

A MONTHLY MEETING OF THE COMMON COUNCIL OF THE CITY OF NEKOOSA  
WAS HELD IN THE COUNCIL CHAMBERS ON TUESDAY, JUNE 8, 2021 AT 7:00 P.M.

The Meeting was called to order by Mayor Daniel J. Carlson

Brian Krubsack	Mike Kumm	Dan Downing	Brad Hamilton
Larry Krubsack	Adam Buehring	Kurtis Bredda	Garett Kuhn

Moved by Hamilton seconded by Kuhn to dispense with the reading of the minutes of the  
previous meeting. Carried

**TREASURER'S FINANCIAL REPORT**  
**GENERAL FUND**  
**MAY 2021**

**GENERAL,**

TOTAL RECEIPTS 5-28-2021	280,782.52
BOOK BALANCE 4-30-2021	<u>1,281,063.19</u>
	1,561,845.71
DISBURSEMENTS 5-28-2021	<u>332,471.31</u>
BOOK BALANCE 5-28-2021	1,229,374.40
OUTSTANDING CHECKS 5-28-2021	<u>23,140.62</u>
	1,252,515.02
OUTSTANDING ACH 5-28-2021	<u>98.80</u>
	1,252,416.22
CHECK 58158 REVERSALS 5-28-2021	<u>520.00</u>
BANK BALANCE 5-28-2021	1,251,896.22

**WATER**

TOTAL RECEIPTS 5-28-2021	160,898.78
BOOK BALANCE 4-30-2021	<u>1,806,337.12</u>
	1,967,235.90
DISBURSEMENTS 5-31-2021	<u>130,889.82</u>
BOOK BALANCE 5-31-2021	1,836,346.08
OUTSTANDING ACH 5-31-2021	<u>597.27</u>
BOOK BALANCE 5-31-2021	1,835,748.81

**LONG TERM INVESTMENT**

*Nekoosa Port Edwards State Bank  
CD #40532, Maturity 12 Months - \$20,275.87 Owned jointly with the Town  
Of Port Edwards for the future closure of the landfill.*

Respectfully submitted,

Bobbi Hertzberg  
Treasurer, City of Nekoosa

Moved by L. Krubsack seconded by Hamilton to accept the Treasurer's Financial Report as  
written. Carried.

Brian Machon was in attendance to discuss his continued concern with Nekoosa Ambulance  
Services for the lack of staffing and response to Ambulance Pages.

Jacqueline Cassel was in attendance to inquire about a trailer seized by the Nekoosa Police Dept.  
This matter was referred to the Nekoosa Police Department.

Monica Hauser-CPA, Hawkins Ash (Via Zoom Video) discussed the 2020 City Audit

Moved by Hamilton Seconded by Kumm to accept the 2020 City Audit Report.

Roll Call Vote: 8 Ayes, 0 Nays. Carried

### **Planning Commission**

To the Honorable Mayor and Members of the Nekoosa Common Council:

A Planning Commission meeting was held on Thursday, June 2, 2021 at 4:00 p.m. in the Nekoosa Council Chambers. Members present were Dan Carlson, *Mayor*, Joseph M. Rusch II *City Clerk*, Gerald Cordes Kurtis Bredda, Brad Hamilton (Teleconference), Rick Schmidt-DPW, Larry Krubsack, Brian Krubsack, and Terry Shymanski.

Also in attendance were: Nic Abts-City Attorney, Shawn Woods-Police Chief, Mike Hartje-Fire Chief.

1. Discussed Gerald Velasquez's Conditional Use Application to remodel existing building at 311 First Street to provide Sober Housing to low income individuals.
2. Recommend Denying Conditional Use Permit Application for Gerald Velasquez based on conflicts with existing Zoning Code and City Comprehensive Plan.
  - a. Cordes – Yes                      L. Krubsack – Yes                      Schmidt – Yes
  - b. Bredda – Yes                      B. Krubsack – Yes                      Hamilton – Yes
  - c. Shymanski – Yes
3. Moved by L. Krubsack seconded by Schmidt to adjourn. Carried

Respectfully submitted

Moved by Hamilton Seconded by Kuhn that the Planning Commission Committee Report of June 2, 2021, be accepted as written. Carried.

