



FINANCE, LICENSE & REGULATION COMMITTEE

TUESDAY, DECEMBER 27, 2016 – 6:00 PM

COUNCIL CHAMBERS, CITY HALL

AGENDA

1. Call to Order by Alderman Kordus
2. Roll Call
3. Comments from the public as allowed by Wis. Stats. §19.84(2), limited to items on this agenda except for public hearing items. Comments will be limited to 5 minutes.
4. Approve the Regular Finance, License and Regulation Committee Meeting minutes of December 12, 2016, as prepared and distributed.
5. **LICENSES & PERMITS**
 - a. Original 2016-2017 Operator's (Bartender) License application filed by Jesse Skewes and Paige Stan
 - b. Renewal 2016-2017 Operator's (Bartender) License application filed by Jaime Prica
6. Discussion/Recommendation on the draft recommended Committee, Board, and Commission meeting dates and times with implementation February 1, 2017
7. Discussion/Recommendation on City Council meeting time change on same day moved to 6:00 pm and corresponding ordinance change
8. Discussion/Recommendation on proposed changes to the Joint Uniform Lake Law Ordinance of Geneva Lake as recommended by the Geneva Lake Use Committee (*recommended by Piers, Harbors and Lakefront Committee on Dec. 21, 2016*)
9. Discussion/Recommendation on **Resolution 16-R58** approving the amended City of Lake Geneva WI 457b Deferred Compensation Plan
10. Discussion/Recommendation on **Resolution 16-R59** approving the amended City of Lake Geneva WI 401a Plan
11. **Presentation of Accounts**
 1. Purchase Orders (none)
 2. Prepaid Bills in the amount of \$7,000.14
 3. Regular Bills in the amount of \$67,759.24
12. **Adjournment**

Requests from persons with disabilities, who need assistance to participate in this meeting or hearing, should be made to the City Clerk's office in advance so the appropriate accommodations can be made.

12/22/2016 5:36pm

cc: Committee Members, Mayor & remaining Council, Administrator, City Clerk, Attorney

**FINANCE, LICENSE & REGULATION COMMITTEE
MONDAY, DECEMBER 12, 2016 – 6:00 PM
COUNCIL CHAMBERS, CITY HALL**

Alderman Kordus called the meeting to order at 6:00pm.

Roll Call. Present: Aldermen Horne, Gelting, Kordus, Howell. Absent: Chappell. Also Present: City Administrator Oborn, Comptroller Pollitt, and City Clerk Waswo.

Comments from the public as allowed by Wis. Stats. §19.84(2), limited to items on this agenda, except for public hearing items. Comments will be limited to 5 minutes.

Beverly Leonard, 1504 Dodge St, spoke regarding the convention center. She has owned Delaney Street Mercantile for 11 years and noted there is a struggle for the BID to get recognition from the Chamber. She requested there be some manner of accountability for the use of Room Tax dollars to the Chamber.

Kevin Flemming, 1032 Wisconsin Street, spoke about the Tourism Commission. He feels the increased room tax revenue should be used for and in the city to promote the retail, lodging, restaurants, and activities. He wants to keep as much funding as possible within the city.

Darien Shafer, VISIT Lake Geneva located at 527 Center Street, supports the creation of a Tourism Commission. It puts the decision of how to use the Room Tax to 5 or 6 people if the Council wishes. Everything VISIT Lake Geneva does ties around the City name of Lake Geneva, whether it is their name or website. The changes that have been made are all designed to improve how they are able to market the area. He spoke on the conference center which he noted is a big project and big undertaking. He has experience with that in the Wausau area, and would be happy to provide assistance if needed.

Approval of Minutes. Gelting/Horne motion to approve the Regular Finance, License and Regulation Committee Meeting minutes of November 28, 2016, as prepared and distributed. Motion carried 4 to 0.

LICENSES & PERMITS

Original 2016-2017 Operator's (Bartender) License application filed by Lauren Walker
Horne/Gelting motion to recommend approval. Motion carried 4 to 0.

Discussion/Action on Room Tax Law Changes and corresponding ordinance creating a City Tourism Commission
Horne/Gelting motion to move to council without recommendation. Motion carried 4 to 0.

Discussion/Action on directing the City Administrator to work with the Geneva Lakes Family YMCA on consideration of Veterans Park as a possible site for a new YMCA and the current YMCA location as a possible Conference Center
Horne/Gelting motion to move to council without recommendation. Motion carried 4 to 0.

Discussion/Action on request from Lake Geneva Historical Preservation Commission to nominate City property in the 300 block of Sage Street as a Local Historic Railroad site as the property owner (Public Works recommended rejection on 12/8/2016)

Alderman Kordus stated the item was rejected because as a property owner we give up the right to that land. If we wanted to develop or do anything to the site, we would have to go through the Historic Preservation Commission. They would have to allow us to relieve that designation to do anything on that site. They could come back to Park Board to discuss the improvements and the ghost footprints. We didn't want to give the designation as it ties our hands to any future development of that property. Mr. Howell asked if Public Works is rejecting the idea of laying out the items to show what was there. Mr. Kordus stated that was not in the plan, only the designation of a historic site. Mr. Gelting would like to move this to Council without recommendation as no one was present from the Historic Preservation Commission.

Gelting/Horne motion to move to Council without recommendation. Motion carried 4 to 0.

First reading of Ordinance 16-20, repealing the Parking Commission

First reading of Ordinance 16-21, amending duties of the Public Works Committee

First reading of Ordinance 16-22, repealing the Communications Committee

First reading of Ordinance 16-23, amending duties and meeting times of the Finance, Licensing and Regulation Committee

Discussion/Action on disallowance of claim filed by Sharon Hoffman for an alleged injury caused by a slip and fall on Broad and Main Street on October 9, 2016, pursuant to Wis. Stat. 893.80(1g)

Gelting/Horne motion to recommend disallowance of the claim. Motion carried 4 to 0.

Discussion/Action on 2017 Budget for the Equipment Replacement Fund and Plan

Mr. Kordus said this would increase the amount of funding by \$248,484.00.

Horne/Howell motion to recommend approval. Motion carried 4 to 0.

Discussion/Action on Resolution 16-R56, approving the 2017 Equipment Replacement Fund budget amendment to increase expenditures by \$248,484.00

Gelting/Horne motion to recommend approval. Motion carried 4 to 0.

Discussion/Action on Payne & Dolan TIF4 Escrow Draw Request No. 1 for \$8,699.03

Gelting/Horne motion to recommend approval. Mr. Kordus stated this for the start of the Highway 50 line burying project and winter prep work. Motion carried 4 to 0.

Discussion/Action on Alliant Energy Escrow Draw Request No. 1 for \$1,140.00

Horne/Gelting motion to recommend approval. Motion carried 4 to 0.

Discussion/Action on Utility Ordinance change pertaining to Utility Commission construction under City Public Works as allowed by WI Statute Section 66.0805(4)(a) with construction work exceeding \$250,000 requiring Public Works Committee and City Council approval *(Recommended by Public Works on 12/8/2016)*

Horne/Gelting motion to recommend approval. Mr. Kordus explained this makes any project the Utility wants to do in excess of \$250,000 needing approval from Public Works and Council. This is more of a coordination effort. Motion carried 4 to 0.

Discussion/Action on Utility Ordinance change pertaining to restriction of extension of Water and Sewer outside of City Limits without approval from the City Council as allowed by WI Statute Section 66.0805(4)(a) *(Recommended by Public Works on 12/8/2016)*

Horne/Gelting motion to recommend approval. Mr. Kordus said in the past the Water Utility was able to move water outside of the city limits without the Council's approval. They think it is in the best interest of the City to take a look at anything before pipes are run outside of the city limits. Motion carried 4 to 0.

Discussion/Action on Utility Ordinance change pertaining to expenditures being paid by the City Treasury and utility receipts remitted to the City Treasury monthly as allowed by WI Statute Section 66.0805(4)(a)

Gelting/Horne motion to recommend approval. City Administrator Oborn stated this would be a good internal control like we do with the Library. This requires all expenditures and payroll to be done by the City. The Utility Billing would still be at the Utility but they would need to remit funds to the city monthly. Mr. Kordus questioned if it should be quarterly as they bill quarterly. Mr. Oborn replied he put monthly as that is what the state statute said. They also do some monthly billing for property outside the City. Motion carried 4 to 0.

Discussion/Action on Utility Ordinance change pertaining City Administrator's appointment to the Utility Commission taking the place of a Citizen on the Utility Commission as allowed by WI Statute Section 66.0805(1)

Horne/Gelting motion to recommend approval. Mr. Kordus stated he thought an Alderman was going to be replaced, not a citizen. Mr. Horne recommended replacing the citizen with an Alderman. Mr. Gelting asked how they would replace the citizen, is there an open position or do we wait for attrition. Mr. Oborn stated that is a good question for the City Attorney. He noted they are 5 year appointments. The new ordinance may go to 4 year terms. Motion carried 4 to 0.

Presentation of Accounts – Alderman Kordus

Purchase Orders. None.

Gelting/Horne motion to recommend approval of Prepaid Bills in the amount of \$3,729,653.24. Motion carried 4 to 0.

Gelting/Chappell motion to recommend approval of Regular Bills in the amount of \$443,733.30. Motion carried 4 to 0.

Horne/Gelting motion to adjourn at 6:29pm. Motion carried 4 to 0.

/s/ Stephanie Gunderson, Assistant City Clerk

**THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED BY THE
FINANCE, LICENSE & REGULATION COMMITTEE**



REGULAR CITY COUNCIL MEETING
TUESDAY, DECEMBER 27, 2016 – 7:00 PM
COUNCIL CHAMBERS, CITY HALL

AGENDA

1. Mayor Kupsik calls the meeting to order
2. Pledge of Allegiance – Alderman Chappell
3. Roll Call
4. Awards, Presentations, and Proclamations
5. Re-consider business from previous meeting
6. Comments from the public as allowed by Wis. Stats. §19.84(2), limited to items on this agenda, except for public hearing items. Comments will be limited to 5 minutes.
7. Acknowledgement of Correspondence
8. Approve Regular City Council Meeting minutes of December 12, 2016, as prepared and distributed
9. **CONSENT AGENDA.** Any item listed on the consent agenda may be removed at the request of any member of the Council. The request requires no second, is not discussed, and is not voted upon.
 - a. Original 2016-2017 Operator’s (Bartender) License application filed by Jesse Skewes and Paige Stan
 - b. Renewal 2016-2017 Operator’s (Bartender) License application filed by Jaime Prica
10. Item(s) removed from the Consent Agenda
11. Second reading of **Ordinance 16-20**, repealing the Parking Commission
12. Second reading of **Ordinance 16-21**, amending duties of the Public Works Committee
13. Second reading of **Ordinance 16-22**, repealing the Communications Committee
14. Second reading of **Ordinance 16-23**, amending duties and meeting times of the Finance, Licensing and Regulation Committee
15. **Finance, License and Regulation Committee Recommendations – Alderman Kordus**
 - a. Discussion/Action on the draft recommended Committee, Board, and Commission meeting dates and times with implementation February 1, 2017
 - b. Discussion/Action on City Council meeting time change on same day moved to 6:00 pm and corresponding ordinance change
 - c. Discussion/Action on proposed changes to the Joint Uniform Lake Law Ordinance of Geneva Lake as recommended by the Geneva Lake Use Committee (*recommended by Piers, Harbors and Lakefront Committee on Dec. 21, 2016*)

- d. Discussion/Action on **Resolution 16-R58** approving the amended City of Lake Geneva WI 457b Deferred Compensation Plan
- e. Discussion/Action on **Resolution 16-R59** approving the amended City of Lake Geneva WI 401a Plan

16. Plan Commission Recommendations – Alderman Skates

- a. Discussion/Action on **Resolution 16-R57**, a Conditional Use Application filed by Matthew Morgan, 212 W Hidden Trail, Elkhorn, WI 53121, to open a Commercial Indoor Entertainment facility (Magic Theater) at 231 Cook Street, Lake Geneva, Tax Key No. ZOP 00253 including conditions for current applicant only, curtains are 2 feet from ceiling, no pyrotechnics used, seating meets all ADA standards and seating and occupancy meet current IEBC building codes along with staff recommendations, and all findings of fact (*recommended by Plan Commission on Dec. 19, 2016*)
- b. Discussion/Action on a Site Plan Amendment Application filed by Mick and Joanne Wright, 682 Wells Street, Lake Geneva for modifications to an existing site plan to construct two single unit cabins instead of one duplex cabin at 682 Wells Street, Tax Key No. ZOP 00410A including staff recommendations, findings of fact, and the building design be consistent with the current buildings (*recommended by Plan Commission on Dec. 19, 2016*)

17. Presentation of Accounts

- a. Purchase Orders (none)
- b. Prepaid Bills in the amount of \$7,000.14
- c. Regular Bills in the amount of \$67,759.24

18. Mayoral Appointments. (none)

19. Closed Session

- a. Motion to go in to Closed Session pursuant to Wis. Stat. 19.85(1)(e) for purposes of conducting other specified public business, whenever competitive bargaining reasons require a closed session:
 - 1. Police Officer’s Union Negotiations
 - 2. Riviera Concourse Space “G/H” Lease with Ming/Antonio Angeles and Liyi Kuang

20. Motion to return to open session pursuant to Wisconsin Statutes 19.85 (2) and take action on any items discussed in closed session

21. Adjournment

Requests from persons with disabilities, who need assistance to participate in this meeting or hearing, should be made to the City Clerk’s office in advance so the appropriate accommodations can be made.

12/22/2016 5:36pm

cc: Aldermen, Mayor, Administrator, Attorney, Department Heads, Media

**REGULAR CITY COUNCIL MEETING
MONDAY, DECEMBER 12, 2016 – 7:00 PM
COUNCIL CHAMBERS, CITY HALL**

Mayor Kupsik called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was led by Alderman Howell

Roll Call. Present: Mayor Kupsik, Aldermen Skates, Kordus, Flower, Gelting, Horne, Hedlund, Howell. Absent: Ald. Chappell. Also Present: City Attorney Draper, City Administrator Oborn, and City Clerk Waswo.

Awards, Presentations, and Proclamations. None.

Re-consider business from previous meeting. None.

Comments from the public as allowed by Wis. Stats. §19.84(2), limited to items on this agenda, except for public hearing items. Comments will to be limited to 5 minutes.

Beverly Leonard, 1504 Dodge Street, owner of Delaney Street Mercantile for 11 years. She spoke on the disconnect between the BID and Chamber. She noted how Winterfest events are moving away from the downtown, which hurts the business owners. She asked the Council for accountability on how money will be used for tourism. She supports the idea of a Tourism Commission for the use of room tax dollars. She is thrilled for the City to start a conversation with the YMCA to help them grow as well as the potential of building a convention center within the city limits.

Kevin Flemming, 1032 Wisconsin Street, is in support of a Tourism Commission. He feels it is a great opportunity for the City to retain some of the room tax dollars to promote and keep those monies within the city as well as help certain entities such as the museum.

Darien Schaefer, representative of VISIT Lake Geneva, supports the decision to create a Tourism Commission. They have changed as they recognized the need to evolve to the type of organization that will help drive more economic impact and success for downtown Lake Geneva and the Lake Geneva area. One of the ways they are able to do that is by leveraging the investment of the City of Lake Geneva with \$550,000 from other municipalities through an overall marketing effort. He looks forward to working with the Council, and stated the development of a convention center is a big undertaking. He is happy to lend his experience, as he has done this in another community.

Acknowledgement of Correspondence.

The Clerk's Office received an email on Dec. 12th from Tammie Carstensen supporting the creation of a City Tourism Commission and Convention Center.

The Clerk's Office received an email on Dec. 12th from Sarah Hill who is opposed to a City operated Convention Center and an in-house Tourism Commission.

Approval of Minutes. Gelting/Horne motion to approve the Regular City Council Meeting minutes of November 28, 2016, as prepared and distributed. Motion carried 7 to 0.

Consent Agenda

Original 2016-2017 Operator's (Bartender) License application filed by Lauren Walker

Kordus/Horne motion to approve. Motion carried 7 to 0.

Items removed from the Consent Agenda. None.

Finance, License and Regulation Committee Recommendations – Alderman Kordus

Discussion/Action on Room Tax Law Changes and corresponding ordinance creating a City Tourism Commission

This was sent to Council without recommendation from FLR. City Administrator Oborn summarized the new room tax law. The City has 2 choices. We can continue as we are doing now with VISIT Lake Geneva or set up a commission. The Tourism Commission can direct funds to multiple purposes or promotional organizations. The Commission would have the flexibility to look at other tourism development opportunities. Mr. Oborn recommends approval of the Tourism Commission as well as authorizing the City Attorney to review the existing ordinances and create a tourism ordinance.

Alderman Howell questioned how flexible the definition of 'for tourism purposes' is. All he saw was a municipality is not allowed to build a lodging facility. He questioned if roads could be built to help tourists get around or help the museum with their efforts to bring in tourists. Mr. Oborn stated the term is heads and beds, overnight stays. A conference center brings people in for overnight stays as well as the Riviera which is a wedding facility that also brings in overnight stays. The City could also do multiple identities for promotion opportunities. If the City doesn't create the commission, we have to direct all the funding to one entity which would be VISIT Lake Geneva. Since they are room tax dollars, the idea is to generate more stays. There are a number of issues; the city is facing cuts. Mr. Oborn said he is not a fan of setting up another committee, but it will allow more flexibility and assure the funds can be spent for the City as much as possible. Mr. Horne asked if the commission has to spend funds that budget year or can they carry over to do a bigger investment. Mr. Oborn was unsure. Right now we have to account for it every year. Mayor Kupsik asked if you cannot develop a convention center in a year, can that money be designated for a specific use in the future. Mr. Kordus read the entire act. The intent is to spend it on marketing purposes to draw tourism into Lake Geneva in the year it is earned. It is not meant to be a piggy bank or meant to be stored. The funds in there cannot be used to solely develop a convention center. They can only be used to promote a convention center. Mr. Kordus didn't think you could use the funds to build a convention center, just promote it. Mr. Horne would like to see competition for creating tourist events in the City of Lake Geneva. If we could carryover that money, that gives them some flexibility and time to solicit ideas. People may want to start an organization or hire a firm that specializes in events that bring year round tourism.

Ald. Flower asked if anyone is opposed to reducing the room tax. She wonders why the City should even take it if it's such a hassle and we have to follow all these rules and loopholes. Mr. Kordus said there are very specific types of organizations you can provide the money to. Ms. Flower feels like it turns the City into marketing. Mr. Oborn said before there was a limit, and the City implemented it. They put 20% in toward promotion and used 80% into infrastructure and services. The new legislation is mandating that we give more. The grandfather clause is forcing the City to do closer to 50%. Mr. Skates asked what other cities are doing. Mr. Oborn explained we are going to use Delavan's ordinance, and the trend is going towards the commission. The timeframe to implement is early 2017 as reporting has to be done in May of 2017. During the budget we talked about this coming. We followed the trend of a few that are grandfathered in which includes Delavan. A lot of other cities are already doing the 70%. It doesn't affect them as much as it does us.

Ald. Gelting likes the idea of a commission to help coordinate and guide those decisions. He thinks the partnership with VISIT Lake Geneva would continue at the level that it has. The law is clear that it allows tourism development including a convention center with tangible municipal development. He wants to continue our relationship with VISIT Lake Geneva as he thinks the City gets a good return with the level we are at.

Ald. Howell wants to know how flexible we are and what we can actually do. He would like to know whether the City has to spend it on stuff that is only going to promote people to stay overnight or if we can promote it for people to come in general. He would like to know what the rules are. He had the impression there was more leeway. Mr. Kordus pointed out the discussion is not about all of the room tax, just the amount in excess of the limit.

Kordus motion to designate VISIT Lake Geneva as the CVB of record for the City of Lake Geneva. Motion fails for lack of a second.

Horne/Gelting motion to instruct the City Attorney to draft an ordinance creating a City Tourism Commission. Mr. Hedlund stated this just gives us another option on how to spend the money. Mr. Kordus felt they are creating another commission that really does not have the authority to define how that money is going to be spent. You can't give it to just any organization running a tourist event. Mr. Hedlund stated the committee can designate the money to anything they want to do. He reads it as the City of Lake Geneva can spend the money to create a festival/parade downtown. Mr. Kordus stated the law is very specific as who you can give the money to.

Mr. Oborn added there are 2 components. There is a promotion component, but the committee is not going to become a promotion identity and that is not the intent. The other component is the tourism/economic development, and that is where the flexibility is. Ms. Flower asked if these are the only 2 options. She doesn't want to add another commission since we are sitting on the chamber board and have the BID. Now we have 3 potential groups or meetings to talk about the same stuff. She asked if the City could develop another process that could be voted on at Council. She feels they don't have enough information to make a decision.

Mr. Skates feels the commission is an ad hoc committee. Their job as a City is not to do events. We supply the format and permitting process. He does not want to get into events and promotion of events. He is for giving business owners support but doesn't know what authority this commission would have. Mr. Skates doesn't think we know all the facts yet. He would like more information. There is a lot of gray, with not very many absolutes to it. Ald. Horne felt if we don't create the commission, we have to designate an entity that the money goes to. He doesn't want to say 100% today that it all goes to VISIT Lake Geneva. With the commission, he has that option.

Mr. Oborn stated VISIT Lake Geneva did not oppose creating the commission. This will come back as a first reading of an ordinance and as an ordinance. He has submitted a lot of data, and there is still ambiguity. If you are looking for flexibility, the approach is the commission. If you do nothing and don't pass the commission by early 2017, then by default it will be designated to VISIT Lake Geneva which will give them all the funding above the excess.

Mayor Kupsik said we would have to create a commission in order to designate the money to a particular group. The Lodging Association wants influence over that money to make sure it is spent on promoting overnight stays. Mr. Kordus is not generally opposed to setting up the commission. The commission has its hands tied as there are very specific rules. It has to go to very specific organizations. He believes the commission is a standalone commission, and the council does not have authority over it once it is created. Ms. Flower feels there are more options that can be explored. Mr. Oborn's intent is to have as much City oversight as allowed by the law.

Roll Call: Kordus, Skates, Gelting, Horne, Hedlund, Howell voting "yes." Motion carried 6 to 1 with Alderman Flower voting "no."

Discussion/Action on directing the City Administrator to work with the Geneva Lakes Family YMCA on consideration of Veterans Park as a possible site for a new YMCA and the current YMCA location as a possible Conference Center

The Geneva Lakes Family YMCA has approached the City about discussing another location. This is just a preliminary idea to use the current Y facility as a conference or convention center. Approval of this is just authorizing Mr. Oborn to work with the Y to look at Veteran's Park. They are also looking at Hillmoor as another possible location. He feels it makes sense for them to get permission to look at Veterans Park. Second thing is to study the Y facility to be repurposed for a conference center. Data may not support it, but we will never know if we don't investigate it.

Kordus/Horne motion to instruct the City Administrator to work with the Geneva Lakes Family YMCA on consideration of Veterans Park as a possible site for a new YMCA.

Ald. Skates tries to be a good steward of the parks in looking for new opportunities and preventing opportunities that are not a good idea. He has been very protective of Veterans Park. The Development Corp gave us a good deal on the lots. When you look at future soccer fields, the YMCA takes half of the park away. There is nowhere else to go for soccer fields. When you give the YMCA that location, you effectively put the City in a position where we are immediately looking for more parks. We don't want to be in that position. Mr. Skates feels the City puts itself in a very poor position in the community. He has heard feedback that people are shocked the City would give that park up. We have rejected opportunities for people to use that park because it would have taken away from opportunities for kids to use those fields. By putting a building on that land, it takes away our use and puts the City in a position where they have to look for fields. He is perplexed why the City needs to even give them consideration. He thinks this would be a huge mistake to open the door and create opportunities for even a conversation when we can't afford to at this time. He would strongly encourage everyone to vote against this.

Mayor Kupsik said it is obvious that the YMCA has outgrown the building they are in now. There have been suggestions of different locations. The YMCA runs all the programs for the City of Lake Geneva. He feels it would be the perfect place for a YMCA, as all the activities take place there. The Director of the YMCA is open to workshops and having the

public involved. All we want to do it look at the possibility of building a YMCA there and see if it is feasible. Ms. Flower is curious why we would put our name on it. She does not want to put money into it as they are a private entity. It makes more sense to invest with another taxing body like our school districts. Mayor Kupsik stated the City of Lake Geneva gives the YMCA \$50,000 a year to run the recreation programs necessary for the City. They are our recreation department. Mr. Kordus reiterated this is just opening the door to look at Veterans Park as a location. The City is not doing any studies; the Y is doing the studies. We are just opening the door to look at it.

Mr. Skates stated they already have plans drawn up that it is in Veterans Park. There are other places for them to go. Mayor Kupsik said they want to get the public involved to determine if Veterans Park is the right place or not. Mr. Skates said if you allow this to proceed and the YMCA changes what Veterans Park looks like for their location, you effectively eliminate any future of having a park district as well as basketball, softball, baseball and soccer programs. The Y may say they are too busy indoors and get rid of the programs they do for us. This sends a bad signal to the community.

Ms. Flower said back when she was on the Plan Commission there was discussion about the amount of open space we have. Mayor Kupsik said we have more parks than we need. Mr. Skates noted the potential for fields is limited as we don't have any flat land. Mr. Kordus stated the assumption should not be that we are going to donate the property.

Mr. Howell said if we vote yes, we are giving the impression that we will allow them to use Veterans Park for their facility. Mr. Gelting is assuming they have other possible sites. He stated the motion is to allow them to study it, which opens up a community discussion that needs to happen. He feels that discussion should be opened to the public as he would rather hear from the constituents.

Roll Call: Kordus, Gelting, Horne, Hedlund voting "yes." Motion carried 4 to 3 with Aldermen Flower, Skates, and Howell voting "no."

Discussion/Action on request from Lake Geneva Historical Preservation Commission to nominate City property in the 300 block of Sage Street as a Local Historic Railroad site as the property owner *(Public Works recommended rejection on 12/8/2016)*

Mr. Kordus explained turning the land over to the Historic Preservation Commission or giving it a historic status ties the City's hands on that property. If there was ever anything that they wanted to do in the future, they would have to go to the Historic Preservation Commission to ask them to release the City from that designation. He said they were not opposed to some of their plans. If they wanted to come forward with a plan to put those items in, it would not be prevented. They did not want to give them the historical designation.

Kordus/Hedlund motion to reject the petition from the Lake Geneva Historical Preservation Commission to nominate City property in the 300 block of Sage Street as a Local Historic Railroad site.

Mr. Hedlund added they were turned down by the Wisconsin Historical Society. The State recommended putting a plaque at the site, which is what we already have there.

Roll Call: Kordus, Skates, Flower, Gelting, Horne, Hedlund, Howell voting "yes." Motion carried 7 to 0.

First reading of Ordinance 16-20, repealing the Parking Commission

First reading of Ordinance 16-21, amending duties of the Public Works Committee

First reading of Ordinance 16-22, repealing the Communications Committee

First reading of Ordinance 16-23, amending duties and meeting times of the Finance, Licensing and Regulation Committee

Discussion/Action on disallowance of claim filed by Sharon Hoffman for an alleged injury caused by a slip and fall on Broad and Main Street on October 9, 2016, pursuant to Wis. Stat. 893.80(1g)

Kordus/Horne motion to approve the disallowance of the claim. City Administrator Oborn explained the official action of the Council shortens the notice of appeal.

Roll Call: Kordus, Skates, Flower, Gelting, Horne, Hedlund, Howell voting "yes." Motion carried 7 to 0.

Discussion/Action on 2017 Budget for the Equipment Replacement Fund and Plan

Kordus/Horne motion to approve. Mr. Kordus said this ties into the next item which is a slight change in what was budgeted. Some additional items were added, but the money is still in the equipment replacement fund. Mr. Oborn explained the plan stating it puts the City on a pay as you go system. Ms. Flower asked if the City is on a negative descent. Mr. Oborn said we are putting in \$677,990 so we are a little short on the amortization of the savings in advance. At the current level we won't run out of cash until 2026. The optimal level is \$860,000 per year. This is a lot more funded that it was before. This gives us a lot of time between now and 2026 to try to up that funding. This is a step in the right direction.

Mr. Kordus clarified by saying we are trying to move this into a pay as you go. We are doing a much better job of saving today and paying as we go. Ms. Flower asked who monitors what equipment is placed on this list. Mr. Oborn stated department heads bring it to the committees. Even if it is scheduled for a particular year, it may not happen that way. We will not replace anything if we don't have to. Mr. Kordus said there is coordination with the Public Works side. We've moved equipment from different departments. Just because its useful life is over in one department doesn't mean another department cannot use it. The other component that Mr. Oborn is still developing is the capital.

Roll Call: Kordus, Skates, Flower, Gelting, Horne, Hedlund, Howell voting "yes." Motion carried 7 to 0.

Discussion/Action on Resolution 16-R56, approving the 2017 Equipment Replacement Fund budget amendment to increase expenditures by \$248,484.00

Kordus/Horne motion to approve.

Roll Call: Kordus, Skates, Flower, Gelting, Horne, Hedlund, Howell voting "yes." Motion carried 7 to 0.

Discussion/Action on Payne & Dolan TIF4 Escrow Draw Request No. 1 for \$8,699.03

Kordus/Horne motion to approve. This is the first draw on the Hwy. 50 project, with much more to come in the Spring.

Roll Call: Kordus, Skates, Flower, Gelting, Horne, Hedlund, Howell voting "yes." Motion carried 7 to 0.

Discussion/Action on Alliant Energy Escrow Draw Request No. 1 for \$1,140.00

Kordus/Horne motion to approve. This is part of Hwy. 50 project.

Roll Call: Kordus, Skates, Flower, Gelting, Horne, Hedlund, Howell voting "yes." Motion carried 7 to 0.

Discussion/Action on Utility Ordinance change pertaining to Utility Commission construction under City Public Works as allowed by WI Statute Section 66.0805(4)(a) with construction work exceeding \$250,000 requiring Public Works Committee and City Council approval *(Recommended by Public Works on 12/8/2016)*

Kordus/Horne motion to approve. Mr. Kordus explained the limit was put on to allow Utility Commission to go on with day to day operations but major undertakings would be brought to Council as a coordination effort.

Roll Call: Kordus, Skates, Flower, Gelting, Horne, Hedlund, Howell voting "yes." Motion carried 7 to 0.

Discussion/Action on Utility Ordinance change pertaining to restriction of extension of Water and Sewer outside of City Limits without approval from the City Council as allowed by WI Statute Section 66.0805(4)(a) *(Recommended by Public Works on 12/8/2016)*

Kordus/Horne motion to approve. The water department would come through the Council before they could extend sewer and/or water outside city limits. It opens more doors for annexation as opposed to just extending water outside the city.

Roll Call: Kordus, Skates, Flower, Gelting, Horne, Hedlund, Howell voting "yes." Motion carried 7 to 0.

