

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION, June 12, 2018 at 6:00 p.m. with Council President Lamont Kiefer presiding in the Municipal Building, 819 Superior Ave., Tomah, WI.

Following the Pledge of Allegiance, roll call was taken with Travis Scholze, Lamont Kiefer, Wayne Kling, Larry Siekert, Mary Ann Komiskey, Richard Yarrington, Shawn Zabinski and Jeff Cram present. Absent: Mike Murray. Quorum present. Also in attendance: City Admin. Roger Gorius, City Atty. Penny Precour, City Treasurer Julia Mann, Library Director Irma Keller and Deputy City Clerk Diane Webster. Greg Hagen videotaped the meeting.

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(c) to Confer with Legal Counsel With Respect to Personnel Reclassification and Personnel Issues.

Motion by Yarrington, second by Scholze to adjourn to closed session pursuant to State Statute 19.85(1)(c) to confer with legal counsel with respect to personnel reclassification and personnel issues. Motion passed without negative vote. Meeting adjourned to closed session at 6:02 p.m. Meeting reconvened at 6:35 p.m.

Anyone Desiring to Appear Before the City Council. No one desired to appear.

Distinguished Service Resolution.

Motion by Yarrington, second by Kling to accept **Resolution No. 2018-06-12-21 Distinguished Service Resolution** in recognition of Delia Duncan in service to the City of Tomah as Director of the Senior & Disabled Center from 2002 to 2018. Motion passed without negative vote.

**RESOLUTION NO. 2018-06-12-21
RESOLUTION IN RECOGNITION OF DELIA DUNCAN IN
SERVICE TO THE CITY OF TOMAH AS DIRECTOR SENIOR AND DISABLED CENTER
2002 - 2018**

WHEREAS, However effective government may be in serving the needs of its citizens, the soul of our city and its' vitality as a place to live and work depend on the relationship of families, friends, neighbors and co-workers, and

WHEREAS, Delia Duncan has committed herself to faithfully serving the citizens of Tomah from April of 2002 to January of 2003 as a part time Director for the Tomah Senior and Disabled Services Center at which time in 2003 she was promoted to Director of the Center serving in that capacity to May of 2018, and

WHEREAS, Delia has proven herself to be a dedicated and trustworthy member of the City of Tomah. Delia's commitment to her community has been evidenced repeatedly in her tenure as Director of Tomah's Senior Center. Her dedication to providing quality services and programs for our seniors has been without compare. Delia has always shown compassion in her profession and that compassion in turn has shown itself in the outstanding quality of our Senior Center. She is without doubt a devoted and enthusiastic professional and has been a leader in her field during her time with the City of Tomah. She has earned the respect of the City Council, numerous Mayors and Administrators, her fellow Department Heads and most certainly, the seniors she has provided such dedicated care for. Her involvement in numerous other civic events throughout the community including the summer ice cream social fundraiser and the spring and fall craft show, have set her apart as an example of a member that loves their City and is always willing to, "go the extra mile", to assist in any way she is able. Director Duncan at all times has exhibited an understanding and compassion when deciding matters of the center in her role as a Director. Her thoughtfulness and commitment to all of Tomah will be greatly missed, and

WHEREAS, In appreciation for such dedication and service to our Community upon her retiring as Director of the Senior Center the following is submitted to record;

NOW THEREFORE, BE IT RESOLVED, that as Mayor on behalf of The City of Tomah, I commend Delia for her outstanding contribution to our community. The Common Council of the City of Tomah does hereby express its sincere appreciation and thanks to Delia for her dedication and service to the citizens of the City of Tomah and extends its best wishes for her health and happiness in the future. Dated this 12th day of June 2018

Michael Murray, Mayor

ATTEST: JoAnn M. Cram, City Clerk

City Administrator & Long Range Plan Committee Report. City Administrator Gorius provided a report regarding current and ongoing activities. The Long Range Plan Committee continues to work on the downtown master plan as well as monitoring the 3rd Gen. Project and TID #10. Preparations are being made for the August 11th **Chamber Street Dance**. Admin. Gorius was the guest speaker at the **VA Memorial Commemoration** on May 25th. Four finalists were interviewed for the **Senior & Disabled Center Coordinator** position. Per Alderman Kling's request, Admin. Gorius will research further into how communities utilize **room tax** and report his findings at the July meeting. The Parks Department is working to prepare for the upcoming **truck and tractor pull** being held June 21-24. Admin. Gorius is asking the public to report any vandalism of the parks they may witness.

City Clerk. Carlson Salary Survey. Patrick Glynn spent two days at City Hall May meeting with department heads and gathering data. He will appear at the July meeting to discuss his finding. **Board of Review.** 1st meeting was held May 23rd. One objection was received from Walmart Distribution Center. BOR adjourned until June 18 to make a determination. **Employee Assistance Program Training.** A 2 hour training session was held on May 29th for department heads and first line supervisors after which employees attended a 15 minute orientation.

Library Monthly Report. Director Keller thanked the library staff for handling library operations while she was out on medical leave. Many summer reading programs are taking place. Baby Time is scheduled for July 2 & 30. Baby Palooza (dance) will be held on July 13. Crafternoon (for all ages) will be July 21. Several new books have been purchased for the library.

Convention & Visitors Bureau/Chamber of Commerce. Kitefest was very successful with 1100-1200 attendants, 700 were expected. CVB and City are working together to provide visitor information at the public restroom building. Efforts continue on downtown improvements.