Moved by Hamilton Seconded by Kuhn that Item 2 of the Planning Commission Committee Report of June 2, 2021, be adopted for action.

Roll Call Vote: 8 Ayes, 0 Nays. Carried

### **Public Works**

To the Honorable Mayor and Members of the Nekoosa Common Council:

A Public Works Committee meeting was held on Tuesday, June 1, 2021 at 5:00 p.m. in the Nekoosa Council Chambers. Members present were Larry Krubsack, *Chairman*, Kurtis Bredda, *Secretary*, Brad Hamilton and Adam Buehring.

Also, in attendance were Mayor Dan Carlson, Dan Downing, Garrett Kuhn, Brian Krubsack, Michael Kumm, Rick Schmidt; DPW, Terry Fancher, Chief of Police Shawn Woods, Al Marcoux And Pam Piotrowski.

1. Recommend rolling over 50/50 Wood County program & Road Repairs for 2021 to the 2022.
2. Recommend Replacing the sewer connection at 809 Vilas Av.
3. Recommend accepting WWTF-Compliance Maintenance Annual Report (CMAR)
4. Discussed Garbage/Refuse Truck Options.
5. Discussed Wood Avenue Water & Sewer Project Update

6. Recommend approving Application for 2<sup>nd</sup> driveway at 429 Wood Avenue in conjunction with DOT approval.

Respectfully submitted

Moved by L. Krubsack Seconded by Hamilton that the Public Works Committee Report of June 1, 2021, be accepted as written. Carried.

Moved by L. Krubsack Seconded by Bredda that Items 1-3,6 of the Public Works Committee Report of June 1, 2021, be adopted for action.

Roll Call Vote: 8 Ayes, 0 Nays. Carried

## **Ways & Means**

A Ways and Means Committee meeting was held on Tuesday, June 8, 2021 at 6:30 p.m. in the Nekoosa Council Chambers. Members present were Dan Downing; *Chairman*, Brian Krubsack; *Secretary*, Adam Buehring, and Garrett Kuhn.

Also in attendance were Mayor Dan Carlson, Larry Krubsack, Mike Kumm, Kurtis Bredda, and Police Chief Shawn Woods.

1. Audit Bill List
2. **Recommend approving Class A Combo Beer/Alcohol License Applications.**

Jean Trakel:GPM Southeast LLC, (Bread & Butter Shop #4530)  
Christine Engelhardt: Dolgencorp, LLC,  
Wade Korntved: Nekoosa Foodtown Inc., LLC,  
Induben Patel: The Party Connection,  
Manish C. Patel: Shambhu LLC

3. **Recommend approving Class A Beer License Applications**

Dan Williamson: Parts House (NAPA)

4. **Recommend approving Class B Beer & Class B Combo Beer/Liquor Licenses**

### **Class B Beer**

Jenny Lea Wicke: West River Cafe

### **Class B Combo Beer/Liquor**

Scott Bloyd: The Edge,  
Dan Carlson: Goodfellas Pizza,  
Kirk Barton: K&B's Bar and Grill,  
Kevin Foley: Foley's Nita Brew.

5. **Recommend approving Cigarette License Applications**

GPM Southeast LLC (Bread & Butter Shop #4530)  
Dollar General  
The Party Connection  
Nekoosa Foodtown Inc., LLC,  
Shambhu LLC.

6. **Recommend approving Operator's License Applications**

### **Foley's Nita Brew**

### **The Edge**

Jesse J. Beckham  
Shawn Michael Kelly  
Alicia A. Rodriques  
Celinha D. Tepanier-Grove

**K&B's**

Kenneth A. Barton

**Shambhu LLC (Mobil Gas Station)**

Manish C. Patel  
Mark P. Sylvester

**Party Connection**

Angie Alday  
Niyati M. Patel  
Yogesh C. Patel

**GPM Southeast LLC (Bread & Butter Shop #4530)**

Nichole M. Abrahamsen  
Debra A. Davis  
Samanthia A. Kuntz  
Jasmine K. Stebritz-Neste  
Danielle M. Smith

**Nekoosa Piggly Wiggly**

Pamela J. Alameda  
Thomas P. Beinrich  
Cathy L. Coen  
Terre L. Forbes  
Jessica Grove  
Heather L. Korntved  
Wade A. Korntved  
Joshua K. MancI  
Nicole E. MancI  
Kayla D. Van Groll  
Judith A. Voss

**Goodfella's**

**Dollar General**

Hannah M. Badger

**Goodfella's**

**Dollar General**

Kaylin A. Stanczyk  
Lisa M Strangfeld  
Terry L. Wetz

**West River Café**

Jenny L. Wicke

7. Donations / Seminars / Conferences / Equipment / Meetings

Respectfully submitted

Moved by Downing Seconded by Hamilton that the Ways & Means Committee Report of June 8, 2021, be accepted as written.