Discussion/Action on Utility Ordinance change pertaining to expenditures being paid by the City Treasury and utility receipts remitted to the City Treasury monthly as allowed by WI Statute Section 66.0805(4)(a)

Kordus/Horne motion to approve. Mr. Kordus explained this will get us more in line with the Library and other entities so the revenues are flowing through the Council. Mr. Oborn added it puts transparency in the process.

Roll Call: Kordus, Skates, Flower, Gelting, Horne, Hedlund, Howell voting "yes." Motion carried 7 to 0.

Discussion/Action on Utility Ordinance change pertaining City Administrator's appointment to the Utility Commission taking the place of a Citizen on the Utility Commission as allowed by WI Statute Section 66.0805(1)

Kordus/Horne motion to approve. Mr. Kordus said this tied into the Utility meeting. There was a discussion with the Attorney that would let him go ahead and draft the ordinance.

Roll Call: Kordus, Skates, Flower, Gelting, Horne, Hedlund, Howell voting "yes." Motion carried 7 to 0.

Presentation of Accounts – Alderman Kordus

Purchase Orders. None.

Kordus/Gelting motion to approve Prepaid Bills in the amount of \$3,729,653.24

Roll Call: Kordus, Skates, Flower, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 7 to 0.

Kordus/Gelting motion to approve Regular Bills in the amount of \$443,733.30

Roll Call: Kordus, Skates, Flower, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 7 to 0.

Mayoral Appointments. None.

Closed Session

- a. Motion to go into Closed Session pursuant to Wis. Stat. 19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility for:
 - 1. Comptroller
 - 2. Fire Chief

- b. Motion to go in to Closed Session pursuant to Wis. Stat. 19.85(1)(e) for purposes of conducting other specified public business, whenever competitive bargaining reasons require a closed session:
 - 1. Police Officer’s Union Negotiations
 - 2. Purchase of property on Conant Street

Kordus/Horne motion to approve including the City Administrator and City Attorney.

Roll Call: Kordus, Skates, Flower, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 7 to 0.

Council entered into closed session at 8:41pm

Kordus/Hedlund motion to return to open session pursuant to Wisconsin Statutes 19.85 (2) and take action on any items discussed in closed session

Roll Call: Kordus, Skates, Flower, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 7 to 0.

Council returned to open session at 9:24pm.

Item a.1. Kordus/Gelting motion to make offers as discussed in closed session. Motion carried 7 to 0.

Item a.2. Kordus/Hedlund motion to extend the 2% pay increase to the Fire Chief effective January 1, 2017. Motion carried 7 to 0.

Item b.1. Kordus/Gelting motion to negotiate as discussed in closed session. Motion carried 7 to 0.

Item b.2. Kordus/Gelting motion to continue to negotiate on the purchase of property on Conant Street as discussed in closed session. Motion carried 7 to 0.

Adjournment. Kordus/Gelting motion to adjourn at 9:28pm. Motion carried 7 to 0.

/s/ Sabrina Waswo, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL

City of Lake Geneva

Licenses Issued Between 12/27/2016 and 12/27/2016

Date: 12/22/2016
Time: 1:19 PM
Page: 1

Operator's Regular - Originals

<u>Issued</u>	<u>License No</u>	<u>Customer</u>	<u>Address</u>	<u>Total</u>	
12/27/2016	2016 -298	Paige Stan Employer: Walgreens #5600	430 South Stone Ridge Dri 351 N Edwards Blvd	Lake Geneva, WI 53147 Lake Geneva, WI 53147	50.00
12/27/2016	2016 -299	Jesse C. Skewes Employer: DCR Restaurant Group d/b/a Nex	1635 Walberg Rd 411 Interchange N.	Burlington, WI 53147 Lake Geneva, WI 53147	50.00

Operator's Regular - Originals Count: 2

City of Lake Geneva

Licenses Issued Between 12/28/2016 and 12/28/2016

Date: 12/22/2016
Time: 1:21 PM
Page: 1

Operator's Regular - Renewals

<u>Issued</u>	<u>License No</u>	<u>Customer</u>	<u>Address</u>	<u>Total</u>
12/28/2016	2016 -300	Jaime A. Prica	1443 LaSalle St 100 Broad St	50.00
		Employer: Speedo's Harborside Pub & Gril	Lake Geneva, WI 53147	

Operator's Regular - Renewals **Count:** 1 **Totals for this Type:** 50.00

ORDINANCE 16-20

AN ORDINANCE REPEALING DIVISION 7, PARKING COMMISSION OF CHAPTER 2, ADMINISTRATION, ARTICLE V, BOARDS AND COMMISSIONS OF THE MUNICIPAL CODE OF THE CITY OF LAKE GENEVA, WISCONSIN

1. That all of Division 7, PARKING COMMISSION of Chapter 2, ADMINISTRATION, Article V, BOARD AND COMMISSIONS of the Municipal Code of the City of Lake Geneva, Wisconsin is hereby repealed.
2. That this ordinance shall take effect upon passage and publication, as provided by law.

Adopted, passed, and approved by the Common Council of the City of Lake Geneva, Walworth County, Wisconsin, this ____th day of _____, _____.

ALAN KUPSIK, Mayor

Attest:

SABRINA WASWO, City Clerk

First Reading: 12/12/2016
Second Reading: 12/27/2016
Adopted: _____
Published: _____

ORDINANCE 16-21

**AN ORDINANCE AMENDING SECTION 2-49, STANDING COMMITTEES,
SUBSECTION (4) PUBLIC WORKS COMMITTEE OF CHAPTER 2,
ADMINISTRATION, ARTICLE II, CITY COUNCIL OF THE MUNICIPAL CODE OF
THE CITY OF LAKE GENEVA, WISCONSIN**

1. That Sec. 2-49, Standing committees, subsection (4) Public Works Committee of Chapter 2, ADMINISTRATION, Article II, CITY COUNCIL of the Municipal Code of the City of Lake Geneva, Wisconsin is hereby amended to read as follows:

(4) Public Works Committee. The Public Works Committee shall be responsible for activities taking place on public property, rights-of-way, and easements, and including the following:

- a. Planning for maintenance, repairs and remodeling of all City-owned facilities except those facilities under the control of the Utility Commission and the Piers and Harbors Committee.
- b. Recommend repairs of City-owned facilities to be included in the following year's budget.
- c. Determine by inspection or otherwise, not less than annually, the need for repairs of each facility. Major repairs are to be included in the proposed five-year capital improvement plan and approved by the Common Council.
- d. Consult and cooperate with the Piers, Harbors, and Lakefront Committee, Park Commission, Cemetery Commission, Library Board and any other overlapping City committees.
- e. Superintend all public works and keep the streets, alleys, sidewalks, storm sewers, public open spaces, and public related places in repair.
- f. Unusual use of streets. No building shall be moved through the streets without a written permit therefor granted by the Board of Public Works, except in cities where the Council shall, by ordinance authorize some other officer or officers to issue a permit therefor; said Board shall determine the time and manner of using the streets for laying or changing underground utilities in City rights-of-way or easements including electric, telephone, or gas pipes, cable television, or placing and maintaining electric and telephone poles therein, provided that its decision in this regard may be reviewed by the Council.
- g. Restoring streets. In case any corporation or individual shall neglect to repair or restore to its former condition any street, alley or sidewalk excavated, altered or taken up, within the time and in the manner directed by the Board, said Board shall cause the same to be done at the expense of said corporation or individual. The expense thereof, when chargeable to a lot owner, shall be certified to the City

Clerk by the Board, and if not paid shall be carried into the tax roll as a special tax against the lot.

h. Manage all acquisition and maintenance of land for public parking subject to approval of the City Council.

i. Set up and maintain a system of operation for the municipal parking system subject to approval of the City Council.

j. With the approval of the Council, purchase, acquire, or lease land in order to operate a municipal parking system.

k. With the approval of the City Council the Committee shall construct, extend, add to, improve, conduct, and operate the municipal parking system for the parking of vehicles.

l. The Committee may exercise the preceding duties in a manner it sees fit, subject to approval of the City Council. The municipal parking system shall include parking lots and other parking facilities upon the public streets or grounds of the City.

2. That this ordinance shall take effect upon passage and publication, as provided by law.

Adopted, passed, and approved by the Common Council of the City of Lake Geneva, Walworth County, Wisconsin, this ____th day of _____, _____.

ALAN KUPSIK, Mayor

Attest:

SABRINA WASWO, City Clerk

First Reading: 12/12/2016
Second Reading: 12/27/2016
Adopted: _____
Published: _____

ORDINANCE 16-22

**AN ORDINANCE REPEALING SEC. 2-231, COMMUNICATIONS COMMITTEE OF
CHAPTER 2, ADMINISTRATION, ARTICLE V, BOARDS AND COMMISSIONS,
DIVISION 1, GENERALLY, OF THE MUNICIPAL CODE OF THE CITY OF LAKE
GENEVA, WISCONSIN**

1. That Section 2-231, Communications Committee of Chapter 2, ADMINISTRATION, Article V, BOARD AND COMMISSIONS, Division 1, GENERALLY of the Municipal Code of the City of Lake Geneva, Wisconsin is hereby repealed.
2. That this ordinance shall take effect upon passage and publication, as provided by law.

Adopted, passed, and approved by the Common Council of the City of Lake Geneva, Walworth County, Wisconsin, this _____th day of _____, _____.

ALAN KUPSIK, Mayor

Attest:

SABRINA WASWO, City Clerk

First Reading: 12/12/2016
Second Reading: 12/27/2016
Adopted: _____
Published: _____

ORDINANCE 16-23

AN ORDINANCE AMENDING SUBSECTION (1) FINANCE, LICENSING AND REGULATION COMMITTEE OF SECTION 2-49, STANDING COMMITTEES OF CHAPTER 2, ADMINISTRATION, ARTICLE II, CITY COUNCIL OF THE MUNICIPAL CODE OF THE CITY OF LAKE GENEVA, WISCONSIN

1. That subsection (1) Finance, Licensing and Regulation Committee of Sec. 2-49, Standing committees, of Chapter 2, ADMINISTRATION, Article II, CITY COUNCIL of the Municipal Code of the City of Lake Geneva, Wisconsin is hereby amended to read as follows:

(1) Finance, Licensing and Regulation Committee. The Committee shall have the duties and powers set forth below:

a. Meeting. The Committee shall meet at 6:00 p.m. on the first and third Tuesday of each month and additionally as called by the Chairman or by a majority of the Committee.

b. Financial duties. The Committee shall meet to discuss and make recommendations on the following or similar matters:

1. City or utility financing for capital improvements, capital projects, and capital equipment financing or leasing;
2. Refinancing;
3. Bond proceeds investing;
4. Financial forecasting;
5. Financing for housing development, economic development, or for tax incremental financing;
6. Bond counsel for financing, refinancing, financial evaluation, or bond rating;
7. Receive and review the monthly obligations and payments for the City Council;
8. Cooperate with the City Administrator, Comptroller, Treasurer, and others in preparation and review of the annual City budget; and
[Amended 5-29-2012 by Ord. No. 12-08; 11-10-2014 by Ord. No. 14-08]
9. Consider and recommend all purchases of labor, services, supplies, and materials exceeding \$5,000 and all contracts made, except contracts

pursuant to W.S.A. § 62.15(2). No contract nor purchase shall be recommended except where sufficient funds have been appropriated in the current budget to an official, department, board or commission or to a particular fund. All purchases shall be made on the basis of a written purchase order by the proper official department head, board or commission.

c. Regulatory and licensing duties. The Committee shall be responsible for recommendations of the following to City Council:

1. License applications, as required by statutes or ordinances;
2. Planning and policy setting for the abatement of nuisances;
3. Planning and policy setting on matters pertaining to licenses and permits; and
4. Planning and policy setting on matters pertaining to orderly conduct.

d. Advise the City Council and City Administrator on matters relating to technology, information and communications with the City, or as referred by City staff or Council.

e. Evaluate and make recommendations to the City Council related to overall communications to the residents of the City of Lake Geneva with the vision of establishing a system of communications that keep its residents reasonably well-informed about the plans and actions of the City.

f. Advise the City Council on issues related to cable television pursuant to applicable state and federal laws.

g. Monitor the local cable television franchise and review service concerns pursuant to the franchise agreement.

h. Study the use of public access and government channels.

i. Review and make recommendations concerning the City's website.

j. Propose facilities and equipment needs necessary for video, electronic, and digital information distribution to staff and to the public.

2. That this ordinance shall take effect upon passage and publication, as provided by law.

Adopted, passed, and approved by the Common Council of the City of Lake Geneva, Walworth County, Wisconsin, this _____th day of _____, _____.

ALAN KUPSIK, Mayor

Attest:

SABRINA WASWO, City Clerk

First Reading: 12/12/2016

Second Reading: 12/27/2016

Adopted: _____

Published: _____

Proposed Meetings Calendar

	Mon	Tue	Wed	Thur
1st Week	8:00am BID 6:00pm COW	4:30pm Personnel 6:00pm FLR		7:00pm Police & Fire (always Thurs. before Council)
2nd Week	6:00pm Council	6:00pm Geneva Lake Use	Court 7:30am LG Economic Dvlpmt 9:00am GL Law Enforcement 4:30pm Beautification 5:30pm GL Museum	Court 8:00am Library
3rd Week	6:30pm Plan Commission	4:00pm Cemetery Board 5:00pm Public Works 6:00pm FLR	4:00pm Utility Commission 5:30pm Piers, Harbors, & Lakefront	7:00pm GL Environmental Agency
4th Week	6:00pm Council		Court 5:00pm Tree Board (Odd Months) 5:00pm Avian (Even Months) 5:30pm Park Board 6:30pm Historic Preservation	

As Needed	Board of Review Zoning Board of Appeals
Consolidate	Parking Commission into Public Works Communications Committee into FLR

Chapter 2. Administration

ARTICLE II. CITY COUNCIL

Sec. 2-38. Meetings.

[Code 1992, § 2.02; Ord. No. 98-13, § 1, 12-14-1998]

- (a) Open Meeting Law requirements. Notice of every meeting of the City Council, and every board, commission and committee of the Council, shall be given to the public, to those news media who have filed a written request for such notice, and to the official newspaper, or to a news medium likely to give notice in the area, at least 24 hours prior to commencement of the meeting. If such notice is impossible or impractical, shorter notice may be given for good cause shown, but in no case may notice be given less than two hours in advance of the meeting. Every public notice of a meeting shall contain the time, date, place and subject matter of the meeting.
- (b) Regular and special meetings. Regular meetings of the City Council shall be held on the second and fourth Monday of each calendar month, at 7:00 p.m. Any regular meeting falling on a legal holiday shall be held on the next following secular day, at the same hour and place. All meetings of the Council, including special and adjourned meetings, shall be held in the City Hall. Special meetings may be called as provided by the state statutes.
- (c) Adjournments. The Council may, by a majority vote of those present, but not less than three affirmative votes, adjourn from time to time to a specific date and hour.
- (d) Meetings to be public. All meetings of the City Council and subunits of the Council shall be open to the public as provided in W.S.A., §§ 19.81 through 19.89. Public notice of all such meetings shall be given as provided in W.S.A., § 19.84.

Blaine Oborn

From: Blaine Oborn
Sent: Tuesday, December 20, 2016 1:22 PM
To: Stephanie Gunderson
Subject: FW: Proposed Geneva Lake Use Ordinance
Attachments: Joint Uniform Lake Law Ordinance-111616-DNR Comments.docx; ATT00001.htm

Blaine,

Attached are the suggested changes to the Lake use ordinance for review and comment.

I am hoping to get this on the Piers and Harbor agenda for tonight. And I would also like the attorney to review. In particular regarding the penalties section. FYI – we do need to hear back from Tom Hausner regarding the Scuba Diving section as a last item to finalize. At the meeting last night we all agreed to strike the section unless Tom had a reason to keep it in. Bill Bin is following up with him in the next 2 days.

Our schedule is kind of aggressive in that we would like this approved prior to people getting their piers back in the water in April and we believe we will need a public hearing and 2 readings. We talked last night about waiving the 1st and 2nd readings if needed. The DNR will also need 60 days of review (of which they said they would expedite). If we receive comments and changes are needed, we weren't exactly sure of the notification period for those changes. Hopefully you and the attorney can assist us there.

Thanks,

Cindy Flower,

Geneva Lake Use Committee

AN ORDINANCE AMENDING JOINT UNIFORM LAKE LAW ORDINANCE OF GENEVA LAKE, WALWORTH COUNTY, WISCONSIN

The Common Council of the City of Lake Geneva, the Village Boards of the Village of Williams Bay and the Village of Fontana-on-Geneva Lake, and the Town Boards of the Town of Linn and the Town of Walworth, Walworth County, Wisconsin, do ordain jointly and identically, in conformity with secs. 30.77 and 30.81 of the Wisconsin Statutes, as follows:

SECTION 1. The Joint Uniform Lake Law Ordinance of Geneva Lake, Walworth County, Wisconsin, be and the same is hereby repealed and recreated to read as follows:

Section I.

(a) Applicability. The provisions of this ordinance are adopted in the interest of public health and safety and shall apply to persons, boats and other objects upon, in and under the waters and ice of Geneva Lake within the jurisdictions of the city, villages and towns above-named, which are all such municipalities surrounding, riparian to and having jurisdiction over said lake.

(b) Enforcement. This ordinance shall be enforced by the officers, employees and agents of the Geneva Lake Law Enforcement Agency, and by the properly designated and authorized officers and agents of said municipalities.

(c) Water Safety Patrol. The Geneva Lake Water Safety Committee, Inc., through its Water Safety Patrol shall:

1. Promote water safety upon Geneva Lake in Walworth County, Wisconsin, including water rescue, promulgating and encouraging practices conducive to the safety of persons and property incident to the use and enjoyment of water traffic, pleasure and sports.

2. Educate in promoting water safety in all of its aspects.

Section II. State Boating and Water Safety Laws and Administrative Orders and Rules Adopted.

(a) The statutory provisions describing and defining regulations with respect to water and ice traffic, boats, boating and related water and ice activities in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any statute incorporated by reference herein is required or prohibited by this ordinance:

30.50 (Definitions)

30.50 1 (Capacity plates on boats)

30.51 (Operation of unnumbered boats prohibited; exemptions)

30.52 (Certificate of number; applications; issuance; renewals; fees)

30.523 (Certification or registration card to be on board; display of stickers or decals and identification numbers)

30.53 (Certificate of origin; requirements; contents)

30.531 (Certificate of title; requirements; exemptions)

30.533 (Application for certificate of title; hull and engine identification numbers)

30.539 (Contents of certificate of title)

30.54 (Lost, stolen or mutilated certificates)

30.541 (Transfers of boat titles)

30.543 (Report of stolen or abandoned boats)

30.544 (Inspection of boats purchased out-of-state)

30.549 (Transfer of ownership of boats with a certificate of title, certificate of number or registration)

30.55 (Notice of abandonment or destruction of boat or change of address)

30.60 (Classification of motor boats)

30.61 (Lighting equipment)

30.62 (Other equipment)

Comment [GJJ1]: This should be addressed with the local officers. There is a misunderstanding of this. I have requested assistance on the water several times and have been informed they do not handle things on the water/ice. Drugs, OWI, Underage etc.

Comment [FCR2]: Municipalities Need to understand that they do have authority to assist the DNR along the shoreline

Comment [FCR3]: The following are typos or updates of the state law/statutory provisions.

- 30.63 (Use of certain outboard motors restricted)
- 30.64 (Patrol boats exempt from certain traffic regulations)
- 30.65 (Traffic rules)
- 30.66 (Speed restrictions)
- 30.67 (Accidents and accident reports)
- 30.675 (Distress signal flag)
- ~~30.67~~
- 30.68 (Prohibited operation)
- 30.681 (Intoxicated boating)
- 30.682 (Preliminary breath screening test)
- 30.683 (Implied consent)
- 30.684 (Chemical tests)
- 30.686 (Report arrest to department)
- 30.687 (Officers action after arrest for violating intoxicated boating law)
- 30.69 (Water skiing)
- 30.70 (Skin diving)
- 30.71 (Boats equipped with toilets)
- ~~30.71~~ 30.742 Water exhibitions and races; rules.

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(b) All rules and orders created by the Wisconsin Department of Natural Resources designated Chapter NR 5 of the Wisconsin Administrative Code, modifying or supplementing the foregoing provisions of the state law or which may be adopted or made in the future are hereby incorporated in and made a part of this ordinance by reference to the same as if they are or were to be set out herein verbatim.

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(c) All deletions, additions and amendments which may be made to the sections of the State laws enumerated under Section II.(a) above are hereby adopted and incorporated herein by reference as of the time of their respective effective dates, as if they were to be set out herein verbatim.

(d) Speed limits.

1. No person shall operate any boat powered by an engine, or any other boat, in or upon the waters of Geneva Lake at a speed in excess of 35 miles per hour between sunrise and sunset nor at a speed in excess of 15 miles per hour between sunset and sunrise, from 12:01 p.m. Friday to midnight Sunday, ~~from May 15th to September 30th of each year,~~ and from 12:01 a.m. to midnight on Memorial Day, ~~4th of July 3-5th,~~ and Labor Day of each year. At all other times during the year, no person shall operate any boat powered by an engine, or any other boat, in or upon the waters of Geneva Lake at a speed in excess of 45 miles per hour between sunrise and sunset nor at a speed in excess of 15 miles per hour between sunset and sunrise.

Comment [FCR4]: Removing the dates makes it easier to enforce and when we have warm weather late into the year like this year, would keep the speeds consistent

2. The speed limit set forth in subsection II.(d)1. shall not apply to Police Patrol Boats in situations involving emergencies, or while engaged in law enforcement, nor to boats participating in a duly authorized race, regatta or water ski meet duly authorized by a permit while operating in the designated area authorized by said permit. The speed limit set forth in subsection II.(d)1. shall not apply to Water Safety Patrol Boats in situations involving emergencies.

Comment [GJJ5]: Swim areas need to be on file with the DNR and should have local approval before a permit application can be submitted. We should work on removing some of the private swim areas that are not in conformance

Section III. Zones, ~~Lanes~~ Areas and Restrictions.

(a) Zones and ~~lanes~~ areas defined.

1. All areas marked by buoys and/or regulatory markers ~~and properly permitted by DNR and local municipalities as swimming zones~~ are so designated as swimming zones.

Comment [FCR6]: Traffic Lanes as previously described was very confusing -- proposing to identify everything beyond 300' from shore as the traffic area.

~~2. Traffic lanes for boats shall be those areas designated as such by identifying buoys or other aids to navigation.~~

3.2. ~~Where the~~The traffic lane area is shall be beyond not so identified, a traffic lane is hereby established and shall be the greater the distance between the shoreline and a line parallel to and 200-300 feet distant and parallel to the shoreline from it, and 100 feet from any dock, raft, pier, structure, mooring area or buoyed restricted area.

Comment [GJJ7]: I would encourage a traffic lane of 300 feet. There are a number of piers between the 150 -200 foot range. Need a buffer of 100 feet from the end of those piers. I would also discourage private landowners from placing their own buoys and working with the municipalities to enact the required number system and placement of those buoys. Current there are a number of buoys placed in excess of 400 feet from shore for no other reason but to stake ownership of the water. Enforcing SNW violations not as easy with those buoys.

(b) Restrictions.

1. Traffic lights. Any municipality may install and operate boat traffic lights and when so installed and operating they must be obeyed by all boat or other watercraft operators using such traffic ~~lane~~area.

2. No water traffic outside the traffic ~~lane-area~~ shall exceed the "slow-no-wake" speed limit. Section IV. Additional Safety Regulations and Rules.

~~(a) Right-of-Way at Docks, Piers and Wharves. Boats leaving or departing from a pier, dock or wharf shall have the right of way over all other boats approaching such dock, pier or wharf.~~

~~(b) Right-of-Way of Sailboats over Rowboats. Boats propelled entirely by muscular power shall yield the right of way to sailboats when necessary to avoid risk of collision.~~

~~(c)(a) Mooring Lights. No person shall moor or anchor any boat, raft, buoy or other floating object or permit the same to drift in the traffic ~~lane-area~~ above described between sunset and sunrise unless there is prominently displayed thereon a white light of sufficient size and brightness to be visible from any direction for a distance of two miles on a dark night with clear atmosphere. This provision shall not apply to authorized structures within the pier head line nor to boats or objects moored or anchored in mooring areas. (Seems to requires more lighting than needed for navigation. See Sec. 30.61, Wis. Stats.)~~

~~(d) Rafts and Platforms. No person shall place or maintain any raft or platform more than 50 feet from the shore unless it is so anchored that it has at least 6 inches of free board above the water line and has attached thereto not less than 12 inches from each corner or projection a red reflector not less than 3 inches in diameter.~~

(e)(b) Swimming Regulations.

1. Swimming From Boats. No person shall swim from any boat unless such boat is anchored or the boat is manned by a competent person.

2. Swimming in Traffic ~~Lane/Area~~. No person shall swim in the traffic ~~lane-area~~ unless accompanied by a boat manned by a competent person. Such boat shall stay within 50 feet of and guard such swimmer. This

paragraph is subject to the provisions set forth in paragraph 3., below.

3. Hours Limited. No person shall swim in the traffic ~~lane-area~~ from sunset to sunrise.

(f)(c) Water Skiing.

1. All water skiing is ~~forbidden outside limited to~~ the traffic ~~lane-area~~.

2. No watercraft which shall have in tow a person or persons on water skis, surf-boards, or similar devices shall be operated upon Geneva Lake unless such watercraft shall be occupied by at least 2 competent persons. One person shall operate the boat and observe boat traffic at all times and the second shall observe the towed person.

3. The drivers or operators of all watercraft by means of which aquaplanes, water skis, or similar devices are being towed, and the riders of such devices, must conform to the same rules and clearance as provided in this ordinance for motor boats.

4. Any person using water skis, an aquaplane or a similar device, or any person who is towed in any manner by a watercraft or other means shall wear or have on his or her person a United States Coast Guard approved Personal Flotation Device.

~~(g)(d) Shooting of Projectiles Prohibited. No person by use of a contrivance or device, or otherwise in any manner, shall throw, propel, send forth or shoot any missile, projectile or object toward or in the direction of a person, watercraft or other property. Under or in water spear fishing is prohibited within 100' of municipal piers and marinas. Lake Geneva/Riviera, Williams Bay, Fontana, Linn Pier/Trinke Estates~~

(h)(e) Buoys to be out by the first day of winter.

1. All buoys shall be removed from the water by the first day of winter of each year.

2. Every municipality ~~or~~, the Water Safety Patrol ~~and the Geneva Lake Law Enforcement Agency~~ may remove all buoys, regulatory markers or aids to navigation being privately owned or placed which are not removed before the first day of winter of each year.

Section V. Littering or Polluting.

Comment [GJJ8]: Consider removing. Common sense would tell us the person departing and entering their pier should make sure its clear before they can do so.

Comment [CF9]: This statement is covered in state statute 30.65

Comment [GJJ10]: Consider removing. There aren't too many row boats out on the main water.

Comment [CF11]: This statement is covered in state statute 30.65

Comment [GJJ12]: There is a definition for mooring area. Most on the lake do not meet that. There are very few DMA's on the lake. Private land owners placing mooring buoys beyond 150 feet from shore require a permit. Local authorization is required before they can apply. Many buoys out there are illegally placed. Pier head line is 100 feet for most however piers outside of that 150-200 feet.

Comment [GJJ13]: Law that is not being enforced. Platforms on the lake are not following this requirement. Should there be consideration to remove?

Comment [FCR14]: Reflectors on rafts is not being enforced currently

Comment [GJJ15]: Geneva is a public waterway and should remain open to hunting, fishing, and trapping. Those rights are protected by the Public Trust Doctrine. I find it hard to articulate safety concerns in October, November, and December when our hunting seasons are open. Ss 29.038 limits local control of hunting, fishing, and trapping activities.

Act. 71 allows for hunting with archery equipment

Concern of spear fishing. One can articulate safety by municipal piers due to amount of traffic. Limit spear fishing in those areas.

(a) No person shall deposit, place or throw any cans, bottles, debris, refuse, garbage, solid or liquid waste, sewage or effluent into the waters of the lake or upon the ice when formed or cause or permit the same to be done by any agent or employee.

(b) Overboard Discharge Inactivation. No boat equipped with a means of discharging sewage directly from a toilet or holding tank into the water upon which the boat is moored or is moved shall enter inland or outlying waters of the state until such means of discharge is inactivated. An owner or operator of a boat equipped with such means of discharge shall contact a representative of the department of natural resources or a local law enforcement official with respect to inactivation before entering state waters. overboard discharge inactivation shall include as a minimum either disconnection of the toilet piping, removal of the pumping device, securely plugging the discharge outlet, sealing of the toilet bowl, with wax or other method approved by the official contacted. The inspecting official shall provide the boat owner or operator with a signed written statement as to the method of inactivation accepted. The owner or operator shall give information as to the inland or outlying waters he plans to navigate and as to the time of stay on such waters.

(Pursuant to Wisconsin Administrative Provisions, Ch. ILHR 86.07.)

Section VI. Markers and Navigation Aids.

~~(a) Duty of Director-Manager. The Director of the Water Safety Patrol and the Manager of the Geneva Lake Law Enforcement Agency are authorized and directed to place and maintain suitable regulatory markers, navigation aids and signs, and waterway markers in such areas of the lake as shall be necessary under this ordinance, state law and state administrative code provisions, and to advise the public of the provisions of this ordinance and such state law and state administrative code provisions, and they shall post and maintain a copy of this ordinance at all public access points to the lake.~~

Comment [GJJ16]: What does this mean?

~~(b)(a) Standard Markers. All regulatory markers, navigation aids and other waterway markers placed upon the waters of the lake shall comply with the regulations of the Department of Natural Resources and approval of the designee of the local government.~~

~~Section VII. Skin Diving and Swimming; Scuba Diving and Swimming; Skin Fishing;~~

~~(a) In the interest and protection of the public health, safety and general welfare, the Board of Trustees of Williams Bay deems the area comprising Geneva Lake north of a line drawn from the most southerly point of Conference Point on the West and the most southerly point of Cedar Point on the east, and the Board of Trustees of Fontana on Geneva Lake deems the area comprising said lake west of a line drawn from the north line of Belvidere Park on the north shore and the eastern edge of the public road east of Club Unique Subdivision on the south shore in the Village, and the Common Council of Lake Geneva deems the area of Geneva Bay from Geneva Bay Estates east to the lakefront of the Somerset Condominium Association, as being highly congested and hazardous for all kinds of water traffic, especially motor-powered watercraft of all kinds, sailboats, water skiers and fishermen, and that subsurface activities are especially dangerous in said areas because persons engaged in such activities cannot be seen by observers on the surface of the water. Therefore, the said Boards deem it expedient, proper and necessary to ordain as follows:~~

Comment [FCR17]: Does Tom Hausner have any compelling reason to keep this?

