



City of Neenah
COMMON COUNCIL AGENDA (1)
Wednesday, November 6, 2013 - 7:00 p.m.
Neenah City Hall
Council Chambers

I. Roll Call and Pledge of Allegiance.

DIVE TEAM PRESENTATION – RECOGNITION OF THE BRUCE PETERSON FAMILY

Motion to amend the agenda to move up agenda item XIII (E) consideration of Resolution No. 2013-33 recognizing Bruce Peterson's family members and friends for their assistance in raising funds to support the Neenah-Menasha Dive Rescue Team

XIII. Presentation of ordinances and resolutions and consideration thereof.

- E. **Resolution No. 2013-33** recognizing Bruce Peterson's family members and friends for their assistance in raising funds to support the Neenah-Menasha Dive Rescue Team. **(2) (Roll Call Pro)**

Motion to amend the agenda to move up agenda item XI (C)(1) and (2) Report from the October 28, 2013 Finance & Personnel Committee meeting XI (B)(2) and (3) Report from the November 6, 2013 Finance & Personnel Committee and agenda items XIII (C) consideration of Resolution No. 2013-31 and (D) consideration of Resolution No. 2013-32.

XI. Reports of standing committees and consideration thereof.

- C. Regular Finance and Personnel Committee meeting of October 28, 2013: (Minutes can be found on the City web site)
1. Committee recommends Council adopt Resolution No. 2013-31 Authorizing the Issuance and Sale of \$1,030,000 Taxable General Obligation Refunding Bonds and the Refunding Analysis, contingent upon a minimum present value savings of approximately 2% of the bond refunding amount. (Resolution to follow)
 2. Committee recommends Council adopt Resolution No. 2013-32 Authorizing the Issuance and Sale of \$3,595,000 Water Utility Revenue Refunding Bonds, Series 2013, of the City of Neenah, Winnebago County, Wisconsin and Providing for the Payment of the Bonds and Other Details With Respect to the Bonds and the Refunding Analysis, contingent upon a minimum present value savings of approximately 2% of the bond refunding amount. (Resolution to follow)
- B. Special Finance and Personnel Committee meeting of November 6, 2013:
1. Waiver of the 24-hour rule relative to providing minutes for Council consideration and action.
 2. Consideration of Committee recommendation regarding Resolution No. 2013-31 authorizing the Issuance and Sale of \$1,030,000 Taxable General Obligation Refunding Bonds. (Resolution to follow)
 3. Consideration of Committee recommendation regarding Resolution No. 2013-32 authorizing the Issuance and Sale of \$3,595,000 Water Utility Revenue Refunding Bonds, Series 2013, of the City of Neenah, Winnebago

County, Wisconsin and Providing for the Payment of the Bonds and Other
Details With Respect to the Bonds. (Resolution to follow)

- XIII. Presentation of ordinances and resolutions and consideration thereof.
- C. **Resolution No. 2013-31** authorizing the Issuance and Sale of \$1,030,000 Taxable General Obligation Refunding Bonds. **(3) (RollCall Pro)**
 - D. **Resolution No. 2031-32** authorizing the Issuance and Sale of \$3,595,000 Water Utility Revenue Refunding Bonds, Series 2013, of the City of Neenah, Winnebago County, Wisconsin and Providing for the payment of the bonds and other details with respect to the bonds. **(4) (RollCall Pro)**

