



**CITY OF ELKHORN
COMMON COUNCIL MEETING AGENDA**

**February 5, 2024 - 5:30 p.m. or later,
depending upon the conclusion of the F&J 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) Legislative & Regulatory Meeting Minutes January 15, 2024
 - b) Common Council Meeting Minutes January 15 & 18, 2024
 - c) Temporary Class "B" Beer and "Class B" Wine license for Friends of Matheson Memorial Library at 203 E. Walworth St., Chamber Business After Hours, March 7, 2024; 5:00 to 7:00 pm
 - d) Temporary Class "B" Beer licenses for the Walworth County Agricultural Society at the Walworth County Fairgrounds, Rodeos. See attached list of event dates and times.
- 6) **Report of City Officers**
 - a) Mayor
 - b) City Administrator
- 7) **Presentation**
 - a) Michelle Shilts
 - i) Safe Haven Baby Box
 - b) Jason Roberts, DNR safety warden
 - i) Q&A regarding authority of cities to permit use of ATV/UTVs on city streets
- 8) **Committee Reports**
 - a) L&R
- 9) **Unfinished Business**
 - a) Discussion and possible decision regarding drafting City ordinance to authorize use of ATVs/UTVs on City streets
- 10) **New Business**
 - a) Discussion and possible decision regarding proposed contract with Associated Bank to provide banking services to the City from February 1, 2024 – January 31, 2028
 - b) Discussion and possible decision regarding proposal from Northern Lake Service, Inc. to conduct well testing at Centralia Water Treatment Plant as part of development of plan for future of plant (if reservoir is unavailable)
- 11) **Adjourn into Closed Session**

- a) Closed Session: The Common Council may entertain a motion to go into CLOSED SESSION pursuant to Wisconsin Statutes Section 19.85(1)(e) for the purpose of deliberating or negotiating an offer to purchase public property
 - i) Lot 67 in the Elkhorn business park (Tax Key YV SE 00024)
- b) Closed Session: The Common Council may entertain a motion to go into CLOSED SESSION pursuant to Wisconsin Statutes Section 19.85(1)(g) for the purpose of conferring with legal counsel concerning strategy to be adopted with respect to a threat of litigation related to conditions imposed upon a conditional use permit approved for Steve Smith, of Northshore Development, LLC, at 5384 Hwy 11, located in the City's ETZ in the Town of Delavan, to use the property for marine service and off-season storage

12) **Reconvene in Open Session**

The Common Council shall RECONVENE INTO OPEN SESSION reserving the right to take action on the matters discussed in CLOSED SESSION and to move to the remaining meeting agenda(s) as posted

- a) Discussion and possible decision regarding offer to purchase public property
 - i) Lot 67 in the Elkhorn business park (Tax Key YV SE 00024)
- b) Motion to reconsider the request by Steve Smith, of Northshore Development, LLC, for a conditional use permit at 5384 Hwy 11, located in the City's ETZ in the Town of Delavan, to use the property for marine service and off-season storage
- c) Discussion and possible decision regarding request by Steve Smith, of Northshore Development, LLC, for a 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

13) **Adjourn**

DATED at Elkhorn, Wisconsin, this 2nd day of February 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 (262) 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
Legislative and Regulatory Committee Minutes
Council Chambers, 311 Seymour Ct., Elkhorn, Wisconsin

January 15, 2024

Legislative and Regulatory Committee was called to order at 4:46 p.m. by Alderperson Meinel followed by Roll Call.

Roll Call

Present: Alderpersons Ken Meinel, Ron Dunwiddie, Gary Payson Jr.

Also present: Alderpersons Tim Shiroda, Scott McClory, Administrator Adam Swann, Attorney Ward Phillips, Police Chief Joel Christensen, City Clerk Lacey Reynolds, Director of Public Works Matthew Lindstrom, Finance Director Corrie Daly and

Discussion and possible decision regarding Child Safety Zone Maps

Discussion took place regarding the current buffer zone as well as other buffer zone options for the child safety zone maps. *Motion (Payson Jr./Dunwiddie) to leave the child safety zone maps as is. Roll call vote: Payson Jr., yes; Dunwiddie, yes; Meinel, yes. Motion carried.*

Adjournment

Motion (Dunwiddie/Payson Jr.) to adjourn at 5:04 p.m. Voice vote, all approved, motion carried.

Lacey L. Reynolds
City Clerk

CITY OF ELKHORN COMMON COUNCIL
MEETING MINUTES
January 15, 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, Assistant Fire Chief Trent Eichmann, Finance Director Corrie Daly, Library Director Chad Robinson, Utility Field Office Coordinator Dawn Gall, Water Superintendent Tim Boss, City Engineer Mike Timmers, Zoning Administrator Allison Schwark (via zoom), Community Grant Writer Katie James, Tom Stotko, Steve Smith, other interested persons.

PUBLIC COMMENT

None.

CONSENT AGENDA

Motion (Dunwiddie/Young) to approve the Common Council Meeting minutes for January 3, 2024 and the Temporary Class "B" Beer and "Class B" Wine licenses for the Walworth County Agricultural Society, at the Walworth County Fairgrounds attached list of events. Voice vote, all approved, motion carried.

BILLS PAYABLE

Motion (McClory/Young) to approve the City and Utility Bills in the amount of \$7,152,521.53. Roll call vote: McClory, yes; Young, yes; Meinel, yes; Dunwiddie, yes; Payson Jr., yes; Shiroda, yes. Motion carried.

REPORT OF CITY OFFICERS

MAYOR'S REPORT – Mayor Lechner thanked the Department of Public Works crew and the Police Department staff for all their hard work during the winter storm.

CITY ADMINISTRATOR'S REPORT – Administrator Swann informed the Council he and some staff met with a developer interested in property near I-43. Swann attended the Senate hearing in Madison regarding urban towns and it looks like the water/sewer section may be removed from the bill. Swann, DPW Director Lindstrom, City Engineer Rauch and Zoning Admin. Schwark met with the Tracy Group representatives regarding a potential residential development on W. Market St. The PSC hearing for the water rate case is tomorrow at 2:00 pm via zoom and residents can attend the meeting virtually in the Council Chambers. Safety Warden Roberts will be able to attend the next Council meeting to speak about ATV's & UTV's. Swann thanked DPW for their hard work during the winter storm clean up. Swann read a citizen communication thanking the Electric Department for quick repair of their electric service during the bad weather. DPW Director Lindstrom reported on the winter storm and garbage/recycle collection.

REPORTS OF CITY BOARDS AND COMMUNITY PARTNERS

Fire Advisory Board – next meeting is Thursday, January 25th at 6:00 p.m.

Library Board – Alderman Shiroda reported library circulation is higher than last year at this time and library staff were able to reschedule the Land Stories program due to the snowstorm from Saturday to Monday.

Recreation Advisory Board – next meeting is Wednesday, January 24th at 5:30 p.m.

Chamber of Commerce – no report

Community Grant Writer – Katie James reported EASD was awarded a \$90,000 grant to help with vape prevention and thanked Chief Christensen for letting them know about the grant. James is currently working with Municipal Court Judge Fitzsimmons on an alternative disposition to address addiction behavior of our youth. The community wish list brought two community members forward who are interested in legacy gifts for the City.

COMMITTEE REPORTS

Legislative and Regulatory

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. Alderman Meinel reported at the December 4, 2023 meeting the committee approved the application as long as the paperwork for the name change was processed and another notice was published in the newspaper. *Motion (Meinel/Dunwiddie) to approve the 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. Roll call vote: Meinel, yes; Dunwiddie, yes; Shiroda, yes; Payson Jr., yes; McClory, yes; Young, yes. Motion carried.*

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. *Motion (Meinel/Dunwiddie) to approve the 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. Roll call vote: Meinel, yes; Dunwiddie, yes; McClory, yes; Young, yes; Payson Jr., yes; Shiroda, yes. Motion carried.*

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. *Motion (Dunwiddie/Meinel) to approve 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. Roll call vote: Dunwiddie, yes; Meinel, yes; Shiroda, yes; McClory, yes; Young, yes; Payson Jr., yes. Motion carried.*

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. *Motion (Payson Jr./Shiroda) to approve 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. Roll call vote: Payson Jr., yes; Shiroda, yes; Young, yes; Dunwiddie, yes; Meinel, yes; McClory, yes. Motion carried.*

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*). *Motion (Shiroda/Meinel) to waive the first reading. Voice vote, all approved, motion carried. Motion (Shiroda/Young) to approve Ordinance No. 24-01: An Ordinance Amending the Elkhorn Municipal Code at Chapter 17.7-2 Yards. Voice vote, all approved, motion carried.*

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. Alderman Shiroda requested a change to the CUP regarding days of operation. The change requested is for 6 days a week instead of 7 days a week. Zoning Administrator Schwark recommended a look back period of the property to ensure the conditions are

being met. Alderman Shiroda made a motion to change the days of operation, have a 1year look back and a 5 year look back. Alderman Dunwiddie requested look back be annual. Owner Steve Smith asked to be heard. Smith spoke to the Council and informed them he needs to be open 7 days a week to operate his business. *Motion (Shiroda/Dunwiddie) to amend the CUP for Steve Smith, of Northshore Development, LLC, 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 days of operation to be Monday – Saturday 8:00 am – 6:00 pm and add an annual look back from the date of approval. Roll call vote: Shiroda, yes; Dunwiddie, yes; Meinel, yes; Young, yes; McClory, yes; Payson Jr., yes.*

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. Resident Tom Stotko shared his concerns about this project. *Motion (McClory/Dunwiddie) to approve the conditional use permit for Peter Murphy, of OneEnergy Development, LLC, at Tax Key Parcel KLF 1900006, located in the City's ETZ in the Town of Lafayette, to use the property for a solar energy generation project. Roll call vote: McClory, yes; Dunwiddie, yes; Payson Jr., yes; Meinel, no; Young, no; Shiroda, no. Tie vote 3-3. Lechner, yes. Motion carried 4-3.*

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. *Motion (Meinel/Payson Jr.) to approve 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. Roll call vote: Meinel, yes; Payson Jr., yes; Shiroda, yes; Dunwiddie, yes; McClory, yes; Young, yes. Motion carried.*

Discussion and possible decision regarding advertising the 2024 Highway 67 Bypass Lane Project for bids. *Motion (Dunwiddie/Meinel) to approve advertising the 2024 Highway 67 Bypass Lane Project for bids. Roll call vote: Dunwiddie, yes; Meinel, yes; Young, yes; McClory, yes; Shiroda, yes; Payson Jr., yes. Motion carried.*

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. Administrator Swann informed the Council the City filed an intent to apply for loans for this project and the City will need to find short term coverage to fund the project prior to receiving the loan funds. *Motion (Payson Jr./McClory) to approve advertising the 2024 Centralia St Phase II Reconstruction Project for bids including McKenzie Lane and an alternate bid for MacLean Road Speed-Calming Project. Roll call vote: Payson Jr., yes; McClory, yes; Dunwiddie, yes; Shiroda, yes; Meinel, yes; Young, yes. Motion carried.*

Discussion and possible decision regarding implementation date of new water rates. *Motion (Shiroda/Meinel) to implement the new water rates March 1, 2024 if the approval by the PSC allows for this timeframe. Roll call vote: Shiroda, yes; Meinel, yes; Dunwiddie, yes; Payson Jr., yes; McClory, yes; Young, yes.*

Discussion and possible decision regarding second Council meeting date in February. *Motion (Dunwiddie/Payson Jr.) to move the second Council meeting date to Monday, February 19, 2024. Voice vote, all approved, motion carried.*

ADJOURN

Motion (McClory/Young) to adjourn at 6:22p.m. Voice vote, all approved, motion carried.

Lacey L. Reynolds

City Clerk

UNAPPROVED

<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

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 CFWP 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 CWFPP Project Fund." The Sewer System CWFPP 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 CWFPP 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.

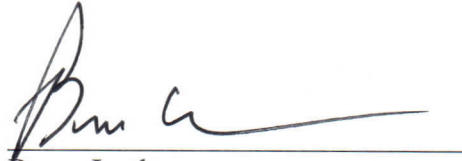
Section 17. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owner or owners of the Bonds, and after issuance of any of the Bonds no change or alteration of any kind in the provisions of this Resolution may be made, except as provided 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.

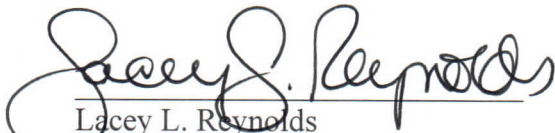
Passed: January 15, 2024

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.

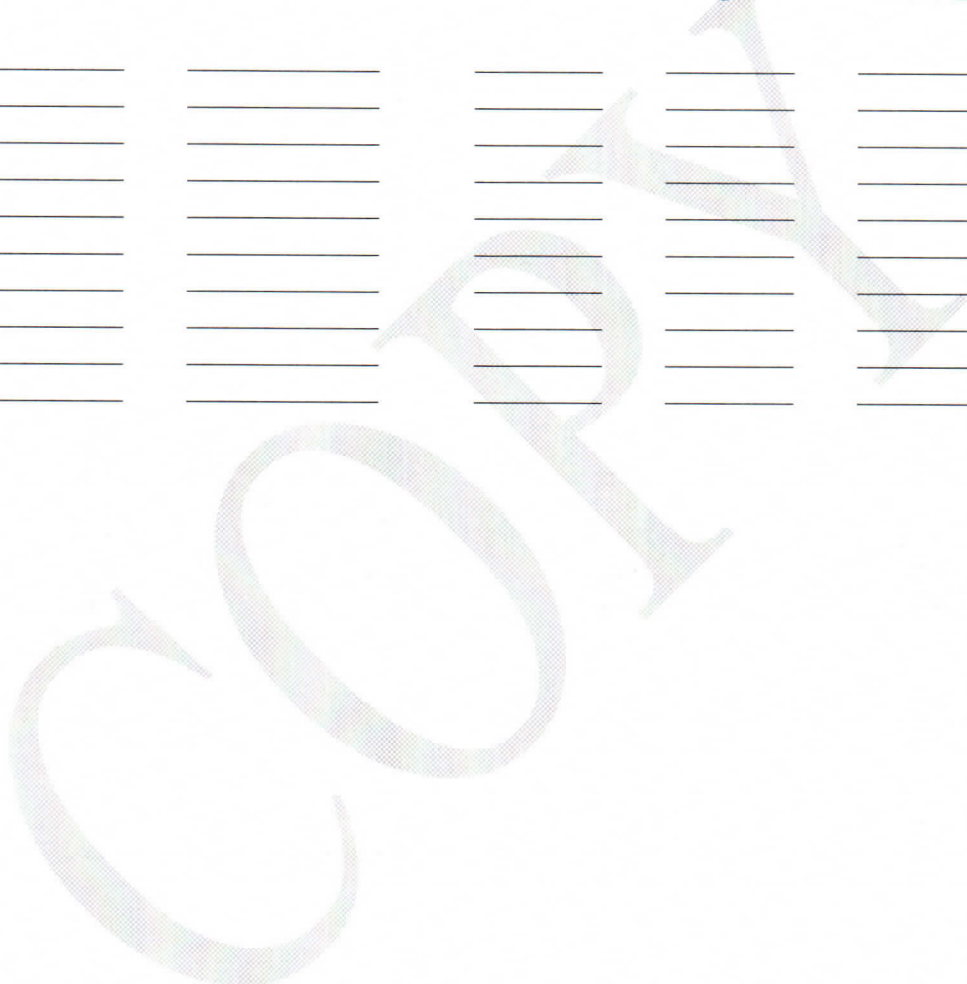
Signature(s) guaranteed by

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>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____



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.

