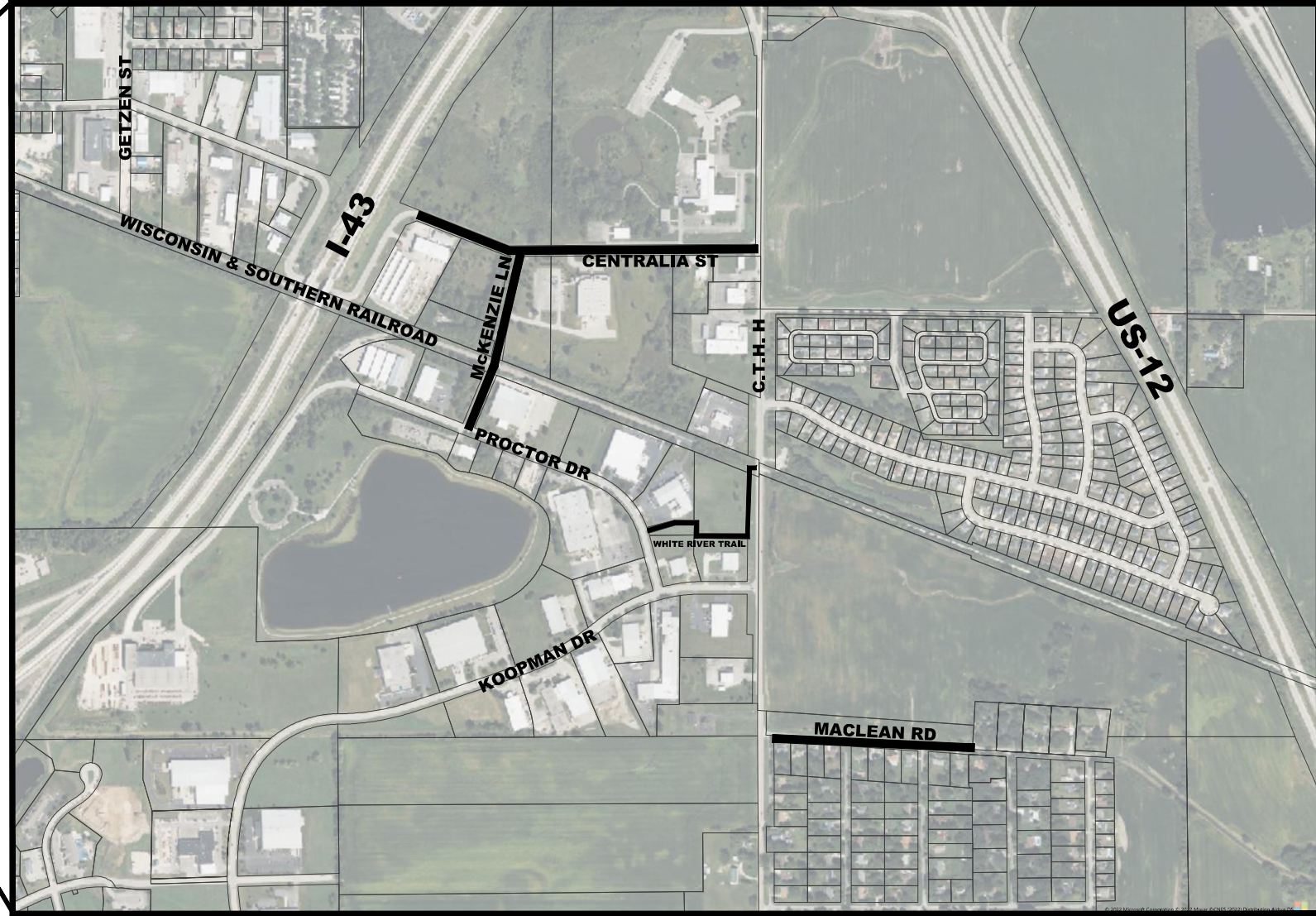
CITY OF ELKHORN, WALWORTH COUNTY, WISCONSIN

THIS PROJECT IS PARTIALLY FUNDED BY THE WisDOT LOCAL ROADS IMPROVEMENT PROGRAM (LRIP)



SHEET INDEX

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<u>GRADING PLAN:</u>	
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BIKE PATH	9.11 - 9.13



LOCATION MAP

FOR BID 1-25-2024

COORDINATES ON THE PLAN ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, WALWORTH COUNTY.