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~~All skin and other underwater diving and swimming used or performed with self-contained, underwater-breathing apparatus (SCUBA diving) or similar devices are hereby forbidden during the period from May 20 to September 15 of each year within the above described areas, except to recover personal property, bodies, and to examine the bottom of the lake for some public authority, and then only after making application for and receiving permission from the Water Safety Patrol in writing.~~

Comment [GJJ18]: Want to see this on a map. Is this posted at the boat launches?

~~(b) No person shall engage in underwater diving and swimming with self-contained underwater-breathing apparatus without first having registered and been issued a permit card provided by the Water Safety Patrol.~~

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~~(c) It shall be unlawful to SCUBA dive underwater when unassisted. When assisted it must be so done that each diver shall have another with him who is a competent, properly-equipped SCUBA diver.~~

~~(d) A SCUBA diver shall be accompanied when in the water by a boat equipped with an approved dive flag as provided in sec. 30.70, Stats. The boat must be anchored and must be manned by a competent person.~~

~~(e) There shall be no SCUBA diving at any of the public beaches, nor shall SCUBA diving be done in such a way as to interfere with fishermen and their lines, or with boats and their anchors.~~

~~(f) Restricted areas on the lake other than those above designated may be out of bounds for SCUBA divers as determined by the Water Safety Patrol. These areas shall be properly marked and designated.~~

(g) All SCUBA divers and all other users of Geneva Lake who find articles of any value on the bottom of the lake shall deliver them to the Water Safety Patrol for return to their proper owners, and if such owners cannot be found, then for disposal according to law.

(h) SCUBA diving is forbidden between the hours of sunset and sunrise unless for some emergency and then only if properly authorized as above provided.

Section VIII. Repeal of Conflicting Ordinances.

Any ordinance conflicting with the provisions of this ordinance or any part thereof is hereby repealed.

Section IX. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or constitutional, by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The board or council hereby adopting this ordinance declares that they would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

Section X. Penalties.

(a) 1. Any person who shall violate ~~the provisions adopted by Subsection II.(a) of this ordinance as described and defined in Subsections 30.67(1) or (2) or 30.68(2) of the Wisconsin Statutes which are adopted as local ordinances in Section II(a) of this ordinance~~ shall, upon conviction thereof, forfeit ~~penalties in conformance with the current uniform bonds schedule as adopted by resolution from time to time by the Geneva Lake Use Committee, not more than Two Hundred (\$200.00) Dollars, together with the costs of prosecution and penalty assessment, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail not exceeding six (6) months.~~ Any person who shall violate the provisions adopted by Subsection II.(a) of this ordinance as described and defined in Sec. 30.68 of the Wisconsin Statutes shall, in addition to the penalties set forth in this paragraph, be required to obtain a certificate of satisfactory completion of a safety course pursuant to Subsection 30.74(1), of the Wisconsin Statutes.

Comment [FCR19]: It was suggested that the penalties not be included in the handout – however should be in the ordinance

2. Any person who shall violate ~~the provisions adopted by Subsection II.(a) of this ordinance as described and defined in Subsections 30.681(1) or 30.684(5) of the Wisconsin Statutes which are adopted as local ordinances in Section II(a) of this ordinance~~ shall, upon conviction thereof, forfeit not less than One Hundred Fifty (\$150.00) Dollars nor more than ~~Three Hundred (\$300.00) Dollars, together with the costs of prosecution and penalty assessment, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail not exceeding six (6) months.~~ Any person who shall violate the provisions adopted by Subsection II.(a) of this ordinance as defined in Subsection 30.681(1) or 30.684(5) of the Wisconsin Statutes shall, in addition to the penalties set forth in this paragraph, be required to obtain a certificate of satisfactory completion of a safety course pursuant to Subsection 30.74(1) of the Wisconsin Statutes.

Comment [FCR20]: All locations of fees – should be reviewed by attorney

Comment [FCR21]: Attorney review penalties section

3. In addition to any other forfeiture order, a person who violates ~~the provisions adopted by Subsection II.(a) of this ordinance as described and defined in Subsections 30.681(1) or 30.684(5) of the Wisconsin Statutes which are adopted as local ordinances in Section II(a) of this ordinance~~ shall, upon conviction thereof, be ordered by the court to submit to and comply with an assessment by an approved public treatment facility for an examination of the person's use of alcohol or controlled substances. Intentional failure to comply with an assessment ordered under this paragraph constitutes contempt of court, punishable under Chapter 785 of the Wisconsin Statutes.

4. Any person who shall violate the provisions adopted by Subsection II.(a) of this ordinance as described and defined in Sec. 30.71, Stats. or any rule promulgated under that section, shall, upon conviction thereof, forfeit not more than One Hundred (\$100.00) Dollars for the first offense and not more than ~~Two Four Two Hundred (\$200.400.00 200.00) Dollars~~ upon conviction of the same offense a second and subsequent time within one (1) year, together with the costs of prosecution and penalty assessment, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail not exceeding six (6) months.

Comment [FCR22]: Review penalties

5. Any person who shall violate any provisions of this ordinance set forth in Sections II through VII, inclusive, except as specified in paragraphs X(a)1. thru 4. of this subsection, shall, upon conviction thereof, forfeit not more than Fifty (\$50.00) Dollars for the first offense and not more than One Hundred (\$100.00) Dollars upon the conviction of the same offense a second and subsequent time within one (1) year.

Comment [FCR23]: Attorney to review penalties

SECTION 2. Effective Date. This ordinance shall be in full force and effect upon and from its passage, approval and publication as required by law.

PASSED AND ADOPTED by the Common Council of the City of Lake Geneva, the Village Boards of the Village of Williams Bay and the Village of Fontana-on-Geneva Lake, and the Town Boards of the Town of Linn and the Town of Walworth, Walworth County, Wisconsin, on the dates set forth below.

| March XX, 2017 7-90

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City of Lake Geneva
Resolution 16-R58

Eligible 457 Plan

**ADOPTION AGREEMENT FOR
ELIGIBLE GOVERNMENTAL 457 PLAN**

The undersigned Employer, by executing this Adoption Agreement, establishes an Eligible 457 Plan ("Plan"). The Employer, subject to the Employer's Adoption Agreement elections, adopts fully the Plan provisions. This Adoption Agreement, the basic plan document and any attached Appendices, amendments, or agreements permitted or referenced therein, constitute the Employer's entire plan document. *All "Election" references within this Adoption Agreement or the basic plan document are Adoption Agreement Elections. All "Article" or "Section" references are basic plan document references. Numbers in parentheses which follow election numbers are basic plan document references.* Where an Adoption Agreement election calls for the Employer to supply text, the Employer may lengthen any space or line, or create additional tiers. When Employer-supplied text uses terms substantially similar to existing printed options, all clarifications and caveats applicable to the printed options apply to the Employer-supplied text unless the context requires otherwise. The Employer makes the following elections granted under the corresponding provisions of the basic plan document.

1. **EMPLOYER (1.11).**

Name: City of Lake Geneva, WI

Address: 626 Geneva Street
Street

Lake Geneva City Wisconsin State 53147 Zip

Telephone: 262-248-3673

Taxpayer Identification Number (TIN): 39-6005495

2. **PLAN NAME.**

Name: City of Lake Geneva, WI 457B Deferred Compensation Plan

3. **PLAN YEAR (1.25).** Plan Year means the 12 consecutive month period (except for a short Plan Year) ending every (Choose one of a. or b. and choose c. if applicable): [Note: Complete any applicable blanks under Election c. with a specific date, e.g., "June 30" OR "the last day of February" OR "the first Tuesday in January." In the case of a Short Plan Year or a Short Limitation Year, include the year, e.g., "May 1, 2013."]

- a. **December 31.**
- b. **Plan Year:** ending: _____.
- c. **Short Plan Year:** commencing: _____ and ending: _____.

4. **EFFECTIVE DATE (1.08).** The Employer's adoption of the Plan is a (Choose one of a. or b. Complete c. if new plan OR complete c. and d. if an amendment and restatement. Choose e. if applicable):

- a. **New Plan.**
- b. **Restated Plan.** The Plan is a substitution and amendment of an existing 457 plan.

Initial Effective Date of Plan

- c. July 30, 2004 (enter month day, year; hereinafter called the "Effective Date" unless 4d is entered below)

Restatement Effective Date (If this is an amendment and restatement, enter effective date of the restatement.)

- d. January 1, 2016 (enter month day, year)

Special Effective Dates: (optional)

- e. **Describe:** _____.

5. **CONTRIBUTION TYPES.** (If this is a frozen Plan (i.e., all contributions have ceased), choose a. only):

Frozen Plan

- a. **Contributions cease.** All Contributions have ceased or will cease (Plan is frozen).
1. **Effective date of freeze:** _____ [Note: Effective date is optional unless this is the amendment or restatement to freeze the Plan.]

Contributions. The Employer and/or Participants, in accordance with the Plan terms, make the following Contribution Types to the Plan (Choose one or more of b. through d. if applicable):

- b. **Pre-Tax Elective Deferrals.** The dollar or percentage amount by which each Participant has elected to reduce his/her Compensation, as provided in the Participant's Salary Reduction Agreement (Choose one or more as applicable):

And will Matching Contributions be made with respect to Elective Deferrals?

1. **Yes.** See Question 16.
2. **No.**

And will **Roth Elective Deferrals** be made?

3. **Yes.** [Note: The Employer may not limit Deferrals to Roth Deferrals only.]
4. **No.**

- c. **Nonelective Contributions.** See Question 17.

- d. **Rollover Contributions.** See Question 30.

6. **EXCLUDED EMPLOYEE (1.10).** The following Employees are Excluded Employees and are not eligible to participate in the Plan (Choose one of a. or b.):

- a. **No exclusions.** All Employees are eligible to participate.
- b. **Exclusions.** The following Employees are Excluded Employees (Choose one or more of 1. through 4.):
 1. **Part-time Employees.** The Plan defines part-time Employees as Employees who normally work less than _____ hours per week.
 2. **Hourly-paid Employees.**
 3. **Leased Employees.** The Plan excludes Leased Employees.
 4. **Specify:** _____.

7. **INDEPENDENT CONTRACTOR (1.16).** The Plan (Choose one of a., b. or c.):

- a. **Participate.** Permits Independent Contractors to participate in the Plan.
- b. **Not Participate.** Does not permit Independent Contractors to participate in the Plan.
- c. **Specified Independent Contractors.** Permits the following specified Independent Contractors to participate: _____.

[Note: If the Employer elects to permit any or all Independent Contractors to participate in the Plan, the term Employee as used in the Plan includes such participating Independent Contractors.]

8. **COMPENSATION (1.05).** Subject to the following elections, Compensation for purposes of allocation of Deferral Contributions means:

Base Definition (Choose one of a., b. or c.):

- a. Wages, tips and other compensation on Form W-2.
- b. Code §3401(a) wages (wages for withholding purposes).
- c. 415 safe harbor compensation.

[Note: The Plan provides that the base definition of Compensation includes amounts that are not included in income due to Code §§401(k), 125, 132(f)(4), 403(b), SEP, 414(h)(2), & 457. Compensation for an Independent Contractor means the amounts the Employer pays to the Independent Contractor for services, except as the Employer otherwise specifies below.]

Modifications to Compensation definition. The Employer elects to modify the Compensation definition as follows (Choose one of d. or e.):

- d. **No modifications.** The Plan makes no modifications to the definition.
- e. **Modifications** (Choose one or more of 1. through 5.):
 1. **Fringe benefits.** The Plan excludes all reimbursements or other expense allowances, fringe benefits (cash and noncash), moving expenses, deferred compensation and welfare benefits.
 2. **Elective Contributions. [1.05(E)]** The Plan excludes a Participant's Elective Contributions.
 3. **Bonuses.** The Plan excludes bonuses.

4. **Overtime.** The Plan excludes overtime.

5. **Specify:** _____

Compensation taken into account. For the Plan Year in which an Employee first becomes a Participant, the Plan Administrator will determine the allocation of matching and nonelective contributions by taking into account (*Choose one of f. or g.*):

f. **Plan Year.** The Employee's Compensation for the entire Plan Year.

g. **Compensation while a Participant.** The Employee's Compensation only for the portion of the Plan Year in which the Employee actually is a Participant.

9. **POST-SEVERANCE COMPENSATION (1.05(F)).** Compensation includes the following types of Post-Severance Compensation paid within any applicable time period as may be required (*Choose one of a. or b.*):

a. **None.** The Plan does not take into account Post-Severance Compensation as to any Contribution Type except as required under the basic plan document.

b. **Adjustments.** The following Compensation adjustments apply (*Choose one or more*):

1. **Regular Pay.** Post-Severance Compensation will include Regular Pay and it will apply to all Contribution Types.

2. **Leave-Cashouts.** Post-Severance Compensation will include Leave Cashouts and it will apply to all Contribution Types.

3. **Nonqualified Deferred Compensation.** Post-Severance Compensation will include Deferred Compensation and it will apply to all Contribution Types.

4. **Salary Continuation for Disabled Participants.** Post-Severance Compensation will include Salary Continuation for Disabled Participants and it will apply to all Contribution Types.

5. **Differential Wage Payments.** Post-Severance Compensation will include Differential Wage Payments (military continuation payments) and it will apply to all Contribution Types.

6. **Describe alternative Post-Severance Compensation definition, limit by Contribution Type, or limit by Participant group:** _____

10. **NORMAL RETIREMENT AGE (1.20).** A Participant attains Normal Retirement Age under the Plan (*Choose one of a. or b.*):

a. **Plan designation.** [Plan Section 3.05(B)] When the Participant attains age _____. [*Note: The age may not exceed age 70 1/2. The age may not be less than age 65, or, if earlier, the age at which a Participant may retire and receive benefits under the Employer's pension plan, if any.*]

b. **Participant designation.** [Plan Section 3.05(B) and (B)(1)] When the Participant attains the age the Participant designates, which may not be earlier than age 65 and may not be later than age 70. [*Note: The age may not exceed age 70 1/2.*]

Special Provisions for Police or Fire Department Employees (*Choose c. and/or d. as applicable*):

c. **Police department employees.** [Plan Section 3.05(B)(3)] (*Choose 1. or 2.*):

1. **Plan designation.** [Plan Section 3.05(B)] When the Participant attains age _____. [*Note: The age may not exceed age 70 1/2 and may not be less than age 40.*]

2. **Participant designation.** [Plan Section 3.05(B) and (B)(1)] When the Participant attains the age the Participant designates, which may not be earlier than age _____ (no earlier than age 40) and may not be later than age _____. [*Note: The age may not exceed age 70 1/2.*]

d. **Fire department employees.** [Plan Section 3.05(B)(3)] (*Choose 1. or 2.*):

1. **Plan designation.** [Plan Section 3.05(B)] When the Participant attains age _____. [*Note: The age may not exceed age 70 1/2 and may not be less than age 40.*]

2. **Participant designation.** [Plan Section 3.05(B) and (B)(1)] When the Participant attains the age the Participant designates, which may not be earlier than age _____ (no earlier than age 40) and may not be later than age _____. [*Note: The age may not exceed age 70 1/2.*]

11. **ELIGIBILITY CONDITIONS (2.01).** (*Choose one of a. or b.*):

a. **No eligibility conditions.** The Employee is eligible to participate in the Plan as of his/her first day of employment with the employer.

b. **Eligibility conditions.** To become a Participant in the Plan, an Eligible Employee must satisfy the following eligibility conditions (*Choose one or more of 1., 2. or 3.*):

1. **Age.** Attainment of age _____.

- 2. **Service.** Service requirement (*Choose one of a. or b.*):
 - a. **Year of Service.** One year of Continuous Service.
 - b. **Months of Service.** _____ month(s) of Continuous Service.
- 3. **Specify:** _____.

12. **PLAN ENTRY DATE (1.24).** "Plan Entry Date" means the Effective Date and (*Choose one of a. through d.*):
- a. **Monthly.** The first day of the month coinciding with or next following the Employee's satisfaction of the Plan's eligibility conditions.
 - b. **Annual.** The first day of the Plan Year coinciding with or next following the Employee's satisfaction of the Plan's eligibility conditions.
 - c. **Date of hire.** The Employee's employment commencement date with the Employer.
 - d. **Specify:** _____.
13. **SALARY REDUCTION CONTRIBUTIONS (1.30).** A Participant's Salary Reduction Contributions under Election 5b. are subject to the following limitation(s) in addition to those imposed by the Code (*Choose one of a. or b.*):
- a. **No limitations.**
 - b. **Limitations.** (*Choose one or more of 1., 2. or 3.*):
 - 1. **Maximum deferral amount.** A Participant's Salary Reductions may not exceed: _____ (*specify dollar amount or percentage of Compensation*).
 - 2. **Minimum deferral amount.** A Participant's Salary Reductions may not be less than: _____ (*specify dollar amount or percentage of Compensation*).
 - 3. **Specify:** _____.

[Note: Any limitation the Employer elects in b.1. through b.3. will apply on a payroll basis unless the Employer otherwise specifies in b.3.]

Special NRA Catch-Up Contributions (3.05). The Plan (*Choose one of c. or d.*):

- c. **Permits.** Participants may make NRA catch-up contributions.
 - AND, Special NRA Catch-Up Contributions (*Choose one of 1. or 2.*):**
 - 1. will be taken into account in applying any matching contribution under the Plan.
 - 2. will not be taken into account in applying any matching contribution under the Plan.
- d. **Does not permit.** Participants may not make NRA catch-up contributions.

Age 50 Catch-Up Contributions (3.06). The Plan (*Choose one of e. or f.*):

- e. **Permits.** Participants may make age 50 catch-up contributions.
- f. **Does not permit.** Participants may not make age 50 catch-up contributions.

14. **SICK, VACATION AND BACK PAY (3.02(A)).** The Plan (*Choose one of a. or b.*):

- a. **Permits.** Participants may make Salary Reduction Contributions from accumulated sick pay, from accumulated vacation pay or from back pay.
- b. **Does Not Permit.** Participants may not make Salary Reduction Contributions from accumulated sick pay, from accumulated vacation pay or from back pay.

15. **AUTOMATIC ENROLLMENT (3.02(B)).** Does the Plan provide for automatic enrollment (*Choose one of the following*) [Note: if Eligible Automatic Contribution Arrangement (EACA), select 15c and complete Questions 31 & 32]:

- a. **Does not apply.** Does not apply the Plan's automatic enrollment provisions.
- b. **Applies.** Applies the Plan's automatic enrollment provisions. The Employer as a Pre-Tax Elective Deferral will withhold _____% from each Participant's Compensation unless the Participant elects a different percentage (including zero) under his/her Salary Reduction Agreement. The automatic election will apply to (*Choose one of 1. through 3.*):
 - 1. **All Participants.** All Participants who as of _____ are not making Pre-Tax Elective Deferrals at least equal to the automatic amount.
 - 2. **New Participants.** Each Employee whose Plan Entry Date is on or following: _____.
 - 3. **Describe Application of Automatic Deferrals:** _____.

c. **EACA.** The Plan will provide an Eligible Automatic Contribution Arrangement (EACA). Complete Questions 31 & 32.

16. **MATCHING CONTRIBUTIONS (3.03).** The Employer Matching Contributions is (Choose one or more of a. through d.):

- a. **Fixed formula.** An amount equal to _____ of each Participant's Salary Reduction Contributions.
- b. **Discretionary formula.** An amount (or additional amount) equal to a matching percentage the Employer from time to time may deem advisable of each Participant's Salary Reduction Contributions.
- c. **Tiered formula.** The Employer will make matching contributions equal to a uniform percentage of each tier of each Participant's Salary Reduction Contributions, determined as follows:

NOTE: Fill in only percentages or dollar amounts, but not both. If percentages are used, each tier represents the amount of the Participant's applicable contributions that equals the specified percentage of the Participant's Compensation (add additional tiers if necessary):

Tiers of Contributions (indicate \$ or %)	Matching Percentage
First _____	_____ %
Next _____	_____ %
Next _____	_____ %
Next _____	_____ %

d. **Specify:** _____.

Time Period for Matching Contributions. The Employer will determine its Matching Contribution based on Salary Reduction Contributions made during each (Choose one of e. through h.):

- e. **Plan Year.**
- f. **Plan Year quarter.**
- g. **Payroll period.**
- h. **Specify:** _____.

Salary Reduction Contributions Taken into Account. In determining a Participant's Salary Reduction Contributions taken into account for the above-specified time period under the Matching Contribution formula, the following limitations apply (Choose one of i. through l.):

- i. **All Salary Reduction Contributions.** The Plan Administrator will take into account all Salary Reduction Contributions.
- j. **Specific limitation.** The Plan Administrator will disregard Salary Reduction Contributions exceeding _____% of the Participant's Compensation.
- k. **Discretionary.** The Plan Administrator will take into account the Salary Reduction Contributions as a percentage of the Participant's Compensation as the Employer determines.
- l. **Specify:** _____.

Allocation Conditions. To receive an allocation of Matching Contributions, a Participant must satisfy the following allocation condition(s) (Choose one of m. or n.):

- m. **No allocation conditions.**
- n. **Conditions.** The following allocation conditions apply to Matching Contributions (Choose one or more of 1. through 4.):
 - 1. **Service condition.** The Participant must complete the following number of months of Continuous Service during the Plan Year: _____.
 - 2. **Employment condition.** The Participant must be employed by the Employer on the last day of the Plan Year.
 - 3. **Limited Severance Exception.** Any condition specified in 1. or 2. does not apply if the Participant incurs a Severance from Employment during the Plan Year on account of death, disability or attainment of Normal Retirement Age in the current Plan Year or in a prior Plan Year.
 - 4. **Specify:** _____.

17. **NONELECTIVE CONTRIBUTIONS (1.19).** The Nonelective Contributions under Election 5c. are made as follows: (Choose one):

- a. **Discretionary - Pro-Rata.** An amount the Employer in its sole discretion may determine.

- b. **Fixed - Pro Rata.** _____% of Compensation.
- c. **Other.** A Nonelective Contribution may be made as follows:

_____.

Allocation Conditions. (3.08). To receive an allocation of Nonelective Contributions, a Participant must satisfy the following allocation condition(s) (*Choose one of d. or e.*):

- d. **No allocation conditions.**
- e. **Conditions.** The following allocation conditions apply to Nonelective Contributions (*Choose one or more of 1. through 4.*):
1. **Service condition.** The Participant must complete the following number of months of Continuous Service during the Plan Year: _____.
 2. **Employment condition.** The Participant must be employed by the Employer on the last day of the Plan Year.
 3. **Limited Severance Exception.** Any condition specified in 1. or 2. does not apply if the Participant incurs a Severance from Employment during the Plan Year on account of death, disability or attainment of Normal Retirement Age in the current Plan Year or in a prior Plan Year.
 4. **Specify:** _____.

18. **TIME AND METHOD OF PAYMENT OF ACCOUNT (4.02).** The Plan will distribute to a Participant who incurs a Severance from Employment his/her Vested Account as follows:

Timing. The Plan, in the absence of a permissible Participant election to commence payment later, will pay the Participant's Account (*Choose one of a. through e.*):

- a. **Specified Date.** _____ days after the Participant's Severance from Employment.
- b. **Immediate.** As soon as administratively practicable following the Participant's Severance from Employment.
- c. **Designated Plan Year.** As soon as administratively practicable in the _____ Plan Year beginning after the Participant's Severance from Employment.
- d. **Normal Retirement Age.** As soon as administratively practicable after the close of the Plan Year in which the Participant attains Normal Retirement Age.
- e. **Specify:** _____.

Method. The Plan, in the absence of a permissible Participant election, will distribute the Participant's Account under one of the following method(s) of distribution (*Choose one or more of f. through j. as applicable*):

- f. **Lump sum.** A single payment.
- g. **Installments.** Multiple payments made as follows: _____.
- h. **Installments for required minimum distributions only.** Annual payments, as necessary under Plan Section 4.03.
- i. **Annuity distribution option(s):** _____.
- j. **Specify:** Partial distributions will be allowed upon severance from employment _____.

Participant Election. [Plan Sections 4.02(A) and (B)] The Plan (*Choose one of k., l. or m.*):

- k. **Permits.** Permits a Participant, with Plan Administrator approval of the election, to elect to postpone distribution beyond the time the Employer has elected in a. through e. and also to elect the method of distribution (including a method not described in f. through j. above).
- l. **Does not permit.** Does not permit a Participant to elect the timing and method of Account distribution.
- m. **Specify:** _____.

Mandatory Distributions. Notwithstanding any other distribution election, following Severance from Employment (*Choose n. or o.*):

- n. **No Mandatory Distributions.** The Plan will not make a Mandatory Distribution.
- o. **Mandatory Distribution.** If the Participant's Vested Account is not in excess of \$5,000 (unless a different amount selected below) as of the date of distribution, the Plan will make a Mandatory Distribution following Severance from Employment.
1. **Mandatory Distribution.** If the Participant's Vested Account is not in excess of \$ 1000 as of the date of distribution, the Plan will make a Mandatory Distribution following Severance from Employment.

Exclusion of rollovers in determination of \$5,000 threshold. In determining the \$5,000 threshold (or other dollar threshold above), rollover contributions will be:

- p. **included.**
 q. **excluded.**

19. **BENEFICIARY DISTRIBUTION ELECTIONS.** Distributions following a Participant's death will be made as follows (*Choose one of a. through d.*):

- a. **Immediate.** As soon as practical following the Participant's death.
 b. **Next Calendar Year.** At such time as the Beneficiary may elect, but in any event on or before the last day of the calendar year which next follows the calendar year of the Participant's death.
 c. **As Beneficiary elects.** At such time as the Beneficiary may elect, consistent with Section 4.03.
 d. **Describe:** _____.

[Note: The Employer under Election 19d. may describe an alternative distribution timing or afford the Beneficiary an election which is narrower than that permitted under Election 19c., or include special provisions related to certain beneficiaries, (e.g., a surviving spouse). However, any election under Election 19d. must require distribution to commence no later than the Section 4.03 required date.]

20. **DISTRIBUTIONS PRIOR TO SEVERANCE FROM EMPLOYMENT (4.05).** A Participant prior to Severance from Employment may elect to receive a distribution of his/her Vested Account under the following distribution options (*Choose one of a. or b.*):

- a. **None.** A Participant may not receive a distribution prior to Severance from Employment.
 b. **Distributions.** Prior to Severance from Employment are permitted as follows (*Choose one or more of 1. through 4.*):
 1. **Unforeseeable emergency.** A Participant may elect a distribution from his/her Account in accordance with Plan Section 4.05(A).
 2. **De minimis exception.** [Plan Section 4.05(B)] If the Participant: (i) has an Account that does not exceed \$5,000; (ii) has not made or received an allocation of any Deferral Contributions under the Plan during the two-year period ending on the date of distribution; and (iii) has not received a prior Plan distribution under this de minimis exception, then (*Choose one of a., b. or c.*):
 a. **Participant election.** The Participant may elect to receive all or any portion of his/her Account.
 b. **Mandatory distribution.** The Plan Administrator will distribute the Participant's entire Account.
 c. **Hybrid.** The Plan Administrator will distribute a Participant's Account that does not exceed \$ _____ and the Participant may elect to receive all or any portion of his/her Account that exceeds \$ _____ but that does not exceed \$5,000.
 3. **Age 70 1/2.** A Participant who attains age 70 1/2 prior to Severance from Employment may elect distribution of any or all of his/her Account.
 4. **Specify:** _____.

[Note: An Employer need not permit any in-service distributions. Any election must comply with the distribution restrictions of Code Section 457(d).]

21. **QDRO (4.06).** The QDRO provisions (*Choose one of a., b. or c.*):

- a. **Apply.**
 b. **Do not apply.**
 c. **Specify:** _____.

22. **ALLOCATION OF EARNINGS (5.07(B)).** The Plan allocates Earnings using the following method (*Choose one or more of a. through f.*):

- a. **Daily.** See Section 5.07(B)(4)(a).
 b. **Balance forward.** See Section 5.07(B)(4)(b).
 c. **Balance forward with adjustment.** See Section 5.07(B)(4)(c). Allocate pursuant to the balance forward method, except treat as part of the relevant Account at the beginning of the Valuation Period _____% of the contributions made during the following Valuation Period: _____.
 d. **Weighted average.** See Section 5.07(B)(4)(d). If not a monthly weighting period, the weighting period is _____.
 e. **Directed Account method.** See Section 5.07(B)(4)(e).

f. Describe Earnings allocation method: _____

[Note: The Employer under Election 22f. may describe Earnings allocation methods from the elections available under Election 22 and/or a combination thereof as to any: (i) Participant group (e.g., Daily applies to Division A Employees OR to Employees hired after "x" date. Balance forward applies to Division B Employees OR to Employees hired on/before "x" date.); (ii) Contribution Type (e.g., Daily applies as to Discretionary Nonelective Contribution Accounts. Participant-Directed Account applies to Fixed Nonelective Contribution Accounts); (iii) investment type, investment vendor or Account type (e.g., Balance forward applies to investments placed with vendor A and Participant-Directed Account applies to investments placed with vendor B OR Daily applies to Participant-Directed Accounts and balance forward applies to pooled Accounts).]

23. **HEART ACT PROVISIONS (1.31(C)(3)/3.13).** The Employer elects to (Choose one of a. or b. and c. or d.):

Continued Benefit Accruals.

- a. **Not apply the benefit accrual provisions of Section 3.13.**
- b. **Apply the benefit accrual provisions of Section 3.13.**

Distributions for deemed severance of employment (1.31(C)(3))

- c. **The Plan does NOT permit distributions for deemed severance of employment.**
- d. **The Plan permits distributions for deemed severance of employment.**

24. **VESTING/SUBSTANTIAL RISK OF FORFEITURE (5.11).** A Participant's Deferral Contributions are [Note: If a Participant incurs a Severance from Employment before the specified events or conditions, the Plan will forfeit the Participant's non-vested Account. Caution: if a Deferral is subject to vesting schedule or other substantial risk of forfeiture, it does not count as a deferral for purposes of the annual deferral limit until the year it is fully vested.] (Choose all that apply of a. through d.):

- a. **100% Vested/No Risk of Forfeiture.** Immediately Vested without regard to additional Service and no Substantial Risk of Forfeiture. The following contributions are 100% Vested:
 - 1. **All Contributions.** (skip to 25.)
 - 2. **Only the following contributions.** (select all that apply):
 - a. **Salary Reduction Contributions.**
 - b. **Nonelective Contributions.**
 - c. **Matching Contributions.**
- b. **Forfeiture under Vesting Schedule.** Vested according to the following:

Contributions affected. The following contributions are subject to the vesting schedule (Choose one or more of 1., 2. or 3.):

- 1. **Salary Reduction Contributions.**
- 2. **Nonelective Contributions.**
- 3. **Matching Contributions.**
- 4. **Vesting Schedule.**

Years of Service	Vested Percentage
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

For vesting purposes, a "Year of Service" means:

5. _____

[Note: It is extremely rare to apply a vesting schedule to Salary Reduction Contributions.]