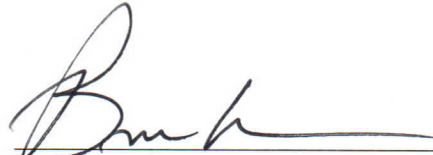
Section 17. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owner or owners of the Bonds, and after issuance of any of the Bonds no change or alteration of any kind in the provisions of this Resolution may be made, except as provided 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.

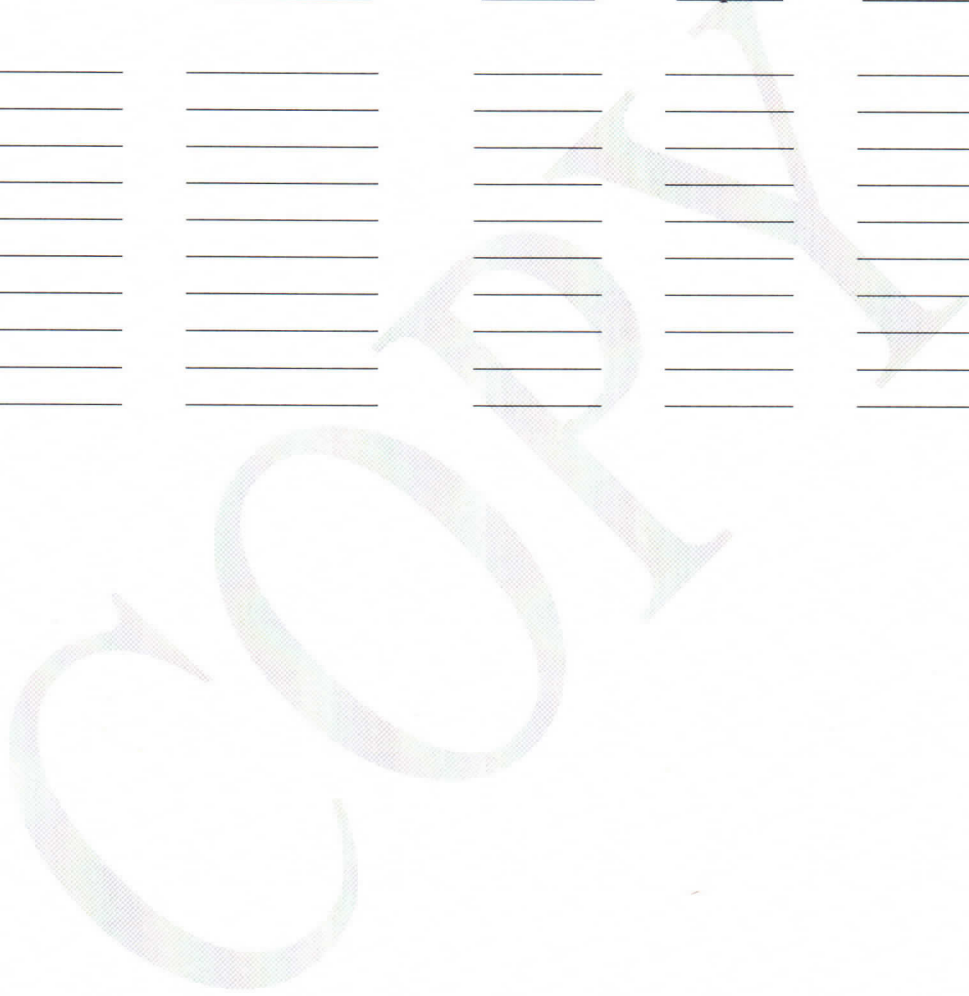
Signature(s) guaranteed by

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>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____



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 COMMON COUNCIL
MEETING MINUTES
January 18, 2024
COUNCIL CHAMBERS, 311 SEYMOUR CT., ELKHORN, WI 53121

The Common Council meeting was called to order by Council President Shiroda at 9:30 a.m. in the Council Chambers, followed by the Pledge of Allegiance.

ROLL CALL

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

Others present: City Administrator Adam Swann, Attorney John Murphy, City Clerk Lacey Reynolds, Finance Director Corrie Daly, Deputy Clerk Rebeca Perez, other interested persons.

NEW BUSINESS

Discussion and possible decision regarding Resolution No. 24-05: A Resolution Ratifying Resolutions 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 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. *Motion (Dunwiddie/McClory) to approve Resolution No. 24-05: A Resolution Ratifying Resolutions 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 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. Roll call vote: Dunwiddie, yes; McClory, yes; Meinel, yes; Young, yes; Shiroda, yes. Motion carried.*

ADJOURN

Motion (Meinel/Dunwiddie) to adjourn at 9:32 a.m. Voice vote, all approved, motion carried.

Lacey L. Reynolds
City Clerk



APPLICATION FOR TEMPORARY CLASS "B" (Beer) And/OR "CLASS B" (Wine) RETAILER'S LICENSE

For serving or selling alcohol, pursuant to Elkhorn Ordinance 12.03

The named organization applies for:

- A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under WI Statute 125.26(6) (unlimited licenses allowed per year) **and/or**
- A Temporary "Class B" license to sell wine at picnics or similar gatherings under WI Statute 125.51(10) (two licenses allowed per year)

Please Print Clearly

Organization Type:

- Bona fide Club Church Lodge/Society Veteran's Association Fair Association Civic or Trade Organization

Organization Name <i>Friends of MML</i>	Address <i>101 N. Wisconsin St.</i>	City & Zip Code <i>Elkhorn - 53121</i>
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Phone <i>262-723-2678</i>	Email <i>friends@elkhorn.lib.wi.us</i>
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Date Organized <i>4/28/2002</i>	If Incorporated, date incorporated: <i>4/28/2002</i>	Website <i>elkhorn.lib.wi.us</i>
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President <i>Pat Reid</i>	Vice President <i>Thomas Pouter</i>
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Secretary <i>Rose Riewer</i>	Treasurer <i>Maribeth Cousin</i>
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Name of Event <i>Chamber - Business After Hours</i>	Date(s): <i>3/7/2024</i>	Alcohol Sales Start Time: <i>5:00 pm</i>	Alcohol Sales End Time: <i>7:00 pm</i>
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Event Address (see below if a Wine Walk with more than one location; up to 20 locations allowed) <i>203 E. Walworth St.</i>	Estimated Attendance <i>50</i>
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Describe Premises where beer/wine will be stored, sold and consumed (for Wine Walks, attach sheet listing each location address, premise description and licensed operator at each):

Beer and wine be kept in a secure location supervised by a city-licensed bartender

Licensed Operator (Must be present at all times, if not currently licensed in Elkhorn, complete Temporary Operator's Application): <i>Kate Abbe</i>	Current City of Elkhorn Operator License No. <i>23-107-54</i>
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DECLARATION

The Officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief. This organization agrees to comply with all law, resolution, ordinances and regulations (federal, state and local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

Officer *Pat Reid* Date *1/29/24* Officer *Maribeth Cousin* Date *01/29/24*

NOTE: this application must be accompanied by a Special Events Permit Application to be considered. Fee may not be required.

Temporary B License Additional Information

May be Granted and Issued only to: (1) Bona fide clubs that have been in existence for at least 6 months prior to the date of application. "Club" means an organization, whether incorporated or not, which is the owner, lessee or occupant of a building or portion thereof used exclusively for club purposes, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purpose but not for pecuniary gain and which only sells alcohol beverages incidental to its operation. (2) State, county, civic or trade organizations, local fair associations, or agricultural societies. (3) Church, lodge, or society that has been in existence for at least 6 months prior to the date of application. (4) Posts now or hereafter established of ex-servicemen's organizations.

Restrictions: (1) License may not be issued to individuals. (2) Licenses to organizations, other than ex-servicemen's organizations, can be issued only for a picnic or similar gathering. They may not be issued for business or social meetings of the organization. (3) Licenses for club or organization meetings may be issued only to ex-servicemen's posts. (4) License may cover either a specified area or the entire picnic grounds. (5) License issued to a county or district fair must cover the entire fairground (ss. 125.26(6) and 125.51(10), Wis. Stats.) (6) No license to clubs having any indebtedness to any wholesaler for more than 15 days for beer (s. 125.33(7), Wis. Stats.) and 30 days for wine (s. 125.69(4)(b), Wis. Stats.) (7) Licensed operator(s) must be present at all times (ss. 125.26(6), 125.32(2) - Beer; 125.51(10), 125.68(2) - Wine; 125.17) (8) The licensed club, club members, or any other persons are not permitted to possess intoxicating liquor on licensed premises on the Temporary Class "B"/"Class B" licensed picnic area. (s. 125.32(6), Wis. Stats.) (9) Not more than 2 wine licenses may be issued to any club, county or local fair association, agricultural association, church, lodge, society or veterans' post in any 12 month period. (10) Licensed organizations must purchase their product from a licensed wholesaler. (11) Wine Walk: up to 20 locations in one day; organization must charge an admission fee for participation in the event, and no additional fee may be charged for service of fermented malt beverage/wine.

NOTE: Most coolers presently on the market have fermented malt beverage base allowing sale under a beer license (Bartles & James, Seagrams, etc.). Most hard ciders are not a fermented malt beverage or wine and may not be sold with a Temporary "Class B" or Class "B" license.

Office Use Only Date Received: _____ Date Approved by Common Council: _____ License No. _____

Applicant	Location	License type	Name of event, date of event and serving times	Day of the week
Wal Co Ag Society	Fairgrounds	Beer	Rodeo, March 1, 2024 from 1pm-10pm	Fri
Wal Co Ag Society	Fairgrounds	Beer	Rodeo, March 2, 2024 from 1pm-10pm	Sat
Wal Co Ag Society	Fairgrounds	Beer	Rodeo, March 3, 2024 from 1pm-9pm	Sun
Wal Co Ag Society	Fairgrounds	Beer	Rodeo, March 8, 2024 from 1pm-10pm	Fri
Wal Co Ag Society	Fairgrounds	Beer	Rodeo, March 9, 2024 from 1pm-10pm	Sat
Wal Co Ag Society	Fairgrounds	Beer	Rodeo, March 10, 2024 from 1pm-9pm	Sun
Wal Co Ag Society	Fairgrounds	Beer	Rodeo, March 15, 2024 from 1pm-10pm	Fri
Wal Co Ag Society	Fairgrounds	Beer	Rodeo, March 16, 2024 from 1pm-10pm	Sat
Wal Co Ag Society	Fairgrounds	Beer	Rodeo, March 17, 2024 from 1pm-9pm	Sun
Wal Co Ag Society	Fairgrounds	Beer	Rodeo, March 22, 2024 from 1pm-10pm	Fri
Wal Co Ag Society	Fairgrounds	Beer	Rodeo, March 23, 2024 from 1pm-10pm	Sat
Wal Co Ag Society	Fairgrounds	Beer	Rodeo, March 24, 2024 from 1pm-9pm	Sun
Wal Co Ag Society	Fairgrounds	Beer	Rodeo, March 29, 2024 from 1pm-10pm	Fri
Wal Co Ag Society	Fairgrounds	Beer	Rodeo, March 30, 2024 from 1pm-10pm	Sat
Wal Co Ag Society	Fairgrounds	Beer	Rodeo, March 31, 2024 from 1pm-9pm	Sun

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 31, 2024

RE: Common Council Meeting on February 5, 2024

City Administrator Report

- **Meeting with Walworth County Food and Diaper Bank**

On January 22, 2024, I met with representatives from the Walworth County Food and Diaper Bank. These representatives included Tammy Dunn, executive director; Taylor Smith, board chair; and John Henderson. They indicated that the Walworth County Food and Diaper Bank would like to purchase an additional parcel in the City's business park (Lot #72), which is next to the vacant lot they previously purchased, for the purpose of constructing a new facility and moving out of the building they're currently sharing with Open Arms Clinic.

They will be coming to the first Council meeting in March to talk about their services, why they need a new facility, and why a larger facility on two parcels would be better than a smaller facility on one parcel. The purpose of the presentation will be to give Council the opportunity to ask questions and provide feedback about Walworth County Food and Diaper Bank's plans before they move forward.

- **Meeting with David Patzelt of Shodeen Group**

On January 22, 2024, Zoning Administrator Allison Schwark and I met with David Patzelt, president of Shodeen Group, about development in the City, with a focus on residential development. We updated David about recently completed commercial development in the City and upcoming residential projects (e.g., Creekside). We reviewed several other parcels in the City where projects might be happening (e.g., Cook family property and W. Market St.). We gave Mr. Patzelt more information about vacant parcels in the City or adjacent to the City that might be suitable for new residential development, particularly single-family homes. Interestingly, Mr. Patzelt told us that Shodeen is planning on constructing a large new development called Shores of Delavan Lake just outside the City's ETZ—at the intersection of County Road F and Mound Road. The development is mostly going to have residential, although it sounded like there might be some commercial and/or industrial.

- **Meeting with Mark Perry of Community Action, Inc.**

On January 23, 2024, Public Works Director Matthew Lindstrom, Zoning Administrator Allison Schwark, and I met with Mark Perry, executive director of Community Action, Inc., about their plans to construct a shelter on the southern edge of the City along Remer Rd., on the parcel adjacent to Kingdom Hall of Jehovah's Witnesses. (This was the first time we had heard about their plan.) They own the property. It is zoned agriculture and would have to be rezoned to I-1 (institutional); the church adjacent to their location is on a parcel zoned I-1, so that is the only feasible zoning option based on the Council's ordinance last year approving emergency residential shelters, although the Comp Plan would also have to be amended and Community Action would need a CUP. The plan is for Community Action to present a concept plan to the Plan Commission and Council in the next month or two to get some preliminary feedback about their proposal.

During the meeting Mr. Perry mentioned that the purpose of the new shelter would be to allow their organization to demolish the Twin Oaks shelter in Darien. The new shelter would be larger (about 30 total units). Mr. Perry explained that the shelter provides accommodations for up to 60 days for people who are homeless due to emergency situations. All clients go through a screening process, and the average stay is 58 days. About 65% of their clients transition to their own housing after staying. The new shelter would have a single point of entry. There would be separate wings for men, women, and families. The shelter would be staffed 24/7. The shelter would

not permit overnight guests, and 70% of clients have vehicles. This is just some preliminary info about the project and their operations.

- **Issuance of Clean Water Fund and Safe Drinking Water Fund Loans**

On January 24, 2024, the City closed on the Clean Water Fund and Safe Drinking Water Fund loans approved by Council at the prior two meetings. Thank you to all the Common Council members who attended the special Council meeting on January 18, 2024 so that we could close on the loans. The DNR expressed their regret for not sending all the documents that were needed for the Council meeting on January 15, 2024, which necessitated the special meeting.

The sewer bonds were issued in the amount of \$460,183, and the water and electric bonds were issued in the amount of \$1,506,270. The water and electric bonds were issued for a lower amount than the \$1,991,290 initially planned—due to ineligible costs that had been inadvertently included by the DNR—and which the City has requested funding for in the next loan cycle. The total amount borrowed will be finalized once the City has submitted all reimbursement requests for the 2023 S. Wright St. and 2023 Centralia St. (Phase 1) road improvement projects. That’s when the DNR will prepare and distribute the final amortization schedule.

- **PSC decision re water rate case application**

On January 31, 2024, the Wisconsin Public Service Commission issued a decision approving the proposed 24.25 rate increase that was included in the PSC’s proposed rate design in December. Pursuant to Council’s decision at the last meeting, these new rates will take effect March 1, 2024 and will appear in bills due in May.

- **Preparation of answers to FAQs about City’s water quality and water system**

In the past few weeks the City has been receiving inquiries about the safety and quality of the City’s water supply system. As a result, Water Department personnel, consultants, and I are preparing a list of answers to FAQs that we will be publishing on the City website. The answers will address a variety of topics, including past radium and arsenic violations, lead lines, and future infrastructure projects. We will also be providing links to DNR data about the City’s water system and reminding citizens that the City annually posts the DNR’s Consumer Confidence Report on the City’s website.