ELEVATIONS SHOWN ON THIS PLAN ARE REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM (NGVD29).

**ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ELKHORN LAND DEVELOPMENT STANDARDS, AND THE STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION; LATEST EDITIONS AND REVISIONS.



1224 S. Pine Street
Burlington, Wisconsin
53105

kapurinc.com

PROJECT:
2024 E CENTRALIA STREET RECONSTRUCTION

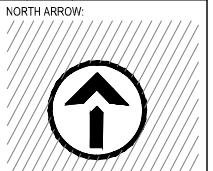
LOCATION:
CITY OF ELKHORN, WALWORTH COUNTY, WISCONSIN

CLIENT:
ELKHORN WISCONSIN

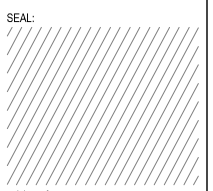
RELEASE:
FOR BID

REVISIONS:

#	DATE	DESCRIPTION



SCALE: NO SCALE



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SHEET:
OVERVIEW

PROJECT MANAGER: MGT
PROJECT NUMBER: 23.0455
DATE: 1/25/2024

SHEET NUMBER:
1.0

FILENAME: D:\Walworth_Co\Elkhorn_City\Cov\230455_2024 E Centralia St Phase 2 Reconstruction\Design\230455_TITLE & DETAILS.dwg PLOT DATE/TIME: 1/12/2024 11:57 AM PLOTTED BY: JACOB A. BRECKLER