Tomah Public Housing & Community Development Block Grant Monthly Report. Director Muehlenkamp is requesting a full time position for her department.

Senior & Disabled Services Report. No report.

Planning/Building Inspection Report. A written report was provided by Shane Rolff.

Consent Agenda Items.

Motion by Siekert, second by Komiskey to approve the following Consent Agenda items. Motion passed without negative vote.

- A. Minutes** of the May 8, 2018 regular Council Meeting as presented.
- B. Minutes** of the May 23, 2018 Special Council Meeting as presented.
- C. Treasurers Cash and Investment Reports** for May.
- D. 2 Year Bartender License Renewals** for Tiffani Addison, Shirley Aller, Harold Benoit, Orrin Berens, Matthew Berndt, Zachery Berndt, Barbara Betthausen, Stephen Bissen, Margaret Bradley, Lisa Brooks, Anna Bunes, Cassey Bungert, Stacy Burdick, Rebecca Burke, Patricia Burton, Erica Butterfuss, Sierra Butzler, Christine Calhoon, Luke Callaway, Rebecca Chambers, Stephanie Clark, Dinelle Clay, Jade Cobb, Ronald Coffey, Holly Combs, Ralph Cox, Tim Cram, Christian Dawley, David Dechant, Tracy Dechant, Brooke Delaney, Eric Diekmann, Cheryl Dietzman, Neil Driskill, Gina Doyle, Mary Durni, Kim Elsing, Theresa Fox, Jennifer Garvey, Jacilyn Gebhardt, Julie Gebhardt, Judy Getter, David Goldbeck, Lori Goldbeck, Roger Gorius, Margaret Griffin, Sandra Groski, Mary Haas, John Hanson, Amy Hart, Jeremy Haskell, Hailey Hays, Caitlin Henry, Tarayn Hernandez, Scott Hurd, Malcolm Jackson, Heidi Lynn James, Robert Johnson, Stephon Jones, Sumer Jorgensen, Eve Julson, Pamela Kalland, Ellen Lamb, Frederick LeSavage, Victoria Leszczynski, Kyle Lowe, Linda Lynch, Jessica Manske, Arlene Martinson, Donna Mathews, Patrick McGarry, Courtney McKay, Bobby Miller, Kristi Milton, Christine Morrow, Angela Neas, Donald Nelson, Tiffany Neville, Randi Owen, Bridget Owens, Harshal Patel, Jasmina Patel, Laura Peardot, Ashley Peth, Rebecca Peth, Anthony Petri, Lynda Petska, Richard Pfaff, Toni Phelps, Darla Poff, Brenda Prescott-Kingfisher, Jamie Prestwood, Kendall Rawls-Adams, Brad Retzlaff, Tracy Reynolds, Connie Rhea, Amy Ritter, Caitlin Rodriguez, Jacob Rouse, Jamie Ruiz, Laura Ruland, Marina Salamonski, Lacey Samson, Henrietta Schaller, Kelly Schanhofer, Danita Schmitz, David Schoeberl, Amanda Schumann, Daniel Shaw, Robert Shutter, James Siber, Marie Smaida, Melissa Smothers, Richard Solis, Rebecca Spohn, Aaron Stockwell, Timothy Sullivan, Dale Trowbridge, Arika Taylor, Dari Taylor, Sheri Tralmer, Kendra Treu, Amber Tupper, Mary Tysdal, Lydia VanderMeulen, Lisa Vender, Robert Walker, Ashley Wankerl, Wanda Watkins, Michelle Willems, Robert Wilson, Mollie Wisdorf, Janet Wolske, Rhonda Woods, Scott Woodworth, Rosemary Zawacki, and Lynnette Zieler. Motion passed without negative vote.
- E. Special Beer and Wine Permit** for Queen of the Apostles, 303 W. Monroe Street, July 1, 2018.
- F. Budget Amendment** to Change the Superfund Activity to the General Fund.
- G. Renewal of "Class A" Liquor and Fermented Malt Beverage Licenses** at Hwy. 12 & 16 BP, 1030 E. Clifton St.

Resolution Authorizing the Execution of the Financial Assistance Agreement and the Issuance of Revenue Bonds to the State of WI Safe Drinking Water Loan Program.

Motion by Yarrington, second by Scholze, to approve the Resolution Authorizing the Execution of the Financial Assistance Agreement and the Issuance of Revenue Bonds to the State of WI Safe Drinking Water Loan Program in the amount of \$888,178 and authorize the Mayor and City Clerk to sign the necessary documents. Motion passed without negative vote.