PROCEED WITH REGULAR AGENDA

- II. Introduction and Confirmation of Mayor's Appointment(s).
 - A. Mayor Scherck appointment of Ann Teal to fill the expired term of Janet Burkett on the Committee on Aging, new term expires September 2016. (Motion to confirm) **(RollCall Pro)**
 - B. Swearing in
- III. Approval of Council Proceedings of October 16, 2013 regular session **(6&7)** and Town Meeting minutes of October 21, 2013 **(8)** and the Committee of the Whole minutes of October 29, 2013 **(9)** (Proceedings and Minutes can be found on the City web site) **(RollCall Pro)**
- IV. Public Hearings. (None)
- V. Plan Commission report pertaining to the public hearings. (None)
- VI. Consideration of ordinances pertaining to the public hearings. (None)
- VII. Consideration of resolution pertaining to the public hearings. (None)
- VIII. Public Forum.
 - A. Speakers should give their name and residential address (not mailing address) and are allowed five minutes to speak on any topic.
- IX. Mayor/Council consideration of public forum issues.
- X. Consent Agenda.
 - A. Approve Beverage Operator License Applications for: Cheryl J. Bruce, Raymond J. DeRoche, Alex D. Fehrenbach, Nathan I. Joie, Kelsey J. Matuszak, Penny L. Myers and Laura R. Wendler. (PSSC)
 - B. Approve the request for a retail "Class B" malt and liquor license for Copperstill Bourbon Bar, LLC, d/b/a Copperstill Bourbon Bar, 211 E. Wisconsin Avenue, Anthony Kuhr, agent, contingent upon passing all inspections. (PSSC)
 - C. **(RollCall Pro)**
- XI. Reports of standing committees and consideration thereof.

- A. Regular Public Services and Safety Committee meeting of October 29, 2013: **(10)**
(Minutes can be found on the City web site)
1. Committee recommends Council deny the new beverage operator license application for Rachel A. Janssen based on an untruthful application and indicators of being an habitual offender. **(RollCall Pro)**
 2. Committee recommends Council approve purchase of a Toro Workman HDX demo unit from Reinders, Inc. for a net price of \$14,716 (\$18,216 less trade allowance of \$3,500), with funds from 2013 Park and Recreation capital equipment budget (\$20,000). **(RollCall Pro)**
 3. Committee recommends Council approve elimination of the \$5 charge for a residential parking permit. **(RollCall Pro)**
- B. Special Finance and Personnel Committee meeting of November 6, 2013:
1. ~~Waiver of the 24-hour rule relative to providing minutes for Council consideration and action. (Previously made)~~
 2. ~~Consideration of Committee recommendation regarding Resolution No. 2013-31 authorizing the Issuance and Sale of \$1,030,000 Taxable General Obligation Refunding Bonds. (Resolution to follow) (Previously acted on)~~
 3. ~~Consideration of Committee recommendation regarding Resolution No. 2031-32 authorizing the Issuance and Sale of \$3,595,000 Water Utility Revenue Refunding Bonds, Series 2013. (Resolution to follow) (Previously Reported) (Previously acted on)~~
 4. Consideration of Committee recommendation regarding Proposed 2014 Health and Dental Insurance Program. **(RollCall Pro)**
- C. Regular Finance and Personnel Committee meeting of October 28, 2013: **(11)**
(Minutes can be found on the City web site)
1. ~~Committee recommends Council adopt Resolution No. 2013-31 Authorizing the Issuance and Sale of \$1,030,000 Taxable General Obligation Refunding Bonds and the Refunding Analysis, contingent upon a minimum present value savings of approximately 2% of the bond refunding amount. (Resolution to follow) (Previously acted on)~~
 2. ~~Committee recommends Council adopt Resolution No. 2013-32 Authorizing the Issuance and Sale of \$3,595,000 Water Utility Revenue Refunding Bonds, Series 2013, of the City of Neenah, Winnebago County, Wisconsin and Providing for the Payment of the Bonds and Other Details With Respect to the Bonds and the Refunding Analysis, contingent upon a minimum present value savings of approximately 2% of the bond refunding amount. (Resolution to follow) (Previously acted on)~~
 3. Committee recommends Council approve the Downtown Neenah Parking Structure Temporary Parking Permit Reassignment Memorandum of Understanding to allow the temporary transfer of 50 additional parking spaces within the Church Street Ramp from Plexus Corp. to Alta. **(RollCall Pro)**
 4. Committee recommends Council approve the Police Department's reorganization plan, to include the creation of a non-sworn administrative supervisor position, the reduction of a full-time clerk position to a half-time position, and the replacement of one sworn lieutenant position with a patrol officer. **(RollCall Pro)**