Moved by Downing Seconded by Hamilton that Items 2-6 of the Ways & Means Committee Report of June 8, 2021, be adopted for action.

Roll Call Vote:            8 Ayes, 0 Nays.            Carried

## **Public Safety**

To the Honorable Mayor and Members of the Nekoosa Common Council:

A Public Safety Committee meeting was held on Tuesday, June 1st 2021 at 6:45 p.m. in the Nekoosa Council Chambers. Members present were Kurtis Bredda, *Chairman*, Larry Krubsack *Secretary*, Brad Hamilton and Mike Kumm.

Also in attendance were Mayor Dan Carlson, Dan Downing, Adam Buehring, Brian Krubsack, Police Chief Shawn Woods, Ambulance Chief Joe Krcmar, Al Marcoux, and Rick Schmidt – DPW, Fire Chief Mike Hartje, and Assistant Fire Chief Dave Rheinschmidt

1. Recommend adopting new fire department bylaws
2. Recommend adopting Fire Departments restructuring plan for personnel  
See attached sheet
3. Discussed emergency ambulance service coverage agreement with W.R.F.D.
4. Discussed ambulance operational update
5. Discussed ambulance maintenance
6. Recommend Fire Department purchase up to 4 defibulator units
7. Discussed 2022 ambulance contracts

Respectfully submitted

Moved by Bredda Seconded by L. Krubsack that the Public Safety Committee Report of June 1, 2021, be accepted as written. Carried.

Moved by Bredda Seconded by Hamilton that Items 1-2, 6 of the Public Safety Committee Report of June 1, 2021, be adopted for action.

Roll Call Vote:            8 Ayes, 0 Nays.            Carried

## **Property Recreation & Human Affairs**

To the Honorable Mayor and Members of the Nekoosa Common Council:

A Property Recreation & Human Affairs Committee meeting was held on Tuesday, June 1, 2021 at 6:15 p.m. in the Nekoosa Council Chambers. Members present were Brian Krubsack, *Chairman*, Dan Downing *Secretary*, Garrett Kuhn, and Michael Kumm.

Also in attendance were Mayor Dan Carlson, Kurtis Bredda, Larry Krubsack, Adam Buehring, Rick Schmidt; DPW, Police Chief Shawn Woods, Al Marcoux, and Pam Piotrowski.

1. Recommend signing Incourage grant for signage along Swiftwater Trail
2. Discussed Vierbicher residential Pre-Development Services – Phase 3 on 350 Peckham Road project.
3. Recommend hiring American Engineering Testing Inc. for \$3,300 for Pre-Demolition Asbestos and Regulating Waste Inspection at 350 Peckham Road.
4. Discussed goose population in Riverside Park.
5. Training, Equipment and Seminars

Respectfully submitted

Moved by B. Krubsack Seconded by Hamilton that the Property Recreation & Human Affairs Committee Report of June 1, 2021, be accepted as written. Carried.

Moved by B. Krubsack Seconded by Hamilton that items 1 & 3 of the Property Recreation & Human Affairs Committee Report of June 1, 2021, be adopted for action.

Roll Call Vote: 8 Ayes, 0 Nays. Carried

Moved by Hamilton Seconded by Bredda to hire Dylan Weimer & Ryan Sundsmo to Nekoosa Ambulance Services.