2024 East Centralia Street: Engineer's Estimate
City of Elkhorn, Walworth County, Wisconsin
Date: January 12, 2024



E CENTRALIA STREET & MCKENZIE LANE - ROADWAY ITEMS					
Item No.	Item Description	Unit	Bid Qty.	Bid Unit Price	Bid Price
204.0100	Removing Concrete Pavement	SY	125	\$ 17.50	\$ 2,187.50
204.0110	Removing Asphaltic Surface	SY	12375	\$ 3.25	\$ 40,218.75
204.0120	Removing Asphaltic Surface Milling	SY	490	\$ 30.00	\$ 14,700.00
204.0150	Removing Curb & Gutter	LF	6415	\$ 6.00	\$ 38,490.00
204.0210	Removing Manholes (Storm)	EACH	3	\$ 575.00	\$ 1,725.00
204.0220	Removing Inlets	EACH	6	\$ 575.00	\$ 3,450.00
204.0245	Removing Storm Sewer (ALL SIZES)	LF	85	\$ 15.00	\$ 1,275.00
205.0100	Excavation Common	CY	7960	\$ 21.00	\$ 167,160.00
205.0100	Excavation Common (EBS)	CY	1175	\$ 24.00	\$ 28,200.00
305.0110	Base Aggregate Dense 3/4-Inch	TON	16	\$ 75.00	\$ 1,200.00
305.0120	Base Aggregate Dense 1 1/4-Inch	TON	8250	\$ 16.50	\$ 136,125.00
311.0110	Breaker Run / Base Aggregate Dense 3-Inch	TON	4695	\$ 19.00	\$ 89,205.00
311.0110	Breaker Run / Base Aggregate Dense 3-Inch (EBS)	TON	2350	\$ 22.00	\$ 51,700.00
460.6223	HMA Pavement 3 MT 58-28 S	TON	2465	\$ 76.00	\$ 187,340.00
460.6224	HMA Pavement 4 MT 58-28 S, Item also includes tack coat (455.0605)	TON	1410	\$ 82.00	\$ 115,620.00
465.0120	Asphalt Surface Driveways	TON	90	\$ 175.00	\$ 15,750.00
522.1015	Apron Endwalls for Culvert Pipe Reinforced Concrete 15-Inch	EACH	4	\$ 1,900.00	\$ 7,600.00
601.0407	Concrete Curb & Gutter 18-Inch Type D	LF	40	\$ 50.00	\$ 2,000.00
601.0408	Concrete Curb & Gutter 24-Inch Type D	LF	20	\$ 55.00	\$ 1,100.00
601.0411	Concrete Curb & Gutter 30-Inch Type D	LF	6320	\$ 17.50	\$ 110,600.00
602.0820	Concrete Driveway 8-Inch	SY	160	\$ 75.00	\$ 12,000.00
606.0200	Riprap Medium, Item also includes Geotextile Type HR	CY	10	\$ 150.00	\$ 1,500.00
608.0412	Storm Sewer Pipe Reinforced Concrete Class IV 12-Inch	LF	205	\$ 150.00	\$ 30,750.00
608.0415	Storm Sewer Pipe Reinforced Concrete Class IV 15-Inch	LF	104	\$ 160.00	\$ 16,640.00
608.0418	Storm Sewer Pipe Reinforced Concrete Class IV 18-Inch	LF	36	\$ 180.00	\$ 6,480.00
611.1230	Catch Basins 2x3-FT	EACH	16	\$ 2,700.00	\$ 43,200.00
611.2005	Manholes 5-FT Diameter	EACH	1	\$ 5,000.00	\$ 5,000.00
611.2007	Manholes 7-FT Diameter - Doghouse Manhole	EACH	1	\$ 10,000.00	\$ 10,000.00
611.8105	Adjusting Catch Basin Covers	EACH	7	\$ 800.00	\$ 5,600.00
611.8110	Adjusting Manhole Covers	EACH	9	\$ 800.00	\$ 7,200.00
612.0404	Pipe Underdrain Wrapped 4-Inch	LF	264	\$ 25.00	\$ 6,600.00
628.1504	Silt Fence, Item also includes Silt Fence Maintenance (628.1520)	LF	1500	\$ 3.00	\$ 4,500.00
628.2008	Erosion Mat Urban Class I, Type B	SY	7675	\$ 3.00	\$ 23,025.00
628.7020	Inlet Protection Type D	EACH	32	\$ 125.00	\$ 4,000.00
631.0300	Seed Water	MGA	325	\$ 40.00	\$ 13,000.00
637.2210	Signs Type II Reflective H (Size 2S)	SF	173	\$ 25.00	\$ 4,325.00
637.2230	Signs Type II Reflective F (Size 2S)	SF	4	\$ 30.00	\$ 120.00
638.2102	Moving Signs Type II	EACH	2	\$ 135.00	\$ 270.00
638.2602	Removing Signs Type II	EACH	6	\$ 40.00	\$ 240.00
646.1020	Marking Line Epoxy 4-Inch (White)	LF	6085	\$ 1.00	\$ 6,085.00
646.1020	Marking Line Epoxy 4-Inch (Double Yellow Centerline)	LF	11255	\$ 1.00	\$ 11,255.00
646.5020	Marking Arrow Epoxy	EACH	25	\$ 155.00	\$ 3,875.00
646.5220	Marking Symbol Epoxy (Bike)	EACH	25	\$ 275.00	\$ 6,875.00
646.6120	Marking Stop Line Epoxy 18-Inch (White)	LF	57	\$ 17.50	\$ 997.50
690.0150	Sawing Asphalt	LF	615	\$ 2.50	\$ 1,537.50
690.0250	Sawing Concrete	LF	50	\$ 6.00	\$ 300.00
SPV.0060.0	Storm Manhole Frame and Lid - R-1550 (Non-Rocking)	EACH	11	\$ 750.00	\$ 8,250.00
SPV.0060.0	2x3 Storm Structure Frame and Grate - R-3067-L	EACH	23	\$ 1,100.00	\$ 25,300.00
SPV.0060.0	Core Hole into Existing Storm Structure	EACH	3	\$ 2,000.00	\$ 6,000.00
SPV.0060.0	Moving Mailboxes (Undistributed)	EACH	1	\$ 250.00	\$ 250.00