RESOLUTION NO. 2018-06-12-20
RESOLUTION AUTHORIZING THE ISSUANCE AND
SALE OF UP TO \$888,178 WATER SYSTEM REVENUE BONDS, SERIES 2018,
AND PROVIDING FOR OTHER DETAILS AND
COVENANTS WITH RESPECT THERETO

WHEREAS, the City of Tomah, Monroe County, Wisconsin (the "Municipality") owns and operates a water system (the "System") which is operated for a public purpose as a public utility by the Municipality; and
WHEREAS, pursuant to a resolution adopted on December 9, 2003 (the "2003 Resolution"), the Municipality has heretofore issued its Water System Revenue Bonds, Series 2003A, dated December 23, 2003 (the "2003A Bonds"), which 2003A Bonds are payable from the income and revenues of the System; and
WHEREAS, pursuant to a resolution adopted on November 9, 2004 (the "2004 Resolution"), the Municipality has heretofore issued its Water System Revenue Bonds, Series 2004A, dated November 24, 2004 (the "2004A Bonds"), which 2004A Bonds are payable from the income and revenues of the System; and
WHEREAS, pursuant to a resolution adopted on December 12, 2006 (the "2006 Resolution"), the Municipality has heretofore issued its Water System Revenue Bonds, Series 2006A, dated December 27, 2006 (the "2006A Bonds"), which 2006A Bonds are payable from the income and revenues of the System; and
WHEREAS, pursuant to a resolution adopted on June 14, 2016 (the "2016 Resolution"), the Municipality has heretofore issued its Water System Revenue Bonds, Series 2016, dated June 22, 2016 (the "2016 Bonds"), which 2016 Bonds are payable from the income and revenues of the System; and
WHEREAS, the 2003A Bonds, the 2004A Bonds, the 2006A Bonds and the 2016 Bonds shall collectively be referred to as the "Prior Bonds"; and
WHEREAS, the 2003 Resolution, the 2004 Resolution, the 2006 Resolution and the 2016 Resolution shall collectively be referred to as the "Prior Resolutions"; and
WHEREAS, certain improvements to the System are necessary to meet the needs of the Municipality and the residents thereof, consisting of the construction of a project (the "Project") assigned Safe Drinking Water Loan Program Project No. 4921-02 by the Department of Natural Resources, and as described in the Department of Natural Resources approval letter for the plans and specifications of the Project, or portions thereof, issued under Section 281.41, Wisconsin Statutes, assigned No. W-2017-0576 and dated July 17, 2017 by the DNR; and
WHEREAS, under the provisions of Chapter 66, Wisconsin Statutes any municipality may, by action of its governing body, provide for purchasing, acquiring, constructing, extending, adding to, improving, operating and managing a public utility from the proceeds of bonds, which bonds are to be payable only from the revenues received from any source by such utility, including all rentals and fees; and
WHEREAS, the Municipality deems it to be necessary, desirable and in its best interest to authorize and sell water system revenue bonds of the Municipality payable solely from the revenues of the System, pursuant to the provisions of Section 66.0621, Wisconsin Statutes, to pay the cost of the Project; and
WHEREAS, the Prior Resolutions permit the issuance of additional bonds on a parity with the Prior Bonds upon certain conditions, and those conditions have been met; and
WHEREAS, other than the Prior Bonds, no bonds or obligations payable from the revenues of the System are now outstanding.

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

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

- (a) "Act" means Section 66.0621, Wisconsin Statutes;
- (b) "Bond Registrar" means the Municipal Treasurer which shall act as Paying Agent for the Bonds;
- (c) "Bonds" means the \$888,178 Water System Revenue Bonds, Series 2018, of the Municipality dated their date of issuance, authorized to be issued by this Resolution;
- (d) "Bond Year" means the twelve-month period ending on each May 1;
- (e) "Current Expenses" means the reasonable and necessary costs of operating, maintaining, administering and repairing the System, including salaries, wages, costs of materials and supplies, insurance and audits, but shall exclude depreciation, debt service, tax equivalents and capital expenditures;
- (f) "Debt Service Fund" means the Debt Service Fund of the Municipality, which shall be the "special redemption fund" as such term is defined in the Act;
- (g) "Financial Assistance Agreement" means the Financial Assistance Agreement by and between the State of Wisconsin by the Department of Natural Resources and the Department of Administration and the Municipality pursuant to which the Bonds are to be issued and sold to the State, substantially in the form attached hereto and incorporated herein by this reference;
- (h) "Fiscal Year" means the twelve-month period ending on each December 31;
- (i) "Governing Body" means the Common Council, or such other body as may hereafter be the chief legislative body of the Municipality;
- (j) "Gross Earnings" means the gross earnings of the System, including earnings of the System derived from water charges imposed by the Municipality, all payments to the Municipality under any service agreements between the Municipality and any contract users of the System, and any other monies received from any source including all rentals and fees and any special assessments levied and collected in connection with the Project;
- (k) "Municipal Treasurer" means the Treasurer of the Municipality who shall act as Bond Registrar and Paying Agent;
- (l) "Municipality" means the City of Tomah, Monroe County, Wisconsin;
- (m) "Net Revenues" means the Gross Earnings of the System after deduction of Current Expenses;
- (n) "Parity Bonds" means bonds payable from the revenues of the System other than the Bonds but issued on a parity and equality with the Bonds pursuant to the restrictive provisions of Section 11 of this Resolution;
- (o) "Prior Bonds" means the 2003A Bonds, the 2004A Bonds, the 2006A Bonds and the 2016 Bonds collectively;
- (p) "Prior Resolutions" means the 2003 Resolution, the 2004 Resolution, the 2006 Resolution and the 2016 Resolution collectively;
- (q) "Project" means the Project described in the preamble to this Resolution. All elements of the Project are to be owned and operated by the Municipality as part of the System as described in the preamble hereto;
- (r) "Record Date" means the close of business on the fifteenth day of the calendar month next preceding any principal or interest payment date;
- (s) "Secured Bonds" means any Parity Bonds secured by the Reserve Fund;
- (t) "System" means the entire water system of the Municipality specifically including that portion of the Project owned by the Municipality and including all property of every nature now or hereafter owned by the Municipality for the extraction, collection, treatment, storage and distribution of water, including all improvements and extensions thereto made by the Municipality while any of the Bonds and Parity Bonds remain outstanding, including all real and personal property of every nature comprising part of or used or useful in connection with such water system and including all appurtenances, contracts, leases, franchises, and other intangibles;
- (u) "2003A Bonds" means the Municipality's Water System Revenue Bonds, Series 2003A, dated December 23, 2003;
- (v) "2003 Resolution" means a resolution adopted by the Governing Body on December 9, 2003 authorizing the issuance of the 2003A Bonds;