Roll Call Vote: 8 Ayes, 0 Nays. Carried

Moved by Hamilton Seconded by Kumm to approve Scope of Engagement Letter with Quarles & Brady for proposed Issuance of \$818,380 City of Nekoosa Water System Revenue Bonds, Series 2021 (Safe Drinking Water Loan)

Roll Call Vote: 8 Ayes, 0 Nays. Carried

## RESOLUTION

### RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$818,380 WATER SYSTEM REVENUE BONDS, SERIES 2021, AND PROVIDING FOR OTHER DETAILS AND COVENANTS WITH RESPECT THERETO

WHEREAS, the City of Nekoosa, Wood 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 by the Governing Body on March 9, 2004 (the "2004 Resolution"), the Municipality has heretofore issued its Water System Revenue Bonds, Series 2004, dated March 24, 2004 (the "2004 Bonds"), which are payable from the income and revenues of the System; and

WHEREAS, pursuant to a resolution adopted by the Governing Body on March 8, 2011 (the "2011 Resolution"), the Municipality has heretofore issued its Water System Mortgage Revenue Bonds, dated March 23, 2011 (the "2011 Bonds"), which are payable from the income and revenues of the System on a basis junior and subordinate to the 2004 Bonds; and

WHEREAS, the 2004 Bonds and the 2011 Bonds shall collectively be referred to as the "Senior Bonds"; and

WHEREAS, the 2004 Resolution and the 2011 Resolution shall collectively be referred to as the "Senior 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. 4858-16 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-2020-0676 and dated August 11, 2020 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, other than the Senior 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 \$818,380 Water System Revenue Bonds, Series 2021, 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 For 2021 Bonds" means the Debt Service Fund For 2021 Bonds of the Municipality established below, 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 Nekoosa, Wood County, Wisconsin;
- (m) "Net Revenues" means the Gross Earnings of the System after deduction of Current Expenses;
- (n) "Parity Bonds" means bonds payable from the revenues of the System other than the Bonds but issued on a parity and equality with the Bonds pursuant to the restrictive provisions of Section 11 of this Resolution;
- (o) "Project" means the Project described in the preamble to this Resolution. All elements of the Project are to be owned and operated by the Municipality as part of the System as described in the preamble hereto;
- (p) "Record Date" means the close of business on the fifteenth day of the calendar month next preceding any principal or interest payment date;

(q) "Senior Bonds" means the 2004 Bonds and the 2011 Bonds, collectively;

(r) "Senior Resolutions" means the 2004 Resolution and the 2011 Resolution, collectively;

(s) "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;

(t) "2004 Bonds" means the Municipality's Water System Revenue Bonds, Series 2004, dated March 24, 2004;

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

(v) "2011 Bonds" means the Municipality's Water System Mortgage Revenue Bonds, dated March 23, 2011; and

(w) "2011 Resolution" means a resolution adopted by the Governing Body on March 8, 2011 authorizing the issuance of the 2011 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 \$818,380; 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 2021" (the "Bonds"); shall be dated their date of issuance; shall be numbered one and upward; shall bear interest at the rate of 0.891% 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, 2021 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 For 2021 Bonds hereinafter created and established, and shall be a valid claim of the registered owner or owners thereof only against such Debt Service Fund For 2021 Bonds and the revenues of the System pledged to such fund, junior and subordinate to the pledge granted to the holders of the Senior Bonds. Sufficient revenues are hereby pledged to said Debt Service Fund For 2021 Bonds, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on 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 Senior Bonds, the Bonds and Parity Bonds, certain funds of the System which were created and established by the 2004 Resolution and 2011 Resolution are hereby continued, and certain funds of the System which are hereby created, 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 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 2004 Bonds and any bonds issued on a parity with the 2004 Bonds as the same becomes due.
- (d) Subordinate Debt Service Fund, which shall be used for the payment of the principal of, premium, if any, and interest on the 2011 Bonds and any bonds issued on a parity with the 2011 Bonds as the same becomes due.
- (e) Reserve Fund, which was established within the Subordinate Debt Service Fund and shall be used first to make up any deficiency in the Debt Service Fund and thereafter for the payment of the principal and interest on the 2011 Bonds and any bonds issued on a parity with the 2011 Bonds at any time when there shall be insufficient money in the Subordinate Debt Service Fund for said purpose and to restore any deficiency in the Subordinate Debt Service Fund or as otherwise permitted by the 2011 Resolution.
- (f) Debt Service Fund For 2021 Bonds, which shall be used for the payment of the principal of, premium, if any, and interest on the Bonds and Parity Bonds as the same becomes due.
- (g) Surplus Fund, which shall first be used whenever necessary to pay principal of, premium, if any, or interest on the Senior Bonds, the Bonds and Parity Bonds when the Debt Service Fund, the Subordinate Debt Service Fund, including the Reserve Fund, or Debt Service Fund For 2021 Bonds, as applicable and in that order of priority, 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.