SPV.0060.0	Sign Post V-LOC Sign Support & Square Post	EACH	30	\$ 375.00	\$ 11,250.00
SPV.0105.0	Traffic Control	LS	1	\$ 100,000.00	\$ 100,000.00
SPV.0180.0	Geogrid NX750	SY	14080	\$ 8.50	\$ 119,680.00
SPV.0180.0	Restoration of Disturbed Areas	SY	7675	\$ 5.00	\$ 38,375.00
E CENTRALIA STREET & MCKENZIE LANE - ROADWAY SUBTOTAL				\$	1,550,126.25

E CENTRALIA STREET & MCKENZIE LANE - SANITARY ITEMS

Item No.	Item Description	Unit	Bid Qty.	Bid Unit Price	Bid Price
204.0210	Removing Manholes (Sanitary)	EACH	6	\$ 750.00	\$ 4,500.00
204.0250	Abandoning Manholes	EACH	1	\$ 1,250.00	\$ 1,250.00
204.0280	Sealing Pipes	EACH	4	\$ 650.00	\$ 2,600.00
SPV.0060.0	Manhole Frame & Cover (Sanitary)	EACH	9	\$ 1,250.00	\$ 11,250.00
SPV.0060.0	Sanitary Manhole Seal - External	EACH	9	\$ 900.00	\$ 8,100.00
SPV.0060.0	Sanitary Manhole 48-Inch	EACH	7	\$ 7,500.00	\$ 52,500.00
SPV.0090.0	Sanitary Sewer 6-Inch PVC Lateral Relay (Granular Backfill)	LF	290	\$ 200.00	\$ 58,000.00
SPV.0090.0	Sanitary Sewer 8-Inch PVC Relay (Granular Backfill)	LF	1031	\$ 200.00	\$ 206,200.00
SPV.0090.0	Sanitary Sewer 8-Inch Horizontal Directional Drill	LF	75	\$ 1,100.00	\$ 82,500.00
E CENTRALIA STREET & MCKENZIE LANE - SANITARY SUBTOTAL				\$	426,900.00