- **Preparation of RFP for a space needs analysis/study for the downtown fire station**

The 2024-2028 Capital Improvement Plan included conducting a feasibility study in 2024 on replacing or remodeling the downtown fire station to meet the needs of a full-time fire and EMS service. Public Works Director Matthew Lindstrom, Assistant Chief Trent Eichmann, and I are preparing an RFP to conduct this analysis. The goal is to present the RFP for Council’s review at the meeting on February 19, 2024.

Unfinished Business

- **Discussion and possible decision regarding drafting City ordinance to authorize use of ATVs/UTVs on City streets**

The Council packet includes a copy of Whitewater’s ATV/UTV ordinance. Whitewater authorized ATVs/UTVs on City streets with speed limits of 35 mph or less. Jason Roberts, the DNR safety warden, will be attending the Council meeting to answer Council’s questions about ATV/UTV usage on City streets.

New Business

- **Discussion and possible decision regarding proposed contract with Associated Bank to provide banking services to the City from February 1, 2024 – January 31, 2028**

The City’s existing four-year contract with Associated Bank expires February 1, 2024. Associated Bank has presented the City with a new four-year contract to continue providing banking services to the City. The proposed contract generally has favorable terms, including an interest rate of .10% less than the Targeted Federal Funds rate for balances in excess of \$650,000, which equals an interest rate of 5.40% based on the current Federal Funds rate of 5.50%. Funds under \$650,000 would earn interest at 1.00% less than the Targeted Federal Funds rate in the form of an “earnings credit rate.” The proposed interest rates are relatively similar to the interest rates the City has received under its existing contract, although a few of the City’s accounts would be restructured, so a direct comparison is not entirely possible. For example, the “earnings credit rate” would be reduced from .05% above the Targeted Federal Funds rate to 1.00% below the Targeted Federal Funds rate

under the new contract. This change is not favorable for the City but will have a relatively limited impact overall because it would apply to the first \$650,000 and not the overall balances.

The proposed contract would include a variety of fee increases, particularly on deposits made at branch locations; the fees on some online bank deposits would be reduced. On average Associated Bank's fees are increasing 7%, but these expenses will largely be offset by savings from consolidating some of the City's unused and underutilized accounts.

City staff have had a positive experience working with Associated Bank. They are responsive and helpful when City staff have questions.

In summary, under the new contract, we anticipate minimal fee increases and competitive interest rates on City funds deposited with the bank. It's doubtful the City would get a better contract with a different bank, especially given the good customer service, and there would be significant transaction costs in changing banks. (Associated Bank also administers the City's HRA/FSA programs for employees, although this is done under a separate contract.)

- **Discussion and possible decision regarding proposal from Northern Lake Service, Inc. to conduct well testing at Centralia Water Treatment Plant as part of development of plan for future of plant (if reservoir is unavailable)**

Last fall the Council approved a contract with Foth Infrastructure and Environment, LLC to help the City prepare a plan for producing water at the Centralia Water Treatment Plant in the event that the reservoir fails. (The cost of that contract was \$6,000.) As part of this planning process, the DNR is requiring water quality testing from Well #4, Well #6, and the Centralia Water Treatment Plant to determine whether the aeration process on top of the reservoir is necessary. The cost of the proposed service is \$4,351.59.



ELLEN SCHUTT

STATE REPRESENTATIVE • 31ST ASSEMBLY DISTRICT

FOR IMMEDIATE RELEASE
December 6, 2023

Contact: Representative Schutt
(608) 237-9131

Representative Schutt’s Safe Haven “Baby Box” Bill Signed Into Law

Madison, WI – On Wednesday, Representative Ellen Schutt’s (R-Clinton) Safe Haven Law reform bill (the baby box bill) was signed into law as 2023 Wisconsin Act 79.

“I am glad Wisconsin will now be able to provide parents in distress an option to complete anonymity when making the difficult choice to surrender their newborn,” Representative Schutt said.

Wisconsin's Safe Haven law has long served as a critical safety net for infants believed to be under 72 hours old, allowing parents to anonymously relinquish their child to designated authorities. However, a crucial aspect has been missing: a method of relinquishment without the face-to-face interaction.

Act 79 allows a municipality to install a newborn infant safety device at a hospital, fire station, or law enforcement agency building so a parent can relinquish their newborn with complete anonymity. The building where the baby box is located must be staffed 24 hours a day, 7 days a week. Once a baby is placed in the designated box, an alarm is automatically triggered inside the building to alert them.

“Wisconsin’s 2001 Safe Haven Law carried a stigma, especially in small communities, because parents were afraid others will find out they gave up their children. Sadly, this came to a head earlier this year after a newborn was found dead in a field in Whitewater. Members of the community came to me expressing an interest in making sure this did not happen again, and I am glad we were able to find a solution and get this law enacted.

“With their potential to provide a safe and anonymous option, baby boxes will save lives,” said Representative Schutt.

This is Representative Schutt’s second bill to be signed into law since taking office in January.

###

The 31st Assembly District includes the City of Elkhorn, portions of the Cities of Beloit, and Whitewater, the Villages of Clinton and Darien, the Towns of Bradford, Clinton, Johnstown, La Prairie, Turtle, Darien, Lafayette, La Grange, Richmond, Spring Prairie, Sugar Creek, and Whitewater, and portions of the Town of Beloit.

SAFE HAVEN BABY BOXES 2023 INFORMATIONAL PACKET

Thank you so much for your interest in Safe Haven Baby Boxes! We are so grateful for your dedication to changing the outcome for mothers in crisis and infants. We dream of Safe Haven Baby Boxes in all 50 states, which is possible with help from incredible supporters like you! The complete process of obtaining a Baby Box for your community is detailed in this packet.

**CHECK OUT OUR PSA
(click below):**

[Safe Haven Baby Boxes PSA](#)



ABOUT US



Monica Kelsey founded Safe Haven Baby Boxes in 2015 after an inspiring trip to South Africa. During this trip, Monica saw a Baby Box in action and saw how it provided a safety net for parents in crisis. Monica made it her mission to help parents in crisis as her own birth mother was when she abandoned Monica as an infant. The first step is raising awareness and educating the public about the Safe Haven laws.

Safe Haven Baby Boxes is the only organization providing an anonymous option for parents to safely surrender their infant. Illegal abandonments show us that mothers are seeking to keep their identity secret. We seek to rewrite the story by giving mothers and innocent infants a better chance. The infant will go through a closed adoption and the parents free from prosecution.

Our organization staffs a 24 Hour National Crisis Hotline, 1-866-99BABY1. The hotline has provided counseling for over 7000 callers from all over the United States. This service has led to over 125 babies surrendered at Safe Haven locations and 31 babies thus far surrendered in a Baby Box.


HOW DO THE BABY BOXES WORK?

The Safe Haven Baby Box is a state of the art device. It legally permits a mother in crisis to safely, securely, and anonymously surrender her unwanted newborn. The Baby Box is a climate controlled safety device provided for under a state's Safe Haven Law. The installation of the box occurs on the exterior wall of a firehouse or hospital.


Prior to the box being active, tests occur at every stage of design, development, and deployment. It features multiple alarms in the device which alert first responders there has been a baby surrendered. The boxes alarms are tested weekly to ensure there will be no failures. None of these alarm systems have ever failed. The staff responsible for the box is trained on how the device operates.

The parent opens the door to the Baby Box, which triggers a silent alarm and a call goes to 911 dispatch. The infant is placed in a medical bassinet. A sensor located on the inside of the box triggers a second 911 dispatch call. The exterior door automatically locks upon placement of a newborn. Within five minutes the infant will be rescued by first responders. An interior door allows a medical staff member to secure the surrendered newborn from inside the designated building. The infant will be quickly taken to the hospital for medical evaluation.






It provides the community the opportunity to proactively save the lives of children since many are not aware of the Safe Haven Law.



Lack of knowledge about the law and prohibiting anonymity has historically produced catastrophic and devastating results of babies being abandoned.



Many women in crisis want and need anonymity when surrendering an infant, either because of fear of being recognized, the stigma associated with the surrender, or fear of prosecution due to the lack of knowledge and misunderstanding of the Safe Haven law.



WHY DO COMMUNITIES NEED A BABY BOX?

The Baby Box is tangible, and the Safe Haven law is not. By having a Baby Box in the community, you are providing an opportunity to further educate about the law.

We hope and pray for a face-to-face surrender as it benefits both the mother and infant. The Safe Haven Baby Box hotline provides counseling to women in crisis and only suggests the Baby Box when it is the last option.

Road to Active Baby Box

Baby Box goes live and available to aid infants with parents in crisis.

9

Training for Safe Haven Baby Box provider personnel.

8

Baby Box Unveiling and Blessing occurs.

Baby Box delivered and installed by licensed contractor.

5

Baby Box order is placed and approximately 4 weeks later the box is produced. During this time the location will search for a licensed contractor to install the box and an alarm system company.

4

Contract for SHBB is reviewed by attorney and fundraising begins.

2

3

Contract (Lease and Service Agreement) is signed with location and initial fee is sent to SHBB.

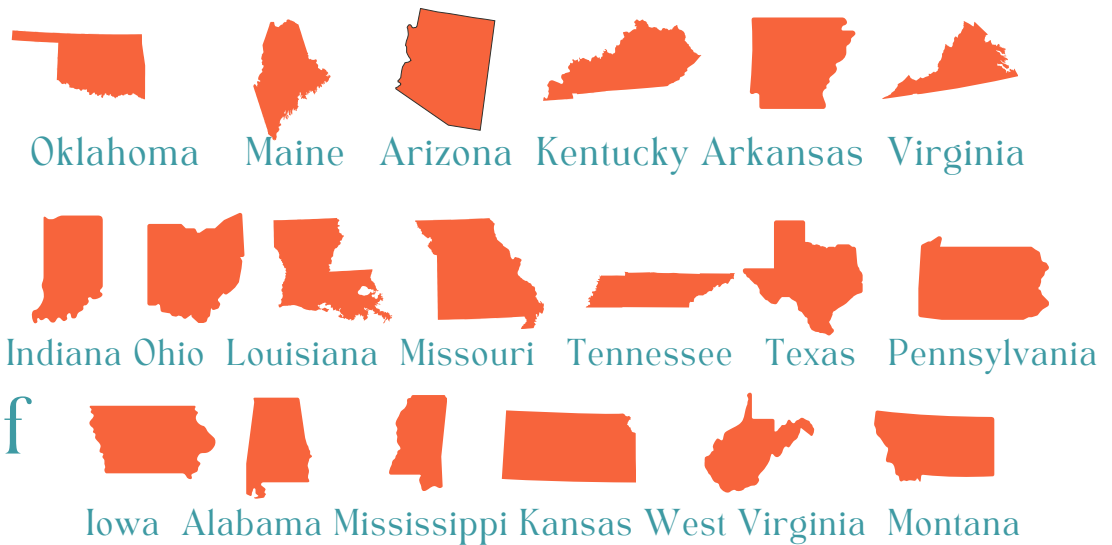
1

Meet with your community leaders, fire station, or hospital administration to review the Safe Haven Baby Box Program.

CAN I PLACE A BABY BOX IN MY COMMUNITY?

Yes, however, some states have made it easier than others.

States with existing legislation permitting placement of Baby Boxes



If your state is not above, do not be discouraged. Ideally all states would allow for anonymous surrender and we have a team in place to work on passing legislation at the state level. Please reach out to your state representative and senator to express the importance of updating your state's Safe Haven Law to allow for the placement of Baby Boxes.

The fees for Safe Haven Baby Boxes start around \$15,000 depending on installation and location.

*These prices are good for 90 days after the receipt of this informational packet *

THIRD PARTY DONATION SOLICITATION POLICIES

Safe Haven Baby Boxes Inc. (SHBB) appreciates individuals and organizations as they solicit donations to benefit its programs and services. Any individual or organization (outside of Safe Haven Baby Boxes Inc.) that organizes and hosts an event, promotion, sale, or donation drive on behalf of Safe Haven Baby Boxes Inc. is defined as a “third-party fundraiser.”

Prior to Collection of Donations:

1.The third-party fundraiser is not allowed to solicit for donations without acknowledgement from Safe Haven Baby Boxes AND local leaders, such as the mayor, fire chief, council member, and/or hospital administrator/staff. The third-party fundraiser should notify Safe Haven Baby Boxes via email or mail with intent to solicit donations in advance of the proposed start date.

2.The third-party fundraiser will not personally collect any donations. All donations should be sent directly to SHBB. Upon acknowledgement from a SHBB representative of the intent to campaign for donations, the third-party fundraiser will be provided a link for online donations specific to the fundraiser's campaign.

3.The third-party fundraiser is responsible for providing donation instructions to solicited donors.

4.The third-party fundraiser is responsible for expenses associated with printing and promotion of the donation solicitation.

5. The third-party fundraiser is not a representative of Safe Haven Baby Boxes and should not claim to be.
6. Safe Haven Baby Boxes retains the right to decline any solicitation activity if it conflicts with its mission or other fundraising efforts.
7. The third-party event organizers should not provide tax advice to third-party event contributors. Organizers should refer individuals to tax or legal counsel for information.
8. The third-party fundraiser may not keep any portion of a donation as profit or compensation for organizing the campaign.
9. The third-party fundraiser or anyone associated with the event cannot set up a temporary bank account in his/her name or Safe Haven Baby Boxes name for the collection of donations.
10. Safe Haven Baby Boxes, Inc. may only issue tax receipts for checks made payable to "Safe Haven Baby Boxes" or donations paid online at www.shbb.org or designated link for campaign.
11. The third-party fundraiser must submit all publicity and promotional material containing Safe Haven Baby Boxes name and/or logo to Safe Haven Baby Boxes Fundraising Department for review and approval prior to publication and distribution of these materials. Please allow Safe Haven Baby Boxes staff ten (10) business days to review these materials. PLEASE NOTE: Third-party donation campaigns that are approved by Safe Haven Baby Boxes may be advertised on Safe Haven Baby Boxes website and/or social media sites.

12. The third-party fundraiser cannot advertise locations of future baby box installations (i.e. address of fire station or hospital).

13. Promotional materials that use Safe Haven Baby Boxes name should incorporate the following statement: "Proceeds to benefit Safe Haven Baby Boxes Inc."

14. The third-party fundraiser agrees not to use Safe Haven Baby Boxes' tax exemption in any manner or as part of the donation campaign, nor will the third-party represent any rights or privileges of tax exemption to the public, nor will the third-party state that any portion of the purchase price for any goods or services at the event is tax deductible for charitable purposes.

15. Prior to starting a fundraising campaign, please send SHBB@SafeHavenBabyBoxes.com your fundraising campaign plan for approval.



Any additional funds raised will remain in your community promoting your local Safe Haven Baby Box. A bill board campaign will raise awareness for safe surrender and include our National Crisis Hotline number.

Please keep in mind that all donations that are solicited for a Safe Haven Baby Box must be sent to SHBB to be used for your city's baby box and/or marketing and education. If your fundraising efforts exceed the amount needed, per the IRS guidelines, this money has to be sent to SHBB. Sending money raised for a Safe Haven Baby Box to another entity is a direct violation of IRS guidelines.

Safe Haven Baby Boxes name and logo are a registered trademark. Any use of these would need SHBB approval. For questions or more information on third-party donation solicitation, please contact a Safe Haven Baby Boxes representative at 1-888-742-2133 or shbb@safehavenbabyboxes.com. Thank you very much for your interest in supporting Safe Haven Baby Boxes programs and services!