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 2004 Bonds and any bonds issued on a parity with the 2004 Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the 2004 Bonds and any bonds issued on a parity with the 2004 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 Subordinate Debt Service Fund, an amount equal to one-sixth (1/6) of the next installment payment coming due on the 2011 Bonds and any bonds issued on a parity with the 2011 Bonds then outstanding (after giving effect to available amounts in said Fund from accrued interest, any premium or any other source);
- (d) to the Reserve Fund, the amount, if any, required by the 2011 Resolution;
- (e) to the Debt Service Fund For 2021 Bonds, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the Bonds and any Parity Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the Bonds and any Parity Bonds coming due during such Bond Year (after giving effect to available amounts in said Fund from accrued interest, any premium or any other source); and
- (f) 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 Subordinate Debt Service Fund, the Reserve Fund, the Debt Service Fund For 2021 Bonds, 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 (f) 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 principal and interest on the 2004 Bonds, the amounts transferred from the Revenue Fund and deposited in the Subordinate Debt Service Fund shall be sufficient in any event to pay the principal and interest on the 2011 Bonds, and the amounts transferred from the Revenue Fund and deposited in the Debt Service Fund For 2021 Bonds shall be sufficient in any event to pay the principal and interest on the Bonds and any Parity Bonds, as the same accrues.

Section 8. Deposits and Investments. The Debt Service Fund, Subordinate Debt Service Fund, and Debt Service Fund For 2021 Bonds 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, first, the 2004 Bonds, second, the 2011 Bonds and, third, the Bonds and any Parity Bonds, respectively, 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. 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 Senior Bonds, the Bonds, any Parity Bonds and any other obligations payable from the revenues of the System then outstanding, times the greater of (i) 110% or (ii) the highest debt service coverage ratio required with respect to any obligations payable from revenues of the System then outstanding. However, such payment out of the tax levy shall be subject to (a) approval of the Public Service Commission, or successors to its function, if applicable, (b) yearly appropriations therefor, and (c) applicable levy limitations, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of the services rendered to the Municipality and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

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

Section 11. Additional Bonds. The Bonds are issued on a basis junior and subordinate to the Senior 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 12. Sale of Bonds. The sale of the Bonds to the State of Wisconsin Safe Drinking Water Loan Program for the purchase price of up to \$818,380 and at par, is ratified and confirmed; and the officers of the Municipality are authorized and directed to do any and all acts, including executing the Financial Assistance Agreement and the Bonds as hereinabove provided, necessary to conclude delivery of the Bonds to said purchaser, as soon after adoption of this Resolution as is convenient. The purchase price for the Bonds shall be paid upon requisition therefor as provided in the Financial Assistance Agreement, and the officers of the Municipality are authorized to prepare and submit to the State requisitions and disbursement requests in anticipation of the execution of the Financial Assistance Agreement and the issuance of the Bonds.

Section 13. Application of Bond Proceeds. The proceeds of the sale of the Bonds shall be deposited by the Municipality into a special fund designated as "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 14. Amendment to Resolution. After the issuance of any of the Bonds, no change or alteration of any kind in the provisions of this Resolution may be made until all of the Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except: (a) the Municipality may, from time to time, amend this Resolution without the consent of any of the owners of the Bonds, but only to cure any ambiguity, administrative conflict, formal defect, or omission or procedural inconsistency of this Resolution; and (b) this Resolution may be amended, in any respect, with a written consent of the owners of not less than two-thirds (2/3) of the principal amount of the Bonds then outstanding, exclusive of Bonds held by the Municipality; provided, however, that no amendment shall permit any change in the pledge of revenues derived from the System or the maturity of any Bond issued hereunder, or a reduction in the rate of interest on any Bond, or in the amount of the principal obligation thereof, or in the amount of the redemption premium payable in the case of redemption thereof, or change the terms upon which the Bonds may be redeemed or make any other modification in the terms of the payment of such principal or interest without the written consent of the owner of each such Bond to which the change is applicable.