E CENTRALIA STREET & MCKENZIE LANE - WATER ITEMS

Item No.	Item Description	Unit	Bid Qty.	Bid Unit Price	Bid Price
SPV.0060.0	Remove Existing Valve & Valve Box	EACH	10	\$ 650.00	\$ 6,500.00
SPV.0060.1	Remove Existing Hydrant Assembly	EACH	7	\$ 1,200.00	\$ 8,400.00
SPV.0060.1	Water Valve & Valve Box 6-Inch	EACH	13	\$ 2,750.00	\$ 35,750.00
SPV.0060.1	Water Valve & Valve Box 10-Inch	EACH	2	\$ 5,000.00	\$ 10,000.00
SPV.0060.1	Live Tap Insertion Valve & Valve Box, 10-Inch	EACH	1	\$ 10,000.00	\$ 10,000.00
SPV.0060.1	Water Valve & Valve Box 12-Inch	EACH	8	\$ 4,700.00	\$ 37,600.00
SPV.0060.1	Water Valve & Valve Vault 12-Inch	EACH	2	\$ 12,500.00	\$ 25,000.00
SPV.0060.1	Hydrant Assembly	EACH	12	\$ 8,500.00	\$ 102,000.00
SPV.0060.1	Live Tap Hydrant Tee Connection	EACH	1	\$ 5,000.00	\$ 5,000.00
SPV.0060.1	Cut-In Hydrant Tee Connection	EACH	3	\$ 3,500.00	\$ 10,500.00
SPV.0060.1	Tracer Wire Access Box - Hydrants	EACH	12	\$ 150.00	\$ 1,800.00
SPV.0060.2	Adjusting Water Valve Boxes (Undistributed)	EACH	3	\$ 250.00	\$ 750.00
SPV.0060.2	Curb Stop / Box, 1-Inch	EACH	2	\$ 700.00	\$ 1,400.00
SPV.0060.2	Curb Stop / Box, 1 1/4-Inch	EACH	3	\$ 750.00	\$ 2,250.00
SPV.0060.2	Curb Stop / Box, 1 1/2-Inch	EACH	1	\$ 800.00	\$ 800.00
SPV.0060.2	Corporation Stop, 1-Inch	EACH	2	\$ 700.00	\$ 1,400.00
SPV.0060.2	Corporation Stop, 1 1/4-Inch	EACH	3	\$ 750.00	\$ 2,250.00
SPV.0060.2	Corporation Stop, 1 1/2-Inch	EACH	1	\$ 800.00	\$ 800.00
SPV.0090.0	Hydrant Lead 6-Inch (Granular Backfill)	LF	225	\$ 240.00	\$ 54,000.00
SPV.0090.0	PVC Watermain 6-Inch (Granular Backfill)	LF	93	\$ 220.00	\$ 20,460.00
SPV.0090.0	PVC Watermain 10-Inch (Granular Backfill)	LF	93	\$ 450.00	\$ 41,850.00
SPV.0090.0	PVC Watermain 12-Inch (Granular Backfill)	LF	1975	\$ 225.00	\$ 444,375.00
SPV.0090.0	Watermain 12-Inch Horizontal Directional Drill	LF	65	\$ 1,100.00	\$ 71,500.00
SPV.0090.0	Water Service HDPE Lateral 1-Inch with Tracer Wire	LF	108	\$ 125.00	\$ 13,500.00
SPV.0090.1	Water Service HDPE Lateral 1 1/4-Inch with Tracer Wire	LF	86	\$ 135.00	\$ 11,610.00
SPV.0090.1	Water Service HDPE Lateral 1 1/2-Inch with Tracer Wire	LF	18	\$ 185.00	\$ 3,330.00
E CENTRALIA STREET & MCKENZIE LANE - WATER SUBTOTAL				\$	922,825.00

WHITE RIVER TRAIL BIKE PATH					
Item No.	Item Description	Unit	Bid Qty.	Bid Unit Price	Bid Price
204.0110	Removing Asphaltic Surface	SY	110	\$ 15.00	\$ 1,650.00
204.0150	Removing Curb & Gutter	LF	17	\$ 15.00	\$ 255.00
205.0100	Excavation Common	CY	630	\$ 27.50	\$ 17,325.00
205.0100	Excavation Common (EBS)	CY	210	\$ 27.50	\$ 5,775.00
305.0120	Base Aggregate Dense 1 1/4-Inch	TON	850	\$ 24.00	\$ 20,400.00
460.5223	HMA Pavement 3 LT 58-28 S	TON	170	\$ 135.00	\$ 22,950.00
460.5224	HMA Pavement 4 LT 58-28 S, Item also includes tack coat (455.0605)	TON	135	\$ 150.00	\$ 20,250.00
601.0408	Concrete Curb & Gutter 24-Inch Type D	LF	15	\$ 90.00	\$ 1,350.00
602.0415	Concrete Sidewalk 6-Inch	SF	320	\$ 10.00	\$ 3,200.00
602.0505	Curb Ramp Detectable Warning Field Yellow	SF	40	\$ 50.00	\$ 2,000.00
628.1504	Silt Fence, Item also includes Silt Fence Maintenance (628.1520)	LF	700	\$ 3.00	\$ 2,100.00
628.2008	Erosion Mat Urban Class I, Type B	SY	1070	\$ 3.00	\$ 3,210.00
628.7020	Inlet Protection Type D	EACH	2	\$ 125.00	\$ 250.00
631.0300	Seed Water	MGA	45	\$ 40.00	\$ 1,800.00
690.0150	Sawing Asphalt	LF	22	\$ 2.50	\$ 55.00
690.0250	Sawing Concrete	LF	5	\$ 6.00	\$ 30.00
SPV.0060.0	Sign Post V-LOC Sign Support & Square Post	EACH	2	\$ 375.00	\$ 750.00
SPV.0105.0	Traffic Control	LS	1	\$ 15,000.00	\$ 15,000.00
SPV.0180.0	Geogrid NX750 (EBS)	SY	1285	\$ 8.50	\$ 10,922.50
SPV.0180.0	Restoration of Disturbed Areas	SY	1070	\$ 7.50	\$ 8,025.00
WHITE RIVER TRAIL BIKE PATH SUBTOTAL				\$	137,297.50