By signing below, you understand SHBB fundraising policy and will ensure that the funds are handled according to this policy.

Signed _____ Date _____

Donation for a Safe Haven Baby Box located in

Amount needed: _____

Mail check to:
SHBB
PO Box 185
Woodburn, IN 46797

Once a check is received you will receive a letter from SHBB for you to use for tax purposes. SHBB is a registered 501(c)3 nonprofit organization by the IRS so all donations are tax-deductible. Thank you for your support!

Goals of Safe Haven Baby Boxes

- Raise awareness of the Safe Haven law through the installation of Baby Boxes.
- Provide counseling to any parent in crisis.
- Use of billboards, social media, speaking engagements, and fundraisers to bring awareness to Safe Haven Laws.
- Provide a safe and anonymous option for surrendering an infant.
- Work with legislators in every state to pass a law allowing the installation of Baby Boxes.
- Install Baby Boxes in every state in the United States.

Help Us Reach Our Goals

- Assist or host a Safe Haven Baby Boxes fundraiser
- Invite Monica to speak at your church, or community event
- Attend a Baby Box Blessing
- Follow and share our social media platforms

Please contact us if you have any questions or need more information.

Email: shbb@safehavenbabyboxes.com

Phone: (888)742-2133

Website: www.shbb.org

Services, Fees and Expense Schedule

Full Time Fire Stations

INITIAL FEE: \$15,000	ANNUAL FEE: \$500	OTHER FEES NOT INCLUDED IN INITIAL FEE (ESTIMATED AT \$5,000-\$7,00)
Pre-installation Services	Annual Fee Services	*Fees vary based on location and/or services donated by local community members. The items below are estimates and not a guarantee of cost.
<ul style="list-style-type: none"> A. Examination of location B. Administrative/Legal resources C. Consultation on programs D. Assitance with raising funds to support cost of the Baby Box (optional) 	<ul style="list-style-type: none"> A. Recertification of the Baby Box by a licensed contractor B. Maintenance of the Baby Box from expected use C. Unlimited repairs and parts replacement as a result of a malfunction and not as a result of negligence or vandalism 	<ul style="list-style-type: none"> A. Delivery: \$500 is you would like to have the Baby Box delivered. You can pick up at our Fort Wayne, IN manufacturing facility to waive the delivery charge. (Must be pre-scheduled) B. installation: Labor and materials: \$2000- \$3,500 (location may be able to have this donated)
Installation Services	<p>*LOCATIONS WITH ADDITIONAL FEES</p> <ul style="list-style-type: none"> A. Volunteer fire stations must feature a camera in the Baby Box making the total intial fees \$15,500 B. Ohio locations total initial fee is \$16,000 as \$1,000 is paid to their health department C. Alabama locations must feature a camera in the Baby Box making total intial fee is \$15,500 	<ul style="list-style-type: none"> C. Electrical and Alarm: hook up to internal alarm system (Internal alarm must go to 911 dispatch for use with the Baby Box) ~ \$1,200
<ul style="list-style-type: none"> A. Inspection of Installation B. Training to all emergency personnel 		<ul style="list-style-type: none"> D. Annual Alarm Services: Annual fee for monitoring ~\$500 annually paid by location to Alarm Company
Post Installation Services		<ul style="list-style-type: none"> E. Transportation: Cost based on location and transportation from Indiana
<ul style="list-style-type: none"> A. Marketing of the Baby Box B. 24/7 Hotline available to community C. Advertising of the Box D. Efforts to support raising awareness on local, state and national levels supporting the Baby Box in each community 		<ul style="list-style-type: none"> F. Permits or other requirements prior to construction. (varies)





PROPOSAL

To have the City of Elkhorn join the other Cities and Townships within Walworth County
in allowing ATV/UTV Road Routes

The goal is to eventually connect with a system of ATV/UTV road routes and
off-road trails that is developing across the state, opening up new kinds of
outdoor recreation and tourism spending.

OBJECTIVES:

- Consistency County wide for hours and ordinances
- Be cost effective for signage by including all City of Elkhorn roads



APPROVED BY WALWORTH COUNTY - COUNTY ATV/UTV ROAD ROUTES

The Walworth County Board of Supervisors **Approved Ordinance 1295-12/22 at the December 6, 2022 meeting to open County Highways to ATV/UTV traffic in those Townships which open their roads.**

<https://www.co.walworth.wi.us/AgendaCenter/ViewFile/Item/3139?fileID=41807>

Pages 54 to 58

City and County Roads open from 5AM to 11PM

City and Townships are responsible for required signage on County Road

Ordinance becomes effective on 1-July-2023

To assist the **Walworth County Sheriff's Department** in their law enforcement efforts, each municipalities goal should be to match and keep a common set of rules across all of Walworth County that open their roads for routes.

RESOURCES:

Specific to Walworth County and the new County Roads Ordinance which takes effect on 1-Jul-2023.

Walworth County ATV/UTV Webpage

<https://www.co.walworth.wi.us/1124/ATV-UTV-Information>

ATV Brochure published by Walworth County - (Brochure Included on Pg 18)

<https://www.co.walworth.wi.us/DocumentCenter/View/11163/2022-ATV-Road-Routes-Brochure>

Walworth County published ATV/UTV Map - (Picture of Map Included on Pg 8)

<https://gisinfo.co.walworth.wi.us/portal/apps/View/index.html?appid=3098f44afa0e4ff784f12fed57eed058>

BROCHURE VERSION LE-500 online: <https://widnr.widen.net/s/r57n2bmj5t>

(Brochure Included in Packet)

ATV ROUTES

An ATV route is a public roadway that is designated as being open to legal ATV/UTV use by local units of governmental Routes must be designated through passage of a local ordinance and posted with ATV route (24"x 18") green signs with the white silhouette of an ATV along with appropriate directional arrows. All roads designated as ATV routes must be signed at the beginning and end of a route and at such intervals that enable riders to follow the route. ATV route ordinances must be filed with any law enforcement agencies that have jurisdiction over the roadway.

Official copies of all ATV route ordinances must be filed with the Department at:

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
ATV SAFETY PROGRAM
101 SOUTH WEBSTER STREET LE/8
MADISON, WI 53707-7921

ALL-TERRAIN VEHICLES

No person under 12 may operate an ATV.

All ATV operators at least age 12 and born on or after January 1, 1988 must possess a valid ATV safety certificate issued by this state or any other state or province. Operators must be in possession of this certificate while operating in areas open to the public such as trails, routes and frozen waterways and display it to a law enforcement officer upon request. Certified operators may transport other passengers. ATV Safety Institute (ASI) certificates are not valid in Wisconsin.

- No children under the age of 12 may operate on a roadway for any reason, even to cross. Small

ATV Supervision Requirement

All ATV safety certified operators age 12-15 must also be accompanied* by an adult while operating on a designated ATV route except for operation for agricultural purposes with adult supervision.

UTILITY TERRAIN VEHICLES

No person under 16 may operate an UTV.

All UTV operators at least age 12 and born on or after January 1, 1988 must possess a valid ATV safety certificate issued by this state or any other state or province. Operators must be in possession of this certificate while operating in areas open to the public such as trails, routes and frozen waterways and display it to a law enforcement officer upon request. Certified operators may transport other passengers. ATV Safety Institute (ASI) and Recreational Off-Highway Vehicle Association (ROVHA) certificates are not valid in Wisconsin.

HELMET REQUIREMENTS

All ATV/UTV operators and passengers under the age of 18 are required to wear a minimum DOT standard ATV or motorcycle helmet with the chin strap properly fastened. Bicycle helmets do not meet this requirement.

ALCOHOL AND DRUGS

- It is illegal to operate an ATV/UTV under the influence of alcohol or other drugs while on any property that is open to the public (generally this means trails, routes, lakes/rivers or corridors). Being under the influence is a condition in which a person's ability to operate an ATV/UTV is impaired due to the consumption of drugs and/or alcoholic beverages to the extent that the person's decision-making ability is negatively affected as well as their balance and reaction time.
- No person may operate an ATV/UTV with a blood alcohol concentration (BAC) of .08% or more. In addition, a person can be also be arrested for operating under the influence with a BAC that is under .08%.
- No person may operate an ATV/UTV with any detectable amount of a restricted controlled substance in their blood.

REGISTRATION INFORMATION

WHAT CAN BE REGISTERED AS AN ATV?

An ATV must meet all of the following specifications:

- Commercially-designed and manufactured
- A motor-driven device
- Dry weight of 900 pounds or less
- Width of 50 inches or less as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors and accessories that are not essential to the vehicle's basic operation
- Has a seat designed to be straddled
- Travels on 3 or more tires

WHAT CANNOT BE REGISTERED AS AN ATV?

The following do not meet legal ATV specifications:

- An ATV modified with tracks, skis, etc.
- Machines that can legally be registered as UTVs
- 6-8 wheel amphibious vehicles
- A go cart or golf cart*
- An off-road motorcycle*
- Anything outside the ATV specifications listed above
- A homemade or non-commercially manufactured machine

WHAT CAN BE REGISTERED AS AN UTV?

An UTV must be commercially-designed and manufactured, and that has at all times, and was originally manufactured with all of the following:

- Four or more tires
- Dry weight of 3000 lbs. or less
- Steering wheel

- Tail light
- Brake light
- Two headlights
- Width of not more than 65 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation
- Seat belts for each occupant
- Roll bar or similar structural system or device

Other Vehicles Qualifying As UTVs:

Any machines that would otherwise meet the ATV specifications (see "What Can Be Registered As An ATV") except that it has, and was originally manufactured with a weight that is more than 900 lbs, but less than 2000 lbs., and has a width greater than 50 inches but 65 inches or less as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.

WHAT CANNOT BE REGISTERED AS AN UTV?

The following devices do not meet the UTV or ATV definition and cannot be registered:

- A motor-driven device that meets federal motor vehicle safety standards
- A dune buggy
- An UTV modified with tracks, skis, etc.
- A homemade or non-commercially manufactured machine
- An UTV that's been modified after original manufacture to meet the definition of weight or width whether by a dealer or by private party
- A golf cart*
- Vehicles that meet the legal definition of a low speed vehicle*
- A mini-truck*

ADDITIONAL ROADWAY RESTRICTIONS

Check with local authorities regarding any locally enacted ATV/UTV ordinances which may be more restrictive than state law.

When legally operating on a roadway:

- You cannot pass other motor vehicles or ATVs/UTVs unless stationary and parked.
- No person may ride in or on any part of an ATV or UTV that is not designed or intended to be used by passengers.
- You must use hand signals to indicate your turning or stopping intentions if ATV/UTV is not equipped with turn lamps.
- Operate at the extreme right side of the roadway surface.
- Left turns can be made from any part of the roadway surface as long as it's safe and legal to do so.
- You must operate single file.
- You must have your head lamps and tail lamps on.
- All children age 12-15 must be accompanied* by an adult while operating on a designated ATV route, regardless if they possess an ATV safety certificate.

Exception – Legal crossing and operation for agricultural purposes.

NOTE: No ATV operators under age 12 and no UTV operators under age 16 may operate on a public roadway for any reason.

UNIMPROVED RIGHT-OF-WAY/DITCH USE

Operation on the unimproved right-of-way or ditch, outside the regular traveled portion of the road, is highly restricted and in most cases illegal. Many right-of-ways or ditch lines are privately owned; operation on private property without permission is trespassing.

EXHAUST AND NOISE RESTRICTIONS

- Your machine must be equipped with a functioning muffler that prevents unusual or excessive noises.
- No person may manufacture, sell, rent or operate an ATV/UTV in such a manner that noise emitted from the machine is louder than 96 decibels when measured on the “A” scale; measured in the manner prescribed in the reaffirmed 1998–07, Society of Automotive Engineers Standard J1287, *Measurement of Exhaust Sound Levels of Stationary Motorcycles*.
- No one shall deny or refuse an inspection or testing of an ATV/UTV by any law enforcement officer who reasonably suspects a violation of an equipment requirement.
- Your machine must be equipped with a spark arrester at all times, even during the winter.

No person may manufacture, sell, rent or operate an ATV/UTV that is louder than 96 decibels.

Excessive or unusually loud machines are illegal and hurt Wisconsin’s trail system. Do not increase your exhaust noise or operate with your exhaust system in excess of normal operation. Excessive noise threatens riding opportunities statewide.



SAMPLE of SIGNAGE
*MUNICIPAL DISCOUNT TO BE PROVIDED BY PAUL GRADIAN



CONTACT W/ BCE: Paul Gradian paul.gradian@wisconsin.gov

Set up as a new client - Register at shopbce.com

1. Fill in the Bill to (with Email address for invoices) and Ship to information along with Tax ID #
2. Once registered and quote form is filled out, a quote and proof for approval will be provided

SIGN TO READ: "ALL CITY OF ELKHORN ROADS ARE ATV/UTV ROUTES UNLESS POSTED"

Park and Rec catalogs: <https://www.shopbce.com/park-and-recreational>

We provide signs to the DNR and many county and city parks as well as non-profit organizations. Signs include trail markers, park use signage as well as directional and interpretive signs. We can make the standard signs that are used or we can create custom signs that fit your needs, as well as decals and temporary signs. We also provide the frames and the posts that are used with these sign types. Park and Recreational symbol signs are aluminum substrate with engineer grade reflective sheeting.

Main Office / Showroom

3099 East Washington Ave.

Madison, WI 53708

608-240-5200

Contact BCE

The section below is the **Walworth County** municipalities ordinance for All-Terrain Vehicle routes and regulations.

The example below is from the Town of East Troy

Chapter 10.46

ALL-TERRAIN VEHICLE ROUTES AND REGULATIONS

Sections:

- 10.46.010 Authority.
- 10.46.020 Purpose.
- 10.46.030 Definitions.
- 10.46.040 Severability.
- 10.46.050 Applicability of rules of the road to all-terrain vehicles.
- 10.46.060 Operation of all-terrain vehicles.
- 10.46.065 Regulations relating to all-terrain vehicle signs.
- 10.46.070 Designation of all-terrain vehicle routes.
- 10.46.075 Route maintenance.
- 10.46.080 Additional conditions of operation.
- 10.46.085 License and insurance.
- 10.46.090 Enforcement.
- 10.46.095 Penalties.
- 10.46.100 Filing.

10.46.010 Authority.

The Town Board of the Town of East Troy, Walworth County, Wisconsin has the specific authority to adopt this all-terrain vehicle ordinance under Wis. Stat. §§ 23.33(8)(b) and (11). (Ord. 2022-3 § 1)

10.46.020 Purpose.

The purpose of this chapter is to establish all-terrain vehicle routes in the Town of East Troy and to regulate the operation of all-terrain vehicles in the Town. (Ord. 2022-3 § 1)

10.46.030 Definitions.

This chapter adopts Wis. Stat. § 23.33 and NR 64.03 Wis. Adm. Code, describing and defining all-terrain vehicles, and the definition of all-terrain vehicles found therein by reference as part of this chapter. (Ord. 2022-3 § 1)

10.46.040 Severability.

Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected. (Ord. 2022-3 § 1)

10.46.050 Applicability of rules of the road to all-terrain vehicles.

These all-terrain vehicle regulations are created pursuant to Town authority by Wis. Stat. § 23.33(8)(b). This chapter is intended to facilitate the implementation of Wis. Stat. §§ 23.33(8) and 23.33(11). To the extent necessary to accomplish this, Wis. Stat. § 23.33 is hereby adopted by reference as part of this chapter. Additionally, this chapter incorporates and adopts the provisions of Wisconsin Administrative Code NR 64. In the event that any provision of this chapter is inconsistent or conflicts with that statute, the statute shall govern, and not this chapter.