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

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

the Bonds have been made in accordance with the relevant provisions of the Code and the Regulations.

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

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

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

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

Section 19. Conflicting Resolutions. All ordinances, resolutions (other than the Senior 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 Senior Resolutions, the Senior Resolutions shall control as long as any of the respective Senior Bonds are outstanding.

Passed: June 8, 2021

Approved: June 8, 2021

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Daniel J. Carlson  
Mayor

Attest:

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Joseph M. Rusch II  
City Clerk

Moved by Hamilton Seconded by B. Krubsack to approve Resolution Authorizing the Issuance and Sale of up to \$818,380 Water System Revenue Bonds, Series 2021, and providing for other Details and Covenants with respect thereto, and approval of related \$1,318,380 Financial Assistance Agreement

Roll Call Vote: 8 Ayes, 0 Nays. Carried

Moved by Hamilton Seconded by Kuhn to approve Interim Financing with Nekoosa Port Edwards State Bank for Hwy 173 Project with amount up to \$2,053,342 (Clean Water Fund – Long Term Financing).

Roll Call Vote: 8 Ayes, 0 Nays. Carried

### **COMPLIANCE MAINTENANCE RESOLUTION**

**RESOLVED**, that the City of Nekoosa informs the Wisconsin Department of Natural Resources that the following actions were taken by the Nekoosa Common Council:

1. Reviewed the Compliance Maintenance Annual Report which is attached to this resolution.
2. Set forth the following actions necessary to maintain effluent requirements contained in the WPDES Permit.
  - (a) The City will continue to operate and maintain the WWTP Plant according to DNR Permit Limits.
  - (b) The City Council approved a 25% Increase effective March 1, 2021 to the Sewer Volume Charge and Equivalent Meter Charge upon recommendation from MSA Professional Services after review of existing Sewer Rate Structure.

Passed by a unanimous vote of the Nekoosa Common Council on June 8, 2021

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Daniel J. Carlson, Mayor

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Joseph M. Rusch II, City Clerk

Moved by Hamilton Seconded by Hamilton to approve Compliance Maintenance Resolution.

Roll Call Vote:            8 Ayes, 0 Nays.                            Carried

**A PROCLAMATION**

WHEREAS:    The annual sale of Poppies by the *Joseph J. White American Legion Post 442* has been officially recognized and endorsed by governmental leaders and

WHEREAS:    American Legion Post 442 Poppies are assembled by disabled veterans, and the proceeds of this worthy fund-raising campaign are used exclusively for the benefit of disabled and needy veterans, and the widows and orphans of deceased veterans, and

WHEREAS:    The basic purpose of the annual sale of Buddy Poppies on *June 25, 2021, from 9:00 a.m. to 2:00 p.m.. in the Business District of Nekoosa* by the Joseph J. White American Legion Post 442 is eloquently reflected in the desire to “Honor the Dead by Helping the Living”, therefore

I, Daniel J. Carlson, Mayor of the City of Nekoosa do hereby urge the citizens of this community to recognize the merits of this cause by contributing generously to its support through the purchase of Buddy Poppies on the day set aside for the distribution of these symbols of appreciation for the sacrifices of our honored dead.

I urge all patriotic citizens to wear a Buddy Poppy as mute evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedoms which we continue to enjoy as American Citizens.

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Daniel J. Carlson, Mayor

Attested:            Joseph M. Rusch II  
                                 City Clerk

Dated:                June 8, 2021

Moved by Hamilton Seconded by L. Krubsack to approve Poppy Day Proclamation. Carried.

Moved by Hamilton Seconded by Kuhn to accept the Department Head monthly reports as written. Carried.

<b>General Disbursements</b>	<b>171,164.87</b>
<b>Water/Sewer Disbursements</b>	<b>401,833.53</b>
<b>Payroll</b>	<b>100,020.12</b>

Moved by Hamilton Seconded by Kuhn to pay all bills as written and read.

Roll Call Vote:            8 Ayes, 0 Nays.                            Carried

Moved by Hamilton Seconded by B. Krubsack to adjourn. Carried

Respectfully Submitted

Joseph M. Rusch II  
City Clerk