(w) "2004A Bonds" means the Municipality's Water System Revenue Bonds, Series 2004A, dated November 24, 2004;

(x) "2004 Resolution" means a resolution adopted by the Governing Body on November 9, 2004 authorizing the issuance of the 2004A Bonds;

(y) "2006A Bonds" means the Municipality's Water System Revenue Bonds, Series 2006A, dated December 27, 2006;

(z) "2006 Resolution" means a resolution adopted by the Governing Body on December 12, 2006 authorizing the issuance of the 2006A Bonds;

(aa) "2016 Bonds" means the Municipality's Water System Revenue Bonds, Series 2016, dated June 22, 2016; and

(bb) "2016 Resolution" means a resolution adopted by the Governing Body on June 14, 2016 authorizing the issuance of the 2016 Bonds.

Section 2. Authorization of the Bonds and the Financial Assistance Agreement. For the purpose of paying the cost of the Project (including legal, fiscal, engineering and other expenses), there shall be borrowed on the credit of the income and revenue of the System up to the sum of \$888,178; and fully registered revenue bonds of the Municipality are authorized to be issued in evidence thereof and sold to the State of Wisconsin Safe Drinking Water Loan Program in accordance with the terms and conditions of the Financial Assistance Agreement, which is incorporated herein by this reference and the Mayor and City Clerk of the Municipality are hereby authorized, by and on behalf of the Municipality, to execute the Financial Assistance Agreement.

Section 3. Terms of the Bonds. The Bonds shall be designated "Water System Revenue Bonds, Series 2018" (the "Bonds"); shall be dated their date of issuance; shall be numbered one and upward; shall bear interest at the rate of 1.122% per annum; shall be issued in denominations of \$0.01 or any integral multiple thereof; and shall mature on the dates and in the amounts as set forth in Exhibit B of the Financial Assistance Agreement and in the Bond form attached hereto as Exhibit A as it is from time to time adjusted by the State of Wisconsin based upon the actual draws made by the Municipality. Interest on the Bonds shall be payable commencing on November 1, 2018 and semiannually thereafter on May 1 and November 1 of each year. The Bonds shall not be subject to redemption prior to maturity except as provided in the Financial Assistance Agreement.

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

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

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

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

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

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

Section 6. Funds and Accounts. In accordance with the Act, for the purpose of the application and proper allocation of the revenues of the System, and to secure the payment of the principal of and interest on the Prior Bonds, the Bonds and Parity Bonds, certain funds of the System have heretofore been created and established which shall be used solely for the following respective purposes:

(a) Revenue Fund, into which shall be deposited as received the Gross Earnings of the System, which money shall then be divided among the Operation and Maintenance Fund, the Debt Service Fund, the Reserve Fund, the Depreciation Fund and the Surplus Fund in the amounts and in the manner set forth in Section 7 hereof and used for the purposes described below.

(b) Operation and Maintenance Fund, which shall be used for the payment of Current Expenses.

(c) Debt Service Fund, which shall be used for the payment of the principal of, premium, if any, and interest on the Prior Bonds, the Bonds and Parity Bonds as the same becomes due.

(d) Reserve Fund, which shall be used for the payment of the principal of, premium, if any, and interest on the Secured Bonds (which excludes the Bonds and any other Parity Bonds issued under the Wisconsin Safe Drinking Water Loan program) if funds in the Debt Service Fund are not sufficient.

(e) Depreciation Fund, which may be expended for repairs, replacements, new construction, extensions or additions to the System. Any money on deposit in the Depreciation Fund not required during the current Fiscal Year for purposes of the Depreciation Fund, may be transferred to the Surplus Fund.

(f) Surplus Fund, which shall first be used whenever necessary to pay principal of, premium, if any, or interest on the Prior Bonds, the Bonds and Parity Bonds when the Debt Service Fund shall be insufficient for such purpose, and thereafter shall be disbursed as follows: (i) at any time, to remedy any deficiency in any of the Funds provided in this Section 6 hereof; and (ii) money thereafter remaining in the Surplus Fund at the end of any Fiscal Year may be transferred to any of the funds or accounts created herein or to reimburse the general fund of the Municipality for advances made by the Municipality to the System or for any other lawful purpose.

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

(a) to the Operation and Maintenance Fund, in an amount equal to the estimated Current Expenses for such month and for the following month (after giving effect to available amounts in said Fund from prior deposits);

(b) to the Debt Service Fund, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the Prior Bonds, the Bonds and any Parity Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the Prior Bonds, the Bonds and any Parity Bonds coming due during such Bond Year (after giving effect to available amounts in said Fund from accrued interest, any premium or any other source);

(c) to the Reserve Fund, any amount necessary to restore the Reserve Fund to the Reserve Funding Level, as defined in paragraph 9 below;

(d) to the Depreciation Fund, an amount determined by the Governing Body to be sufficient to provide a proper and adequate depreciation account for the System; and

(e) to the Surplus Fund, any amount remaining in the Revenue Fund after the monthly transfers required above have been completed.