- c. **Substantial Risk of Forfeiture.** Vested only when no longer subject to the following Substantial Risk of Forfeiture as follows:

Contributions affected. The following contributions are subject to the substantial risk of forfeiture under c. (Choose one or more of 1., 2. or 3.):

- 1. **Salary Reduction Contributions.**
- 2. **Nonelective Contributions.**

3. **Matching Contributions.**

Risk Provisions: Vested only when no longer subject to the following Substantial Risk of Forfeiture as follows (*Choose one of 4. or 5.*):

4. The Participant must remain employed by the Employer until _____, unless earlier Severance from Employment occurs on account of death or disability, as the Plan Administrator shall establish.

5. **Specify:** _____.

Additional Provisions (*Choose d. if applicable*)

d. **Specify:** _____.

FORFEITURE ALLOCATION. [Plan Sections 5.11(A) and 5.14] The Plan Administrator will allocate any Plan forfeitures (*Choose one of the following*):

e. **Additional Contributions.** As the following contribution type (*Choose one of 1. or 2.*):

1. **Nonelective.** As an additional Nonelective Contribution.

2. **Matching.** As an additional Matching Contribution.

f. **Reduce Fixed Contributions.** To reduce the following fixed contribution (*Choose one of 1. or 2.*):

1. **Nonelective.** To reduce the Employer's fixed Nonelective Contribution.

2. **Matching.** To reduce the Employer's fixed Matching Contribution.

g. **Specify:** _____.

25. **TRUST PROVISIONS.** The following provisions apply to Article VIII of the Plan (*Choose as applicable; leave blank if not applicable*):

a. **Modifications.** The Employer modifies the Article VIII Trust provisions as follows: _____. The remaining Article VIII provisions apply.

b. **Substitution.** The Employer replaces the Trust with the Trust Agreement attached to the Plan.

26. **CUSTODIAL ACCOUNT/ANNUITY CONTRACT (8.16).** The Employer will hold all or part of the Deferred Compensation in one or more custodial accounts or annuity contracts which satisfy the requirements of Code §457(g) (*Choose a. or b., c. if applicable*):

a. **Custodial account(s).**

b. **Annuity contract(s).**

c. **Specify:** _____.

[*Note: The Employer under c. may wish to identify the custodial accounts or annuity contracts or to designate a portion of the Deferred Compensation to be held in such vehicles versus held in the Trust.*]

27. **VALUATION.** In addition to the last day of the Plan Year, the Trustee (or Plan Administrator as applicable) must value the Trust Fund (or Accounts) on the following Valuation Date(s) (*Choose one of a. or b.*):

a. **No additional Valuation Dates.**

b. **Additional Valuation Dates.** (*Choose one or more of 1., 2. or 3.*):

1. **Daily Valuation Dates.** Each business day of the Plan Year on which Plan assets for which there is an established market are valued and the Trustee or Employer is conducting business.

2. **Last day of a specified period.** The last day of each _____ of the Plan Year.

3. **Specified Valuation Dates:** _____.

[*Note: The Employer under Election 26b.3. may describe Valuation Dates from the elections available under Election 26b. and/or a combination thereof as to any: (i) Participant group (e.g., No additional Valuation Dates apply to Division A Employees OR to Employees hired after "x" date. Daily Valuation Dates apply to Division B Employees OR to Employees hired on/before "x" date.); (ii) Contribution Type (e.g., No additional Valuation Dates apply as to Discretionary Nonelective Contribution Accounts. The last day of each Plan Year quarter applies to Fixed Nonelective Contribution Accounts); (iii) investment type, investment vendor or Account type (e.g., No additional Valuation Dates apply to investments placed with vendor A and Daily Valuation Dates apply to investments placed with vendor B OR Daily Valuation Dates apply to Participant-Directed Accounts and no additional Valuation Dates apply to pooled Accounts).]*

28. TRUSTEE (Select all that apply; leave blank if not applicable.):

- a. Individual Trustee(s) who serve as Trustee(s) over assets not subject to control by a corporate Trustee. (Add additional Trustees as necessary.)

Name(s)	Title(s)
_____	_____
_____	_____
_____	_____
_____	_____

Address and Telephone number (Choose one of 1. or 2.):

1. Use Employer address and telephone number.
 2. Use address and telephone number below:

Address: _____
Street

City State Zip

Telephone: _____

- b. Corporate Trustee

Name: UMB Bank, n.a. c/o Security Benefit

Address: 30 Dan Road Suite 55976
Street

Canton Massachusetts 02021-2809
City State Zip

Telephone: (800) 747-3942

AND, the Corporate Trustee shall serve as:

- c. a Directed (nondiscretionary) Trustee over all Plan assets except for the following:

- d. a Discretionary Trustee over all Plan assets except for the following:

29. PLAN LOANS (5.02(A)). The Plan permits or does not permit Participant Loans (Choose one of a. or b.):

- a. **Does not permit.**
 b. **Permitted pursuant to the Loan Policy.**

30. ROLLOVER CONTRIBUTIONS (3.09). The Plan permits Rollover Contributions subject to approval by the Plan Administrator and as further described below:

Who may roll over (Choose one of a. or b.):

- a. **Participants only.**
 b. **Eligible Employees or Participants.**

Sources/Types. The Plan will accept a Rollover Contribution (Choose one of c. or d.):

- c. **All.** From any Eligible Retirement Plan and as to all Contribution Types eligible to be rolled into this Plan.
 d. **Limited.** Only from the following types of Eligible Retirement Plans and/or as to the following Contribution Types:

Distribution of Rollover Contributions (Choose one of e., f. or g.):

- e. **Distribution without restrictions.** May elect distribution of his/her Rollover Contributions Account in accordance with Plan Section 4.05(C) at any time.
- f. **No distribution.** May not elect to receive distribution of his/her Rollover Contributions Account until the Plan has a distributable event under Plan Section 4.01.
- g. **Specify:** _____

31. EACA Automatic Deferral Provisions (3.14).

Participants subject to the Automatic Deferral Provisions. The Automatic Deferral Provisions apply to Employees who become Participants after the Effective Date of the EACA (except as provided in d. below). Employees who became Participants prior to such Effective Date are subject to the following (a. – d. are optional):

- a. **All Participants.** All Participants, regardless of any prior Salary Reduction Agreement, unless and until a Participant makes an Affirmative Election after the Effective Date of the EACA.
- b. **Election of at least Automatic Deferral amount.** All Participants, except those who, on the Effective Date of the EACA, are deferring an amount which is at least equal to the Automatic Deferral Percentage.
- c. **No existing Salary Reduction Agreement.** All Participants, except those who have in effect a Salary Reduction Agreement on the effective date of the EACA regardless of the Salary Reduction Contribution amount under the Agreement.
- d. **Describe:** _____

Automatic Deferral Percentage. Unless a Participant makes an Affirmative Election, the Employer will withhold the following Automatic Deferral Percentage (select e. or f.):

- e. **Constant.** The Employer will withhold _____% of Compensation each payroll period.

Escalation of deferral percentage (select one or leave blank if not applicable)

- 1. **Scheduled increases.** This initial percentage will increase by _____% of Compensation per year up to a maximum of _____ of Compensation.
- 2. **Other** (described Automatic Deferral Percentage): _____

Automatic Deferral Optional Elections

- f. **Optional elections** (select all that apply or leave blank if not applicable)

Suspended Salary Reduction Contributions. If a Participant's Salary Reduction Contributions are suspended pursuant to a provision of the Plan (e.g., distribution due to military leave covered by the HEART Act), then a Participant's Affirmative Election will expire on the date the period of suspension begins unless otherwise elected below.

- 1. A Participant's Affirmative Election will resume after the suspension period.

Special Effective Date. Provisions will be effective as of the earlier of the Effective Date of the EACA provisions of Sections 2.2. or 2.3 unless otherwise specified below.

- 2. Special Effective Date: _____

32. **In-Plan Roth Rollover Contributions.**

- a. **Yes, allowed.**

33. **In-Plan Roth Rollover Transfers.**

- a. **Yes, allowed.**

This Plan is executed on the date(s) specified below:

Use of Adoption Agreement. Failure to complete properly the elections in this Adoption Agreement may result in disqualification of the Employer's Plan. The Employer only may use this Adoption Agreement only in conjunction with the corresponding basic plan document.

EMPLOYER: City of Lake Geneva, WI

By: _____

DATE SIGNED

UMB Bank, n.a. c/o Security Benefit



TRUSTEE

08/15/2016

DATE SIGNED

Granted by action of the Common Council of the City of Lake Geneva this 27th day of December, 2016.

APPROVED: _____
Alan R. Kupsik, Mayor

ATTEST: _____
Sabrina Waswo, City Clerk

**City of Lake Geneva
Resolution 16-R59**

Governmental Money Purchase Plan

**ADOPTION AGREEMENT FOR
GOVERNMENTAL VOLUME SUBMITTER MONEY PURCHASE PLAN**

CAUTION: Failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

EMPLOYER INFORMATION

(An amendment to the Adoption Agreement is not needed solely to reflect a change in this Employer Information Section.)

1. EMPLOYER'S NAME, ADDRESS, TELEPHONE NUMBER, TIN AND FISCAL YEAR

Name: City of Lake Geneva, WI

Address: 626 Geneva Street

Street

Lake Geneva Wisconsin 53147

City

State

Zip

Telephone: (267) 249-4098

Taxpayer Identification Number (TIN): 39-6005495

Employer's Fiscal Year ends: December 31

2. TYPE OF GOVERNMENTAL ENTITY. This Plan may only be adopted a state or local governmental entity, or agency thereof, including an Indian tribal government and may not be adopted by any other entity, including a federal government and any agency or instrumentality thereof.

- a. State government or state agency
- b. County or county agency
- c. Municipality or municipal agency
- d. Indian tribal government (see Note below)
- e. Other: _____

NOTE: An Indian tribal government may only adopt this Plan if such entity is defined under Code §7701(a)(40), is a subdivision of an Indian tribal government as determined in accordance with Code §7871(d), or is an agency or instrumentality of either, and all of the Participants under this Plan employed by such entity substantially perform services as an Employee in essential governmental functions and not in the performance of commercial activities (whether or not an essential government function).

3. PARTICIPATING EMPLOYERS (Plan Section 1.38). Will any other Employers adopt this Plan as Participating Employers?

- a. No
- b. Yes

PLAN INFORMATION

(An amendment to the Adoption Agreement is not needed solely to reflect a change in the information in Questions 9. through 10.)

4. PLAN NAME:

City of Lake Geneva, WI 401(a) Plan

5. PLAN STATUS

- a. New Plan
- b. Amendment and restatement of existing Plan
PPA RESTATEMENT (leave blank if not applicable)
 - 1. This is an amendment and restatement to bring a plan into compliance with the Pension Protection Act of 2006 ("PPA") and other legislative and regulatory changes (i.e., the 6-year pre-approved plan restatement).

6. EFFECTIVE DATE (Plan Section 1.16) (complete a. if new plan; complete a. AND b. if an amendment and restatement)

Initial Effective Date of Plan

a. January 1, 2007 (enter month day, year) (hereinafter called the "Effective Date" unless 6.b. is entered below)

Restatement Effective Date. If this is an amendment and restatement, the effective date of the restatement (hereinafter called the "Effective Date") is:

b. January 1, 2016 (enter month day, year; may enter a restatement date that is the first day of the current Plan Year. Plan contains appropriate retroactive effective dates with respect to provisions for appropriate laws.)

5. Other: Any Employees not covered by the collective bargaining agreement of the Lake Geneva Fire Fighters Association (must be definitely determinable under Regulations §1.401-1(b). Exclusions may be employment title specific but may not be by individual name nor result in only a finite group of individuals (e.g., excluding anyone hired after 12/31/12.)

13. CONDITIONS OF ELIGIBILITY (Plan Section 3.1)

- a. **No age or service required.** No age or service required for all Contribution Types (skip to Question 14).
 b. **Eligibility.** An Eligible Employee will be eligible to participate in the Plan upon satisfaction of the following (complete c. and d., select e. and f. if applicable):

Eligibility Requirements

c. **Age Requirement**

1. No age requirement
 2. Age 20 1/2
 3. Age 21
 4. Age _____ (may not exceed 26)

d. **Service Requirement**

1. No service requirement
 2. _____ (not to exceed 60) months of service (elapsed time)
 3. 1 Year of Service
 4. _____ (not to exceed 5) Years of Service
 5. _____ consecutive month period from the Eligible Employee's employment commencement date and during which at least _____ Hours of Service are completed.
 6. _____ consecutive months of employment from the Eligible Employee's employment commencement date.
 7. Other: _____ (e.g., date on which 1,000 Hours of Service is completed within the computation period) (must satisfy the Notes below)

NOTE: If c.4. or d.7. is selected, the condition must be an age or service requirement that is definitely determinable and may not exceed age 26 and may not exceed 5 Years of Service.

NOTE: Year of Service means Period of Service if elapsed time method is chosen.

Waiver of conditions. The service and/or age requirements specified above will be waived in accordance with the following (leave blank if there are no waivers of conditions):

- e. If employed on _____ the following requirements, and the entry date requirement, will be waived. The waiver applies to any Eligible Employee unless 3. selected below. Such Employees will enter the Plan as of such date (select 1. and/or 2. AND 3. if applicable):
 1. service requirement (may let part-time Eligible Employees into the Plan)
 2. age requirement
 3. waiver is for: _____

Amendment or restatement to change eligibility requirements

- f. This amendment or restatement (or a prior amendment and restatement) modified the eligibility requirements and the prior eligibility conditions continue to apply to the Eligible Employees specified below. If this option is NOT selected, then all Eligible Employees must satisfy the eligibility conditions set forth above.
 1. The eligibility conditions above only apply to Eligible Employees who were not Participants as of the effective date of the modification.
 2. The eligibility conditions above only apply to individuals who were hired on or after the effective date of the modification.

14. EFFECTIVE DATE OF PARTICIPATION (ENTRY DATE) (Plan Section 3.2)

An Eligible Employee who has satisfied the eligibility requirements will become a Participant in the Plan as of the:

- a. date such requirements are met
 b. first day of the month coinciding with or next following the date on which such requirements are met
 c. first day of the Plan Year quarter coinciding with or next following the date on which such requirements are met
 d. earlier of the first day of the Plan Year or the first day of the seventh month of the Plan Year coinciding with or next following the date on which such requirements are met
 e. first day of the Plan Year coinciding with or next following the date on which such requirements are met (Eligibility must be six months of service (or 1 1/2 Years (or Periods) of Service if 100% immediate vesting is selected) or less and age must be 20 1/2 or less.)
 f. first day of the Plan Year in which such requirements are met
 g. first day of the Plan Year in which such requirements are met, if such requirements are met in the first 6 months of the Plan Year, or as of the first day of the next succeeding Plan Year if such requirements are met in the last 6 months of the Plan Year.
 h. other: _____ (must be definitely determinable)

SERVICE

15. RECOGNITION OF SERVICE WITH OTHER EMPLOYERS (Plan Sections 1.39 and 1.54)
- a. No service with other employers is recognized except as otherwise required by law (e.g., the Plan already provides for the recognition of service with Employers who have adopted this Plan as well as service with Affiliated Employers and predecessor Employers who maintained this Plan; skip to Question 16).
 - b. Prior service with the designated employers is recognized as follows (answer c. and select one or more of c.1. - 3.; select d. - f. as applicable) (if more than 3 employers, attach an addendum to the Adoption Agreement or complete option h. under Section B of Appendix A):

Other Employer	Eligibility	Vesting	Contribution Allocation
c. <input type="checkbox"/> Employer name: _____	1. <input type="checkbox"/>	2. <input type="checkbox"/>	3. <input type="checkbox"/>
d. <input type="checkbox"/> Employer name: _____	1. <input type="checkbox"/>	2. <input type="checkbox"/>	3. <input type="checkbox"/>
e. <input type="checkbox"/> Employer name: _____	1. <input type="checkbox"/>	2. <input type="checkbox"/>	3. <input type="checkbox"/>

Limitations

- f. The following provisions or limitations apply with respect to the recognition of prior service: _____
(e.g., credit service with X only on/following 1/1/13)

NOTE: If the other Employer(s) maintained this qualified Plan, then Years (and/or Periods) of Service with such Employer(s) must be recognized pursuant to Plan Sections 1.39 and 1.54 regardless of any selections above.

16. SERVICE CREDITING METHOD (Plan Sections 1.39 and 1.54)

NOTE: If no selections are made in this Section, then the provisions set forth in the definition of Year of Service in Plan Section 1.54 will apply, including the following defaults:

1. A Year of Service means completion of at least 1,000 Hours of Service during the applicable computation period.
2. Hours of Service (Plan Section 1.24) will be based on actual Hours of Service.
3. For eligibility purposes, the computation period will be as defined in Plan Section 1.54 (i.e., shift to the Plan Year if the eligibility condition is one (1) Year of Service or less).
4. For vesting and allocation purposes, the computation period will be the Plan Year.

- a. **Elapsed time method.** (Period of Service applies instead of Year of Service) Instead of Hours of Service, elapsed time will be used for:
 1. all purposes (skip to Question 17)
 2. the following purposes (select one or more):
 - a. eligibility to participate
 - b. vesting
 - c. sharing in allocations or contributions
- b. **Alternative definitions for the Hours of Service method.** Instead of the defaults, the following alternatives will apply for the Hours of Service method (select one or more):
 1. **Eligibility computation period.** Instead of shifting to the Plan Year, the eligibility computation period after the initial eligibility computation period will be based on each anniversary of the date the Employee first completes an Hour of Service
 2. **Vesting computation period.** Instead of the Plan Year, the vesting computation period will be the date an Employee first performs an Hour of Service and each anniversary thereof.
 3. **Equivalency method.** Instead of using actual Hours of Service, an equivalency method will be used to determine Hours of Service for:
 - a. all purposes
 - b. the following purposes (select one or more):
 1. eligibility to participate
 2. vesting
 3. sharing in allocations or contributions

Such method will apply to:

 - c. all Employees
 - d. Employees for whom records of actual Hours of Service are not maintained or available (e.g., salaried Employees)
 - e. other: _____ (e.g., per-diem Employees only)

Hours of Service will be determined on the basis of:

- f. days worked (10 hours per day)
- g. weeks worked (45 hours per week)
- h. semi-monthly payroll periods worked (95 hours per semi-monthly pay period)
- i. months worked (190 hours per month)
- j. bi-weekly payroll periods worked (90 hours per bi-weekly pay period)
- k. other: _____ (e.g., option f. is used for per-diem Employees and option g. is used for on-call Employees).

- 4. **Number of Hours of Service required.** Instead of 1,000 Hours of Service, Year of Service means the applicable computation period during which an Employee has completed at least _____ (not to exceed 1,000) Hours of Service for:
 - a. all purposes
 - b. the following purposes (select one or more):
 - 1. eligibility to participate
 - 2. vesting
 - 3. sharing in allocations or contributions

VESTING

- 17. VESTING OF PARTICIPANT'S INTEREST – EMPLOYER CONTRIBUTIONS (Plan Section 6.4(b))
 - a. N/A (no Employer contributions; skip to Question 19)
 - b. The vesting provisions selected below apply. Section B of Appendix A can be used to specify any exceptions to the provisions below.

NOTE: The Plan provides that contributions for converted sick leave and/or vacation leave are fully Vested.

Vesting for Employer contributions other than matching contributions

- c. N/A (no Employer contributions (other than matching contributions); skip to f.)
- d. 100% vesting. Participants are 100% Vested in Employer contributions (other than matching contributions) upon entering Plan.
- e. The following vesting schedule, based on a Participant's Years of Service (or Periods of Service if the elapsed time method is selected), applies to Employer contributions (other than matching contributions):
 - 1. 6 Year Graded: 0-1 year-0%; 2 years-20%; 3 years-40%; 4 years-60%; 5 years-80%; 6 years-100%
 - 2. 4 Year Graded: 1 year-25%; 2 years-50%; 3 years-75%; 4 years-100%
 - 3. 5 Year Graded: 1 year-20%; 2 years-40%; 3 years-60%; 4 years-80%; 5 years-100%
 - 4. Cliff: 100% vesting after _____ (not to exceed 15) years
 - 5. Other graded vesting schedule (must provide for full vesting no later than 15 years of service; add additional lines as necessary)

Years (or Periods) of Service	Percentage
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

Vesting for Employer matching contributions

- f. N/A (no Employer matching contributions)
- g. The schedule above will also apply to Employer matching contributions.
- h. 100% vesting. Participants are 100% Vested in Employer matching contributions upon entering Plan.
- i. The following vesting schedule, based on a Participant's Years of Service (or Periods of Service if the elapsed time method is selected), applies to Employer matching contributions:
 - 1. 6 Year Graded: 0-1 year-0%; 2 years-20%; 3 years-40%; 4 years-60%; 5 years-80%; 6 years-100%
 - 2. 4 Year Graded: 1 year-25%; 2 years-50%; 3 years-75%; 4 years-100%
 - 3. 5 Year Graded: 1 year-20%; 2 years-40%; 3 years-60%; 4 years-80%; 5 years-100%
 - 4. Cliff: 100% vesting after _____ (not to exceed 15) years
 - 5. Other graded vesting schedule (must provide for full vesting no later than 15 years of service; add additional lines as necessary)

Years (or Periods) of Service	Percentage
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

18. VESTING OPTIONS

Excluded vesting service. The following Years of Service will be disregarded for vesting purposes (select all that apply; leave blank if none apply):

- a. Service prior to the initial Effective Date of the Plan or a predecessor plan (as defined in Regulations §1.411(a)-5(b)(3))
- b. Service prior to the computation period in which an Employee has attained age _____.
- c. Service during a period for which an Employee did not make mandatory Employee contributions.

Vesting for death, Total And Permanent Disability and Early Retirement Date. Regardless of the vesting schedule, a Participant will become fully Vested upon (select all that apply; leave blank if none apply):

- d. Death
- e. Total and Permanent Disability
- f. Early Retirement Date

RETIREMENT AGES

19. NORMAL RETIREMENT AGE ("NRA") (Plan Section 1.32) means:

- a. **Specific age.** The date a Participant attains age 55 (may not exceed 65)
- b. **Age/participation.** The later of the date a Participant attains age _____ (may not exceed 65) or the _____ (may not exceed 10th) anniversary of the first day of the Plan Year in which participation in the Plan commenced

NOTE: Effective for Plan Years beginning on or after the later of (1) January 1, 2015, or (2) the close of the first regular legislative session of the legislative body with the authority to amend the plan that begins on or after the date that is three months after the final regulations are published in the Federal Register, Normal Retirement Age of less than age 62 must meet Regulation §1.401(a)-1(b)(2).

Qualified police or firefighters. Normal Retirement Age for qualified public safety employees (as defined in Code §72(t)(1)) (leave blank if not applicable)

- c. Age _____ (may not be less than 50)

20. NORMAL RETIREMENT DATE (Plan Section 1.33) means, with respect to any Participant, the:

- a. date on which the Participant attains "NRA"
- b. first day of the month coinciding with or next following the Participant's "NRA"
- c. first day of the month nearest the Participant's "NRA"
- d. Anniversary Date coinciding with or next following the Participant's "NRA"
- e. Anniversary Date nearest the Participant's "NRA"
- f. Other: _____ (e.g., first day of the month following the Participant's "NRA").

21. EARLY RETIREMENT DATE (Plan Section 1.15)

- a. N/A (no early retirement provision provided)
- b. Early Retirement Date means the:
 - 1. date on which a Participant satisfies the early retirement requirements
 - 2. first day of the month coinciding with or next following the date on which a Participant satisfies the early retirement requirements
 - 3. Anniversary Date coinciding with or next following the date on which a Participant satisfies the early retirement requirements

Early retirement requirements

- 4. Participant attains age 55 **AND**, completes.... (leave blank if not applicable)
 - a. at least _____ Years (or Periods) of Service for vesting purposes
 - b. at least _____ Years (or Periods) of Service for eligibility purposes

- c. Early Retirement Date means: _____ (must be definitely determinable)

COMPENSATION

22. COMPENSATION with respect to any Participant is defined as follows (Plan Sections 1.10 and 1.23).

Base definition

- a. Wages, tips and other compensation on Form W-2
- b. Code §3401(a) wages (wages for withholding purposes)
- c. 415 safe harbor compensation

NOTE: Plan Section 1.23(c) provides that the base definition of Compensation includes deferrals that are not included in income due to Code §§401(k), 125, 132(f)(4), 403(b), 402(h)(1)(B)(SEP), 414(h)(2), & 457(b).

Determination period. Compensation will be based on the following "determination period" (this will also be the Limitation Year unless otherwise elected at option f. under Section B of Appendix A):

- d. the Plan Year
- e. the Fiscal Year coinciding with or ending within the Plan Year
- f. the calendar year coinciding with or ending within the Plan Year

Adjustments to Compensation (for Plan Section 1.10). Compensation will be adjusted by:

- g. **No adjustments** (skip to i. below)
- h. **Adjustments.** Compensation will be adjusted by (select all that apply):
 - 1. excluding salary reductions (401(k), 125, 132(f)(4), 403(b), SEP, 414(h)(2) pickup, & 457(b))
 - 2. excluding reimbursements or other expense allowances, fringe benefits (cash or non-cash), moving expenses, deferred compensation (other than deferrals specified in 1. above) and welfare benefits.
 - 3. excluding Compensation paid during the "determination period" while not a Participant in the Plan.
 - 4. excluding Military Differential Pay
 - 5. excluding overtime
 - 6. excluding bonuses
 - 7. other: _____ (e.g., describe Compensation from the elections available above or a combination thereof as to a Participant group (e.g., no exclusions as to Division A Employees and exclude bonuses as to Division B Employees); and/or describe another exclusion (e.g., exclude shift differential pay)).

Military Differential Pay Special Effective Date (leave blank if not applicable)

- i. If this is a PPA restatement and the provisions above regarding Military Differential Pay (included unless h.4. is selected) have a later effective date than Plan Years beginning after December 31, 2008, then enter the date such provisions were first effective: _____ (may not be earlier than January 1, 2009; for Plan Years beginning prior to January 1, 2009, Military Differential Pay is treated in accordance with the post-severance Compensation provisions in the following Question).

23. POST-SEVERANCE COMPENSATION (415 REGULATIONS)

The following optional provision of the 415 Regulations will apply to Limitation Years beginning on or after July 1, 2007 unless otherwise elected below:

415 Compensation (post-severance compensation adjustments) (select all that apply at a.; leave blank if none apply)

NOTE: Unless otherwise elected under a. below, the following defaults apply: 415 Compensation will **include** (to the extent provided in Plan Section 1.23), post-severance regular pay, leave cash-outs and payments from nonqualified unfunded deferred compensation plans.

- a. The defaults listed above apply except for the following (select one or more):
 - 1. Leave cash-outs will be **excluded**
 - 2. Nonqualified unfunded deferred compensation will be **excluded**
 - 3. Military Differential Pay will be **included** (Plan automatically includes for Limitation Years beginning after December 31, 2008)
 - 4. Disability continuation payments will be **included**

Plan Compensation (post-severance compensation adjustments)

- b. **Defaults apply.** Compensation will **include** (to the extent provided in Plan Section 1.10 and to the extent such amounts would be included in Compensation if paid prior to severance of employment) post-severance regular pay, leave cash-outs, and payments from nonqualified unfunded deferred compensation plans.
- c. **Exclude all post-severance compensation.** Exclude all post-severance compensation for allocation purposes.
- d. **Post-severance adjustments.** The defaults listed at b. apply except for the following (select one or more):
 - 1. Exclude all post-severance compensation
 - 2. Regular pay will be **excluded**
 - 3. Leave cash-outs will be **excluded**
 - 4. Nonqualified unfunded deferred compensation will be **excluded**
 - 5. Military Differential Pay will be **included**
 - 6. Disability continuation payments will be **included**

NOTE: The above treatment of Military Differential Pay only applies to Plan Years beginning prior to January 1, 2009. For Plan Years beginning after such date, Military Differential Pay is not considered post-severance compensation and the provisions of Question 22 apply.

Post-severance compensation special effective date (leave blank if not applicable)

e. If this is a PPA restatement and the post-severance compensation adjustments above for 415 Compensation or Plan Compensation applied other than the first day of the Plan Year beginning on or after July 1, 2007, then enter the date such provisions were first effective: _____

CONTRIBUTIONS AND ALLOCATIONS

24. EMPLOYER CONTRIBUTIONS (OTHER THAN MATCHING CONTRIBUTIONS) (Plan Section 4.1(a)(2)) (skip to Question 26 if Employer contributions are NOT selected at Question 11.b.)

CONTRIBUTION FORMULA (select one or more of the following contribution formulas:)

a. **Fixed contribution** equal to (only select one):

- 1. _____% of each Participant's Compensation for each:
 - a. Plan Year
 - b. calendar quarter
 - c. month
 - d. pay period
 - e. week

2. \$_____ per Participant.

3. \$_____ per Hour of Service worked while an Eligible Employee

a. up to _____ hours (leave blank if no limit)

4. other: The amount required to be contributed to this Plan by the Employer under a separate contract with the Lake Geneva Fire Fighters Association (the formula described must satisfy the definitely determinable requirement under Regulations §1.401-1(b)).

b. **Sick leave/vacation leave conversion.** The Employer will contribute an amount equal to an Employee's current hourly rate of pay multiplied by the Participant's number of unused accumulated sick leave and/or vacation days (as selected below). Only unpaid sick and vacation leave for which the Employee has no right to receive in cash may be included. In no event will the Employer's contribution for the Plan Year exceed the maximum contribution permitted under Code §415(c).

The following may be converted under the Plan: (select one or both):

- 1. Sick leave
- 2. Vacation leave

Eligible Employees. Only the following Participants shall receive the Employer contribution for sick leave and/or vacation leave (select 3. and/or 4; leave blank if no limitations provided, however, that this Plan may not be used to only provide benefits for terminated Employees)

3. **Former Employees.** All Employees terminating service with the Employer during the Plan Year and who have satisfied the eligibility requirements based on the terms of the Employer's accumulated benefits plans checked below (select all that apply; leave blank if no exclusions):

- a. The Former Employee must be at least age _____ (e.g., 55)
- b. The value of the sick and/or vacation leave must be at least \$_____ (e.g., \$2,000)
- c. A contribution will only be made if the total hours is over _____ (e.g., 10) hours
- d. A contribution will not be made for hours in excess of _____ (e.g., 40) hours

4. **Active Employees.** Active Employees who have not terminated service during the Plan Year and who meet the following requirements (select all that apply; leave blank if no exclusions):

- a. The Employee must be at least age _____ (e.g., 55)
- b. The value of the sick and/or vacation leave must be at least \$_____ (e.g., \$2,000)
- c. A contribution will only be made if the total hours is over _____ (e.g., 10) hours
- d. A contribution will not be made for hours in excess of _____ (e.g., 40) hours

c. **Social Security Replacement Plan.** An amount equal to 7.5% of the Participant's Compensation for the entire Plan Year, reduced by Employee and Employer contributions to this Plan actually contributed to the Participant's Account during such Plan Year. (may only be selected if Question 11.b.1. has also been selected)

Include only part-time, seasonal and temporary Employees (leave blank if not applicable)

1. Regardless of any other provision in this to the contrary, the contribution above will only be made for part-time, seasonal, or temporary Employees who are not otherwise covered by another qualifying public retirement system as defined for purposes of Regulation §31.3121(b)(7)-2.