Additionally, provisions of ETMC 10.05.010(3)(a) and (b) shall apply to all all-terrain vehicle operation within the Town of East Troy. (Ord. 2022-3 § 1)

10.46.060 Operation of all-terrain vehicles.

Pursuant to Wis. Stat. § 23.33(4)(d)(4), except as otherwise provided in Wis. Stat. § 23.33(4), no person may operate an all-terrain vehicle upon any public right-of-way, in any public park, in cemeteries, or on any other public property in the Town except upon all-terrain vehicle routes designated by the Town Board in this chapter. All ATV routes shall be marked with uniform all-terrain vehicle route signs in accordance with Wis. Stat. § 23.33(8)(e), and Wis. Admin. Code NR 64.12(7). (Ord. 2022-3 § 1)

10.46.065 Regulations relating to all-terrain vehicle signs.

No person may do any of the following in regard to signs marking town all-terrain vehicle routes: intentionally remove, damage, deface, move or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.

No person may possess any uniform all-terrain vehicle route or trail sign or standard of the type established by the Department of Natural Resources for the warning, instruction, or information of the public, unless he or she obtain the uniform all-terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession. (Ord. 2022-3 § 1)

10.46.070 Designation of all-terrain vehicle routes.

All Town of East Troy roads shall be all-terrain vehicle routes. (Ord. 2022-3 § 1)

10.46.075 Route maintenance.

The designation of town roads as an all-terrain vehicle route does not impose upon the Town a greater duty of care or responsibility for maintenance of those roads. Operators of all-terrain vehicles on town roads assume all the usual and normal risks of riding that vehicle. The Town accepts no liability for the operation of all-terrain vehicles on any town roads under this section. (Ord. 2022-3 § 1)

10.46.080 Additional conditions of operation.

Operation of an all-terrain vehicle on a posted all-terrain vehicle route shall, in addition to all of the statutory regulations found in Wis. Stat. § 23.33, adhere to the following provisions:

1. The speed limit for all-terrain vehicles shall be established at the same speed limit as the speed limit posted for automobiles on each town road. All other all-terrain vehicle speeds shall conform to the speed limitations found in Wis. Stat. § 23.33(3).
2. All-terrain vehicles shall be operated on paved surfaces only, unless yielding the right-of-way.
3. All all-terrain vehicle operators shall ride single file.
4. No all-terrain vehicle may be operated on any designated town all-terrain vehicle route without fully functional headlights, tail-lights, and brake lights.
5. No all-terrain vehicle can be operated on any designated town all-terrain vehicle route between the hours of 11:00 p.m. and 5:00 a.m. daily, unless a different restriction on the hours of operation has been specified by the Town Board and notice of the same has been duly posted on the designated town all-terrain route.
6. All all-terrain operators shall ride on the right-hand side of the paved portion of the town all-terrain vehicle route unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches or other town road right-of-way is prohibited, unless yielding the right-of-way.
7. No all-terrain vehicle may be operated in any careless way so as to endanger the person or property of another.
8. No person under the age of 16 may operate an all-terrain vehicle on a designated town all-terrain vehicle route unless accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.
9. No person under the age of 18 may operate an all-terrain vehicle on any designated town all-terrain vehicle route unless wearing protective head gear.
10. No all-terrain vehicle operator under the age of 12 may operate on a town designated all-terrain vehicle route under any circumstances.
11. No person who is under current driver's license suspension, revocation, or cancellation for any reason may operate an all-terrain vehicle upon any town roads.
12. All all-terrain vehicle operators shall yield the right-of-way to all other vehicular traffic and pedestrians.
13. No all-terrain vehicle operator shall have a passenger riding in or on any part of an all-terrain vehicle that is not designated or intended to be used by passengers.
14. All-terrain vehicles cannot be operated on anything else other than tires. This restriction does not apply to private property or frozen waters.
15. An all-terrain vehicle operating on a town road may not be modified so that its maximum width exceeds the width allowed for an all-terrain vehicle.

16. No person shall, while operating an all-terrain vehicle, engage in the practice of cruising on any town designated all-terrain vehicle route. Cruising is defined as running all or part of the length of a roadway multiple times per day, back and forth, for any purpose other than departing or arriving at their residence or place of lodging, or departing or arriving at a public boat landing. (Ord. 2022-3 § 1)

10.46.085 License and insurance.

Unless otherwise stated elsewhere in this chapter, every person who operates an all-terrain vehicle on a town designated all-terrain vehicle route shall have in his or her immediate possession a valid motor vehicle operator's license and shall display the license document upon demand from any law enforcement officer or official described in Wis. Stat. § 23.33(12). Every person who operates an all-terrain vehicle on a town designated all-terrain vehicle route, and every all-terrain vehicle operated on a town designated all-terrain vehicle route, shall carry liability and/or other insurances consistent with Wisconsin state law for the operation of an all-terrain vehicle. (Ord. 2022-3 § 1)

10.46.090 Enforcement.

This chapter shall be enforced by any law enforcement official as set forth in Wis. Stat. § 23.33(12), including the issuance of a citation under Wis. Stat. § 66.0113. (Ord. 2022-3 § 1)

10.46.095 Penalties.

All penalties found in Wis. Stat. § 23.33(13)(a) are adopted by reference. (Ord. 2022-3 § 1)

10.46.100 Filing.

This chapter and revisions thereof shall be sent by the Town Clerk to the Department of Natural Resources, the Town Police Department, the Walworth County Sheriff's Department and any other law enforcement agency servicing the Town of East Troy's jurisdiction. (Ord. 2022-3 § 1)

ATV Route Guideline and Suggestions

Source:

Bureaus of Law Enforcement and Community Financial Assistance. (n.d.). *ATV Route Guideline and Suggestions*. Wisconsin Dept. Of Natural Resources.
<https://dnr.wi.gov/aid/documents/atv/manual.pdf?o=n>

Definition of a route

Route - A Route is a highway or sidewalk designated for use by ATV operators by the governmental agency having jurisdiction. Routes are identified at the beginning point by a 24"X18" sign showing a white silhouette of an ATV on a green background. White directional arrows (12"X9") on a green background, show the continuation of the route.

RULES AND REGULATIONS NR 64.12 ROUTES. (2) "All-terrain vehicle ROUTE" means a highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction.

NR 64.12 ROUTES.

(1) An all-terrain vehicle ROUTE may be established by a town, city, village or county by adopting an ordinance designating a highway as an all-terrain vehicle ROUTE and signing the highway in accord with s. 23.33 (8), Stats., and rules of the department.

(2) A town, city, village or county may adopt an ordinance designating a state trunk highway or connecting highway as an all-terrain vehicle ROUTE if the department of transportation approves the designation.

(3) A town, city, village or county may adopt an ordinance designating a sidewalk of a state trunk highway bridge as an all-terrain vehicle ROUTE with the approval of the department of transportation.

(4) A town, city, village or county may designate a ROUTE as an all-terrain vehicle ROUTE during certain periods of the year and prohibit the operation of all-terrain vehicles on that ROUTE during other periods of the year.

(5) All-terrain vehicle operation is not permitted on state trunk highways or connecting highways except as provided for under s. 23.33 (4), Stats., or sub. (2) or (3).

(6) No person may operate an all-terrain vehicle on a restricted all- terrain vehicle ROUTE during any period of the year when the operation of all-terrain vehicles is prohibited. ATV Route Guideline and Suggestions (A Community Official's Handbook) C:\DOCUME~1\hodger\LOCALS~1\Temp\Administrators ATV Route Guideline and Suggestion Manual.doc 19

(7) Signs for all-terrain vehicle ROUTES on highways and sidewalks designated for use by the governmental unit having jurisdiction as authorized under s. 23.33

(8), Stats., shall meet the following requirements:

(a) The all-terrain vehicle ROUTE sign shall have a reflectorized white symbol, border and message on a reflectorized green background. The standard and minimum size of this sign shall be 24"X18". The sign, including the stylized all-terrain vehicle symbol and the word message "ATV ROUTE", shall conform to the standard design on file in the department of transportation.

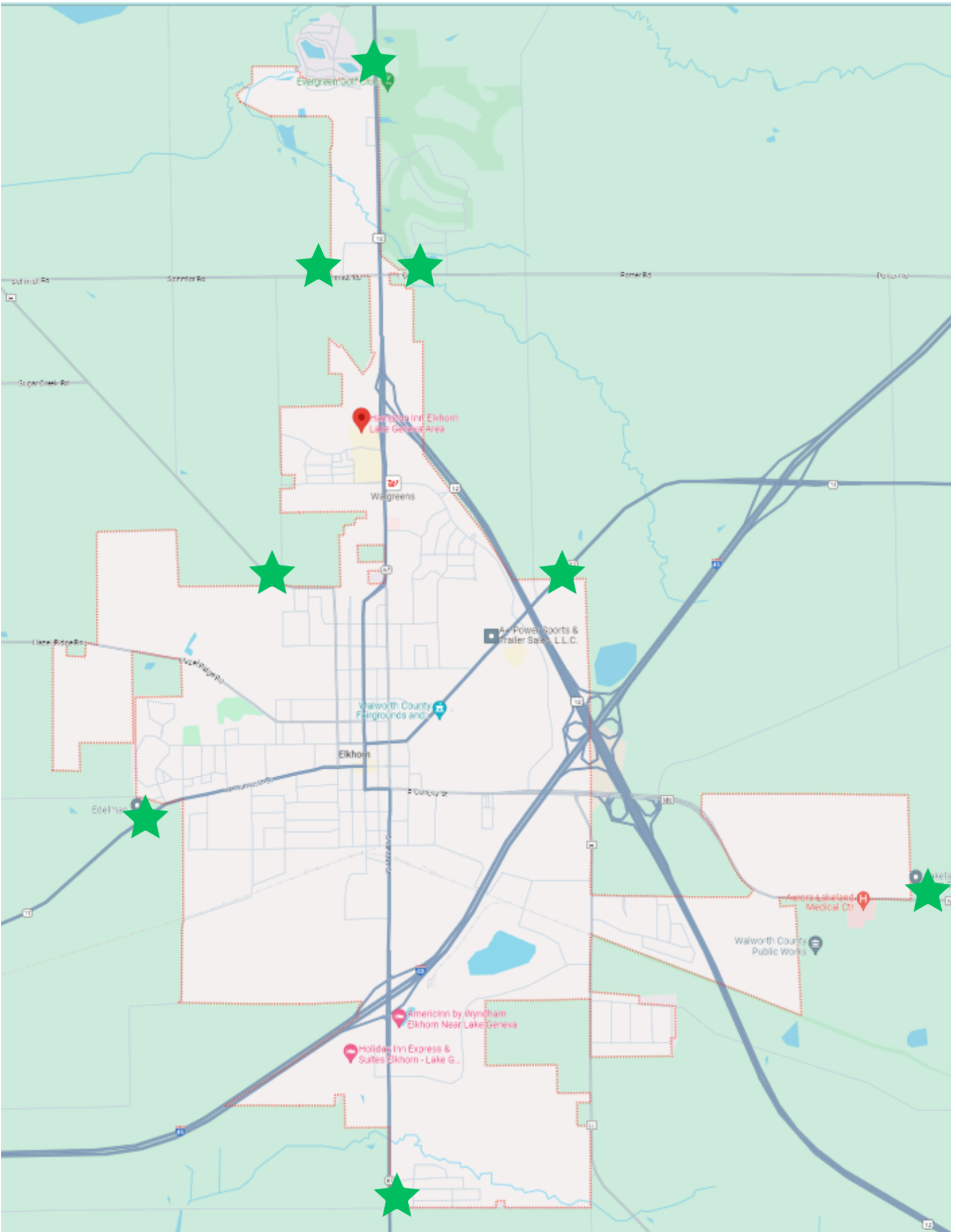
(b) The directional arrow marker (M7 series) shall have a reflectorized white arrow and border on a reflectorized green background. The standard and minimum size of a directional arrow shall be 12"X9".

(c) An all-terrain vehicle ROUTE sign with directional arrow, where appropriate, shall be placed at the beginning of an all-terrain vehicle ROUTE and at such locations and intervals as necessary to enable all-terrain vehicle operators to follow the ROUTE.

City of Elkhorn - Possible areas for ATV/UTV signage

Circles- Indicate a beginning point and / or ending point for a 24"X18" sign showing a white silhouette of an ATV on a green background with the words:

“ALL CITY OF ELKHORN ARE ATV/UTV ROUTES UNLESS POSTED” The quantity needed are approximate for signs posted on roads that start and end at the City line.]





ATV/UTV Road Use Authorized (Yellow)
Route Map at bit.ly/WalcoATV-UTVRoutes

*Municipalities Authorizing ATV or UTV Use

as of 3/3/2023

Village and Town of Bloomfield, Town of Darien, Town of East Troy, Town of Richmond, Town and Village of Sharon, Town of Troy, Town of Walworth, and Village of Walworth (UTV Only).

**Subject to change—check with each municipality for current status*
Know the Local Ordinances*



County Roads will have appropriate signage identifying authorized ATV (Road) Routes

Wisconsin Department of Natural Resources—ATV Course Requirements

Anyone who operates an ATV on public riding areas—trails, frozen waters, routes, permitted county and/or forested lands—who is at least 12 years of age and was born on or after January 1, 1988, must complete a safety certification course. ATV operators must carry their safety certification card and display it to law enforcement when requested.

For further information or to register go to: <https://dnr.wisconsin.gov/Education/OutdoorSkills/SafetyEducation>

Summary of the County Ordinance

Walworth County ordinance allows municipalities that have passed an ATV/UTV ordinance to include County roads within their boundaries regardless of the posted speed limit, as long as the road is appropriately signed in coordination with the County Highway Commissioner. State roads with posted speed limits of 35 miles per hour or less are authorized per state statute within the municipality border only if appropriately signed.