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

It is the express intent and determination of the Governing Body that the amounts transferred from the Revenue Fund and deposited in the Debt Service Fund shall be sufficient in any event to pay the interest on the Prior Bonds, the Bonds and any Parity Bonds as the same accrues and the principal thereof as the same matures.

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

Section 9. Reserve Fund. The City has heretofore created and there has been continuously maintained a separate account known as the "Reserve Fund." The City shall continue to maintain a Reserve Fund as a separate and distinct fund, and the Reserve Fund shall secure the prompt and full payment of the principal of and the interest on the Secured Bonds (and any additional Parity Bonds issued in the future as Secured Bonds, excluding any Parity Bonds issued under the Wisconsin Safe Drinking Water Loan program), but only to the extent that the regular debt service amounts deposited in the Debt Service Fund are otherwise insufficient for such purposes.

The Reserve Fund shall be maintained at the "Reserve Funding Level" described in this paragraph 9. At the time of issuance of any additional Parity Bonds to be secured by the Reserve Fund (excluding the Bonds and any Parity Bonds issued under the Wisconsin Safe Drinking Water Loan program) (the "Secured Bonds"), the City shall cause the Reserve Fund to be funded in the amount equal to the smallest of the following:

- (a) the maximum of the unpaid annual debt service requirements of the outstanding Secured Bonds (including those then being issued);
- (b) 125% of the average of the unpaid annual debt service requirements of the outstanding Secured Bonds (including those then being issued);
- (c) the maximum amount which would not cause the funding level of the Reserve Fund to fail to be "reasonably required" or otherwise permissible under the provisions of the Code (as defined below in this paragraph 9); and
- (d) 10% of the "issue price" of the Secured Bonds at the time being issued (such issue price to be determined pursuant to Section 1273 of the Code, but without regard to accrued interest); provided, however, that pursuant to such instructions and opinions as the City may receive or request from its bond counsel, the Reserve Funding Level, and the investment of funds in the Reserve Fund, shall be subject to such restrictions and affirmative obligations as shall be necessary in order that none of the Secured Bonds shall (in the absence of compliance with any such restrictions or affirmative obligations) become generally subject to federal income taxation; and provided further, however, that in the case of the issuance of additional Parity Bonds, in lieu of the immediate funding in full of any required increase in the Reserve Funding Level, the City accomplish that increase over eight quarterly payments, commencing on the 1st day of the first calendar quarter immediately following the issuance of such Secured Bonds, and on the 1st day of each calendar quarter thereafter, with each such payment being not less than a quotient, the numerator of which is the difference between the Reserve Funding Level (at the fully increased amount so required) and the amount then on hand in the Reserve Account, and the denominator of which is 8 minus the number of such payments theretofore made, and until such full funding level is achieved, all earnings on investments in the Reserve Fund shall be retained therein. In this paragraph 9, references to provisions of the Code shall be to the then-applicable provisions of the Internal Revenue Code of 1986, as amended, supplemented or superseded, and to the regulations, rulings and decisions thereunder, relating to tax-exempt obligations.

If an entire issue of Secured Bonds shall have been paid in full in accordance with its terms, or if any obligation under any Secured Bond shall have been defeased, the Reserve Funding Level shall be reduced to that level thereof which would apply had said issue of Secured Bonds, or said obligation of that Secured Bond, as the case may be, never been issued; provided, however, that any such reduction shall be subject to the condition that there shall not at the time be a default continuing with respect to the payment of or security for any Secured Bond or a default continuing under any resolution, indenture or other document pursuant to which any Secured Bonds were issued.

Section 10. Service to the Municipality. The reasonable cost and value of services rendered to the Municipality by the System by furnishing water services for public purposes shall be charged against the Municipality and shall be paid in monthly installments as the service accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the System; that is to say, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. The reasonable cost and value of such service to the Municipality in each year shall be equal to an amount which, together with other revenues of the System, will produce in each Fiscal Year Net Revenues equivalent to not less than the annual principal and interest requirements on the Prior Bonds, the Bonds, any Parity Bonds and any other obligations payable from the revenues of the System then outstanding, times the greater of (i) 110% or (ii) the highest debt service coverage ratio required with respect to any obligations payable from revenues of the System then outstanding. However, such payment out of the tax levy shall be subject to (a) approval of the Public Service Commission, or successors to its function, if applicable, (b) yearly appropriations therefor, and (c) applicable levy limitations, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of the services rendered to the Municipality and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

Section 11. Operation of System; Municipality Covenants. It is covenanted and agreed by the Municipality with the owner or owners of the Bonds, and each of them, that the Municipality will perform all of the obligations of the Municipality as set forth in the Financial Assistance Agreement.

Section 12. Additional Bonds. The Bonds are issued on a parity with the Prior Bonds as to the pledge of revenues of the System. No bonds or obligations payable out of the revenues of the System may be issued in such manner as to enjoy priority over the Bonds. Additional obligations may be issued if the lien and pledge is junior and subordinate to that of the Bonds. Parity Bonds may be issued only under the following circumstances:

- (a) Additional Parity Bonds may be issued for the purpose of completing the Project and for the purpose of financing costs of the Project which are ineligible for payment under the State of Wisconsin Safe Drinking Water Loan Program.