25. ALLOCATION CONDITIONS (Plan Section 4.3). If 24.a. is selected above, indicate requirements to share in allocations of Employer contributions (select a. OR b. and all that apply at c. - e.)
- a. **No conditions.** All Participants share in the allocations regardless of service completed during the Plan Year or employment status on the last day of the Plan Year (skip to Question 26).
 - b. **Allocation conditions apply** (select one of 1. - 5. AND one of 6. - 9. below)
 - Conditions for Participants NOT employed on the last day of the Plan Year**
 - 1. A Participant must complete at least _____ (not to exceed 1,000) Hours of Service (or _____ (not to exceed 12) months of service if the elapsed time method is selected).
 - 2. A Participant must complete a Year of Service (or Period of Service if the elapsed time method is selected).
 - 3. Participants will NOT share in the allocations, regardless of service.
 - 4. Participants will share in the allocations, regardless of service.
 - 5. Other: _____ (must be definitely determinable, not subject to Employer discretion and may not require more than one Year of Service (or Period of Service if the elapsed time method is selected)).
 - Conditions for Participants employed on the last day of the Plan Year**
 - 6. No service requirement.
 - 7. A Participant must complete a Year of Service (or Period of Service if the elapsed time method is selected).
 - 8. A Participant must complete at least _____ (not to exceed 1,000) Hours of Service during the Plan Year.
 - 9. Other: _____ (must be definitely determinable, not subject to Employer discretion and may not require more than one Year of Service (or Period of Service if the elapsed time method is selected)).
- Waiver of conditions for Participants NOT employed on the last day of the Plan Year.** If b.1., 2., 3., or 5. is selected, Participants who are not employed on the last day of the Plan Year in which one of the following events occur will be eligible to share in the allocations regardless of the above conditions (select all that apply; leave blank if none apply):
- c. Death
 - d. Total and Permanent Disability
 - e. Termination of employment on or after Normal Retirement Age
 - 1. or Early Retirement Date

26. EMPLOYER MATCHING CONTRIBUTIONS (Plan Section 4.1(a)(3)). (skip to Question 29 if matching contributions are NOT selected at Question 11.c.) The Employer will make the following matching contributions:
- A. **Elective deferrals taken into account.** For purposes of applying the matching contribution provisions below, elective deferrals include elective deferral (pre-tax and Roth) contributions to the following Employer plan(s) (insert name of Plan(s) to which the elective deferral contributions being matched will be made):
 - a. **457 plan(s).** Enter Plan name: _____
 - b. **403(b) plan(s).** Enter Plan name: _____

NOTE: If selected at Question 32, after-tax voluntary Employee contributions are also considered elective deferrals for purposes of matching contributions.
 - B. **Matching Formula.** (select one)
 - c. **Fixed - uniform rate/amount.** The Employer will make matching contributions equal to _____% (e.g., 50) of the Participant's elective deferrals
 - 1. that do not exceed _____% of a Participant's Compensation (leave blank if no limit)
 - d. **Fixed - tiered.** The Employer will make matching contributions equal to a uniform percentage of each tier of each Participant's elective deferrals, determined as follows:

NOTE: Fill in only percentages or dollar amounts, but not both. If percentages are used, each tier represents the amount of the Participant's applicable contributions that equals the specified percentage of the Participant's Compensation (add additional tiers if necessary):

Tiers of Contributions (indicate \$ or %)	Matching Percentage
First _____	_____%
Next _____	_____%
Next _____	_____%
Next _____	_____%

- e. **Fixed - Years of Service.** The Employer will make matching contributions equal to a uniform percentage of each Participant's elective deferrals based on the Participant's Years of Service (or Periods of Service if the elapsed time method is selected), determined as follows (add additional tiers if necessary):

Years (or Periods) of Service	Matching Percentage
_____	_____%
_____	_____%
_____	_____%

For purposes of the above matching contribution formula, a Year (or Period) of Service means a Year (or Period) of Service for:

1. vesting purposes
 2. eligibility purposes
- f. Other: _____ (the formula described must satisfy the definitely determinable requirement under Regulations §1.401-1(b))

27. **MATCHING CONTRIBUTION PROVISIONS**

- A. **Maximum matching contribution.** The total matching contribution made on behalf of any Participant for any Plan Year will not exceed:
- a. N/A (no Plan specific limit on the amount of matching contribution)
 - b. \$_____.
 - c. _____% of Compensation.
- B. **Period of determination.** The matching contribution formula will be applied on the following basis (and elective deferrals and any Compensation or dollar limitation used in determining the matching contribution will be based on the applicable period):
- d. the Plan Year
 - e. each payroll period
 - f. each month
 - g. each Plan Year quarter
 - h. each payroll unit (e.g., hour)

28. **ALLOCATION CONDITIONS FOR MATCHING CONTRIBUTIONS (Plan Section 4.3).** Select a. OR b. and all that apply of c. - h.

- a. **No conditions.** All Participants share in the allocations regardless of service completed during the Plan Year or employment status on the last day of the Plan Year (skip to Question 29).
- b. **Allocation conditions apply** (select one of 1. -5. AND one of 6. - 9. below)
- Conditions for Participants NOT employed on the last day of the Plan Year.**
1. A Participant must complete at least _____ (not to exceed 1,000) Hours of Service (or _____ (not to exceed 12) months of service if the elapsed time method is selected).
 2. A Participant must complete a Year of Service (or Period of Service if the elapsed time method is selected).
 3. Participants will NOT share in the allocations, regardless of service.
 4. Participants will share in the allocations, regardless of service.
 5. Other: _____ (must be definitely determinable, not subject to Employer discretion and may not require more than one Year of Service (or Period of Service if the elapsed time method is selected)).

Conditions for Participants employed on the last day of the Plan Year

6. No service requirement.
7. A Participant must complete a Year of Service (or Period of Service if the elapsed time method is selected).
8. A Participant must complete at least _____ (not to exceed 1,000) Hours of Service during the Plan Year.
9. Other: _____ (must be definitely determinable, not subject to Employer discretion and may not require more than one Year of Service (or Period of Service if the elapsed time method is selected)).

Waiver of conditions for Participants NOT employed on the last day of the Plan Year. If b.1., 2., 3., or 5. is selected, Participants who are not employed on the last day of the Plan Year in which one of the following events occur will be eligible to share in the allocations regardless of the above conditions (select all that apply; leave blank if none apply):

- c. Death
- d. Total and Permanent Disability
- e. Termination of employment on or after Normal Retirement Age
 1. or Early Retirement Date

Conditions based on period other than Plan Year. The allocation conditions above will be applied based on the Plan Year unless otherwise selected below. If selected, the above provisions will be applied by substituting the term Plan Year with the specified period (e.g., if Plan Year quarter is selected below and the allocation condition is 250 Hours of Service per quarter, enter 250 hours (not 1000) at b.8. above).

- f. The Plan Year quarter.
- g. Payroll period.
- h. Other: _____ (must be definitely determinable and not subject to Employer discretion and may not be longer than a twelve month period).

29. FORFEITURES (Plan Sections 1.21 and 4.3(e))

Forfeitures of Employer contributions other than matching contributions will be:

- a. added to the Employer contribution and allocated in the same manner
- b. used to reduce any Employer contribution
- c. allocated to all Participants eligible to share in the allocations of Employer contributions or Forfeitures in the same proportion that each Participant's Compensation for the Plan Year bears to the Compensation of all Participants for such year
- d. other: _____ (describe the treatment of Forfeitures in a manner that is definitely determinable and not subject to Employer discretion; e.g., Forfeitures attributable to transferred balances from Plan X are allocated as additional discretionary contributions only to former Plan X Participants)

Forfeitures of Employer matching contributions will be:

- e. N/A. Same as above or no Employer matching contributions.
- f. used to reduce the Employer matching contribution.
- g. used to reduce any Employer contribution.
- h. other: _____ (describe the treatment of Forfeitures in a manner that is definitely determinable and not subject to Employer discretion; e.g., Forfeitures attributable to transferred balances from Plan X are allocated as additional discretionary contributions only to former Plan X Participants)

30. ALLOCATION OF EARNINGS (Plan Section 4.3(c))

Allocation of earnings with respect to amounts which are not subject to Participant investment direction and which are contributed to the Plan after the previous Valuation Date will be determined:

- a. N/A. (all assets in the Plan are subject to Participant investment direction)
- b. by using a weighted average based on the amount of time that has passed between the date a contribution or distribution is made and the prior Valuation Date
- c. by treating one-half of all such contributions as being a part of the Participant's nonsegregated Account balance as of the previous Valuation Date
- d. by using the method specified in Plan Section 4.3(c) (balance forward method)
- e. other: _____ (must be a definite predetermined formula)

31. MANDATORY EMPLOYEE CONTRIBUTIONS (Plan Section 4.8) (skip if mandatory Employee contributions NOT selected at Question 11.d.)

- a. An Eligible Employee must contribute to the Plan _____% (not to exceed 25%) of Compensation.
- b. An Eligible Employee must, prior to his or her first Entry Date, make a one-time irrevocable election to contribute to the Plan from _____% (not less than 1%) to _____% (not to exceed 25%) of Compensation.
- c. Other: _____ (must be definitely determinable)

Employer pick-up contribution. The mandatory Employee contribution is "picked up" by the Employer under Code §414(h)(2) unless elected below.

- d. The mandatory Employee contribution is not "picked-up" by the Employer.

32. AFTER-TAX VOLUNTARY EMPLOYEE CONTRIBUTIONS (Plan Section 4.9) (skip if after-tax voluntary Employee contributions NOT selected at Question 11.e.)

Matching after-tax voluntary Employee contributions. There are no Employer matching contributions on after-tax voluntary Employee contributions unless elected below.

- a. After-tax voluntary Employee contributions are considered elective deferrals for purposes of applying any matching contributions under the Plan.

DISTRIBUTIONS

33. FORM OF DISTRIBUTIONS (Plan Sections 6.5 and 6.6)

Distributions under the Plan may be made in (select all that apply; must select at least one):

- a. lump-sums
- b. substantially equal installments
- c. partial withdrawals, provided the minimum withdrawal is \$ _____ (leave blank if no minimum)

- d. partial withdrawals or installments are only permitted for Participants or Beneficiaries who must receive required minimum distributions under Code §401(a)(9) except for the following (e.g., partial is not permitted for death benefits; leave blank if no exceptions):
 - 1. _____
- e. annuity: _____ (describe the form of annuity or annuities)
- f. other: _____ (must be definitely determinable and not subject to Employer discretion)

NOTE: Regardless of the above, a Participant is not required to request a withdrawal of his or her total Account for an in-service distribution, a hardship distribution, or a distribution from the Participant's Rollover Account.

Cash or property. Distributions may be made in:

- g. cash only, except for (select all that apply; leave blank if none apply):
 - 1. insurance Contracts
 - 2. annuity Contracts
 - 3. Participant loans
- h. cash or property, except that the following limitation(s) apply: (leave blank if there are no limitations on property distributions):
 - 1. _____ (must be definitely determinable and not subject to Employer discretion)

34. **CONDITIONS FOR DISTRIBUTIONS UPON SEVERANCE OF EMPLOYMENT.** Distributions upon severance of employment pursuant to Plan Section 6.4(a) will not be made unless the following conditions have been satisfied:

A. Accounts in excess of \$5,000

- a. Distributions may be made as soon as administratively feasible following severance of employment.
- b. Distributions may be made as soon as administratively feasible after the last day of the Plan Year coincident with or next following severance of employment.
- c. Distributions may be made as soon as administratively feasible after the last day of the Plan Year quarter coincident with or next following severance of employment.
- d. Distributions may be made as soon as administratively feasible after the Valuation Date coincident with or next following severance of employment.
- e. Distributions may be made as soon as administratively feasible after _____ months have elapsed following severance of employment.
- f. No distributions may be made until a Participant has reached Early or Normal Retirement Date.
- g. Other: _____ (must be objective conditions which are ascertainable and may not exceed the limits of Code §401(a)(14) as set forth in Plan Section 6.7)

B. Accounts of \$5,000 or less

- h. Same as above
- i. Distributions may be made as soon as administratively feasible following severance of employment.
- j. Distributions may be made as soon as administratively feasible after the last day of the Plan Year coincident with or next following severance of employment.
- k. Other: _____ (must be objective conditions which are ascertainable and may not exceed the limits of Code §401(a)(14) as set forth in Plan Section 6.7)

C. Timing after initial distributable event. If a distribution is not made in accordance with the above provisions upon the occurrence of the distributable event, then a Participant may elect a subsequent distribution at any time after the time the amount was first distributable (assuming the amount is still distributable), unless otherwise selected below (may not be selected with 34.f. and 34.h.):

- l. Other: _____ (e.g., a subsequent distribution request may only be made in accordance with l. above (i.e., the last day of another Plan Year); must be objective conditions which are ascertainable and may not exceed the limits of Code §401(a)(14) as set forth in Plan Section 6.7)

D. Participant consent (i.e., involuntary cash-outs). Should Vested Account balances less than a certain dollar threshold be automatically distributed without Participant consent (mandatory distributions)?

NOTE: The Plan provides that distributions of amounts of \$5,000 or less are only paid as lump-sums.

- m. No, Participant consent is required for all distributions.
- n. Yes, Participant consent is required only if the distribution is over:
 - 1. \$5,000
 - 2. \$1,000
 - 3. \$_____ (less than \$1,000)

NOTE: If 2. or 3. is selected, rollovers will be included in determining the threshold for Participant consent.

Automatic IRA rollover. With respect to mandatory distributions of amounts that are \$1,000 or less, if a Participant makes no election, the amount will be distributed as a lump-sum unless selected below.

4. If a Participant makes no election, then the amount will be automatically rolled over to an IRA provided the amount is at least \$ _____ (e.g., \$200).

- E. **Rollovers in determination of \$5,000 threshold.** Unless otherwise elected below, amounts attributable to rollover contributions (if any) will be **included** in determining the \$5,000 threshold for timing of distributions, form of distributions, or consent rules.
- o. Exclude rollovers (rollover contributions will be **excluded** in determining the \$5,000 threshold)

NOTE: Regardless of the above election, if the Participant consent threshold is \$1,000 or less, then the Administrator must include amounts attributable to rollovers for such purpose. In such case, an election to exclude rollovers above will apply for purposes of the timing and form of distributions.

35. DISTRIBUTIONS UPON DEATH (Plan Section 6.8(b)(2))

Distributions upon the death of a Participant prior to the "required beginning date" will:

- a. be made pursuant to the election of the Participant or "designated Beneficiary"
- b. begin within 1 year of death for a "designated Beneficiary" and be payable over the life (or over a period not exceeding the "life expectancy") of such Beneficiary, except that if the "designated Beneficiary" is the Participant's Spouse, begin prior to December 31st of the year in which the Participant would have attained age 70 1/2
- c. be made within 5 (or if lesser _____) years of death for all Beneficiaries
- d. be made within 5 (or if lesser _____) years of death for all Beneficiaries, except that if the "designated Beneficiary" is the Participant's Spouse, begin prior to December 31st of the year in which the Participant would have attained age 70 1/2 and be payable over the life (or over a period not exceeding the "life expectancy") of such "surviving Spouse"

NOTE: The elections above must be coordinated with the Form of distributions (e.g., if the Plan only permits lump-sum distributions, then options a., b. and d. would not be applicable).

36. OTHER PERMITTED DISTRIBUTIONS (select all that apply; leave blank if none apply)

A. IN-SERVICE DISTRIBUTIONS (Plan Section 6.11)

In-service distributions will NOT be allowed (except as otherwise permitted under the Plan without regard to this provision) unless selected below (if applicable, answer a. - e.; leave blank if not applicable):

- a. In-service distributions may be made to a Participant who has not separated from service provided the following has been satisfied:
1. Age. The Participant has reached:
 - a. Normal Retirement Age
 - b. age 62
 - c. age _____(may not be earlier than age 62)

Special effective date (may be left blank if same as Plan or Restatement Effective Date)

- d. _____ (if this is a PPA restatement and the provisions were effective prior to the Restatement Effective Date, then enter the date such provisions were first effective; may not be earlier than the first day of the Plan Year beginning in 2007)

Account restrictions. In-service distributions are permitted from the following Participant Accounts:

- b. all Accounts
- c. only from the following Accounts (select one or more):
1. Account attributable to Employer matching contributions
 2. Account attributable to Employer contributions other than matching contributions
 3. Rollover Account
 4. Transfer Account
 5. Other: _____ (specify Account(s) and conditions in a manner that satisfies the definitely determinable requirement under Regulations §1.401-1(b) and is not subject to Employer discretion)

Limitations. The following limitations apply to in-service distributions:

- d. N/A (no additional limitations)
- e. Additional limitations (select one or more):
1. The minimum amount of a distribution is \$_____.
 2. No more than _____ distribution(s) may be made to a Participant during a Plan Year.
 3. Distributions may only be made from Accounts which are fully Vested.
 4. In-service distributions may be made subject to the following provisions: _____ (must satisfy the definitely determinable requirement under Regulations §1.401-1(b) and not be subject to Employer discretion).

37. HEART ACT PROVISIONS (Plan Section 6.17)

Continued benefit accruals.

- a. Continued benefit accruals will NOT apply
- b. Continued benefit accruals will apply

Special effective date. If this is a PPA restatement and the provision applied other than as of the first day of the 2007 Plan Year, then enter the date such provision was first effective: (leave blank if not applicable)

- c. January 1, 2007 (may not be earlier than the first day of the 2007 Plan Year)

Distributions for deemed severance of employment

- d. The Plan does NOT permit distributions for deemed severance of employment
 e. The Plan permits distributions for deemed severance of employment

Special effective date (may be left blank if same as Plan or Restatement Effective Date)

1. January 1, 2007 (if this is a PPA restatement and the provisions were effective prior to the Restatement Effective Date, then enter the date such provisions were first effective; may not be earlier than January 1, 2007)

MISCELLANEOUS

38. LOANS TO PARTICIPANTS (Plan Section 7.6)

- a. New loans are NOT permitted.
 b. New loans are permitted.

NOTE: Regardless of whether new loans are permitted, if the Plan permits rollovers, then the Administrator may, in a uniform manner, accept rollovers of loans into this Plan.

39. ROLLOVERS (Plan Section 4.6) (skip if rollover contributions are NOT selected at 11.f.)

Eligibility. Rollovers may be accepted from all Participants who are Employees as well as the following (select all that apply; leave blank if not applicable):

- a. Any Eligible Employee, even prior to meeting eligibility conditions to be a Participant
 b. Participants who are Former Employees

Distributions. When may distributions be made from a Participant's Rollover Account?

- c. At any time
 d. Only when the Participant is otherwise entitled to a distribution under the Plan

PPA TRANSITION RULES

The following questions only apply if this is a PPA restatement (i.e., Question 5.b.1. is selected). If this is not a PPA restatement, then this Plan will not be considered an individually designed plan merely because the following questions are deleted from the Adoption Agreement.

NOTE: The following provisions are designed to be left unanswered if the selections do not apply to the Plan.

40. WRERA - RMD WAIVERS FOR 2009 (Plan Section 6.8(f))

Suspension/continuation of RMDs. Unless otherwise elected below, required minimum distributions (RMDs) for 2009 were suspended unless a Participant or Beneficiary elected to receive such distributions:

- a. RMDs for 2009 were suspended for any Participant or Beneficiary who was scheduled to receive his/her first RMD for 2009 or who did not make a continuing election prior to 2009 to receive his/her RMD (unless the Participant or Beneficiary made an election to receive such distribution). RMDs for 2009 were continued for any Participant or Beneficiary who had made a continuing election to receive an RMD prior to 2009 (unless the Participant or Beneficiary made an election to suspend such distribution).
 b. RMDs continued unless otherwise elected by a Participant or Beneficiary.
 c. RMDs continued in accordance with the terms of the Plan (i.e., no election available to Participants or Beneficiaries).
 d. Other: _____

Direct rollovers. The Plan also treated the following as "eligible rollover distributions" in 2009 (If no election is made, then a "direct rollover" was only offered for "2009 RMDs"):

- e. "2009 RMDs" and "Extended 2009 RMDs."
 f. "2009 RMDs" but only if paid with an additional amount that is an "eligible rollover distribution" without regard to Code §401(a)(9)(H).

41. NON-SPOUSAL ROLLOVERS (Plan Section 6.14(d)). Non-spousal rollovers are permitted effective for distributions after December 31, 2006 unless an alternative effective date is selected at a. below:

- a. Non-spousal rollovers are allowed effective _____ (may not be earlier than January 1, 2007 and not later than January 1, 2010; the Plan already provides for non-spousal rollovers effective as of January 1, 2010)

Governmental Money Purchase Plan

The adopting Employer may rely on an advisory letter issued by the Internal Revenue Service as evidence that the Plan is qualified under Code §401 only to the extent provided in Rev. Proc. 2011-49 or subsequent guidance.

The Employer may not rely on the advisory letter in certain other circumstances or with respect to certain qualification requirements, which are specified in the advisory letter issued with respect to the Plan and in Rev. Proc. 2011-49 or subsequent guidance. In order to have reliance in such circumstances or with respect to such qualification requirements, application for a determination letter must be made to Employee Plans Determinations of the Internal Revenue Service.

This Adoption Agreement may be used only in conjunction with the Volume Submitter basic Plan document #09. This Adoption Agreement and the basic Plan document will together be known as SunGard Business Systems LLC Governmental Volume Submitter Money Purchase Plan #09-002.

The adoption of this Plan, its qualification by the IRS, and the related tax consequences are the responsibility of the Employer and its independent tax and legal advisors.

SunGard Business Systems LLC will notify the Employer of any amendments made to the Plan or of the discontinuance or abandonment of the Plan. Furthermore, in order to be eligible to receive such notification, the Employer agrees to notify SunGard Business Systems LLC of any change in address. In addition, this Plan is provided to the Employer either in connection with investment in a product or pursuant to a contract or other arrangement for products and/or services. Upon cessation of such investment in a product or cessation of such contract or arrangement, as applicable, the Employer is no longer considered to be an adopter of this Plan and SunGard Business Systems LLC no longer has any obligations to the Employer that relate to the adoption of this Plan.

With regard to any questions regarding the provisions of the Plan, adoption of the Plan, or the effect of an advisory letter from the IRS, call or write (this information must be completed by the sponsor of this Plan or its designated representative):

Name: Security Financial Resources, Inc.

Address: 30 Dan Road Suite 55976

Canton Massachusetts 02021-2809

Telephone: (800) 747-3942

The Employer and Trustee hereby cause this Plan to be executed on the date(s) specified below:

EMPLOYER: City of Lake Geneva, WI

By: _____ DATE SIGNED _____

TRUSTEE:

City Administrator

_____ TRUSTEE _____ DATE SIGNED _____

**APPENDIX A
SPECIAL EFFECTIVE DATES AND OTHER PERMITTED ELECTIONS**

A. Special effective dates (leave blank if not applicable):

- a. **Special effective date(s):** _____ . For periods prior to the specified special effective date(s), the Plan terms in effect prior to its restatement under this Adoption Agreement will control for purposes of the designated provisions. A special effective date may not result in the delay of a Plan provision beyond the permissible effective date under any applicable law.

B. Other permitted elections (the following elections are optional):

- a. **No other permitted elections**

The following elections apply (select one or more):

- b. **Deemed 125 compensation** (Plan Section 1.23). Deemed 125 compensation will be included in Compensation and 415 Compensation.
- c. **Reemployed after five (5) 1-Year Breaks in Service ("rule of parity" provisions)** (Plan Section 3.5(d)). The "rule of parity" provisions in Plan Section 3.5(d) will apply for (select one or both):
 1. eligibility purposes
 2. vesting purposes
- d. **Beneficiary if no beneficiary elected by Participant** (Plan Section 6.2(e)). In the event no valid designation of Beneficiary exists, then in lieu of the order set forth in Plan Section 6.2(e), the following order of priority will be used: _____ (specify an order of beneficiaries; e.g., children per stirpes, parents, and then step-children).
- e. **Common, collective or pooled trust funds** (Plan Sections 7.2(c)(5) and/or 7.3(b)(6)). The name(s) of the common, collective or pooled trust funds available under the Plan is (are): _____.
- f. **Limitation Year** (Plan Section 1.29). The Limitation Year for Code §415 purposes will be _____ (must be a consecutive twelve month period) instead of the "determination period" for Compensation.
- g. **415 Limits when 2 defined contribution plans are maintained** (Plan Section 4.4). If any Participant is covered under another qualified defined contribution plan maintained by the Employer or an Affiliated Employer, or if the Employer or an Affiliated Employer maintains a welfare benefit fund, as defined in Code §419(e), or an individual medical account, as defined in Code §415(1)(2), under which amounts are treated as "annual additions" with respect to any Participant in this Plan, then the provisions of Plan Section 4.4(b) will apply unless otherwise specified below:
 1. Specify, in a manner that precludes Employer discretion, the method under which the plans will limit total "annual additions" to the "maximum permissible amount" and will properly reduce any "excess amounts": _____.
- h. **Recognition of Service with other employers** (Plan Sections 1.39 and 1.54). Service with the following employers (in addition to those specified at Question 15) will be recognized as follows (select one or more):

	Eligibility	Vesting	Contribution Allocation
1. <input type="checkbox"/> Employer name: _____	a. <input type="checkbox"/>	b. <input type="checkbox"/>	c. <input type="checkbox"/>
2. <input type="checkbox"/> Employer name: _____	a. <input type="checkbox"/>	b. <input type="checkbox"/>	c. <input type="checkbox"/>
3. <input type="checkbox"/> Employer name: _____	a. <input type="checkbox"/>	b. <input type="checkbox"/>	c. <input type="checkbox"/>
4. <input type="checkbox"/> Employer name: _____	a. <input type="checkbox"/>	b. <input type="checkbox"/>	c. <input type="checkbox"/>
5. <input type="checkbox"/> Employer name: _____	a. <input type="checkbox"/>	b. <input type="checkbox"/>	c. <input type="checkbox"/>
6. <input type="checkbox"/> Employer name: _____	a. <input type="checkbox"/>	b. <input type="checkbox"/>	c. <input type="checkbox"/>
Limitations			
7. <input type="checkbox"/> The following provisions or limitations apply with respect to the recognition of prior service: _____ (e.g., credit service with X only on/following 1/1/13)	a. <input type="checkbox"/>	b. <input type="checkbox"/>	c. <input type="checkbox"/>

- i. **Other vesting provisions.** The following vesting provisions apply to the Plan (select one or more):
1. **Special vesting provisions.** The following special provisions apply to the vesting provisions of the Plan: _____ (must be definitely determinable and satisfy the parameters set forth at Question 17)
 2. **Pre-amendment vesting schedule.** (Plan Section 6.4(b)). If the vesting schedule has been amended and a different vesting schedule other than the schedule at Question 17 applies to any Participants, then the following provisions apply (must select one of a. – d. AND complete e.):

Applicable Participants. The vesting schedules in Question 17 only apply to:

- a. Participants who are Employees as of _____ (enter date).
- b. Participants in the Plan who have an Hour of Service on or after _____ (enter date).
- c. Participants (even if not an Employee) in the Plan on or after _____ (enter date).
- d. Other: _____ (e.g., Participants in division A)

Vesting schedule

e. The schedule that applies to Participants not subject to the vesting schedule in Question 17 is:

Years (or Periods) of Service	Percentage
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

- j. **Minimum distribution transitional rules** (Plan Section 6.8(e)(5))

NOTE: This Section does not apply to (1) a new Plan, (2) an amendment or restatement of an existing Plan that never contained the provisions of Code §401(a)(9) as in effect prior to the amendments made by the Small Business Job Protection Act of 1996 (SBJPA), or (3) a Plan where the transition rules below do not affect any current Participants.

The "required beginning date" for a Participant is:

1. April 1st of the calendar year following the year in which the Participant attains age 70 1/2. (pre-SBJPA rules continue to apply)
2. April 1st of the calendar year following the later of the year in which the Participant attains age 70 1/2 or retires (the post-SBJPA rules), with the following exceptions (select one or both; leave blank if both applied effective as of January 1, 1996):
 - a. A Participant who was already receiving required minimum distributions under the pre-SBJPA rules as of _____ (may not be earlier than January 1, 1996) was allowed to stop receiving distributions and have them recommence in accordance with the post-SBJPA rules. Upon the commencement of distributions, if the Plan permits annuities as a form of distribution then the following apply:
 1. N/A (annuity distributions are not permitted)
 2. Upon the commencement of distributions, the original Annuity Starting Date will be retained.
 3. Upon the commencement of distributions, a new Annuity Starting Date is created.
 - b. A Participant who had not begun receiving required minimum distributions as of _____ (may not be earlier than January 1, 1996) may elect to defer commencement of distributions until retirement. The option to defer the commencement of distributions (i.e., to elect to receive in-service distributions upon attainment of age 70 1/2) applies to all such Participants unless selected below:
 1. The in-service distribution option was eliminated with respect to Participants who attained age 70 1/2 in or after the calendar year that began after the later of (1) December 31, 1998, or (2) the adoption date of the restatement to bring the Plan into compliance with the SBJPA.

- k. **Other spousal provisions** (select one or more)

1. **Definition of Spouse.** The term Spouse includes a spouse under federal law as well as the following: _____
2. **Automatic revocation of spousal designation** (Plan Section 6.2(f)). The automatic revocation of a spousal Beneficiary designation in the case of divorce does not apply.
3. **Timing of QDRO payment.** A distribution to an Alternate Payee shall not be permitted prior to the time a Participant would be entitled to a distribution.

- l. **Applicable law.** Instead of using the applicable laws set forth in Plan Section 9.4(a), the Plan will be governed by the laws of: _____

- m. **Total and Permanent Disability.** Instead of the definition at Plan Section 1.49, Total and Permanent Disability means: _____ (must be definitely determinable).

Governmental Money Purchase Plan

- n. **Permissible Trust (or Custodian) modifications.** The Employer makes the following modifications to the Trust (or Custodial) provisions as permitted under Rev. Proc. 2011-49 (or subsequent IRS guidance) (select one or more of 1. - 3. below):

NOTE: Any elections below must not: (i) conflict with any Plan provision unrelated to the Trust or Trustee; or (ii) cause the Plan to violate Code §401(a). In addition, this may not be used to substitute all of the Trust provisions in the Plan.

1. **Investments.** The Employer amends the Trust provisions relating to Trust investments as follows:

-
2. **Duties.** The Employer amends the Trust provisions relating to Trustee (or Custodian) duties as follows:

-
3. **Other administrative provisions.** The Employer amends the other administrative provisions of the Trust as follows:
-

ADMINISTRATIVE PROCEDURES

The following are optional administrative provisions. The Administrator may implement procedures that override any elections in this Section without a formal Plan amendment. In addition, modifications to these procedures will not affect an Employer's reliance on the Plan.