ATV/UTV Route Map



**For Additional Information
Contact the Public Works
Department**

(262) 741-3114

bit.ly/WalcoATV-UTVInfo



WALWORTH COUNTY WI

This map is to be used as a reference for UTV and ATV routes in Walworth County. For each city, village or town that allows UTVs and/or ATVs will have a specific ordinance regulating the use of those vehicles. **It is up to the operator of the vehicle to be familiar with the local ordinance.**

LEGEND

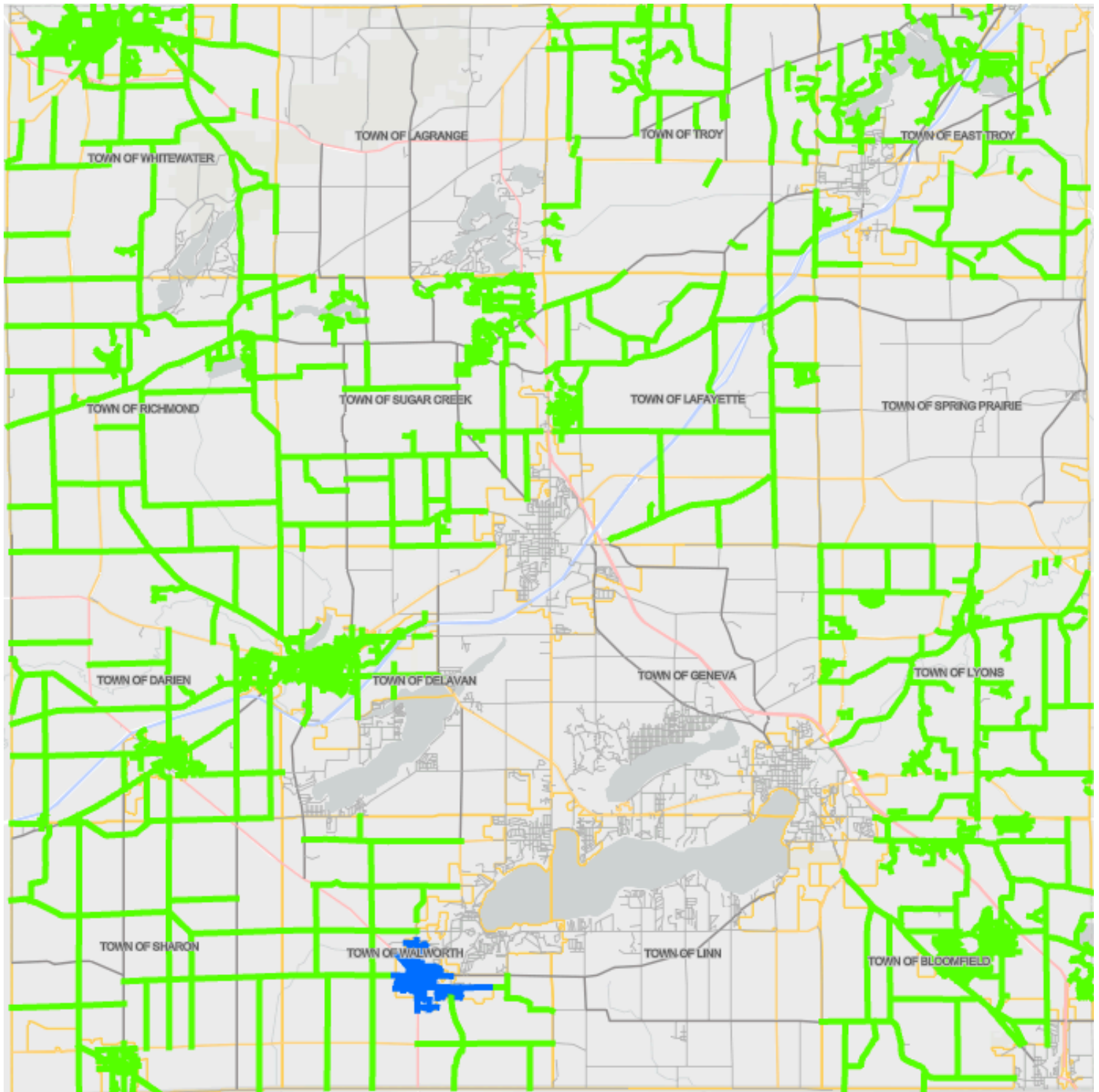
UTV/ATV Routes

— ATV/UTV Route

— UTV Only Route

Walworth County

NOTE: MAP MAY NOT BE UP TO DATE, UTV ROAD ROUTES NOT MARKED MAY BE IN THE APPROVAL PROCESS.



RESOURCES: <https://www.co.walworth.wi.us/1124/ATV-UTV-Information>

UPDATED MAP:

<https://gisinfo.co.walworth.wi.us/portal/apps/instant/minimalist/index.html?appid=2a0e13d053184523b185a75175of74a9>

** Town of Delavan pending approval & funding of signage.

** Town of Whitewater pending approval at February Meeting

Economic Impact of UTV/ATV

The following information is provided by the State of Wisconsin Office of Outdoor Recreation.

WISCONSIN OUTDOOR INDUSTRY'S RECORD-BREAKING 2022

\$9.8 BILLION

Year over year growth: **+6.8%**

TO STATE GROSS DOMESTIC PRODUCT (GDP)

Wisconsin's outdoor recreation industry had a record-breaking year in 2022, contributing \$9.8 billion to the state's GDP and surpassing the previous record set in 2021 by 6.8%. Outdoor recreation supported 94,042 jobs accounting for 3.1% of all jobs in Wisconsin. These historic numbers reinforce the importance of the outdoors and the outdoor industry to the Wisconsin economy and Wisconsinites.

1 IN 40 JOBS SUSTAINED BY OUTDOOR RECREATION

94K+ FULL-TIME & PART-TIME JOBS

Year over year growth: **+4.8%**

TOP ACTIVITIES CONTRIBUTING TO WISCONSIN'S GDP


Multi-Use Apparel & Accessories
\$1.15 billion


Motorcycling/ATVing
\$1.10 billion


Boating/Fishing
\$710 million


RVing
\$553 million


Game Areas
\$448 million


Guided Tours/
Outfitted Travel
\$385 million

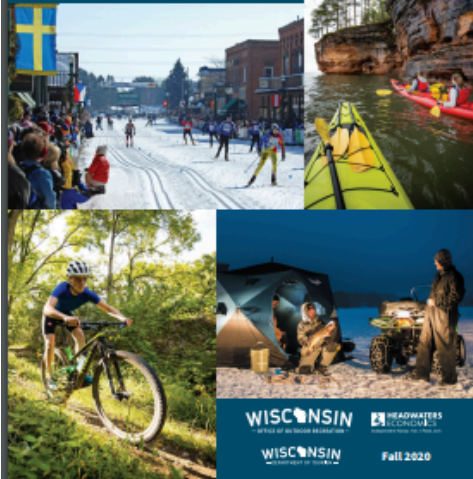

Hunting Shooting
\$220 million


Bicycling
\$152 million

WISCONSIN
— OFFICE OF OUTDOOR RECREATION —

SOURCE
Outdoor Recreation Satellite Account of the U.S. Bureau of Economic Analysis

Outdoor Recreation: A Top Driver of Wisconsin's Economy



A note from the Director

Outdoor recreation is the heart of Wisconsin. From the scenic development of the North Shore to the outdoor recreation activities for the fishing of one of the world's best trout streams, Wisconsin is the best place to be. It's not just the beauty and clean air that make Wisconsin the best place to be, it's the sense of community and the quality of life. It's the sense of community and the quality of life. It's the sense of community and the quality of life.

Invite

Invite visitors, visitors, businesses and outdoor recreation to Wisconsin.

Connect

Connect people to the state's outdoor recreation resources through various and innovative ways.

Thrive

Thrive with outdoor recreation and economic development through various and innovative ways.

Sustain

Sustain outdoor recreation and economic development through various and innovative ways.

More than just a bike ride: Outdoor adventure drives significant economic activity across diverse economic sectors.



Broader Economic Benefits: Public health, research shows that people who exercise regularly are healthier, live longer, and are more productive. This can reduce healthcare costs and increase economic productivity. Community values, participation in outdoor recreation is a key indicator of community well-being. Research shows that people who participate in outdoor recreation are more likely to volunteer and donate to their communities. Resilient services, jobs, services for public recreation are an economically important, and additional to supporting diverse goods and services, these services provide financial, water and air quality, and outdoor recreation, providing millions of dollars in value to Wisconsin.

Wisconsin's outdoor recreation economy contributes \$7.8 billion to GDP.

The outdoor recreation economy contributes \$7.8 billion, or 1.4%, to Wisconsin's GDP. The percentage contribution to GDP is larger than the state of the GDP contribution from tourism and gaming combined.

Outdoor recreation is growing faster than the overall state economy. Between 2012 and 2017, Wisconsin's outdoor recreation economy grew 12% while the overall state GDP grew by 7%.

Major Activities Contribute to Wisconsin's Outdoor Economy: Hunting and fishing, boating, hiking, biking, etc. are the major activities that contribute to the outdoor recreation economy. Other major activities include golf and tennis, game bird hunting and bow, and tennis and sporting events.

Outdoor recreation helps attract and retain professionals, directly supporting jobs across diverse economic sectors.

Outdoor recreation helps attract and retain professionals, directly supporting jobs across diverse economic sectors. Professionals who value outdoor recreation are more likely to move to Wisconsin and stay longer. This supports a wide range of economic sectors, from technology to manufacturing.

Outdoor Recreation Drives Economic Development: Outdoor recreation is a key driver of economic development in Wisconsin. It attracts and retains professionals, who then support a wide range of economic sectors. Outdoor recreation also drives economic development through various and innovative ways.

Wisconsin is a national powerhouse in outdoor recreation in outdoor recreation manufacturing.

Wisconsin is a national powerhouse in outdoor recreation manufacturing. The state has a strong manufacturing base in outdoor recreation equipment, including bicycles, kayaks, and fishing gear. Wisconsin's outdoor recreation manufacturing industry is a key driver of economic development in the state.

Wisconsin's Outdoor Recreation Manufacturing Industry: Wisconsin's outdoor recreation manufacturing industry is a key driver of economic development in the state. The industry includes a wide range of products, from bicycles to fishing gear. Wisconsin's outdoor recreation manufacturing industry is a key driver of economic development in the state.

Diverse outdoor recreation activities bring in billions of dollars year-round.

Outdoor recreation is a top reason people visit Wisconsin. The state offers a wide range of outdoor recreation activities throughout the year. These activities bring in billions of dollars in economic activity to the state.

Outdoor Recreation is a Top Reason People Visit Wisconsin: Outdoor recreation is a top reason people visit Wisconsin. The state offers a wide range of outdoor recreation activities throughout the year. These activities bring in billions of dollars in economic activity to the state.

Wisconsin's outdoor offerings make it a world-class recreation destination.

Wisconsin's outdoor offerings make it a world-class recreation destination. The state has a wide range of outdoor recreation activities, from hiking to fishing to boating. These activities make Wisconsin a world-class recreation destination.

Wisconsin's Outdoor Offerings: Wisconsin's outdoor offerings make it a world-class recreation destination. The state has a wide range of outdoor recreation activities, from hiking to fishing to boating. These activities make Wisconsin a world-class recreation destination.

Now more than ever, the outdoors is essential for Wisconsin.

Now more than ever, the outdoors is essential for Wisconsin. Outdoor recreation is a key driver of economic development in the state. It attracts and retains professionals, who then support a wide range of economic sectors. Outdoor recreation also drives economic development through various and innovative ways.

Data Sources: Wisconsin Department of Tourism, Wisconsin Department of Natural Resources, Wisconsin Department of Transportation, Wisconsin Department of Health Services, Wisconsin Department of Workforce Development, Wisconsin Department of Agriculture, Forestry and Parks, Wisconsin Department of Public Safety, Wisconsin Department of Corrections, Wisconsin Department of Children, Youth and Families, Wisconsin Department of Health Services, Wisconsin Department of Workforce Development, Wisconsin Department of Agriculture, Forestry and Parks, Wisconsin Department of Public Safety, Wisconsin Department of Corrections, Wisconsin Department of Children, Youth and Families.

WISCONSIN IS A LEADER IN OUTDOOR RECREATION

Wisconsin was the 10th state—and one of the first in the Midwest—to create an Office of Outdoor Recreation. As more states add offices, competitors to capture the economic potential of outdoor recreation is growing. The office is commissioning industry, government, and community partners to conduct state-wide research, and identify leading markets. We are raising Wisconsin's profile as an outdoor recreation destination to help the state reach its economic potential.

22 billion is committed to Wisconsin's GDP by the outdoor recreation industry, and is growing faster than the overall economy.

Wisconsin ranks fifth in the U.S. for the share of all jobs in outdoor recreation-related manufacturing.

11,000 jobs are supported by outdoor recreation in Wisconsin, contributing 2.2 billion in median compensation.

65% of Wisconsin residents participate in outdoor recreation, and it is a primary leisure activity and driver for the state.

In recognition of the strength and significance of the outdoor recreation economy to Wisconsin, the Office of Outdoor Recreation was created within the Department of Tourism to uplift the sector and its partners for continued growth. As we publish this report, the COVID-19 pandemic is ongoing and the full impacts will not be known for some time. All eyes are now cast for that problem for a year. This report could be the strong economic foundation and the growing interest in outdoor recreation that have positioned the industry to be a leader in driving Wisconsin's economic recovery. For more information, contact:

WISCONSIN
Department of Tourism
Mary Monroe Brown | 608-261-6342 | monrombr@doth.wisconsin.gov

This report was supported in part by Recreational Equipment, Inc. (REI). Additional support provided by Yoh Bejcek. Discussion of brands in this report is not an endorsement.

HEADWATERS ECONOMICS | This report was produced by Headwaters Economics, an independent, nonpartisan, nonprofit research group. <https://headwaterseconomics.org>

<https://outdoorrecreation.wi.gov/Pages/Resources/Report.aspx>

[Wisconsin Office of Outdoor Recreation](#)

Exploring Municipal Regulation of ATVs and UTVs

Derek PUNCHES, Attorney, Stafford Rosenbaum LLP



Introduction

Off-road vehicles like all-terrain vehicles¹ (“ATVs”) and utility terrain vehicles² (“UTVs”) have a rich history in Wisconsin. Each year, tens of thousands of residents and nonresidents operate ATVs and UTVs for recreational, agricultural, and other purposes throughout the state, including on thousands of miles of trails and road routes designated for use by ATVs and UTVs.

Municipalities play an important role in permitting and regulating the operation of ATVs and UTVs within their boundaries. In doing so, municipalities should consider how to weigh the potential economic benefits and enhanced recreational opportunities that ATVs and UTVs may bring against competing concerns related to safety, enforcement, community compatibility, in addition to legal and regulatory issues. To help address these concerns, this article explores municipal regulation of ATVs and UTVs and discusses common concerns that might arise when considering whether to authorize the operation of ATVs and UTVs within the municipality.

Designating ATV Routes and Trails

Municipalities may seek to connect their communities with nearby trail systems by permitting the operation of ATVs and



UTVs within two distinct areas: all-terrain vehicle routes and trails. An all-terrain vehicle route (“ATV route”) is “a highway or sidewalk designated for use by ATV operators by the governmental agency having jurisdiction as authorized under [Wis. Stat. § 23.33].”³ In contrast, an all-terrain vehicle trail (“ATV trail”) is defined as “a marked corridor on public property, in a highway right-of-way, or on private lands subject to public easement or lease, designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction, but excluding [certain] roadways of highways[.]”⁴

Routes. Municipalities may permit the operation of ATVs and UTVs on all or some of the highways under its jurisdiction by designating such highways as ATV routes by ordinance.⁵

Municipalities may only designate state trunk highways or connecting highways as ATV routes with the approval of the DOT.⁶ They may, however, enact an ordinance to authorize the operation of ATVs and UTVs on a highway that is not part of the national system of interstate and defense highways, that has a speed limit of 35 miles per hour or less, and that is located within the territorial boundaries of the municipality regardless of whether the municipality has jurisdiction over the highway.⁷ Unless it has been designated as an ATV route or trail, a person may not operate an ATV or UTV on the roadway portion of any highway except under limited circumstances, such as the incidental crossing of a roadway, bridge, culvert, or railroad right-of-way, among others.⁸

1. Wis. Stat. § 23.33(1)(b); Wis. Stat. § 340.01(2g).

2. Wis. Stat. § 23.33(1)(ng).

3. Wis. Stat. § 23.33(1)(c). The term “highway” is exceptionally broad and includes “the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel.” See Wis. Stat. § 340.01(22).

4. Wis. Stat. § 23.33(1)(d).

5. Wis. Stat. § 23.33(8)(b)1., 2.

6. Wis. Stat. § 23.33(8)(b)3.

7. Wis. Stat. § 23.33(11)(am)4.

8. Wis. Stat. § 23.33(4)(d).

Trails. Municipalities may also designate corridors through land that it owns or controls, or for which the municipality has obtained leases, easements, or permission for use as ATV trails by ordinance.⁹ Because property cannot be acquired by condemnation to establish or extend a “recreational trail,” municipalities likely cannot acquire the property interests needed to establish or extend an ATV trail through condemnation.¹⁰

A municipality may specify the period during which ATVs and UTVs may use designated ATV routes or ATV trails, or it may prohibit the operation of ATVs or UTVs on such routes or trails during certain periods of the year.¹¹ It may also designate ATV routes and ATV trails under their jurisdiction on which the use of UTVs is permitted or prohibited.¹² By default, no person may operate a UTV on any ATV route or trail unless the municipality has expressly permitted the operation of UTVs on that route or trail.¹³

Signing ATV Routes and Trails

If a municipality designates any highways under its jurisdiction as ATV routes, the municipality must install signage in accordance with certain statutory and administrative requirements, including requirements related to the location, position, shape, size, and contents of the signs.