However, such additional Parity Bonds shall be in an aggregate amount not to exceed 20% of the face amount of the Bonds; or

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

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

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

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

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

Section 13. Sale of Bonds. The sale of the Bonds to the State of Wisconsin Safe Drinking Water Loan Program for the purchase price of up to \$888,178 and at par, is ratified and confirmed; and the officers of the Municipality are authorized and directed to do any and all acts, including executing the Financial Assistance Agreement and the Bonds as hereinabove provided, necessary to conclude delivery of the Bonds to said purchaser, as soon after adoption of this Resolution as is convenient. The purchase price for the Bonds shall be paid upon requisition therefor as provided in the Financial Assistance Agreement, and the officers of the Municipality are authorized to prepare and submit to the State requisitions and disbursement requests in anticipation of the execution of the Financial Assistance Agreement and the issuance of the Bonds.

Section 14. Application of Bond Proceeds. The proceeds of the sale of the Bonds shall be deposited by the Municipality into a special fund designated as "Water System SDWLP Project Fund." The Water System SDWLP Project Fund shall be used solely for the purpose of paying the costs of the Project as more fully described in the preamble hereof and in the Financial Assistance Agreement. Moneys in the Water System SDWLP Project Fund shall be disbursed within three (3) business days of their receipt from the State of Wisconsin and shall not be invested in any interest-bearing account.

Section 15. Amendment to Resolution. After the issuance of any of the Bonds, no change or alteration of any kind in the provisions of this Resolution may be made until all of the Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except: (a) the Municipality may, from time to time, amend this Resolution without the consent of any of the owners of the Bonds, but only to cure any ambiguity, administrative conflict, formal defect, or omission or procedural inconsistency of this Resolution; and (b) this Resolution may be amended, in any respect, with a written consent of the owners of not less than two-thirds (2/3) of the principal amount of the Bonds then outstanding, exclusive of Bonds held by the Municipality; provided, however, that no amendment shall permit any change in the pledge of revenues derived from the System or the maturity of any Bond issued hereunder, or a reduction in the rate of interest on any Bond, or in the amount of the principal obligation thereof, or in the amount of the redemption premium payable in the case of redemption thereof, or change the terms upon which the Bonds may be redeemed or make any other modification in the terms of the payment of such principal or interest without the written consent of the owner of each such Bond to which the change is applicable.

Section 16. Defeasance. When all Bonds have been discharged, all pledges, covenants and other rights granted to the owners thereof by this Resolution shall cease. The Municipality may discharge all Bonds due on any date by irrevocably depositing in escrow with a suitable bank or trust company a sum of cash and/or bonds or securities issued or guaranteed as to principal and interest of the U.S. Government, or of a commission, board or other instrumentality of the U.S. Government, maturing on the dates and bearing interest at the rates required to provide funds sufficient to pay when due the interest to accrue on each of said Bonds to its maturity or, at the Municipality's option, if said Bond is prepayable to any prior date upon which it may be called for redemption, and to pay and redeem the principal amount of each such Bond at maturity, or at the Municipality's option, if said Bond is prepayable, at its earliest redemption date, with the premium required for such redemption, if any, provided that notice of the redemption of all prepayable Bonds on such date has been duly given or provided for.

Section 17. Rebate Fund. Unless the Bonds are exempt from the rebate requirements of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality shall establish and maintain, so long as the Bonds and any Parity Bonds are outstanding, a separate account to be known as the "Rebate Fund." The sole purpose of the Rebate Fund is to provide for the payment of any rebate liability with respect to the Bonds under the relevant provisions of the Code and the Treasury Regulations promulgated thereunder (the "Regulations"). The Rebate Fund shall be maintained by the Municipality until all required rebate payments with respect to the Bonds have been made in accordance with the relevant provisions of the Code and the Regulations.

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

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

Section 18. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owner or owners of the Bonds, and after issuance of any of the Bonds no change or alteration of any kind in the provisions of this Resolution may be made, except as provided in Section 14, until all of the Bonds have been paid in full as to both principal and interest. The owner or owners of any of the Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce such owner's or owners' rights against the Municipality, the Governing Body thereof, and any and all officers and agents thereof including, but without limitation, the right to require the Municipality, its Governing Body and any other authorized body, to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution.

Section 19. Continuing Disclosure. The officers of the Municipality are hereby authorized and directed, if requested by the State of Wisconsin, to provide to the State of Wisconsin Safe Drinking Water Loan Program and to such other persons or entities as directed by the State of Wisconsin such ongoing disclosure regarding the Municipality's financial condition and other matters, at such times and in such manner as the Safe Drinking Water Loan Program may require, in order that securities issued by the Municipality and the State of Wisconsin satisfy rules and regulations promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended and as it may be amended from time to time, imposed on brokers and dealers of municipal securities before the brokers and dealers may buy, sell, or recommend the purchase of such securities.

Section 20. Conflicting Resolutions. All ordinances, resolutions (other than the Prior Resolutions), or orders, or parts thereof heretofore enacted, adopted or entered, in conflict with the provisions of this Resolution, are hereby repealed and this Resolution shall be in effect from and after its passage. In case of any conflict between this Resolution and the Prior Resolutions, the Prior Resolutions shall control as long as any of the respective Prior Bonds are outstanding.