BASE BID SUBTOTAL				\$	3,037,148.75
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ADDITIONAL BID #1 - MACLEAN ROAD SPEED HUMPS					
Item No.	Item Description	Unit	Bid Qty.	Bid Unit Price	Bid Price
204.0120	Removing Asphaltic Surface Milling 2"	SY	64	\$ 50.00	\$ 3,200.00
305.0110	Base Aggregate Dense 3/4-Inch	TON	1	\$ 500.00	\$ 500.00
460.5224	HMA Pavement 4 LT 58-28 S, Item also includes tack coat (455.0605)	TON	10	\$ 175.00	\$ 1,750.00
637.2230	Signs Type II Reflective F	SF	58	\$ 50.00	\$ 2,900.00
646.1020	Marking Line Epoxy 4-Inch (White)	LF	4000	\$ 1.50	\$ 6,000.00
646.1020	Marking Line Epoxy 4-Inch (Yellow)	LF	3750	\$ 1.50	\$ 5,625.00
646.5220	Marking Symbol Epoxy (Speed Hump Chevrons - White)	EACH	6	\$ 300.00	\$ 1,800.00
SPV.0060.0	Sign Post V-LOC Sign Support & Square Post	EACH	7	\$ 375.00	\$ 2,625.00
SPV.0105.0	Traffic Control	LS	1	\$ 5,000.00	\$ 5,000.00
ADDITIONAL BID #1 - MACLEAN ROAD SPEED HUMPS				\$	29,400.00

ADDITIONAL BID #2 - GATEWAY TECHINCAL COLLEGE BIOSWALE					
Item No.	Item Description	Unit	Bid Qty.	Bid Unit Price	Bid Price
204.0220	Removing Inlets	EACH	1	\$ 575.00	\$ 575.00
204.0245	Removing Storm Sewer (ALL SIZES)	LF	15	\$ 15.00	\$ 225.00
205.0100	Excavation Common	CY	385	\$ 21.00	\$ 8,085.00
608.0418	Storm Sewer Pipe Reinforced Concrete Class IV 18-Inch	LF	45	\$ 160.00	\$ 7,200.00
611.3220	Inlets 2x2-FT	EACH	1	\$ 2,000.00	\$ 2,000.00
612.0406	Pipe Underdrain Wrapped 6-Inch (Item also includes Cleanouts)	LF	300	\$ 25.00	\$ 7,500.00
628.2008	Erosion Mat Urban Class I, Type B	SY	1365	\$ 3.00	\$ 4,095.00
631.0300	Seed Water	MGA	60	\$ 40.00	\$ 2,400.00
SPV.0060.2	2x2 Strom Structure Frame and Grate - R-4345	EACH	1	\$ 1,750.00	\$ 1,750.00
SPV.0180.0	Restoration of Disturbed Areas	SY	1365	\$ 5.00	\$ 6,825.00
SPV.0180.03	Bioswale Installation	SY	305	\$ 100.00	\$ 30,500.00
ADDITIONAL BID #2 - GATEWAY TECHINCAL COLLEGE BIOSWALE				\$	71,155.00

ADDITIONAL BID #3 - CREEK CULVERT WING WALLS					
Item No.	Item Description	Unit	Bid Qty.	Bid Unit Price	Bid Price
202.0105	Roadside Clearing	STA	18	\$ 3,000.00	\$ 54,000.00
SPV.0105.0	Wing Wall Installation	LS	1	\$ 375,000.00	\$ 375,000.00
ADDITIONAL BID #3 - CREEK CULVERT WING WALLS				\$	429,000.00
BASE BID + ADDITIONAL BID #1, #2, & #3				\$	3,566,703.75