- A. **Loan Limitations.** (complete only if loans to Participants are permitted; leave blank if none apply)
- a. Limitations (select one or more):
 - 1. Loans will be treated as Participant directed investments.
 - 2. Loans will only be made for hardship or financial necessity as specified below (select i. or ii.)
 - a. hardship reasons specified in Plan Section 6.12
 - b. financial necessity (as defined in the loan program).
 - 3. The minimum loan will be \$ 1000.
 - 4. A Participant may only have 1 (e.g., one (1)) loan(s) outstanding at any time.
 - 5. All outstanding loan balances will become due and payable in their entirety upon the occurrence of a distributable event (other than satisfaction of the conditions for an in-service distribution (including a hardship distribution), if applicable).
 - 6. **Account restrictions.** Loans will only be permitted from the following Participant Accounts (select all that apply or leave blank if no limitations apply):
 - a. Account(s) attributable to Employer matching contributions
 - b. Account attributable to Employer contributions other than matching contributions
 - c. Rollover Account
 - d. Transfer Account
 - e. Other: _____
- AND**, if loans are restricted to certain accounts, the limitations of Code §72(p) will be applied:
- f. by determining the limits by only considering the restricted accounts.
 - g. by determining the limits taking into account a Participant's entire interest in the Plan.

Additional Loan Provisions (select all that apply; leave blank if none apply)

- b. **Loan payments.** Loans are repaid by (if left blank, then payroll deduction applies unless Participant is not subject to payroll (e.g., partner who only has a draw)):
 - 1. payroll deduction
 - 2. ACH (Automated Clearing House)
 - 3. check
 - a. Only for prepayment
 - c. **Interest rate.** Loans will be granted at the following interest rate (if left blank, then 3. below applies):
 - 1. 2 percentage points over the prime interest rate
 - 2. _____%
 - 3. the Administrator establishes the rate at the time the loan is made
 - d. **Refinancing.** Loan refinancing is allowed.
- B. **Life Insurance.** (Plan Section 7.5)
- a. Life insurance may not be purchased.
 - b. Life insurance may be purchased...
 - 1. at the option of the Administrator
 - 2. at the option of the Participant

Limitations

- 3. N/A (no limitations)
 - 4. The purchase of initial or additional life insurance will be subject to the following limitations (select one or more):
 - a. Each initial Contract will have a minimum face amount of \$_____.
 - b. Each additional Contract will have a minimum face amount of \$_____.
 - c. The Participant has completed _____ Years (or Periods) of Service.
 - d. The Participant has completed _____ Years (or Periods) of Service while a Participant in the Plan.
 - e. The Participant is under age _____ on the Contract issue date.
 - f. The maximum amount of all Contracts on behalf of a Participant may not exceed \$_____.
 - g. The maximum face amount of any life insurance Contract will be \$_____.
- C. **Plan Expenses.** Will the Plan assess against an individual Participant's Account certain Plan expenses that are incurred by, or are attributable to, a particular Participant based on use of a particular Plan service?
- a. No
 - b. Yes

D. **Directed investments**

- a. Participant directed investments are NOT permitted.
- b. Participant directed investments are permitted from the following Participant Accounts:
 - 1. all Accounts
 - 2. only from the following Accounts (select one or more):
 - a. Account attributable to Employer contributions
 - b. Rollover Account
 - c. Transfer Account
 - d. Other: _____ (specify Account(s) and conditions in a manner that is definitely determinable and not subject to Employer discretion)

E. **Rollover Limitations.** Will the Plan accept rollover contributions and/or direct rollovers from the sources specified below?

- a. No, Administrator determines in operation which sources will be accepted.
- b. Yes

Rollover sources. Indicate the sources of rollovers that will be accepted (select one or more)

- 1. **Direct Rollovers.** The Plan will accept a direct rollover of an eligible rollover distribution from (select one or more):
 - a. a qualified plan described in Code §401(a) (including a 401(k) plan, profit sharing plan, defined benefit plan, stock bonus plan and money purchase plan), excluding after-tax employee contributions
 - b. a qualified plan described in Code §401(a) (including a 401(k) plan, profit sharing plan, defined benefit plan, stock bonus plan and money purchase plan), including after-tax employee contributions
 - c. a plan described in Code §403(a) (an annuity plan), excluding after-tax employee contributions
 - d. a plan described in Code §403(a) (an annuity plan), including after-tax employee contributions
 - e. a plan described in Code §403(b) (a tax-sheltered annuity), excluding after-tax employee contributions
 - f. a plan described in Code §403(b) (a tax-sheltered annuity), including after-tax employee contributions
 - g. a plan described in Code §457(b) (eligible deferred compensation plan)

Direct Rollovers of Participant Loan. The Plan will NOT accept a direct rollover of a Participant loan from another plan unless selected below (leave blank if default applies)

- h. The Plan will accept a direct rollover of a Participant loan
- i. The Plan will only accept a direct rollover of a Participant loan only in the following situation(s): _____ (e.g., only from Participants who were employees of an acquired organization).

- 2. **Participant Rollover Contributions from Other Plans (i.e., not via a direct plan-to-plan transfer).** The Plan will accept a contribution of an eligible rollover distribution (select one or more):
 - a. a qualified plan described in Code §401(a) (including a 401(k) plan, profit sharing plan, defined benefit plan, stock bonus plan and money purchase plan)
 - b. a plan described in Code §403(a) (an annuity plan)
 - c. a plan described in Code §403(b) (a tax-sheltered annuity)
 - d. a governmental plan described in Code §457(b) (eligible deferred compensation plan)
- 3. **Participant Rollover Contributions from IRAs:** The Plan will accept a rollover contribution of the portion of a distribution from a traditional IRA that is eligible to be rolled over and would otherwise be includible in gross income. Rollovers from Roth IRAs or a Coverdell Education Savings Account (formerly known as an Education IRA) are not permitted because they are not traditional IRAs. A rollover from a SIMPLE IRA is allowed if the amounts are rolled over after the individual has been in the SIMPLE IRA for at least two years.

SUNGARD BUSINESS SYSTEMS LLC VOLUME SUBMITTER MODIFICATIONS
CITY OF LAKE GENEVA, WI 401(A) PLAN

The enclosed Plan is being submitted for expedited review as a Volume Submitter Plan.

No modifications from the approved specimen plan have been made to this Plan.

Granted by action of the Common Council of the City of Lake Geneva this 27th day of December, 2016.

APPROVED: _____
Alan R. Kupsik, Mayor

ATTEST: _____
Sabrina Waswo, City Clerk

CONDITIONAL USE RESOLUTION 16-R57

A resolution authorizing the issuance of a Conditional Use Permit to Matthew Morgan for The Little Magic Theatre to operate a Commercial Entertainment Facility (Magic Theater), at 231 Cook Street, Lake Geneva, WI 53147.

WHEREAS, the City Plan Commission has considered the application of Matthew Morgan for The Little Magic Theatre,

WHEREAS, The City Plan Commission held a Public Hearing thereon pursuant to proper notice given on December 19, 2016.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator be, and is hereby authorized, to issue a Conditional Use Permit for Matthew Morgan for The Little Magic to operate a Commercial Entertainment Facility (Magic Theater), at 231 Center Street, Lake Geneva, WI 53147 in the Central Business (CB) zoning district, Tax Parcel ZOP 00253 with the conditions that this be for current applicant only, curtains be 2 feet from ceiling, no pyrotechnics be used, that seating meets all ADA standards and seating and occupancy meet current IEBC building codes along with staff recommendations, and including all findings of fact.

Granted by action of the Common Council of the City of Lake Geneva this 27th day of December 2016.

Al Kupsik, Mayor

ATTEST:

Sabrina Waswo, City Clerk

**PLAN COMMISSION MEETING
MONDAY, DECEMBER 19, 2016 – 6:30 PM
COUNCIL CHAMBERS, CITY HALL**

Mayor Kupsik called the meeting to order at 6:30p.m.

Roll Call. Present: Mayor Kupsik, Alderman Doug Skates, John Gibbs, Sarah Hill, Tom Hartz, Ann Esarco, Tyler Frederick. Also Present: City Planner Slavney, City Attorney Draper, City Administrator Oborn, Inspector Robers, Assistant City Clerk Gunderson.

Approve the Minutes of November 21, 2016 Plan Commission meeting as distributed.

Gibbs/Skates motion to approve. Unanimously carried.

Comments from the public as allowed by Wis. Stats. §19.84(2), limited to items on this agenda, except for public hearing items. Comments will to be limited to 5 minutes.

None.

Acknowledgement of Correspondence.

None.

Downtown Design Review.

Application by Eileen Marutzky, 619 Geneva Street, Lake Geneva, WI 53147 for exterior signage at 512 Broad Street, Tax Key No. ZDG 00005

Eileen Marutzky, 619 Geneva Street, stated she opened a retail business at 512 Broad Street that sells antiques and other items. The sign will be the same size as the business next to hers, Chatty Kathy's. It will be white with green print. Inspector Robers said the sign meets all standards.

Gibbs/ Frederick motion to approve.

Roll Call: Al Kupsik, Doug Skates, John Gibbs, Sarah Hill, Tom Hartz, Ann Esarco, Tyler Frederick voting "yes."
Carried unanimously.

Public Hearing and recommendation on a Conditional Use Application and Downtown Design Review filed by Matthew Morgan, 212 W Hidden Trail, Elkhorn, WI 53121, to open a Commercial Indoor Entertainment facility (Magic Theater) with signage at 231 Cook Street, Lake Geneva, WI 53147, Tax Key No. ZOP 00253

Matthew Morgan gave an overview of the application details. Inspector Robers stated there were two fire concerns. The first was the seating must remain ADA accessible, which is a 36 inch aisle. The other item was the fire curtains must be two feet from the ceiling line so that the sprinkler system does not need to be modified. Commissioner Hartz was curious about the hours of operation. Mr. Morgan answered around noon to 8 or 9 in the evening. Mr. Hartz asked if they plan to serve food and/or beverages. Mr. Morgan was not sure yet, but perhaps they may have a small concession stand. Mr. Hartz questioned if there will be music and what sound level would it be played at. Mr. Morgan said the music would be typical background music for a magic show.

Commissioner Hill asked Mr. Robers what the space is like as it seems tight. Mr. Robers answered they will have to get an inspection before they open and meet all building code requirements. The conditional use will be for indoor entertainment for a magic theater. Planner Slavney said the conditional use can be limited to a specific operator, which he suggested for this conditional use. The plan development language says this type of use is under indoor entertainment. It doesn't specify between restaurants, bars, physical activity studios, and so on. The Tristan Crist Magic Theater is under this as well as the Lake Geneva Clue Room. They are all considered commercial indoor entertainment which is allowed in the central business district under a conditional use application. Mr. Hartz asked if the plan development for Newport West didn't exclude anything. Mr. Robers and Mr. Slavney said there wasn't anything to their knowledge. Mayor Kupsik said seating will be limited to the occupancy of the building with 36 inch aisles which is ADA compliant.

Speaker 1

Tristan Crist, 609 W Main Street, representing Tristan Crist Magic Theatre. He opened his theater in December of 2015 and quickly became a fixture in the area. He is supportive of more attractions in town. He isn't sure Lake Geneva is the

best place for this. He feels a second magic theater will cause confusion. He questioned if the commission would approve a second movie theater 3 blocks away from the first one. He feels this could over saturate the market. He is concerned the logo is borrowing from his brand including the gold lettering, the layout, the font, and the spelling of 'theatre'. He noted the proposed floor plan doesn't meet requirements. He feels Delavan may be a better place. He asked what the public benefits of opening a second magic theater downtown would be. He also asked if those benefits would outweigh the potential confusion and the adverse impact on tourism and entertainment in Lake Geneva.

Speaker 2

Bob Kordus, 320 Boulder Ridge Drive, feels there is plenty of room in Lake Geneva. Mr. Morgan is trying to do something unique and different from what Mr. Crist is doing. This is a deaf magic show. He believes it is the first one in the country that is going to be run as a deaf magic show. During the day it would be a meeting place for deaf people. His packet talks about sign language classes for local businesses to help them accommodate deaf tourists. It is not big illusions; it is a family-oriented magic show.

Speaker 3

Teresa Hireman, from Dousman, stated she is a representative of Wisconsin Deaf Movement. She supports Mr. Morgan and feels this has a domino effect as it is not just an impact for deaf community but their families as well. They have a large community in the Southeastern part of Wisconsin that he can serve and draw upon. She understands the concern of having two magic shows. She would like variety and feels people will enjoy both shows.

Kupsik/Hill motion to close the public hearing. Carried unanimously.

Inspector Robers encouraged the commission to include that it has to meet ADA requirements, the curtains have to be 2 feet below the ceiling line, that it meets all international existing building codes for the seating, and that it is limited to this applicant only. Mayor Kupsik added seating should be limited to occupancy. Mr. Oborn noted the applicant mentioned they will not be using fire.

Kupsik/Skates motion to approve the conditional use application filed by Matthew Morgan, 212 W Hidden Trail, Elkhorn, WI 53121, to open a Commercial Indoor Entertainment facility (Magic Theater) with signage at 231 Cook Street, Lake Geneva, WI 53147, Tax Key No. ZOP 00253 to include all staff recommendations, no pyrotechnics, limit seating to occupancy limits, limit the conditional use to this applicant, must have a fire rated curtain, the curtain must be at 6 feet, must have a 36 inch aisle, ADA accessible seating and aisles, and all findings of fact.

Mr. Slavney said the applicant mentioned the possibility of concessions. Mr. Robers said it is retail so it would not require another conditional use as it is already allowed. Mr. Hartz asked Mr. Robers what their role is. Mr. Robers said the zoning code is indoor entertainment, and it is not their determination to say there are too many of one thing or another. Commissioner Hill understands the dilemma, but it is not for this commission to determine the fair market. She requests the applicant plays nice with others and encourages them to join VISIT Lake Geneva. Mr. Slavney echoed what Ms. Hill said. The commission is prohibited to regulate competition. Their zoning power is a police power which is intended to protect the public health, safety, and welfare. They are not allowed to regulate competition.

Roll Call: Al Kupsik, Doug Skates, John Gibbs, Sarah Hill, Tom Hartz, Ann Esarco, Tyler Frederick voting "yes." Motion carried unanimously.

Kupsik/Hill motion to approve signage as noted at 231 Cook Street Lake Geneva, WI tax key number ZOP 00253. Inspector Robers said window applications applied from the inside are not covered by zoning code. Ms. Hill does not like it. She assumed that would be window film. Mr. Robers answered yes. Mr. Kupsik said the awning is the same on the whole building. Mr. Robers noted it does meet downtown design. Mr. Morgan said the window film is just to cover up renovation construction. Mr. Robers clarified the sign they are looking at is the blue magic sign and the awning only, not the yellow portion down below. Ms. Esarco pointed out a typo on the awning verbiage. If the applicant wants to add signage to the big window, he will need to come back to the Plan Commission for design review.

Roll Call: Al Kupsik, Doug Skates, John Gibbs, Tom Hartz, Ann Esarco, Tyler Frederick voting "yes." Motion carries 6 to 1 with Hill voting "no".

STAFF REPORT
To Lake Geneva Plan Commission

Meeting Date: December 16, 2016

Agenda Item #6

Applicant:

Eileen Marutzky

619 Geneva Street

Lake Geneva, WI 53147

Request:

Downtown Design review for an exterior sign at

512 Broad Street, Tax Key #ZGD 00005

Description:

The applicant would like to install a sign on her business at 512 Broad Street.

Staff Recommendation:

Staff has no objections to the sign as it meets the Downtown Design standards and the Zoning Code.

Agenda Item #7

Applicant:

Matthew Morgan

212 W Hidden Trail

Elkhorn, WI 53121

Request:

Applying a Conditional Use to open a Commercial Indoor Entertainment Facility (Magic Theater) at 231 Cook Street

Tax Key No ZOP 00253 including Downtown Design.

Description:

The applicant would like to open a Magic Theater in an existing downtown location and install exterior signage at the location

Staff Recommendation:

Staff has no problem with granting the Conditional Use permit and is looking for Plan Commission guidance on the proposed signage.

Action by the Plan Commission:

As part of the consideration of a requested Conditional Use Permit, the Plan Commission needs to make findings per the requirements of the Zoning Ordinance, and then make a recommendation to the city Council.

- A. If, after the public hearing, the Commission wishes to recommend approval, then the appropriate fact finding would be:
1. In general, the proposed conditional use is in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.
 2. Specific to this site, the proposed conditional use is in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.

3. The proposed conditional use in its proposed location, and as depicted on the required site plan does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development.
 4. The proposed conditional use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
 5. The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on any of improvements, facilities, utilities or services provided by public agencies serving the subject property.
 6. The potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.
- B. If, after the public hearing, the Commission wishes to recommend denial, then the appropriate fact finding would be:
1. In general, the proposed conditional use is not in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.
 2. Specific to this site, the proposed conditional use is not in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.
 3. The proposed conditional use in its proposed location, and as depicted on the required site plan does result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development.
 4. The proposed conditional use does not maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
 5. The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on any of improvements, facilities, utilities or services provided by public agencies serving the subject property.
 6. The potential public benefits of the proposed conditional use do not outweigh all potential adverse impacts of the proposed conditional use after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.



Owned by
Matthew & Liliana Morgan

The Little MAGIC Theatre at
231 Cook St, in Lake Geneva, WI
is the venue for several magic and variety shows for
the public, and is available for private functions and
parties. Its monthly magic and variety show, “**The
Little MAGIC Theatre,**” is a family-friendly production
of up to 60 minutes featuring storytellers, jugglers,
and magicians.



Thank you for being willing to listen to our story and how we became a successful business. I'm excited to be part of the growing recognition of Lake Geneva as a successful place to visit and live.

I have been a magician for most of my life, and a professional one for over 20 years. I've traveled the world and performed in countless countries. I also currently serve as the president of the World Society for Deaf Magicians, and the U.S. Society of Deaf Magicians. In fact, I met my stage assistant, who is also my wife, during a performance in Moscow, Russia.

One of the most common questions we get asked is when we will have a permanent place that people can travel to watch performances at. I'm happy to say that we have now made that dream a reality by establishing the Little MAGIC Theater right here in Lake Geneva. I grew up at the Wisconsin School for the Deaf, not too far away from here in Delavan, and have always loved the Lake Geneva community.

Our theater will seat (60-70) people, and will be open year-round. The theater will feature many types of performances, not just my magic show; it will also feature jugglers, actors and theatrical plays, mimes, puppets, and many others — all designed to entertain the whole family at reasonable prices. There will also be an onsite interpreter year-round on a full-time basis. The theater will be open seven days a week throughout the summer, and then during the off-season, on weekends and the occasional weekday for special events.

It is our goal to keep the costs as affordable as possible, especially for families who are traveling to Lake Geneva. Currently, our projected ticket prices will be between \$24.99 and \$25.99 per seat.

We intend for our theater to be as inclusive as possible. What we mean by this is that we will ensure that the facility is accessible to all people, regardless of age, disability, or needs. As mentioned, there will be a sign language interpreter on site at all times the theater is open, even if I am not in the building.

Other uses for the facility will be to provide American Sign Language classes for parents who have deaf children, perhaps in partnership with the Wisconsin School for the Deaf, and also to community workers like the police, fire, and medical personnel. We also intend to open our theater space for workshops and community events as appropriate.

We've worked very hard to make this dream a reality, and are so excited to see it happening. Thank you so much for your support and any assistance you provide.

Introduction

We've traveled the world performing magic for 20 years, but we've always wanted to return to our roots and establish a MAGIC Theater in beautiful Lake Geneva, Wisconsin. As Deaf people, we believe we can do anything, and we want to show that through our truly inspirational magic show designed for all people. Our shows are visual, energetic, and family-friendly. We also have two children who often join us on stage because our family is passionate about entertaining people of all ages. We also often feature international visual artists and magicians guest stars, and many of our shows are interpreted for those not fluent in American Sign Language.

A few years ago, we realized that we had come full circle. I first learned magic tricks as a very young child in Wisconsin from my grandfather. I began performing for friends and at birthday parties during my school days. That turned into libraries, and then festivals, performing arts centers and international competitions. In fact, my wife and I met when I performed in Russia.

One question we repeatedly get from patrons when we travel is why we don't have a permanent theatrical space. We have long wanted to find a space — but the time was never quite right until now. Our goal is always to inspire our audience to believe and dream...especially those who have disabilities, or know someone with disabilities.

Here's our plan. We are ready to lease a space in Lake Geneva, a place popular with tourists. It's our goal to eventually purchase this space. The best part is that since we've been performing for so long, we already have the basic supplies, including props, live trained animals, costumes, backdrops and show music. For us to make the transition from being on the road to a permanent theater, we must invest in remodeling the leased space into a formal and accessible theatre space with comfortable seating, advanced sound and light systems, a small ticket and retail area, and so much more.

It is our goal to open the theater by Winter/Early Spring of 2017, and perform two full shows seven days a week throughout the summer season. In the fall and winter, we will transition to weekend performances and continue booking road shows. We will open up our theater for weekday bookings by other artists. We would also like to use a portion of our funds to bring in guest artists to the theatre for specialty shows. Magic and comedy have touched the lives of millions, and to share that wonder right here in Lake Geneva will be a dream come true.

People often ask if we plan to perform until we retire. Our answer is always, "Absolutely not. We plan to do magic until we leave this earth!" Performing has been our joy, our passion and our family's livelihood our whole lives. That's why we want to bring it home, and share our passion with our greater community. Barriers are made to be broken and we are living proof of it.

We are very excited to be this close to our launch. We have full confidence our dream Little Magic Theatre will soon be able to make charitable contributions to causes near and dear to us: the Deaf community, advocates for Deaf children, KODA (kids of Deaf adults) groups, state associations for Deaf people, interpreter organizations, and aspiring young magicians or others artists with disabilities.

APPLICATION FOR CONDITIONAL USE

City of Lake Geneva

SITE ADDRESS/PARCEL NO. AND FULL LEGAL DESCRIPTION REQUIRED (ATTACH SEPARATE SHEET IF NECESSARY):

231 Cook St, Lake Geneva, WI

NAME AND ADDRESS OF CURRENT OWNER:

Commercial Property Associates Inc

1000 N Water St Suite 160, Milwaukee, WI 53202

TELEPHONE NUMBER OF CURRENT OWNER: **414.271.1111**

NAME AND ADDRESS OF APPLICANT:

Matthew Morgan

212 W Hidden Trail, Elkhorn, WI 53121

TELEPHONE NUMBER OF APPLICANT: **920.376.9390 - matt@magicmorgan.com**

PROPOSED CONDITIONAL USE:

Commercial Indoor Entertainment

ZONING DISTRICT IN WHICH LAND IS LOCATED:

NAMES AND ADDRESSES OF ARCHITECT, PROFESSIONAL ENGINEER AND CONTRACTOR OF PROJECT:

SHORT STATEMENT DESCRIBING ACTIVITIES TO BE CARRIED ON AT SITE:

Family-Friendly Shows

CONDITIONAL USE FEE PAYABLE UPON FILING APPLICATION: \$400.00 [\$100 FOR APPLICATIONS UNDER SEC. 98-407(3)]

November 23, 2016

DATE


SIGNATURE OF APPLICANT

**CITY OF LAKE GENEVA PROCEDURAL CHECKLIST FOR:
CONDITIONAL USE REVIEW AND APPROVAL (Requirements per Section 98-905)**

This form should be used by the Applicant as a guide to submitting a complete application for a conditional use and by the City to process said application. Parts II and III should be used by the Applicant to submit a complete application; Parts I - IV should be used by the City as a guide when processing said application.

I.RECORDATION OF ADMINISTRATIVE PROCEDURES

___ **Pre-submittal staff meeting scheduled:**

Date of Meeting: _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

Follow-up pre-submittal staff meetings scheduled for:

___ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

___ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

___ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

___ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

___ **Application form filed with Zoning Administrator:** **Date:** _____ **by:** _____

___ **Application fee of \$ _____ received by Zoning Administrator:** **Date:** _____ **by:** _____

___ **Reimbursement of professional consultant costs agreement executed:** **Date:** _____ **by:** _____

II.APPLICATION SUBMITTAL PACKET REQUIREMENTS

Prior to submitting the 25 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 Copies to Zoning Administrator)

Date: _____ *by:* _____

↓ *Draft Final Packet (1 Copy to Zoning Administrator)*

Date: _____ *by:* _____

↓

___ (a) **A map of the proposed conditional use:**

- ___ Showing all lands for which the conditional use is proposed;
- ___ Showing all other lands within 300 feet of the boundaries of the subject property;
- ___ Referenced to a list of the names and addresses of the owners of said lands as they appear on the current records of the Register of Deeds of Walworth County (as provided by the City of Lake Geneva);
- ___ Clearly indicating the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control;
- ___ Map and all its parts are clearly reproducible with a photocopier;
- ___ Map size of 11" by 17" and map scale not less than one inch equals 800 ft;
- ___ All lot dimensions of the subject property provided;
- ___ Graphic scale and north arrow provided.

___ (b) **A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole:**



5. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

6. Do the potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use (as identified in Subsections 98-905(4)(b)1.-5.), after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts?

Yes, my business should benefit Lake Geneva and have no adverse impacts.

IV.FINAL APPLICATION PACKET INFORMATION

- ____ **Receipt of 5 full scale copies in blue/line or black/line of complete Final Application Packet by Zoning Administrator:** **Date:** _____ **by:** _____
- ____ **Receipt of 25 reduced (8.5" by 11" text and 11" x 17" graphics) copies of complete Final Application Packet by Zoning Administrator:** **Date:** _____ **by:** _____
- ____ **Certification of complete Final Application Packet and required copies to the Zoning Administrator by City Clerk:** **Date:** _____ **by:** _____
- ____ **Class 2 Legal Notice sent to official newspaper by City Clerk:** **Date:** _____ **by:** _____
- ____ **Class 2 Legal Notice published on _____ and _____** **by:** _____
- ____ **Conditional Use recorded with the County Register of Deeds Office:** **Date:** _____ **by:** _____

___ Operational considerations relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in Article VII (Sections 98-701-98-721) including: street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials;

___ If no nuisances will be created (as indicated by complete and continuous compliance with the provisions of Article VII), then include the statement "The proposed development shall comply with all requirements of Article VII.";

___ Exterior building and fencing materials (Sections 98-718 and 98-720);

___ Possible future expansion and related implications for points above;

___ Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.

___ (b) **A Small Location Map** at 11" x 17" showing the subject property, all properties within 300 feet, and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the City's Official Zoning Map with the subject property clearly indicated shall suffice to meet this requirement.)

___ (c) **A Property Site Plan drawing which includes:**

___ A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project;

___ The date of the original plan and the latest date of revision to the plan;

___ A north arrow and a graphic scale (not smaller than one inch equals 100 feet);

___ A reduction of the drawing at 11" x 17";

___ A legal description of the subject property;

___ All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;

___ All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;

___ All required building setback lines;

___ All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;

___ The location and dimension (cross-section and entry throat) of all access points onto public streets;

___ The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by the Ordinance;

___ The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas;

___ The location of all outdoor storage areas and the design of all screening devices;

___ The location, type, height, size and lighting of all signage on the subject property;

___ The location, height, design/type, illumination power and orientation of all exterior lighting on the subject property -- including the clear demonstration of compliance with Section 98-707;

___ The location and type of any permanently protected green space areas;

___ The location of existing and proposed drainage facilities;

___ In the legend, data for the subject property on:

___ Lot Area;



Comedian Magicians - Magic Morgan & Liliانا will amaze and astound you, make you laugh and make you think. This show is a theatrical event for the entire family, full of moments that will take your breath away. Objects seem to appear from nowhere. The broken appears to be made whole. Objects defy gravity. All ages will enjoy their grand illusions, live animals, comedy and audience participation. Join us for a unique, magical journey with a powerful message that will create memories to treasure for a lifetime.

SHOWS YEAR ROUND!

Lake Geneva's best family Magic Show, now appearing at The Little MAGIC Theatre! Located in the heart of beautiful downtown Lake Geneva.



Tickets Disappearing Quickly!

**The Little MAGIC Theatre
231 Cooks St., Lake Geneva, WI 53147**

For show times and ticket orders
visit www.magicmorgan.com

COOK STREET

80' ROW

PROPOSED TREE (TYP.)

TRASH

(119') 18.30'

ALLEY

16.0'

61.0'

EXISTING BUILDING

PARKING LOT
35 STALLS

112.00'

UNIT N
8200 SQ. FT.

UNIT M
7800 SQ. FT.

UNIT L
7800 SQ. FT.

UNIT K
7800 SQ. FT.

UNIT J
7302 SQ. FT.

UNIT I
1555 SQ. FT.

UNIT H
1330.5 SQ. FT.

UNIT G
1330.5 SQ. FT.

UNIT F
1330.5 SQ. FT.

UNIT E
1364 SQ. FT.

UNIT D
1330.5 SQ. FT.

UNIT C
1330.5 SQ. FT.

UNIT B
1330.5 SQ. FT.

UNIT A
1649 SQ. FT.