Passed: June 12, 2018 Approved: June 12, 2018
Michael Murray, Mayor Attest: JoAnn M. Cram, City Clerk

Resolution Designating Superfund to the General Fund.

Motion by Kling, second by Yarrington to approve the Resolution designating the Superfund Accounts to the General Fund. Motion passed without negative vote.

RESOLUTION NO. 2018-06-12-22

RESOLUTION DESIGNATING SUPERFUND TO THE GENERAL FUND

BE IT RESOLVED, that the Common Council of the City of Tomah designates the Superfund Revenue and Expenses be moved to the General Fund under the Public Works category for budgeting purposes.

BE IT FURTHER RESOLVED, that the Common Council of the City of Tomah Designates all the Superfund Debt Service payments be paid through the Debt Service Fund.

BE IT FURTHER RESOLVED, that these funds are all tax levy funds and should be accounted for in the general fund for expenditure restraint purposes. Dated this 12th day of June, 2018.

Michael Murray, Mayor

JoAnn M. Cram, City Clerk

Construction of an Ambulance Building With Residential Quarters.

Motion by Scholze, second by Zabinski to table until the July meeting. Aye: Scholze and Zabinski. No: Yarrington, Kling, Siekert, Cram and Komiskey. Motion died.

Motion by Yarrington, second by Siekert to move forward with the original building proposal as presented by Keller & Associates for the amount of \$2,990,581 and authorize City staff to begin the bonding process to borrow funds for the project. Motion passed with 4 ayes (Siekert, Kling, Cram and Yarrington) and 3 no's (Scholze, Komiskey and Zabinski). Motion carried.

Change in Precision Retirement Policy Regarding Payout Upon Termination/Retirement Prior to Age 50 for Protective Services Category. City Clerk Cram prepared the following statement based on discussion at the June 11th Committee of the Whole. "For participants who are classified as WRS Protective Services and retire between the age of 50 and 59 ½, the City will make whole lump sum distributions that are processed within 30 days of funding the participant's Special Pay Account with the City. The City will pay 2.35% (10%-7.65% for FICA) to the participant direct. The retiring employee shall provide documentation that the lump sum distribution was processed within 30 days and make a written request for the 2.35% reimbursement from the City."

Motion by Scholze, second by Cram to recommend the Common Council authorize a change in the Precision Retirement Policy regarding payout upon retirement for the protective services category. Motion passed without negative vote.

Contract and Resolution for Pelion Retirement Plan Administration.

Motion by Scholze, second by Siekert to approve the Resolution Regarding the Restatement of the Qualified Retirement Plan through Pelion Benefits and authorize the \$750 payment as requested. Motion carried without negative vote.

RESOLUTION NO. 2018-06-12-23

ACTION BY UNANIMOUS CONSENT OF GOVERNMENT ENTITY RESTATEMENT OF QUALIFIED RETIREMENT PLAN

The undersigned as the persons entitled to make decisions on behalf of City of Tomah ("Employer") hereby consent to the following resolutions: WHEREAS, the Employer has maintained the City of Tomah Special Pay Plan ("Plan") since 5-24-2016 for the benefit of eligible employees. WHEREAS, the Employer has decided to restate the above-referenced Plan to comply with the requirements of the Pension Protection Act of 2006 (PPA), the Heroes Earning Assistance and Relief Tax Act of 2008 (HEART Act), the Worker, Retiree, and Employer Recovery Act of 2008 (WRERA) and other applicable guidance.

WHEREAS, the Employer wishes to appoint Pelion Benefits, Inc. – Samuel C. Thomas III 888-532-7526 www.pelionbenefitsinc.com as Trustee(s) of the Plan.

NOW, THEREFORE, BE IT RESOLVED that the Employer hereby adopts the City of Tomah Special Pay Plan as a complete restatement of the prior Plan, to be effective on 1-1-2018.

RESOLVED FURTHER that the Employer is authorized to execute the restated Plan document and perform any other actions necessary to implement the adoption of the Plan restatement. The Employer may designate any other authorized person to perform the actions necessary to adopt the Plan restatement. A copy of the Plan shall be retained in the business office of the Employer.

RESOLVED FURTHER that the Employer will act as administrator of the Plan and will be responsible for performing all actions necessary to carry out the administrations of the Plan. The Employer may designate any other person or persons to perform the actions necessary to administer the Plan.

RESOLVED FURTHER that Plan participants shall be provided with a summary of the Plan provisions within a reasonable period of time following the adoption of the Plan. Dated this 12th day of June, 2018.

Michael Murray, Mayor

JoAnn M. Cram, City Clerk

Request to Review Martin Development Agreement. A request has been received from Attorney McDonald to review the Martin Development Agreement to assist Ms. Martin in the sale of her property. This agreement was revised in 2014. The agreement requires complete construction of a commercial or industrial facility or other improvement on the property within 5 years. It was the consensus of the City Council to let the agreement stand.

City Office Internship.

Motion by Zabinski, second by Scholze to approve the request authorizing Erica Mainu to work as an intern during the summer months of 2018 not to exceed 250 hours at \$10 per hour. Motion passed without negative vote.

Resolution Authorizing Payment of Monthly Bills.