In cooperation with the Department of Transportation, the Department of Natural Resources (DNR) has promulgated administrative rules that establish requirements for all ATV route signs. These rules expressly state that “all signing shall be done by or under the direction of and is the responsibility of

the unit of government which designates the all-terrain vehicle route.”¹⁴ In addition, all signs placed upon highways to regulate, warn, guide, or inform traffic must comply with the Wisconsin Manual of Uniform Traffic Control Devices (WMUTCD).¹⁵ Although private parties may pay the cost to purchase and install signs, municipalities should perform the installation and maintenance themselves to limit the risk of potential liability if the signs are not installed or maintained correctly.

Signs installed on ATV trails are subject to different regulations than those for ATV routes. If they are not placed in the highway right-of-way, such signs need not conform with the WMUTCD. DNR has promulgated administrative rules that establish requirements for signs and standards on ATV trails.¹⁶ DNR has also issued extensive guidelines for signing off-highway vehicle trails, including ATV trails.¹⁷

Municipal Regulation and Enforcement

In addition to designating ATV routes and trails, municipalities are authorized by statute to adopt ordinances that regulate the operation of ATVs and UTVs on ATV routes and ATV trails.¹⁸ Another provision, however, states that municipalities “may enact an ordinance that is in strict conformity with this section and rules promulgated by the department under [Wis. Stat. § 23.33] if the ordinance encompasses all aspects encompassed by [Wis. Stat. § 23.33],” subject to limited exception.¹⁹ Although the answer is not clear, this language suggests that municipalities may not impose more restrictive regulations than state law on those matters addressed

by Wis. Stat. § 23.33. But, even for those seeking to regulate the operation of ATVs and UTVs in a manner *not* contemplated by that section, there is tension between these provisions that is difficult to reconcile.

Of course, a municipality may adopt the applicable provisions of Wis. Stat. § 23.33 in its entirety. Wis. Stat. § 23.33 provides many “tools” that municipalities should consider to address safety, noise, and other concerns. This includes provisions related to registration, training, compliance with traffic and regulatory signs, protective headgear, and vehicle lighting and equipment requirements, in addition to others. Because questions related to age restrictions, speed limits, and the intoxicated operation of ATVs and UTVs are regularly raised, further discussion on these topics are set forth below.

Age Restrictions. No person under 16 years of age may operate an ATV on a designated ATV route unless the person is accompanied by a parent or guardian or someone who is at least 18 years old who is designated by the parent or guardian.²⁰ To be “accompanied,” that person must be “subject to continuous verbal direction or control.”²¹ Therefore, certified operators between 12 and 16 years of age may operate an ATV on designated ATV routes, including roadways, if so “accompanied.”²² Except under limited circumstances, no person under 12 years of age may operate an ATV on designated ATV trails.

The age restrictions applicable to UTVs are somewhat higher, in part because such vehicles are larger and can carry additional passengers. In general, no person under 16 years of age may operate a UTV on any ATV route or ATV trail.²³

9. Wis. Stat. § 23.33(8)(c).

10. See Wis. Stat. § 32.015.

11. Wis. Stat. § 23.33(8)(d).

12. Wis. Stat. § 23.33(1m)(b).

13. Wis. Stat. § 23.33(1m)(c).

14. Wis. Admin. Code § NR 64.12(7)(d).

15. Wis. Stat. § 349.065.

16. Wis. Admin. Code § NR 64.14(6)(c).

17. WIS. DEPT OF NAT. RES., TRAIL SIGNING HANDBOOK: GUIDELINES FOR SIGNING OFF-HIGHWAY VEHICLE TRAILS (2019).

18. Wis. Stat. § 23.33(11)(a).

19. Wis. Stat. § 23.33(11)(am)1.

20. Wis. Stat. § 23.33(5)(a)4.

21. Wis. Stat. § 23.33(1)(a).

22. Wis. Stat. § 23.33(5)(a)1.

23. Wis. Stat. § 23.33(5)(am).

Speed. In general, the operation of ATVs and UTVs on an ATV route is subject to the same posted speed limit applicable to regular vehicular traffic on that highway.²⁴ Because the law was previously unclear, the Legislature enacted 2021 Act 164 to clarify that local governments may indeed impose a speed limit for ATV and UTV traffic on all or part of any ATV route that is lower than the applicable speed limit for regular motor vehicles.²⁵ When deciding whether to designate a highway as an ATV route and whether to impose a reduced speed limit, municipalities should assess the type and amount of other traffic on that highway, as well as the applicable speed limit for regular vehicular traffic.

Intoxicated Operation. Wis. Stat. ch. 346 regulates the “rules of the road” on all highways. Although some of the provisions of Wis. Stat. ch. 346 apply to ATVs and UTVs, the laws related to operating a motor vehicle under the influence of drugs and alcohol (OWI) are not applicable.²⁶

Instead, Wis. Stat. § 23.33 includes several provisions related to the intoxicated operation of an ATV or UTV that are analogous to the OWI provisions under Wis. Stat. ch. 346. For example, like Wis. Stat. § 346.63, Wis. Stat. § 23.33(4) prohibits the operation of an ATV or UTV while under the influence of an intoxicant or while the person has a restricted controlled substance in their blood or an alcohol concentration of 0.08 or more.²⁷ However, the penalties for violating the applicable provisions of Wis. Stat. § 23.33 are generally less severe than the penalties for OWI violations, even when those violations occur on roadways.²⁸ Violations of the ATV or UTV prohibitions do not count

towards the relevant number of OWI offenses for purposes of calculating the applicable penalty under Wis. Stat. § 346.65 nor vice versa. In addition, the prohibition against possessing an open alcohol beverage container under Wis. Stat. § 346.935(2) does not apply to the operation of ATVs and UTVs.²⁹

Enforcement. Upon the adoption of an ATV ordinance, the municipal clerk must immediately send a copy of the ordinance to the DNR, the State Patrol, and any law enforcement agency having jurisdiction over any of the highways to which the ordinance applies.³⁰ In addition to conservation wardens, State Patrol officers, and county sheriff deputies, local law enforcement has the authority and jurisdiction to enforce Wis. Stat. § 23.33 and municipal ordinances enacted in accordance with that section.³¹ As such, a municipality seeking to integrate ATVs and UTVs into its community may wish to consider the role of and potential impact to local law enforcement resources prior to enacting any ordinance.

Municipal Liability

One common question is whether the municipality could be liable for accidents that occur if the governing body permits the operation of ATVs and UTVs within the municipality. In general, a municipality will not be liable for such accidents under either of two potential theories of immunity: recreational immunity and governmental immunity.

Recreational Immunity. Municipalities are shielded by recreational immunity under certain circumstances. Wis. Stat. § 23.33(10) expressly states that recreational immunity applies to that section. Although a full discussion



is outside the scope of this article, recreational immunity protects an owner from liability for the death of, any injury to, or any death or injury caused by, a person engaging in a recreational activity on the owner’s property under certain circumstances.³² The definition of “owner” includes “a governmental body... that owns, leases or occupies property.”³³ The definition of “recreational activity” expressly includes “operating an all-terrain vehicle or utility terrain vehicle.”³⁴ Therefore, municipalities should not be liable for injuries arising from the operation of ATVs and UTVs on ATV routes or ATV trails if they own, lease, or occupy such property. Because this immunity applies only to those duties owed that are enumerated in Wis. Stat. § 895.52(2)(a), however, recreational immunity may not apply in all cases.

Governmental Immunity. In general, municipalities are also shielded by governmental immunity, which protects them from liability arising from certain discretionary acts, including the exercise of the governing body’s legislative authority.³⁵ The decision by a local governing body to designate ATV routes and ATV trails is an exercise of

24. Wis. Stat. § 23.33(4)(d).

25. Wis. Stat. § 349.11(1).

26. See Wis. Stat. § 346.02(1).

27. Wis. Stat. § 23.33(4)(c).

28. Compare Wis. Stat. § 23.33(13)(b) with Wis. Stat. § 346.65(2)(am).

29. Wis. Stat. § 346.02(1).

30. Wis. Stat. § 23.33(11)(b).

31. Wis. Stat. § 23.33(12)(a).

32. Wis. Stat. § 895.52(2)(b).

33. Wis. Stat. § 895.52(1)(d).

34. Wis. Stat. § 895.52(1)(g); see also *WEA Prop. & Cas. Ins. Co. v. Krisik*, 2013 WI App 139, ¶ 19, 352 Wis. 2d 73 (holding that no additional analysis is necessary to determine whether an activity qualifies as “recreational” if that activity is specifically enumerated in the statute).

35. Wis. Stat. § 893.80(4).

legislative authority that is protected by governmental immunity.

This immunity is not absolute. There is no immunity against liability associated with the performance of a “ministerial” (or nondiscretionary) duty imposed by law or a “known and compelling danger” that gives rise to a ministerial duty.³⁶ A “ministerial” duty is one that “is absolute, certain and imperative, involving merely the performance of a specific task when the law imposes, prescribes and defines the time, mode and occasion for its performance with such certainty that nothing remains for judgment or discretion.”³⁷ Certain provisions in Wis. Stat. § 23.33 arguably impose ministerial duties on municipalities. For example, as discussed above, the statutes require that municipalities that designate an

ATV route perform certain actions, including installing and maintaining ATV-related signs in accordance with statutory and regulatory requirements. These requirements could be considered a “ministerial” duty for which immunity does not apply.

Because of the highly fact-intensive nature of immunity defenses, municipalities should consult with their legal counsel and insurance provider to evaluate the risk of liability in specific circumstances.

Conclusion

Designating ATV routes and trails and permitting the operation of ATVs and UTVs can provide communities with economic benefits and enhanced recreational opportunities. Municipalities,

however, must weigh these benefits against questions related to safety, enforcement, and other local concerns. If the municipality desires to open the community to ATVs and UTVs, there are a number of tools and strategies available to help address these concerns.

Streets and Alleys 650

About the Author:

Derek PUNCHES is an attorney in the Madison office of Stafford Rosenbaum LLP where he practices municipal and environmental law. Derek worked in the State Legislature for more than 10 years where he focused on issues relating to local government and transportation policy, amongst others. Contact Derek at dpunches@staffordlaw.com

36. *Lodl v. Progressive Northern Insurance Co.*, 2002 WI 71, ¶ 24, 253 Wis. 2d 323 (citation omitted).

37. *Lister v. Board of Regents*, 72 Wis. 2d 282, 299, 240 N.W.2d 610 (1976).

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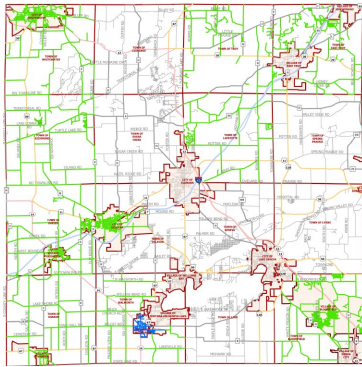




ATV/UTV Road Map



**For Additional Information
Contact the Public Works
Department
(262) 741-3114**



ATV/UTV Road Use Authorized (Green)
Road Map at www.walworth.wi.us

Municipalities Authorizing ATV or UTV Use

Village/Town of Bloomfield, Village/Town of Darien, City of Delavan, Town of East Troy, Town of LaFayette, Town of Troy, Village/Town of Sharon, Town of Walworth, City/Town of Whitewater, and Village of Walworth (UTV Only).
Know their Local Ordinances



County Roads will have appropriate signage identifying authorized ATV (Road) Routes

Wisconsin Department of Natural Resources—ATV/ UTV Course Requirements

Anyone who operates an ATV/UTV on public riding areas—trails, frozen waters, routes, permitted county and/or forested lands—who is at least age 12 years of age and was born on or after Jan. 1, 1988, must complete a safety certification course. ATV/UTV operators must carry their safety certification card and display it to law enforcement when requested.

For further information or to register go to: <https://dnr.wisconsin.gov/Education/OutdoorSkills/SafetyEducation>

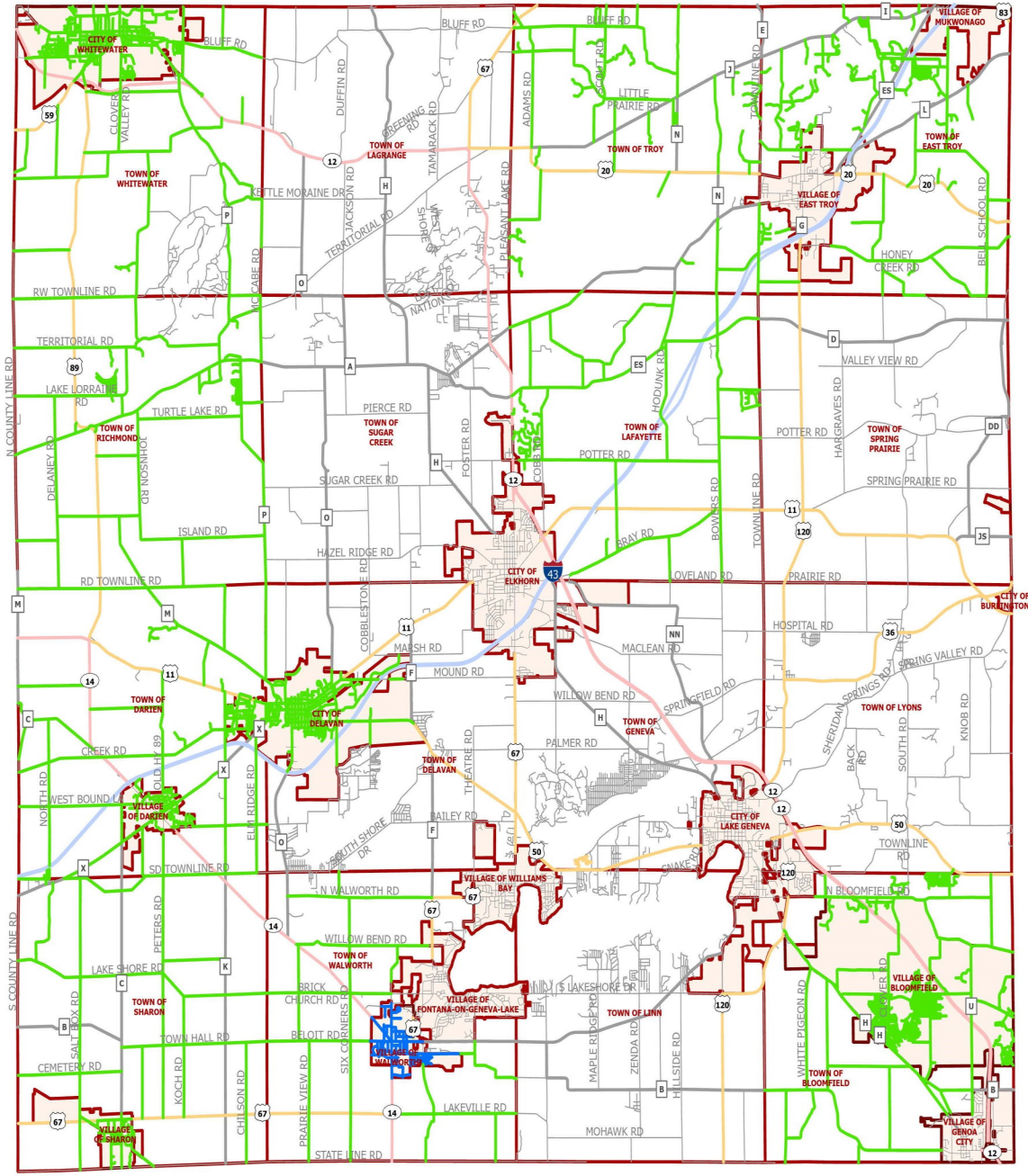
Summary of the County Ordinance

When a municipality passes an ordinance authorizing the use of ATV/UTVs on local roads, County and State roads with posted speed limits up to 35 mph are authorized per state statute only if appropriately signed. The Walworth County ordinance allows municipalities to include County roads within their boundaries regardless of the posted speed limit, as long as the road is appropriately signed in coordination with the County Highway Commissioner.