FINISH (6.0')

118.30'

59.20'

59.10'

61.20'

EXISTING TREE

MAIN STREET

100' ROW

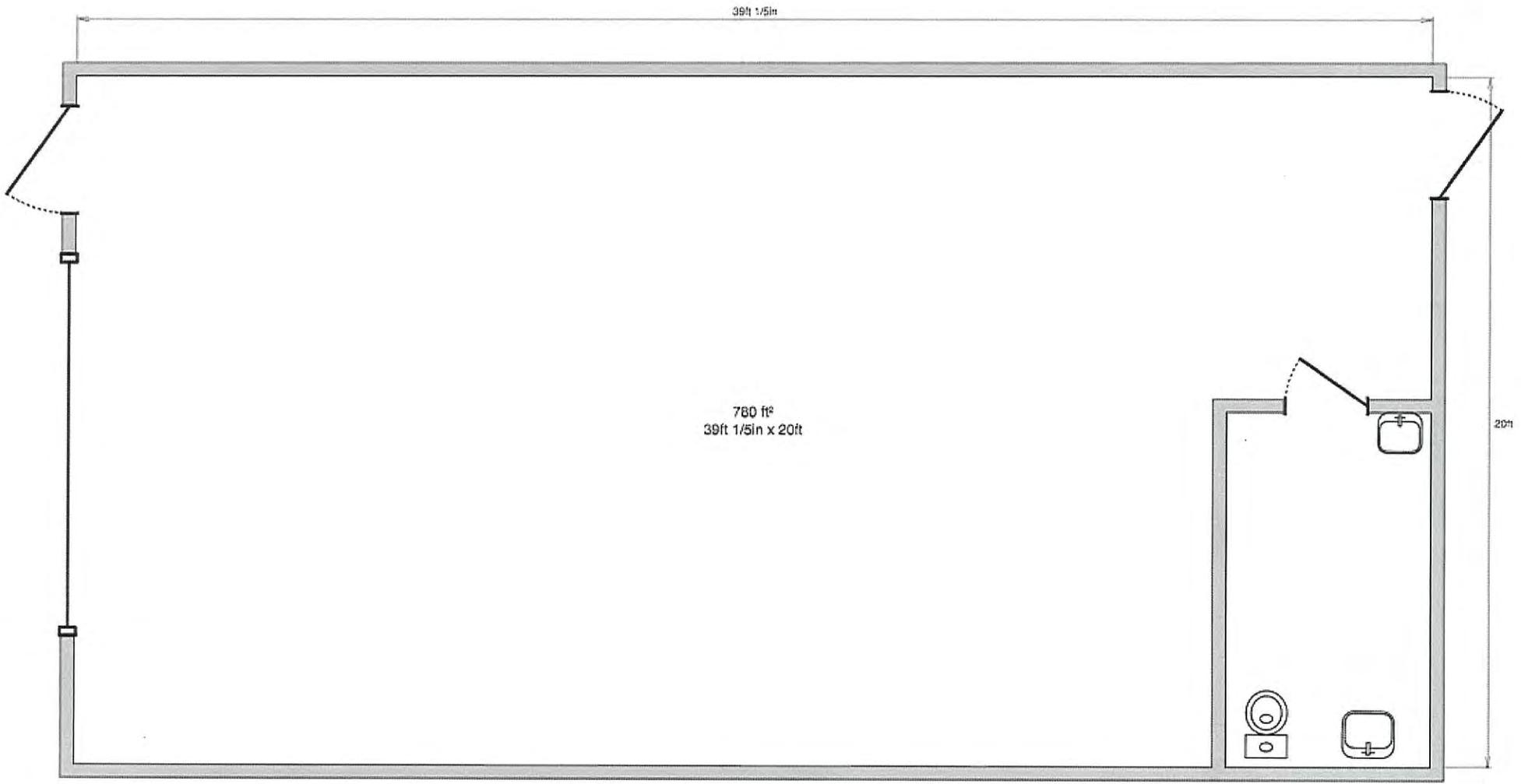


SITE PLAN

SCALE: 1" = 20'

18,004 SF.

Newport West
Developed By: Keefe & Associates, Inc.

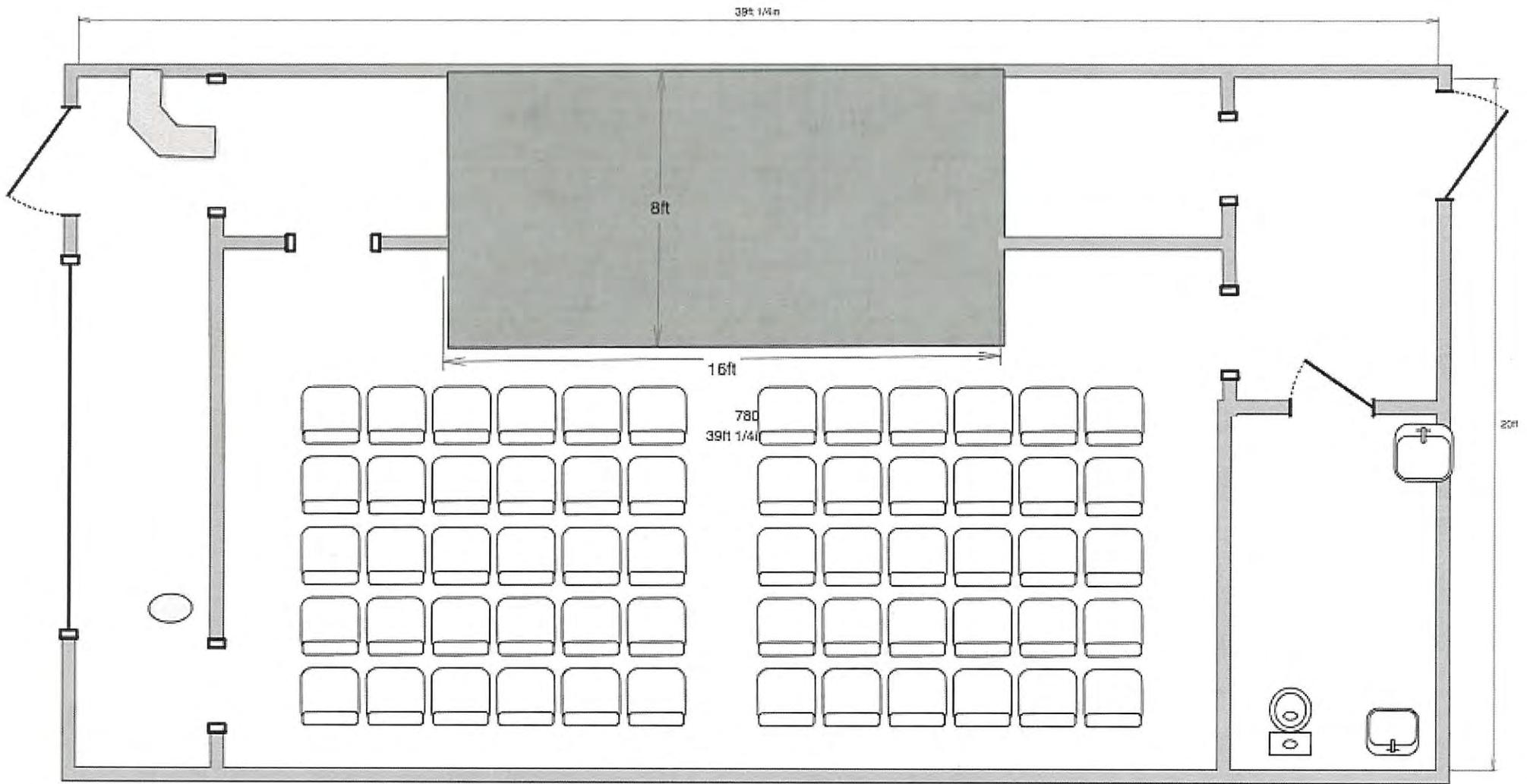


39ft 1/5in

780 ft²
39ft 1/5in x 20ft

20ft





The font type of the THE LITTLE MAGIC THEATRE (ALL CAP-
ON) is Trajan Pro Regular

**THE
LITTLE MAGIC
THEATRE**

**THE LITTLE MAGIC
THEATRE**

Chauvet DJ COLORstrip - 38" RGB LED Bar

**2 X Chauvet DJ COLORstrip 4-Channel LED
RGB Color Strip Linear Wash (for Stage)**



SKU: COLORstrip-RS \$ \$329.99 each

Customer Service Phone: 1-877-275-4434

<http://www.hifisoundconnection.com/>

Features:

Chauvet COLORstrip 4-Channel LED RGB Color Strip Linear Wash

4-channel DMX-512 LED linear wash light

Blackout/static/dimmer/strobe

Static colors and RGB color mixing with or without DMX
controller

Built-in automated programs via master/slave or DMX

Built-in sound active programs via master/slave or DMX

Linkable with COLORbank LED, COLORbank LED 2,

COLORstrip Mini, DIAMONDstrip and DIAMONDstrip Mini

Additional power output: max 32 units @ 120V (see manual)

8 Ft. High x 5 Ft. Wide Premier Drape Panel
(For Pipe and Drape Displays and Backdrops)

Red & Black

Price: \$24.99 + \$10.50 shipping

<https://www.amazon.com/Premier-Drape-Panel-Displays-Backdrops/dp/B00FDBR3DS>



- 8 feet tall (sewn 2 inches shorter, to a finished height of 94 inches) x 60 inches wide drape with 4 inch pole pocket sewn into the top and bottom.
- Sewn 2 inches shorter to avoid dragging on the floor when used at an 8 foot height.
- 100% Polyester drape is Inherently Flame Retardant and passes NFPA 701 fire code.
- ***Listing is for (1) drape. Hardware parts (pipes and bases) sold separately.

HERCULES Series 18.5"W Black Fabric Church Chair with 4.25" Thick Seat, Book Rack - Silver Vein Frame

Regular Price: \$100.00

Sale Price: \$29.99 x 60 Chairs = \$1,799.40

item #: XU-CH-60096-BK-SV-BAS-GG

<http://www.churchchairs4less.com/xu-ch-60096-bk-sv-bas-gg.html>



About This Product:

The HERCULES Series Church Chair will add elegance and class to any Church, Hotel, Banquet Room or Conference setting. This chair was built to last featuring a sturdy 16 gauge frame and has been tested to hold a capacity of up to 800 lbs. The flexibility that you will have over pew seating is an advantage when wanting to create different seating configurations. The waterfall front seat edge removes pressure from the lower legs and improves circulation. This chair includes a convenient book pouch on the backs for hymn books and bibles. The included book rack allows congregants to store personal belongings during worship. You can create uniform, row seating with the included ganging brackets on either side of the chair. The plastic floor glides will keep your hard surface floors scratch free when moving around.

Features:

Multipurpose Church Chair

800 lb. Weight Capacity, Durable Black Fabric Upholstery
Book Pouch on Back, 4.25" Thick Waterfall Edge, Waterfall Seat promotes healthy blood flow, 16 Gauge Steel Frame, Silver Vein Frame Finish, Steel Book Rack, Book Rack Size: 13"W x 15.5"D x 9.75"H from floor; 3.5" Clearance, Ganging Clamps attaches several chairs together, Plastic Rocker Glides, CA117 Fire Retardant Foam, Limited Lifetime Warranty on Frame



City of Lake Geneva
Building and Zoning
626 Geneva Street
Lake Geneva, WI 53147

To the Mayor and Common Council,

At the December 19, 2016 meeting of the Plan Commission this item was recommended for approval.

Site Plan Amendment filed by Mick and Joanne Wright, 682 Wells Street to construct two one unit cottages in place of a previously approved two unit cottage at 682 Wells Street with the condition that the exterior matches the current buildings.

As the Building and Zoning Administrator I am therefore requesting that the City Council take into consideration the unanimous vote of the Plan Commission on all of the items and approve them with the Plan Commission requirements and any additional City Council requirements.

Sincerely,
Kenneth Robers
Building and Zoning Administrator

Public Hearing and recommendation on a Site Plan Amendment Application filed by Mick and Joanne Wright, 682 Wells Street, Lake Geneva, WI 53147 for modifications to an existing site plan to construct two single unit cabins instead of one duplex cabin at 682 Wells Street, Tax key No. ZOP 00410A

Michael Rullman spoke on behalf of the applicants as he is their contractor. In 2006 there was a conditional use permit for two 20 by 32 cabins that were adjoined. He wants to do the same layout but have them separated by 10 feet. Mr. Robers said it was approved, but there was 1 building that was never constructed. They needed to come back and amend their site plan as the timeframe has lapsed for that construction. Also it is now a separated building rather than a combined building. It is the same square footage and same number of rooms. They feel that it is easier to rent a separate building rather than two that are combined together. Mr. Rullman noted it would be 10 feet apart which is needed to be done by code for fire safety. Mr. Hartz said there is a big empty space there now so he wasn't sure which ones he was intending to build. Mr. Rullman said in the survey that was submitted, it originally showed as one building. He separated it and handwrote an item in. He is planning on having it surveyed and set out. Mayor Kupsik stated that site has turned around in the last few years, and this can only enhance it. Ms. Hill asked if this was similar to what had been previously approved and if there is any additional building or site plan for the parcel. Mr. Rullman said this would max them out. This is the last space they have to add two buildings. He confirmed the exterior colors, materials, and design will be consistent with what is on the property now.

Gibbs/Skates motion to close the public hearing. Unanimously carried.

Hill/Skates motion to approve a Site Plan Amendment Application filed by Mick and Joanne Wright, 682 Wells Street, Lake Geneva, WI 53147 for modifications to an existing site plan to construct two single unit cabins instead of one duplex cabin at 682 Wells Street, Tax key No. ZOP 00410A to include staff recommendations, all findings of fact, and the building design be consistent with the current buildings.

Roll Call: Al Kupsik, Doug Skates, John Gibbs, Sarah Hill, Tom Hartz, Ann Esarco, Tyler Frederick voting "yes."
Motion carried unanimously.

Public Hearing and recommendation on a Conditional Use Application field by T-Mobile, 15660 Midwest Road, Ste 140, Oakbrook, IL 60181 to collocate a wireless antenna facility on the roof top of the Harbor Shores building at 300 Wrigley Drive, Lake Geneva, WI 53147, Tax Key No. ZHC 00100 thru 00523

Inspector Robers stated the applicants pulled it from the agenda. It is not tabled, it is withdrawn.

Presentation of a Conceptual Plan for a Planned Development for a Senior Living Development by Golden Years, 270 Ridge Road, Walworth, WI 53184 at an existing site of the former Southland Farms, on Bloomfield Road

Brian Pollard, representative of Southland Farms, gave a brief history on the property. This site was set aside for senior housing.

Rich Austin, W5631 Sunset Ridge, Walworth, is the Owner of Golden Years. He gave a history of the business. He introduced his son Jeff and son-in-law John, who also were representing the business. He stated you cannot start a nursing home; you have to acquire a license from another facility. They intended to build a new facility in Walworth, but couldn't find another nursing home that was available. They did finally purchase another facility. They really liked the idea of expanding the Golden Years to Lake Geneva. One of their biggest problems is the time constraints that the State of Wisconsin puts on a business once they acquire beds. A business is given 18 months to have the beds up and operating or they will be taken away. They are up against the clock because they had to shift gears. He thinks there is enough time to work through the process. He noted they are a for profit entity. The first phase of this new building would be a 30 bed skilled facility. He expects an employment increase of about 50 individuals. Mayor Kupsik asked for a rough idea of where they are going to start and how it will be phased.

Kevin Madalinski, Senior Project Manager with Hoffman Planning, Design & Construction, gave an overview of the concept. The site plan has the lower acuity on the west end which would be independent apartments to the higher acuity on the east side of the campus, which would be the skilled nursing and memory care. The reason the development will be in multiple phases is the time schedule. There is a sunset on the restricted bed use by the Department of Health and Services for skilled nursing. It is imperative to have it operational. He believes the schedule is attainable for the end of 2017. The project will be a planned development approval. It will have an underlying zoning as a planned office. There are two potential variances that he would like to note that have to do with building height. The site has a unique feature in that there is a 10 to 15 foot fall between the east to the west. The building wants to compliment that natural grade

Agenda Item #8

Applicant:

Mick & Joanne Wright

682 Wells Street

Lake Geneva, WI 53147

Request:

Amendment to a previously approved Site Plan

at 682 Wells Street, Tax Key No. ZOP 00410A.

Description:

The applicant proposes to build two single room cabins instead of the previously approved duplex cabin.

Staff Recommendation:

Staff recommends approval of the Site Plan amendment as the site already includes other single and duplex cabins and does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist.

Agenda Item #9

Applicant:

T-Mobile

15660 Midwest Road, Suite 140

Oakbrook, IL 60181

Request:

Conditional Use Permit to collate a wireless antenna

facility on the roof top at 300 Wrigley Drive,

Tax Key ZHC 00100 thru 00523

Description:

The applicant proposes to collocate a new wireless antenna facility on the roof top of an existing building.

Staff Recommendation:

Staff recommends approval of the Conditional Use as the applicant has documentation that the proposed facility will put no undue stress on the existing roof top and there is already an existing antenna facility at the location.

Action by the Plan Commission:

As part of the consideration of a requested Conditional Use Permit, the Plan Commission needs to make findings per the requirements of the Zoning Ordinance, and then make a recommendation to the city Council.

- A. If, after the public hearing, the Commission wishes to recommend approval, then the appropriate fact finding would be:
1. In general, the proposed conditional use is in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.
 2. Specific to this site, the proposed conditional use is in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.
 3. The proposed conditional use in its proposed location, and as depicted on the required site plan does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development.

SITE PLAN

APPLICATION FOR ~~PRECISE IMPLEMENTATION PLAN~~ AMENDMENT

City of Lake Geneva

Site Address/Parcel No. and full Legal Description required (attach separate sheet if necessary):

082 WELLS STREET, LAKE GENEVA
ZOP00410A . S3147,

Name and Address of Current Owner:

MICK & JOANNE WRIGHT (LILYPOTS LLC)
682 WELLS STREET, LAKE GENEVA.

Telephone No. of Current Owner including area code:

262 2484006,

Name and Address of Applicant:

MICK & JOANNE WRIGHT,
682 WELLS ST, LAKE GENEVA. S3147

Telephone No. of Applicant including area code:

262 2484006,
2030412 (cell),

Proposed Use:

EXTENSION TO ~~R&R~~ Commercial
Indoor Lodging. Converting One Two Unit Building
into two separate structures

Zoning District in which land is located:

Planned Business

Names and Addresses of architect, professional engineer and contractor of project:

N/A.

Short statement describing activities to take place on site:

CONSTRUCTION BUILD 2
20 x 32 CABINS.

PIP Amendment fee \$400.00, payable upon filing application.


Signature of Applicant

- _____ (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole:
- _____ (c) A written description of the proposed precise implementation plan describing the type of activities, building, and structures proposed for the subject property and their general locations;
- _____ (d) A site plan (conforming to the requirements of Section 98-908(3) of the subject property as proposed for development OR if the proposed precise implementation plan is a group development (per Section 98-208) a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan, provided said plat contains all information required on said site plan per Section 98-908.
- _____ (e) Written justification for the proposed precise implementation plan:
 - _____ Indicating reasons why the Applicant believes the proposed precise implementation plan is appropriate with the recommendations of the City of Lake Geneva Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in Section 98-905(4)(b) 1.-6. (*See below*)

III. JUSTIFICATION OF THE PROPOSED PRECISE IMPLEMENTATION PLAN

1. How is the proposed precise implementation plan (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the City of Lake Geneva Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?

Yes Converting a two unit building into two one unit buildings

2. How is the proposed precise implementation plan, in its specific location, in harmony with the proposed goals, objectives, policies and standards of the City of Lake Geneva Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?

Yes

3. Does the proposed precise implementation plan, in its proposed location and as depicted on the required site plan (see Section 98-905(3)(d)), result in any substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development?

NO

4. How does the proposed precise implementation plan maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

No Utilities already exist / site already approved

5. Is the proposed precise implementation plan located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

No

6. Do the potential public benefits of the proposed precise implementation plan outweigh all potential adverse impacts of the proposed precise implementation (as identified in Subsections 98-905(4)(b) 1.-5.), after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts?

Yes

IV. FINAL APPLICATION PACKET INFORMATION

____ Receipt of 5 full-scale copies in blue line or black line of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____

____ Receipt of 25 reduced (8.5" by 11" text and 11" x 17" graphics) copies of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____

____ Certification of complete Final Application Packet and required copies to the Zoning Administrator by City Clerk: Date: _____ by: _____

____ Class 2 Legal Notice sent to official newspaper by City Clerk: Date: _____ by: _____

____ Class 2 Legal Notice published on _____ and _____ by: _____

____ Conditional Use recorded with County Register of Deeds Office: Date: _____ by: _____

- ___ Showing the location of all required bufferyard and landscaping areas
- ___ Showing existing and proposed Landscape Point fencing
- ___ Showing berm options for meeting said requirements
- ___ Demonstrating complete compliance with the requirements of Article VI
- ___ Providing individual plant locations and species, fencing types and heights, and berm heights;

___ (e) **A Grading and Erosion Control Plan:**

- ___ Same scale as the main plan (> or equal to 1" equals 100')
- ___ Map reduction at 11" x 17"
- ___ Showing existing and proposed grades including retention walls and related devices, and erosion control measures.

___ (f) **Elevation Drawings of proposed buildings or remodeling of existing buildings:**

- ___ Showing finished exterior treatment;
- ___ With adequate labels provided to clearly depict exterior materials, texture, color and overall appearance;
- ___ Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.

NOTE: Initiation of Land Use or Development Activity: Absolutely no land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of law and shall be subject to all applicable enforcement mechanisms and penalties.

NOTE: Modification of an Approved Site Plan: Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of law. An approved site plan shall be revised and approved via the procedures of Subsections 98-908(2) and (4) so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.

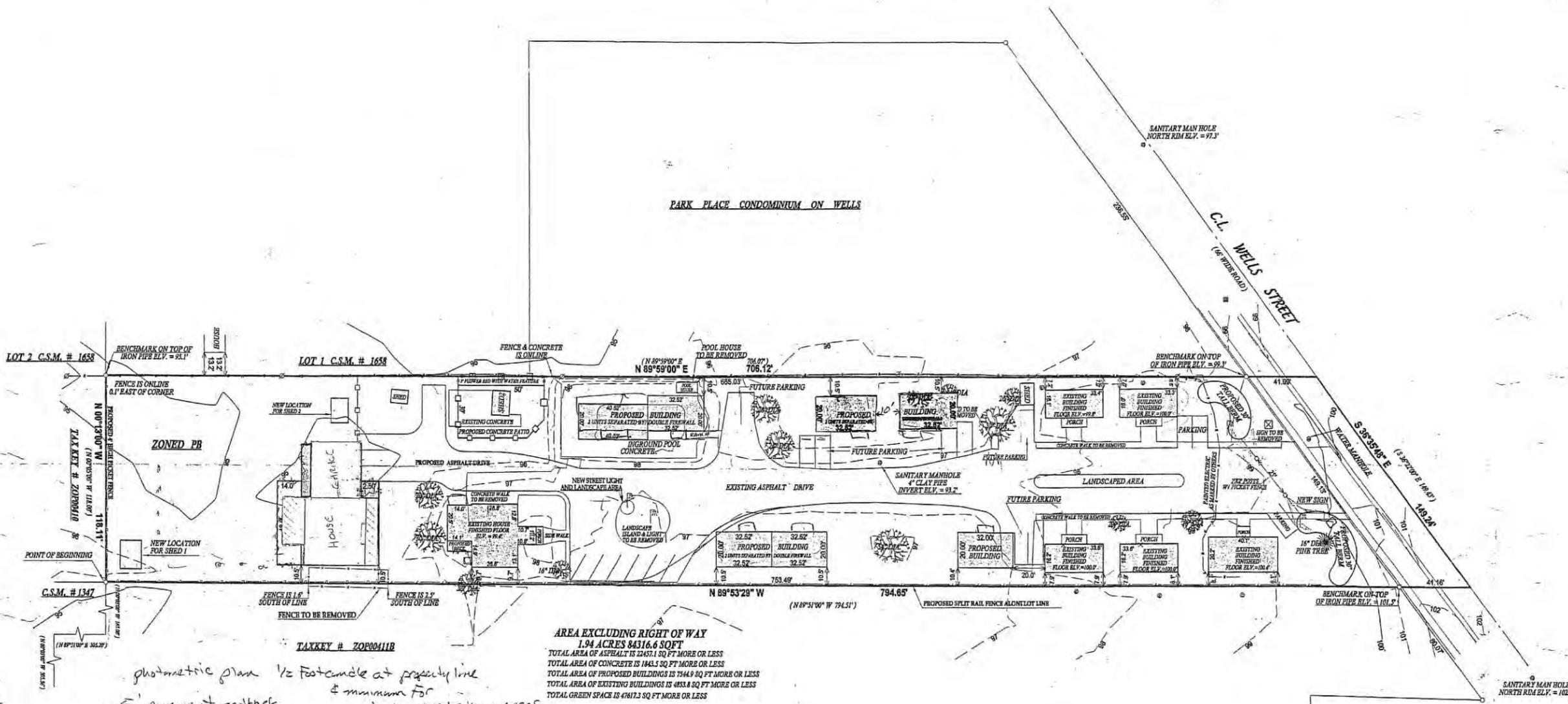
III.FINAL APPLICATION PACKET INFORMATION

- ___ Receipt of ¹ full scale copies in blueline or blackline of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____
- ___ Receipt of ¹⁷ reduced (8.5" by 11" text and 11" x 17" graphics) copies of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____

SITE PLAN

A PART OF THE SOUTHEAST 1/4 OF SECTION 36, TOWN 2 NORTH, RANGE 17 EAST, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 36 AND CENTERLINE OF WILLOW STREET; THENCE N 0°00'00" WEST, 504.56 FEET ALONG SAID CENTERLINE; THENCE S 89°51'00" EAST, 365.20 FEET; THENCE N 00°00'00" W, 165.00 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUE N 00°00'00" WEST, 114.00 FEET; THENCE N 89°59'00" EAST, 786.07 FEET TO THE CENTERLINE OF LOGAN AVENUE; THENCE S 14°12'00" EAST, 149.43 FEET ALONG SAID CENTERLINE; THENCE N 89°51'00" WEST, 794.51 FEET TO THE POINT OF BEGINNING. SAID PARCEL LOCATED IN THE CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN.

EARLY INCOMPLETE SET OF PLANS FOR CITY



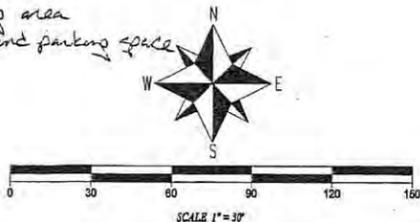
AREA EXCLUDING RIGHT OF WAY
 1.94 ACRES 84316.6 SQ FT
 TOTAL AREA OF ASPHALT IS 22457.1 SQ FT MORE OR LESS
 TOTAL AREA OF CONCRETE IS 1943.5 SQ FT MORE OR LESS
 TOTAL AREA OF PROPOSED BUILDINGS IS 7949 SQ FT MORE OR LESS
 TOTAL AREA OF EXISTING BUILDINGS IS 4883.8 SQ FT MORE OR LESS
 TOTAL GREEN SPACE IS 47617.3 SQ FT MORE OR LESS

photometric plan 1/2 footcandle at property line
 & minimum for traffic garden areas

No:
 Ash
 Honeysuckle
 Norway Maple

5' pavement setback
 18 1/2 x 9
 22' 2-way aisle
 11' 1-way aisle - ✓ with 6" dept
 45' backing area behind parking space

- LEGEND**
- ⊙ POWER POLE
 - CABLE PEDISTAL
 - OVERHEAD UTILITIES
 - () recorded as
 - found iron bar
 - found iron pipe
 - set iron pipe
 - set iron bar
 - PROPOSED 4" TALL PICKET FENCE
 - PROPOSED 6" TALL STOCODE FENCE
 - PROPOSED SPLIT RAIL FENCE
- JOB # 06-322



COMPARE LEGAL DESCRIPTION ABOVE AND DRAWING WITH DEED, FOR BUILDING RESTRICTIONS AND EASEMENTS NOT SHOWN REFER TO DEED, ABSTRACT SOURCE AND LOCAL MUNICIPAL CODES. NOTIFY THE SURVEYOR IMMEDIATELY OF ANY DISCREPANCY.

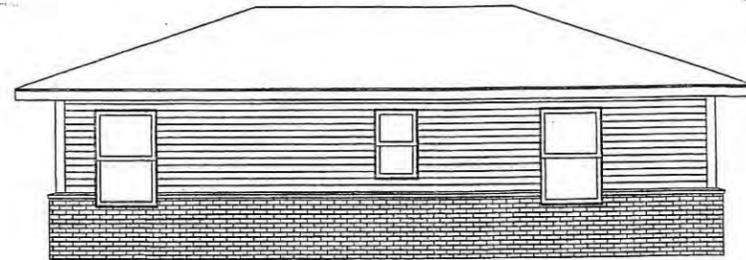
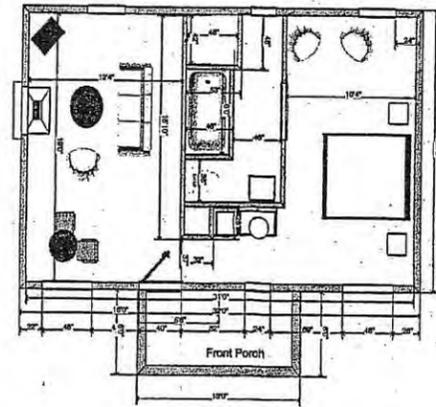
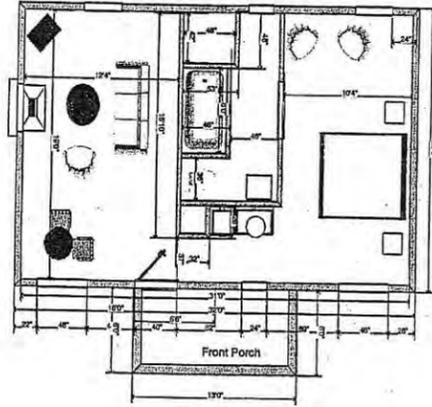
"I hereby certify that I have surveyed the above described property and that the above map, to the best of my knowledge and belief, is a true representation thereof and shows the size and location of all visible structures, apparent easements and encroachments, if any."

"This survey is made for the present owners of the property, and those who purchase, mortgage, or otherwise take title therein, within one year from the date hereof."

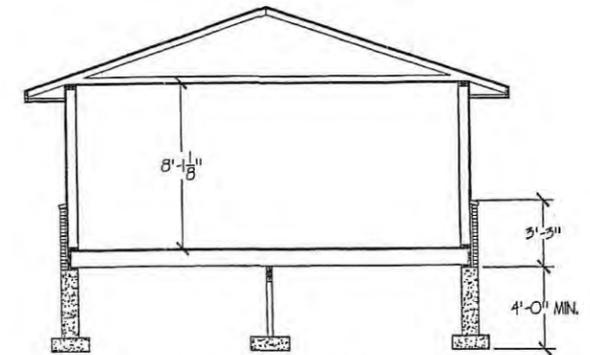


JOHN KROTTY, S-2258
 Wisconsin Registered Land Surveyor
 (original if signed in red)

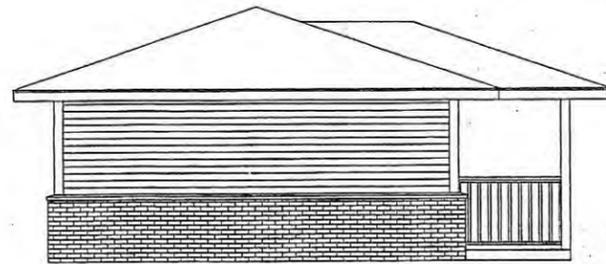
DATED THIS THE 30th DAY OF JUNE 2008.