Motion by Cram, second by Komiskey to approve **Resolution No. 2018-06-12-06** Authorizing Payment of the Monthly Bills in the amount of \$666,015.53 as presented. Motion passed without negative vote.

RESOLUTION NO. 2018-06-12-24

AUTHORIZING PAYMENT OF MONTHLY BILLS

BE IT RESOLVED by the Common Council of the City of Tomah that the Committee of the Whole has reviewed the monthly bills and recommends the City Council approve said bills as follows:

1.	Pre-Paid Checks	\$ 201,818.10	Check #'s	122292-122309, 122368-122522
2.	Payroll	\$ 334,435.36	Direct Deposit #'s	53750-54017
3.	Wire Transfers	\$ 24,441.01		
4.	Invoices	<u>\$ 105,321.06</u>	Check #'s	122570 - 122631
		\$ 666,015.53		

Mike Murray, Mayor

ATTEST: JoAnn M. Cram, City Clerk

Ordinance Amending Chapter 38-34 Restricted Use of Sidewalks in the Municipal Code of the City of Tomah (2nd Reading & Adoption.

Motion by Komiskey, second by Scholze to waive the second verbatim reading and adopt the Ordinance Amending Chapter 38-34 Restricted Use of Sidewalks in the Municipal Code of the City of Tomah. Motion carried without negative vote.

Motion by Komiskey, second by Scholze to adopt the Ordinance Amending Chapter 8-34 Restricted Use of Sidewalks in the Municipal Code of the City of Tomah. Motion carried without negative vote.

ORDINANCE NO. 2018-06-05-D

Ordinance Amending Chapter 38-34 Restricted Use of Sidewalks in the Municipal Code of the City of Tomah

The Common Council of the City of Tomah do ordain as follows:

SECTION ONE: Chapter 38, Section 38-34 Restricted Use of Sidewalks is hereby amended to read as follows:

Sec. 38-34. - Restricted Use of Sidewalks.

No person shall operate a skateboard, scooter, roller skate, roller blades or bicycle on the sidewalks of Superior Ave. from Council St. to Washington St. However, a tricycle, mobility scooter, or similar power-driven mobility device may be used by a person with a mobility disability as a substitute for walking.

SECTION TWO: All ordinances in conflict with the foregoing are hereby repealed.

SECTION THREE: This ordinance should take effect upon passage and publication.

Michael Murray, Mayor **ATTEST:** JoAnn Cram, City Clerk

Read: 06/12/2018

Passed: 06/12/2018

Published: 06/22/2018

Rehabilitation SR18-2.

Motion by Siekert, second by Yarrington to approve Rehabilitation SR 18-2 for a deferred payment loan in the amount of \$12,400. Motion carried without negative vote.

Resolution Approving Compliance Maintenance Annual Report (CMAR). The Wastewater Treatment Facility is required to complete an annual report for the DNR which summarizes the activities for the treatment plant and sewer infrastructure.

Motion by Scholze, second by Cram to adopt **Resolution No. 2018-06-12-25**, regarding the Compliance Maintenance Annual Report (CMAR) as presented. Motion passed without negative vote.

Resolution No. 2018-06-12-25

COMPLIANCE MAINTENANCE RESOLUTION

RESOLVED that the City of Tomah informs the Department of Natural Resources that the following actions were taken by the City Council:

Review of the 2017 Compliance Maintenance Annual Report, which is attached to this Resolution.

Monitor the operation of the wastewater treatment facility to maintain permit compliance.

Implement and complete a Capacity, Management, Operation and Management (CMOM) program once the DNR drafts a final ruling.

Passed by a unanimous vote of the Tomah City Council on June 12, 2018.

Mike Murray, Mayor

JoAnn Cram, City Clerk

Approval of Annual City of Tomah July 4th Parade Route for July 4th, 2018. The annual City of Tomah 4th of July Parade is scheduled to begin at 10 a.m. on the 4th. Proposed parade route is as follows: Line up on McLean Avenue – to Nott Street, to Superior Avenue, to Holton Street (southbound in the northbound lane) and disperse onto West Holton Street.

Motion by Komiskey, second by Siekert to approve the annual City of Tomah July 4th parade. Motion passed without negative vote.

Request to Close Parking Lots on August 11, 2018 for a Street Fest/Block Party Event.

Motion by Komiskey, second by Scholze to approve closure of the City owned parking lots at Kilbourn Avenue and E. Monowau Street for a street fest/block party event on August 11, 2018. Motion carried without negative vote.

Authorizing Wage Package for Senior & Disabled Services Coordinator. The proposed package includes a starting salary of \$39,369 (Range 10 with five days of vacation and five days sick leave to be awarded as of the starting date.

Motion by Scholze, second by Cram to approve Pam Buchda as the Coordinator of the Senior and Disabled Center with salary and benefit package as presented. Ayes: Scholze, Siekert, Cram, Zabinski. Voting no: Kling, Komiskey and Yarrington. Motion passed.

Committee/Commission Chairpersons Voting.

Motion by Scholze, second by Siekert that committee and commission chairpersons vote on all motions; pro/con discussion freely allowing input if so desired. Chair persons votes are always counted. Motion carried without negative vote.

Adjourn

Motion by Siekert, second by Scholze to adjourn. Motion carried without negative vote. Meeting adjourned at 7:40 p.m.

Approved:

Attest:

Lamont Kiefer, Council President

Diane Webster, Deputy City Clerk

Minutes to be approved July 10, 2018