ATV/UTV Routes

Walworth County

Revised 8/8/2023



- ATV/UTV Route
- UTV Only Route
- City/Village
- Town
- City Road
- Local road
- County Road
- State Highway
- US Highway
- Interstate Highway

ORDINANCE No. 2055

AN ORDINANCE AMENDING CHAPTER 11.45

**Allowing the Operation of All-Terrain Vehicles (ATV) and Utility Terrain Vehicles (UTV)
on City of Whitewater Streets Located (Excluding City Streets Located Within the
Boundaries of the University of Wisconsin – Whitewater Campus)**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties,
Wisconsin, do ordain as follows:

SECTION 1. Whitewater Municipal Code Chapter 11.45, is hereby amended to read as follows:

11.45.010 **General.** This ordinance is enacted pursuant to sections 62.11 (5) and 23.33 Wis. Stats., and the provisions of Wisconsin Administrative Code NR 64 regulating ATV and UTV operation, which is hereby adopted and incorporated herein.

11.45.020 **Applicability and Enforcement.** The provisions of this Ordinance shall apply to all streets, roads and highways, hereinafter at times referred to as City Streets, in the City of Whitewater, Wisconsin (except City streets located within the boundaries of the University of Wisconsin - Whitewater campus) and the provisions of this ordinance shall be enforced by the City of Whitewater Police Department.

Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed in this Chapter.

11.45.030 **Limitations.** The following limitations apply to all areas of operation designated in this Ordinance:

(a) Operators and passengers of ATVs/UTVs shall comply with all federal, state and local laws, orders, regulations, restrictions and rules, including, but not limited to, section 23.33 Wis. Stats. and Wisconsin Administrative Code NR 64.

(b) This Ordinance incorporates by reference all definitions under section 23.33 Wis. Stats. and Wisconsin Administrative Code NR 64 and any other applicable Wisconsin Law defining ATVs/UTVs and regulating ATV/UTV use unless this Ordinance states otherwise.

(c) ATVs/UTVs shall be operated on the paved surface on the extreme right side of the roadway.

(d) ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.

(e) ATVs/UTVs operators are required to have applicable liability insurance.

(f) ATVs/UTVs shall not be operated at a speed greater than the posted speed limits.

(g) ATVs/UTVs may not be operated on any city street without fully functional headlights, taillights and brake lights.

(h) ATVs/UTVs may not be operated on any city street between the hours of 10:00 p.m. and 5:00 a.m.

(i) No person may operate an ATV/UTV on any city street without a valid driver's license and shall display the license on demand from any law enforcement officer or official described in section 23.33 (12) Wis. Stats.

(j) The operation of an ATV/UTV shall be limited to traveling on a direct route from the initial starting point of the vehicle to a specific destination in the City of Whitewater, Wisconsin. Operating ATV/UTV vehicles on City streets for other purposes is prohibited.

11.45.040 Routes.

(a) Any modification to the routes designated for ATV/UTV use shall be approved by the Common Council.

(b) The routes designated as an ATV/UTV vehicle route shall be as follows:
All streets, roads and highways in the City of Whitewater, Wisconsin (excluding City streets located within the boundaries of the University of Wisconsin - Whitewater campus and portions of streets, roads and highways where the designated speed limit is greater than 35 m.p.h.).

(c) The City Manager or his or her designee shall have the authority to suspend operation on any route or segment thereof due to hazards, construction, emergency conditions, road damage or any other issue deemed appropriate for public safety. Routes subsequently removed as an ATV/UTV vehicle route will be posted on the City of Whitewater website.

11.45.050 Route Signs.

(a) All initial route signs will be installed and maintained by the City of Whitewater Public Works Department in cooperation with the Jefferson and Walworth County Highway Departments.

(b) No person may erect or remove any official designated route sign unless authorized by the City of Whitewater Public Works Department in writing.

(c) No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

11.45.060 Penalties.

(a) This Ordinance shall be enforced by the City of Whitewater Police Department, or any other law enforcement official as set forth in section 23.33 (12) Wis. Stats., including the issuance of citations under section 66.0113 Wis. Stats.

(b) The penalties set forth in section 23.33 (13) (a) Wis. Stats., are adopted and incorporated by reference herein.

11.45.070 Severability.

- (a) Should any subsection, clause or provision of this ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part declared invalid.

11.45.080 Maintenance.

(a) Designation of City of Whitewater streets and roads as ATV/UTV routes does not impose upon the City of Whitewater a greater duty of care or responsibility for maintenance of those segments than that required for any other street or road. Operators of ATV/UTVs on City streets assume all the usual and normal risks of ATV/UTV operation.

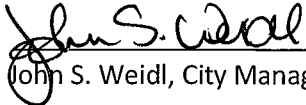
Gerber moved to approve the ordinance with a press release, public education and postings on the City's website and social media outlets. Majkrzak seconded the motion.

AYES: McCormick, Smith, Allen, Majkrzak. Brown, Gerber, Schreiber.

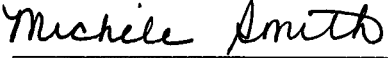
NOES: None.

ABSENT: None.

ADOPTED: March 7, 2023



John S. Weidl, City Manager



Michele R. Smith, City Clerk



January 31, 2024

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

Dear Mr. Swann,

Please allow this letter to summarize and update some of the material portions of the agreement between Associated Bank, N.A. and the City of Elkhorn.

Term. Commencing February 1, 2024 and ending on January 31, 2028, with an option to renew.

Operational Requirements. Bank shall perform the operations and provide the services as set forth in the proposal dated October 23, 2015.

Earnings Credit. An earnings credit ("Earnings Credit") shall be applied to the \$650,000 peg balance in the account and shall offset Bank's fees. The Earnings Credit rate is indexed to the Targeted Federal Funds Rate less 1.00% (currently at 4.50%) as published under the "Money Rates" section in the Midwest Edition of the Wall Street Journal. The \$650,000 peg balance can be increased at any time to offset fees.

Insured Cash Sweep Account. The Bank Managed Interest Rate on the IntraFi Insured Cash Sweep account with a minimum average daily balance of \$10,000 would earn Targeted Federal Funds Rate less 0.10% (currently at 5.40%). These rates are subject to market fluctuations and can change at any time at the discretion of the bank.

Treasury Management Pricing. See attached Associated Bank Service Rates for updated pricing services.

FDIC Insurance/Collateral. Your Insured Cash Sweep deposits are covered though FDIC insurance and backed by the full faith and credit of the U.S. government. Joint custody collateral is provided for all other account balances above FDIC insurance limits and the State of Wisconsin Insurance Pool and placed in the City of Elkhorn's name held at the Federal Reserve Bank of Boston.



Associated Bank appreciates the opportunity to provide banking services for the City of Elkhorn. We appreciate your continued trust and confidence and look forward to continuing the relationship. As always, should you have any questions, please do not hesitate to contact me at 414-278-1983.

With Best Regards,



Linda Winkler
Sr. Vice President | Relationship Manager | Government Banking

Attachments: Associated Bank Service Rates

ACCEPTED FOR THE CITY OF ELKHORN

Adam Swann, City Administrator

Date

Associated Bank's Service Rates for the City of Elkhorn

February 1, 2024 to January 31, 2028

<i>Service Description</i>	2/2024 – 1/2028 Pricing Unit Price
Deposit Assessment	0.0600
Maintenance Charge	5.0000
Deposit	1.2500
Posted Credit	0.2500
Posted Debit	0.3500
Stop Payment	1.5000
Stop Payment - Online	1.5000
Check Block Base Fee	45.0000
Zero Balance Account Fee	35.0000
Acct Analysis Online Stmt	5.0000
DDA Stmt - Daily	5.0000
DDA Stmt - Snapshot	5.0000
Stmt/Check Research Copy	5.0000
Cash Deposited	0.0012
Rolled Coin Ordered	0.1400
Currency Strap Ordered	0.7000
Item Deposited - On-U's	0.1200
Item Deposited - Tier I	0.1200
Item Deposited - Tier II	0.1200
Item Deposited - Tier III	0.1200
Item Deposited - Rej/Rep	0.2800
Deposit Adjustment-Credit	7.0000
Deposit Adjustment-Debit	7.0000
Return Item - Reclear	13.0000
Return Item - Regular	13.0000
Return Item Special Instr	10.0000
Return Item - Phone Notice	20.0000
Return Item - Email Notice	3.0000
AC PosPay Service	10.0000
AC PosPay Suspect Item	1.5000
AC PosPay Issued Item	No Charge
AC PosPay Files Uploaded	No Charge
PosPay - Paid - Item	0.0200
PosPay - Return - Item	2.0000
PosPay - Manual File Load	0.8000
Payee PosPay Base	10.0000
Payee PosPay Item	0.0200
Check Paid	0.0500
ACH Received - Credit	0.0300
ACH Received - Debit	0.0300

AC Comm ACH Orig Service	50.0000
AC Comm ACH Orig Acct	No Charge
ACH Credit Origination	0.1000
ACH Debit Origination	0.1000
ACH Addenda Record Orig	0.0100
ACH Orig - File Proc Fee	2.0000
ACH - NOC	0.2500
ACH - Return Item	0.2500
ACH Exception - Reversal	27.0000
ACH Exception - Deletion	25.0000
ACH Block - Base Fee	5.0000
ACH Filter - Base Fee	15.0000
ACH Filter Email Message	1.5000
ACH Filter Text Message	5.0000
ACH Filter Unauth Dr Stmt	2.0000
ACH Filter Add Approved	2.0000
Phone Wire-Out Freeform	12.0000
Phone Wire-Out Repetitive	10.0000
Branch Wire-Out Domestic	12.0000
Incoming Wire - Domestic	2.0000
Phone Wire-Out Intl USD	27.0000
Incoming Wire Intl	10.0000
Online Wire - Domestic	2.2500
Online Wire - Intl USD	27.0000
AC Wire Service	1.0000
AC Commercial Service	80.0000
AC Commercial Account Fee	
First account	0.0000
Each Addl Account	1.5000
AC Commercial Trans Count	0.0800
AC Alert - Message Fee	
First 40	0.0000
> 40	0.0000
RD Standard Base Fee	10.0000
RD Deposit	1.0000
RD Item Deposited	
≤ 500 items	0.0900
501 ≤ 1000 items	0.0900
> 1000 items	0.0900



Analytical Services Quotation

Printed: 12/28/2023

For: **Foth Infrastructure & Environment LLC (Madison)**
5117 West Terrace Dr
Madison, WI 53718

Effective: 01/01/2024
 Expires: 12/31/2024

Project: 2023 Investigative Testing - Elkhorn
 Manager: Mark Ludwigson

Pricing Summary

Analysis	Method	Qty	Unit Price	Extended Price	Comments
DW					
<i>[Group Analysis]</i>					
Radioactivity (5 Parameter) SDWA	varies	3	\$354.42	\$1,063.26	
IOC New Well - Add Calc N+N & Hardness	varies	3	\$460.13	\$1,380.39	
N+N by IC (unfiltered)	varies	3	\$30.00	\$90.00	
ICP Hardness	varies	5	\$15.00	\$75.00	
Metals					
Strontium, ICP-MS	EPA 200.8, Rev 5.4	3	\$15.00	\$45.00	
Iron, ICP-MS	EPA 200.8, Rev 5.4	3	\$15.00	\$45.00	
Iron, Dissolved ICP-MS	EPA 200.8, Rev 5.4	5	\$15.00	\$75.00	
Turbidity, screening - SDWA, for ICPMS metals	EPA 180.1	5	\$0.00	-	
Subcontract					
Radon-222	SM7500 RnB	3	\$92.78	\$278.34	
Odor, lab	EPA 140.1	5	\$40.41	\$202.05	
Carbon Dioxide	4500B-CO2	5	\$100.88	\$504.40	
Volatiles					
SDWA Volatile Organics (VOCs) by EPA 524.2 TB	EPA 524.2, Rev 4.1	1	\$57.75	\$57.75	
SDWA Volatile Organics (VOCs) by EPA 524.2	EPA 524.2, Rev 4.1	5	\$78.83	\$394.15	
Wet Chemistry					
Lab filtration	In-House Method	5	\$16.25	\$81.25	
Additional Items					
Resample / Recollection charge		1	\$25.00	\$25.00	
Field data entry		1	\$35.00	\$35.00	

Bid Total: \$4,351.59



Northern Lake Service Inc.
ENVIRONMENTAL ANALYTICAL LABORATORY
400 N Lake Ave | Crandon, WI 54520 | 800-278-1254 | www.nlslab.com

Analytical Services Quotation

(Continued)

Printed: 12/28/2023

For: **Foth Infrastructure & Environment LLC (Madison)**
Project: 2023 Investigative Testing - Elkhorn
Manager: Mark Ludwigson

NOTES:

Prices reflect all applicable discounts and include sample containers with preservatives shipped to your site.

Discounted metals pricing is for the entire list on this quote (if applicable). Any single metals requests will be charged at \$25 each.

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**

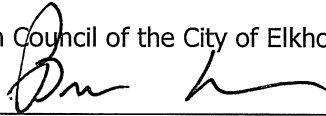
STEVE SMITH, NORTHSORE DEVELOPMENT LLC. – 5384 STATE ROAD HWY 11.

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~~ ^{SIX} days a week. Monday-Saturday
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.
20. Annual lookback inspection required and performed by the zoning administrator.

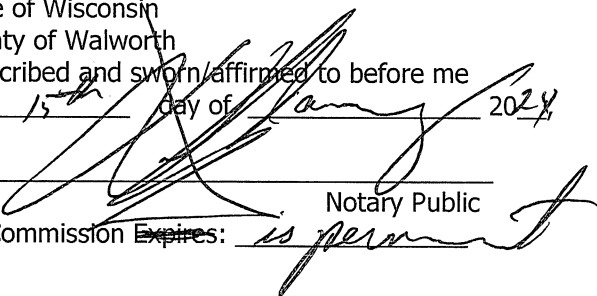
Failure to fully comply with the above stated conditions shall be considered grounds for revocation of this permit.

Common Council of the City of Elkhorn

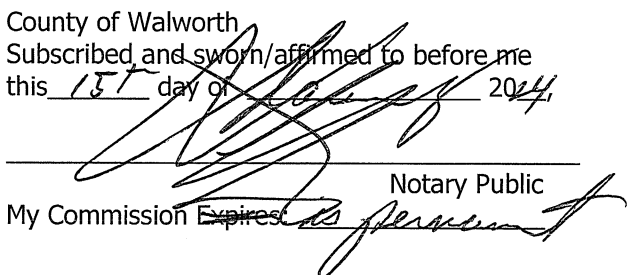
By: 
Bruce Lechner, Mayor

Attest: 
Lacey L. Reynolds, City Clerk

State of Wisconsin
County of Walworth
Subscribed and sworn/affirmed to before me
this 15th day of May 2024


Notary Public
My Commission Expires: as per permit

State of Wisconsin
County of Walworth
Subscribed and sworn/affirmed to before me
this 15th day of May 2024


Notary Public
My Commission Expires: as per permit

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