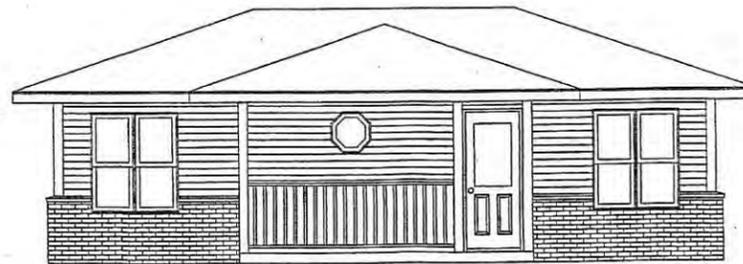
REAR ELEVATION



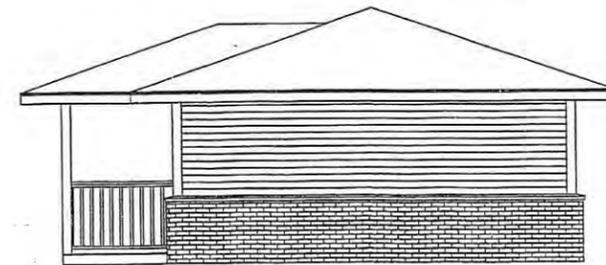
SECTION VIEW



LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION

NEW 20X 32 CABIN

JORDT/FAHEY CABIN PLANS	
DATE 08/17/06	NEW 20X 32 CABIN PLAN
PREP BY E.R.C.	
SCALE 1/4"=1'-0"	SHEET 1 OF 1

**City of Lake Geneva
Council Meeting
December 12, 2016**

Prepaid Checks

12/14/16 to 12/22/16

**Total:
\$7,000.14**

**Checks over \$5,000:
\$ -**

FROM 12/14/2016 TO 12/22/2016

VENDOR #	INVOICE #	ITEM DESCRIPTION	ACCOUNT NUMBER	INV. DATE	P.O. NUM	CHECK #	CHK DATE	CHECK AMT	INVOICE AMT/ ITEM AMT
BELLI	BERNARD BELLIN								
	NOV 28-DEC 8			12/12/16		64175	12/21/16	4,200.00	4,200.00
	01	CONTRACT-DIRECTOR	9900005216						4,200.00
								VENDOR TOTAL:	4,200.00
RICHS	RICH'S TRUCK & AUTO								
	20755			11/29/16		64176	12/21/16	297.03	297.03
	01	BELT, COOLING FAN-AMB 3	4122008063						297.03
								VENDOR TOTAL:	297.03
TECHSO	TECHSOUP								
	1731044			10/18/16		64177	12/21/16	1,040.00	1,040.00
	01	PRO PLUS LICENSES-26	9900005515						1,040.00
								VENDOR TOTAL:	1,040.00
VERIZON	VERIZON WIRELESS								
	9775948392			11/23/16		64178	12/21/16	1,463.11	254.17
	01	CELL CHGS-NOV	1122005221						254.17
	9776270715			12/01/16		64178	12/21/16	1,463.11	40.01
	01	AIR CARDS-NOV	1129005221						40.01
	9776271166			12/01/16		64178	12/21/16	1,463.11	518.55
	01	CELL CHGS-NOV	1121005221						518.55
	9776424609			12/03/16		64178	12/21/16	1,463.11	650.38
	01	AIR CARDS-NOV	1121005221						650.38
								VENDOR TOTAL:	1,463.11
								TOTAL --- ALL INVOICES:	7,000.14

**City of Lake Geneva
Council Meeting
December 27, 2016**

Accounts Payable

	<u>Fund #</u>	
1. General Fund	11	\$ 47,255.53
2. Debt Service	20	\$ -
3. TID #4	34	\$ -
4. Lakefront	40	\$ 6,401.78
5. Capital Projects	41	\$ -
6. Parking	42	\$ 8,883.02
7. Cemetery	48	\$ 393.46
8. Equipment Replacement	50	\$ -
9. Library Fund	99	\$ 1,270.45
10. Impact Fees	45	\$ 3,555.00
11. Tax Agency Fund	89	\$ -
Total All Funds		<u><u>\$67,759.24</u></u>

**CITY OF LAKE GENEVA
ACCOUNTS PAYABLE UNPAID ITEMS OVER \$5,000**

COUNCIL MEETING DATE: 12/27/16

TOTAL UNPAID ACCOUNTS PAYABLE \$ **67,759.24**

ITEMS > \$5,000

Alliant Energy - December Gas Bills \$ 19,606.79

City of Lake Geneva - 2016 Property Taxes - 227 South Lakeshore Drive \$ 7,876.41

Rote Oil Company - December Diesel \$ 5,909.08

Balance of Other Items \$ 34,366.96

INVOICES DUE ON/BEFORE 12/28/2016

INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	P.O. #	DUE DATE	ITEM AMT
ALLIANT	ALLIANT ENERGY						
RE122216	12/01/16	01	ACCT #026273-HAVENWOOD FLSH	1134105222		12/27/16	7.44
		02	ACCT #057300-SOUTH/WELLS FLSH	1134105222			8.72
		03	ACCT #064443-WELLS ST FLSH	1134105222			8.89
		04	ACCT #072470-MAIN ST LITES	1134105223			177.65
		07	ACCT #108571-1055 CAREY	1132105222			141.58
		08	ACCT #111395-BROAD ST TRFC LT	1134105223			73.61
		11	ACCT #148614-HWY 50/12 FLASHER	1134105222			10.50
		12	ACCT #152472-W COOK SIREN	1129005222			10.70
		13	ACCT #161895-RIVIERA ELEC	4055305222			1,764.64
		14	ACCT #165231-BEACH HOUSE	4054105222			390.65
		15	ACCT #178450-INTCHG N/SHER SPR	1134105223			83.44
		16	ACCT #182684-HWY 120/BLMFLD LT	1134105223			94.38
		17	ACCT #243254-LIBRARY PARK	1152005222			15.18
		18	ACCT #252132-EDWDS BLVD/WM SIG	1134105223			115.02
		20	ACCT #293132-SAGE ST/DUNN SRN	1129005222			5.31
		21	ACCT #303645-MS2 STREET LTS	1134105223			301.56
		22	ACCT #327582-DUNN FIELD	1152005922			136.68
		23	ACCT #339772-SNAKE RD/HWY 50	1134105222			10.50
		24	ACCT #363673-VETS PK/TWNLN RD	1152015222			113.64
		25	ACCT #393713-MUSEUM 256 MILL	1151105222			869.87
		27	ACCT #401872-WELLS ST FLSH	1134105222			10.07
		28	ACCT #414694-HOST DR WATER TWR	1122005222			184.94
		29	ACCT #422323-GENEVA SQ TRF LT	1134105223			33.09
		30	ACCT #433371-LIBRARY	9900005222			850.57
		31	ACCT #457625-LOT LITE GNVA ST	1134105223			344.12
		32	ACCT #462852-WELLS ST FLSH	1134105222			78.96
		33	ACCT #549716-FLAT IRON PARK	1152005222			189.03
		34	ACCT #566211-W HWY 50 BLK FLSH	1134105222			10.50
		35	ACCT #595515-LIB PARK RESTROOM	1152005222			186.65
		36	ACCT #602235-724 WILLIAMS ST	1134105223			36.77
		37	ACCT #604445-S LAKESHORE DR FL	1134105222			7.76
		38	ACCT #622184-S LAKESHORE DR	1152005222			20.87
		39	ACCT #630016-COOK ST/HWY 50	1134105223			29.82
		40	ACCT #661112-OAK HILL CEMETERY	4800005222			90.38

INVOICES DUE ON/BEFORE 12/28/2016

INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	P.O. #	DUE DATE	ITEM AMT
ALLIANT ALLIANT ENERGY							
RE122216	12/01/16	41	ACCT #684954-730 MARSHALL SRN	1129005222		12/27/16	19.87
		43	ACCT #688465-TENNIS CTS/SCHL	1152005222			16.39
		44	ACCT #718894-OAK HILL CEMETERY	4800005222			18.77
		46	ACCT #732492-389 EDWDS TRF LT	1134105223			137.04
		47	ACCT #734115-HWY 50/HWY 12 LTS	1134105222			23.19
		48	ACCT #738154-RUSHWOOD PARK	1152005222			22.20
		49	ACCT #758433-700 GENEVA ST LOT	1134105223			217.59
		50	ACCT #758940-1065 CAREY ST	1132105222			598.39
		51	ACCT #759513-STREET LIGHTS	1134105223			7,138.67
		52	ACCT #800930-VETS PK SCOREBRD	1152015222			198.33
		53	ACCT #837813-SEM PARK RESTROOM	1152005222			12.27
		54	ACCT #895526-HWY 50 TRF LT	1134105223			196.79
		55	ACCT #912610-GEORGE ST FLSHR	1134105222			7.76
		56	ACCT #923482-1070 CAREY ST	1132105222			132.99
		59	ACCT #926683-FLAT IRON PK/WRGL	1152005222			7.80
		60	ACCT #932215-DODGE ST FLSHR	1134105222			8.09
		63	ACCT #940353-IMPND 1070 CAREY	1121005222			22.10
		64	ACCT #952816-FIRE HOUSE	1122005222			842.70
		65	ACCT #957203-HWY 120/TWNLD RD	1134105222			123.12
		66	ACCT #965570-201 EDWARDS SIREN	1129005222			11.33
		67	ACCT #969933-CITY HALL	1116105222			3,072.80
		68	ACCT #973443-VETS PARK PAVLN	1152015222			209.89
		69	ACCT #980910-DONIAN PARK	1152005222			136.16
		70	ACCT #998403-COBB PARK	1152005222			19.06
						INVOICE TOTAL:	19,606.79
						VENDOR TOTAL:	19,606.79
ALLIE ALLIED SAFETY PRODUCTS							
6521	12/08/16	01	GLOVES	1132105340		12/28/16	42.00
						INVOICE TOTAL:	42.00
						VENDOR TOTAL:	42.00
AMYS AMY'S SHIPPING EMPORIUM							

INVOICES DUE ON/BEFORE 12/28/2016

INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	P.O. #	DUE DATE	ITEM AMT

AMYS	AMY'S SHIPPING EMPORIUM						
6094	12/09/16	01	UPS-MULTI TECH SYSTEMS	4234505312		12/28/16	10.29
						INVOICE TOTAL:	10.29
6095	12/09/16	01	UPS-UNITED PUBLIC SAFETY	4234505312		12/28/16	19.69
						INVOICE TOTAL:	19.69
						VENDOR TOTAL:	29.98
AT&T81	AT&T						
RE122216	12/13/16	01	262 R42-8188 663 1 CITY HALL	1116105221		12/27/16	284.70
		02	262 R42-8188 663 1-POLICE	1121005221			284.70
		03	262 R42-8188 663 1-COURT	1112005221			31.63
		04	262 R42-8188 663 1-METER	4234505221			31.63
		06	262 248-2264 368 9-FIRE DEPT	1122005221			328.80
		07	262 248-4567 367 1-911 MODEM	1121005221			115.32
		08	262 248-4715 125 4-CITY HALL	1116105221			268.48
		10	262 248-4913 601 4-STR FAX/DSL	1132105221			182.71
		12	262 249-5299 313 5-6 LIB LINES	9900005221			131.88
		13	262 249-5299 313 5-1 STR LINE	1132105221			21.98
		14	262 249-5299 313 5-COURT FAX	1112005221			21.98
		15	262 249-5299 313 5-CH ALARM	1116105221			43.96
		16	262 249-5299 313 5-CEM 1 LINE	4800005221			21.98
		17	262 249-5299 313 5-LOWER RIV	4055205221			21.98
		18	262 249-5299 313 5-UPPER RIV	4055105221			43.96
		19	262 249-5299 313 5-FIRE 2 LINE	1122005221			43.93
		20	262 249-5299 313 5-POL 3 LINES	1121005221			66.02
		21	262 248-6837 457 9-POL 911 CON	1121005221			218.33
						INVOICE TOTAL:	2,163.97
						VENDOR TOTAL:	2,163.97
AUROM	AURORA MEDICAL GROUP						
1402485	12/11/16	01	DOT/CDL PHYSICAL	1132105205		12/28/16	75.00
						INVOICE TOTAL:	75.00
						VENDOR TOTAL:	75.00

INVOICES DUE ON/BEFORE 12/28/2016

INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	P.O. #	DUE DATE	ITEM AMT
BILLER BILLER PRESS							
16-16901	11/30/16	01	MIRROR HANG TAGS	1100001610		12/28/16	439.00
						INVOICE TOTAL:	439.00
						VENDOR TOTAL:	439.00
BRUCE BRUCE MUNICIPAL EQUIPMENT INC							
P01658	12/14/16	01	FAN BLADE-SNOW BLOWER	1132125250		12/28/16	821.57
						INVOICE TOTAL:	821.57
						VENDOR TOTAL:	821.57
BUMPB BUMPER TO BUMPER AUTO PARTS							
1-316966	12/08/16	01	HYDRAULIC FITTINGS	1132105351		12/28/16	60.24
						INVOICE TOTAL:	60.24
1-316967	12/08/16	01	HYDRAULIC FITTINGS	1132105340		12/28/16	34.16
						INVOICE TOTAL:	34.16
						VENDOR TOTAL:	94.40
BUMPL BUMPER TO BUMPER AUTO PARTS							
662-355568	12/12/16	01	HEADLAMP-#15	1132105351		12/28/16	7.79
						INVOICE TOTAL:	7.79
662-355669	12/13/16	01	LOW BEAM RELAY-#27	1132105351		12/28/16	12.79
						INVOICE TOTAL:	12.79
662-355708	12/14/16	01	10 PC TOOL SET	1132105340		12/28/16	44.49
						INVOICE TOTAL:	44.49
662-355829	12/15/16	01	DRILL BIT	1132105340		12/28/16	18.89
						INVOICE TOTAL:	18.89
						VENDOR TOTAL:	83.96
CINTAS CINTAS CORP							

INVOICES DUE ON/BEFORE 12/28/2016

INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	P.O. #	DUE DATE	ITEM AMT

CINTAS	CINTAS CORP						
0F36574830	12/05/16	01	EXTINGUISHER INSPECTION	1132105390		12/28/16	924.75
						INVOICE TOTAL:	924.75
0F36574831	12/05/16	01	EXTINGUISHER INSPECTION	4055205360		12/28/16	286.50
						INVOICE TOTAL:	286.50
						VENDOR TOTAL:	1,211.25
CITYLG	CITY OF LAKE GENEVA						
227 SLSD TAXES	12/15/16	01	2016 TAXES-227 SLSD	4234505870		12/28/16	7,876.41
						INVOICE TOTAL:	7,876.41
						VENDOR TOTAL:	7,876.41
COMPOST	COMPOST MANAGEMENT INC						
6794	12/08/16	01	NEW SNOWBLOWER	1116105350		12/27/16	999.00
						INVOICE TOTAL:	999.00
						VENDOR TOTAL:	999.00
DES	DATA EQUIPMENT SERVICES						
665	12/07/16	01	MODEM SVC-DEC	4234505221		12/28/16	945.00
		02	MODEM SVC-DEC	4054105221			45.00
						INVOICE TOTAL:	990.00
						VENDOR TOTAL:	990.00
DOMIN	DOMINION VOTING SYSTEMS INC						
DVS118427	12/07/16	01	YRLY MAINT,LICENSE	1114305311		12/28/16	867.36
						INVOICE TOTAL:	867.36
						VENDOR TOTAL:	867.36
DUNN	DUNN LUMBER & TRUE VALUE						
668970	12/07/16	01	STAPLES	1132105340		12/28/16	3.99

INVOICES DUE ON/BEFORE 12/28/2016

INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	P.O. #	DUE DATE	ITEM AMT
DUNN	DUNN LUMBER & TRUE VALUE						
668970	12/07/16	02	DISCOUNT	1100004819		12/28/16	-0.20
						INVOICE TOTAL:	3.79
668986	12/07/16	01	SCREWS	1132105350		12/28/16	35.99
						INVOICE TOTAL:	35.99
668992	12/07/16	01	RAM BOLT-#21	1132105351		12/28/16	4.19
		02	DISCOUNT	1100004819			-0.21
						INVOICE TOTAL:	3.98
669086	12/07/16	01	ANTI-SEIZE COMPOUND, TAPE	1132105350		12/28/16	28.93
		02	DISCOUNT	1100004819			-1.45
						INVOICE TOTAL:	27.48
669094	12/07/16	01	NIPPLE-AIR LINE-#21	1132105351		12/28/16	0.89
		02	DISCOUNT	1100004819			-0.04
						INVOICE TOTAL:	0.85
669140	12/08/16	01	INSULATION, BOARDS, BRUSH	1132105350		12/28/16	110.43
		02	DISCOUNT	1100004819			-0.75
						INVOICE TOTAL:	109.68
669209	12/08/16	01	ANCHORS, BRACKETS, HANGERS	1132105350		12/28/16	25.94
		02	DISCOUNT	1100004819			-1.30
						INVOICE TOTAL:	24.64
669806	12/14/16	01	PARAFFIN WAX	1132105340		12/28/16	6.49
		02	DISCOUNT	1100004819			-0.32
						INVOICE TOTAL:	6.17
669932	12/15/16	01	CUTTING OIL	1132105351		12/28/16	13.99
		02	DISCOUNT	1100004819			-0.70
						INVOICE TOTAL:	13.29
						VENDOR TOTAL:	225.87

INVOICES DUE ON/BEFORE 12/28/2016

INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	P.O. #	DUE DATE	ITEM AMT
DUO SAFETY LADDER CORPORATION							
447222	12/23/14	01	RUNG REAMER TOOL RETURN	1122005351		03/16/16	-126.00
		02	REFUND CK RECD-TOOL RETURN	1122005351			126.00
						INVOICE TOTAL:	0.00
						VENDOR TOTAL:	0.00
FASTENAL COMPANY							
WIELK127823	12/01/16	01	COTTER PINS	1132105340		12/28/16	17.21
						INVOICE TOTAL:	17.21
						VENDOR TOTAL:	17.21
GENEVA AUTO BODY							
2014 FORD F-150	09/06/16	01	EXPLORER PKG LOT DAMAGE	1110005245		12/28/16	421.57
		02	EXPLORER PKG LOT DAMAGE	1121005361			1,000.00
						INVOICE TOTAL:	1,421.57
						VENDOR TOTAL:	1,421.57
TOWN OF GENEVA							
AMBELANG CITATION	12/21/16	01	AMBELANG CIT #U324038	1112004510		12/27/16	124.00
						INVOICE TOTAL:	124.00
						VENDOR TOTAL:	124.00
GENEVA LAKE USE COMMITTEE							
2	09/19/16	01	2016 CONTRIBUTION	4054105740		12/28/16	750.00
						INVOICE TOTAL:	750.00
						VENDOR TOTAL:	750.00
GRAYS INC							
33599	12/07/16	01	PLOW TRUCK FIX	4800005351		12/28/16	180.00
						INVOICE TOTAL:	180.00
						VENDOR TOTAL:	180.00

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INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	P.O. #	DUE DATE	ITEM AMT

HEALT	HEALTHCHECK 360						
HC3582	12/19/16	01	NOV SCREENINGS	1110205132		12/28/16	2,344.00
						INVOICE TOTAL:	2,344.00
						VENDOR TOTAL:	2,344.00
HESTA	HE STARK AGENCY INC						
6089COURT-10/16	12/08/16	01	COLLECTION FEES-OCT	1112005214		12/28/16	23.33
						INVOICE TOTAL:	23.33
						VENDOR TOTAL:	23.33
ITU	ITU ABSORB TECH INC						
6701527	12/02/16	01	MATS,MOPS,FRAGRANCE	4055205360		12/28/16	66.05
						INVOICE TOTAL:	66.05
6709687	12/15/16	01	MATS	1116105360		12/28/16	93.44
						INVOICE TOTAL:	93.44
						VENDOR TOTAL:	159.49
JERRY	JERRY WILLKOMM INC						
368068	12/14/16	01	HYDRAULIC FLUID-55 GALS	1132105341		12/27/16	326.70
						INVOICE TOTAL:	326.70
						VENDOR TOTAL:	326.70
KAEST	KAESTNER AUTO ELECTRIC CO						
247964	12/07/16	01	WIRE CONNECTORS	1132105340		12/28/16	177.54
						INVOICE TOTAL:	177.54
						VENDOR TOTAL:	177.54
KAPUR	KAPUR & ASSOCIATES, INC						
89597	12/22/16	01	GIS ZONING MAP UPDATES	1130005217		12/27/16	200.00
						INVOICE TOTAL:	200.00
						VENDOR TOTAL:	200.00

INVOICES DUE ON/BEFORE 12/28/2016

INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	P.O. #	DUE DATE	ITEM AMT
LAKESI LAKESIDE INTERNATIONAL LLC							
2130209P	12/15/16	01	MIRRORS-#26,#25,#22	1132105351		12/28/16	181.00
						INVOICE TOTAL:	181.00
						VENDOR TOTAL:	181.00
LAKEWF LAKEWOOD FILTERS INC							
116897	12/06/16	01	FILTER CHANGES	1116105360		12/28/16	260.20
						INVOICE TOTAL:	260.20
						VENDOR TOTAL:	260.20
LASERE LASER ELECTRIC SUPPLY							
1449807	12/06/16	01	LIGHT BULBS	1116105350		12/28/16	60.25
		02	LIGHT BULBS	1151105240			22.75
		03	DISCOUNT	1100004819			-1.66
						INVOICE TOTAL:	81.34
						VENDOR TOTAL:	81.34
LASERW LASER WORKS UNLIMITED LLC							
1203	12/21/16	01	NAMEPLATE-HEDLUND	1111005399		12/27/16	13.25
						INVOICE TOTAL:	13.25
						VENDOR TOTAL:	13.25
LGUTI LAKE GENEVA UTILITY							
386 MANNING WAY	12/15/16	01	386 MANNING WAY	4500002452		12/28/16	1,690.00
		02	386 MANNING WAY	4500002453			1,865.00
						INVOICE TOTAL:	3,555.00
						VENDOR TOTAL:	3,555.00
MCCOR MCCORMACK & ETTEN ARCHITECTS							
HIST-PRES	12/09/16	01	PAPER,COPIES	1170005720		12/28/16	150.00
						INVOICE TOTAL:	150.00
						VENDOR TOTAL:	150.00

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INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	P.O. #	DUE DATE	ITEM AMT

MONRO	MONROE TRUCK EQUIPMENT						
5336218	12/05/16	01	AUGER-#27	1132125351		12/28/16	485.92
						INVOICE TOTAL:	485.92
						VENDOR TOTAL:	485.92
NAPAE	ELKHORN NAPA AUTO PARTS						
57909	12/08/16	01	PS FLUID,OIL,COUPLER	1132105351		12/28/16	106.88
						INVOICE TOTAL:	106.88
57910	12/08/16	01	COUPLER	1132105340		12/28/16	21.52
						INVOICE TOTAL:	21.52
58423	12/12/16	01	LIGHT BULBS-#25,#26	1132105351		12/28/16	29.98
						INVOICE TOTAL:	29.98
58574	12/13/16	01	OIL/AIR FILTERS	1132105351		12/28/16	27.83
		02	IMPACT WRENCH/PUNCH SET	1132105340			241.75
						INVOICE TOTAL:	269.58
58606	12/13/16	01	LIGHT BULB-#22	1132105351		12/28/16	14.99
						INVOICE TOTAL:	14.99
58607	12/13/16	01	LITE BULB-SALTER	1132125250		12/28/16	14.99
						INVOICE TOTAL:	14.99
58872	12/15/16	01	DIESEL EXHAUST FLUID	1132105351		12/28/16	40.00
		02	HELICOIL-SNOW BLOWER	1132125250			39.51
						INVOICE TOTAL:	79.51
						VENDOR TOTAL:	537.45
OFFIC	OFFICE DEPOT						
883598753001	12/01/16	01	TIME CARDS	1132105340		12/28/16	20.49
						INVOICE TOTAL:	20.49

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INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	P.O. #	DUE DATE	ITEM AMT
OFFIC OFFICE DEPOT							
884165552001	12/02/16	01	ENVELOPES,3 HOLE PUNCH	1112005310		12/28/16	60.79
						INVOICE TOTAL:	60.79
						VENDOR TOTAL:	81.28
OTIS OTIS ELEVATOR COMPANY							
CMM34032001	12/09/16	01	ELEVATOR JAMB FIX	4055205360		12/27/16	1,482.00
						INVOICE TOTAL:	1,482.00
						VENDOR TOTAL:	1,482.00
PETES PETE'S TIRE ELKHORN LLC							
45163	12/09/16	01	NEW TIRE-LOADER #29	1132105351		12/28/16	2,200.00
						INVOICE TOTAL:	2,200.00
						VENDOR TOTAL:	2,200.00
PIGGLY PIGGLY WIGGLY							
LANZA RESTITUTION	12/20/16	01	RESTITUTION-LANZA #16-1779	1112004510		12/27/16	78.99
						INVOICE TOTAL:	78.99
						VENDOR TOTAL:	78.99
ROTE ROTE OIL COMPANY							
1634200208	12/07/16	01	283.21 GALS DYED DIESEL	1132105341		12/28/16	523.65
						INVOICE TOTAL:	523.65
1634200209	12/07/16	01	693.2 GALS CLEAR DIESEL	1132105341		12/28/16	1,496.82
						INVOICE TOTAL:	1,496.82
1634400004	12/09/16	01	499.9 GALS DYED DIESEL	1132105341		12/28/16	924.32
						INVOICE TOTAL:	924.32
1634400005	12/09/16	01	76.72 GALS CLEAR DIESEL	1132105341		12/28/16	165.65
						INVOICE TOTAL:	165.65

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INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	P.O. #	DUE DATE	ITEM AMT

ROTE OIL COMPANY							
1635100210	12/16/16	01	455.21 GALS CLEAR DIESEL	1132105341		12/28/16	982.80
						INVOICE TOTAL:	982.80
1635100211	12/16/16	01	240.91 GALS DYED DIESEL	1132105341		12/28/16	445.44
						INVOICE TOTAL:	445.44
1635500005	12/20/16	01	160.6 GALS DYED DIESEL	1132105341		12/27/16	304.98
						INVOICE TOTAL:	304.98
1635500006	12/20/16	01	482.31 GALS CLEAR DIESEL	1132105341		12/27/16	1,065.42
						INVOICE TOTAL:	1,065.42
						VENDOR TOTAL:	5,909.08
SEYMOUR KREMER KOCH							
42427	12/06/16	01	ATTY CONFLICT	1113105214		12/28/16	20.00
						INVOICE TOTAL:	20.00
						VENDOR TOTAL:	20.00
SHI COMPUTERS							
B05820957	11/30/16	01	MS OFFICE LICENSE	1115105450		12/27/16	240.96
						INVOICE TOTAL:	240.96
						VENDOR TOTAL:	240.96
MALLARD RIDGE LANDFILL							
1092193	12/07/16	01	TIRE SCRAP-.61 TNS	1136005296		12/28/16	202.81
						INVOICE TOTAL:	202.81
						VENDOR TOTAL:	202.81
LAW OFFICES OF SMITH & JANIK							
REFUND	12/14/16	01	SITE PLAN APP FEE-SCHWARZ	1124004440		12/28/16	400.00
						INVOICE TOTAL:	400.00
						VENDOR TOTAL:	400.00

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INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	P.O. #	DUE DATE	ITEM AMT

T0001370 BIANCA VARGAS							
REFUND	12/15/16	01	VARGAS-SEC DEP 12/10/16	4055102353		12/28/16	1,000.00
		02	VARGAS-SETUP, SEC GRD 12/10/16	4055104674			-394.00
						INVOICE TOTAL:	606.00
						VENDOR TOTAL:	606.00
T0001372 STEPHANIE BAUMAN							
REFUND	12/19/16	01	BAUMAN-SEC DEP 12/17/16	4055102353		12/28/16	1,000.00
		02	BAUMAN-SETUP, SEC GRD 12/17/16	4055104674			-426.75
						INVOICE TOTAL:	573.25
						VENDOR TOTAL:	573.25
T0001373 MICHAEL MILLS							
REIMB	12/18/16	01	EMT TEST-MILLS	1122005412		12/28/16	70.00
						INVOICE TOTAL:	70.00
						VENDOR TOTAL:	70.00
WALCOS WALWORTH COUNTY SHERIFF							
NOVEMBER 2016	12/07/16	01	PRISONER CONFINES-NOV	1112005290		12/28/16	525.00
						INVOICE TOTAL:	525.00
						VENDOR TOTAL:	525.00
WALCOT WALWORTH COUNTY TREASURER							
64-246 12/16	12/21/16	01	COURT FINES-DEC	1112002420		12/27/16	835.60
						INVOICE TOTAL:	835.60
						VENDOR TOTAL:	835.60
WALGR WALGREENS							
500022047	12/04/16	01	FLU SHOTS-23	1110205133		12/28/16	529.00
						INVOICE TOTAL:	529.00
						VENDOR TOTAL:	529.00

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INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	P.O. #	DUE DATE	ITEM AMT

WEENE WE ENERGIES							
RE122216	12/06/16	01	7891-194-618 NOV GAS BILL	1116105224		12/27/16	869.51
		03	7837-744-963 NOV GAS BILL	1122005224			347.38
		04	0480-524-472 NOV GAS BILL	4055105224			371.75
		06	0847-573-906 NOV GAS BILL-ST#2	1122005224			17.24
		07	5288-664-956 NOV GAS BILL	1151105224			525.08
		08	8052-439-940 NOV GAS BILL-1055	1132105224			90.40
		09	8017-524-022 NOV GAS BILL-1065	1132105224			246.51
		10	6602-046-262 NOV GAS BILL-1070	1132105224			119.52
		11	7283-171-261 NOV GAS BILL	1152015224			10.03
		12	1885-876-489 NOV GAS BILL	4800005224			82.33
		13	3843-358-997 NOV GAS BILL	9900005222			84.00
		14	5604-510-433 NOV GAS BILL	9900005222			204.00
						INVOICE TOTAL:	2,967.75
						VENDOR TOTAL:	2,967.75
WELDE WELDERS SUPPLY CO							
426531	12/01/16	01	ACETYLENE REGULATOR,GLOVES	1132105340		12/28/16	113.95
						INVOICE TOTAL:	113.95
428103	12/14/16	01	YRLY TANK RENTAL	1132105340		12/27/16	47.00
						INVOICE TOTAL:	47.00
						VENDOR TOTAL:	160.95
WESTE WESTENN MECHANICAL CONTRACTORS							
12103	12/14/16	01	HEAT EXCHANGE SVC-1065 CAREY	1132105360		12/27/16	196.00
						INVOICE TOTAL:	196.00
						VENDOR TOTAL:	196.00
WHOLE WHOLESALE DIRECT INC							
224517	11/22/16	01	BLADE GUIDES	1132125351		12/28/16	186.31
						INVOICE TOTAL:	186.31
						VENDOR TOTAL:	186.31

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INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	P.O. #	DUE DATE	ITEM AMT

WISC	STATE OF WISCONSIN						
64-246	12/16	12/21/16	01 COURT FINES-DEC	1112002424		12/27/16	2,218.58
						INVOICE TOTAL:	2,218.58
						VENDOR TOTAL:	2,218.58
WOLF	WOLF CONSTRUCTION CO INC						
4393		12/07/16	01 COLD PATCH	1132105370		12/28/16	1,761.12
						INVOICE TOTAL:	1,761.12
						VENDOR TOTAL:	1,761.12
						TOTAL ALL INVOICES:	67,759.24