- XII. Reports of special committees and liaisons and various special projects committees and consideration thereof.
- A. Regular Plan Commission meeting of October 29, 2013: (Cancelled)
 - B. Neenah-Menasha Fire Rescue Joint Finance & Personnel Committee meeting of October 22, 2013: **(12)** (Minutes can be found on the City web site)
 - 1. Committee recommends the City of Neenah Common Council approve Ordinance 2013-17 Creating Code 7-34 relating to fees for Fire Re-inspection or Missed Appointments and the City of Menasha Common Council approve Chapter 3, Sec.5-3-5 Re-Inspection or Missed Appointments of the Fire Prevention Code. (Ordinance to follow)
 - 2. Committee recommends the City of Neenah Common Council and City of Menasha Common Council amend the respective fee schedules to add a \$100 fire re-inspection fee for each fire re-inspection performed. (Resolution to follow)
 - C. Board of Public Works meeting of November 6, 2013:
 - 1. Waiver of the 24-hour rule relative to providing minutes for Council consideration and action.
 - 2. Information Only Items:
 - a) Board action on Pay Estimate No. 4 for Contract 8-13 Replacement Sidewalk Construction/Concrete Pavement Patch to Fischer-Ulman Construction, Inc. in the amount of \$101,572.71.
 - b) Pay Estimate No. 1 for Contract 7-13 HMA Pavement Repair to Northeast Asphalt, Inc, Greenville in the amount of \$46,811.25.
 - D. Landmarks Commission
 - 1. Report from the Landmarks Commission – Alderman Lendrum
 - E. Bergstrom Mahler Museum
 - 1. Report from the Bergstrom Mahler Museum – Alderman Lendrum
 - F. Reports on neighborhood groups.
 - 1. Business Improvement District Board (BID Board) – Alderman Kunz
- XIII. Presentation of ordinances and resolutions and consideration thereof.
- A. **Ordinance No. 2013-17** creating Code §7-34 relating to fees for Fire re-inspection or missed appointments. **(13) (RollCall Pro)**
 - B. **Resolution No. 2013-30** Joint Resolution of the City Neenah and the Neenah Joint School District to jointly raise awareness of bullying and recognizing November 26, 2013 as “bullying awareness day”. **(14) (RollCall Pro)**
 - C. ~~**Resolution No. 2013-31** authorizing the Issuance and Sale of \$1,030,000 Taxable General Obligation Refunding Bonds. **(Previously acted on)**~~
 - D. ~~**Resolution No. 2031-32** authorizing the Issuance and Sale of \$3,595,000 Water Utility Revenue Refunding Bonds, Series 2013, of the City of Neenah, Winnebago County, Wisconsin and Providing for the payment of the bonds and other details with respect to the bonds. **(Previously acted on)**~~
 - E. ~~**Resolution No. 2013-33** recognizing Bruce Peterson’s family members and friends for their assistance in raising funds to support the Neenah-Menasha Dive Rescue Team. **(Previously acted on)**~~
 - F. **Resolution No. 2013-34** amending the Fee Schedule of the City of Neenah to Create a Fire Re-Inspection Fee. **(15) (RollCall Pro)**

- XIV. Presentation of petitions.
 - A. Any other petition received by the City Clerk's Office prior to the Common Council meeting.

- XV. Council Directives. **(16)**
 - A. MS Stevenson/Bates to add to the Council Directives the update of the Plexus Development Agreement prior to the end of 2013. (October 14, 2013 motion)
 - 1. Motion to add the Council Directive to update of the Plexus Development Agreement prior to the end of 2013. **(RollCall Pro)**

- XVI. Unfinished Business.

- XVII. Presentation of communications, claims, memorials, accounts and other new business.
 - A. Any announcements/questions that may legally come before the Council.
 - B. Adjournment.

“Neenah City Hall is accessible to the physically disadvantaged. If special accommodations are needed please contact the Neenah City Clerk's Office at 886-6100 at least 24 hours in advance of the meeting.”



RESOLUTION NO 2013-33

A RESOLUTION TO RECOGNIZE BRUCE PETERSON'S FAMILY MEMBERS AND FRIENDS FOR THEIR ASSISTANCE IN RAISING FUNDS TO SUPPORT THE NEENAH-MENASHA DIVE RESCUE TEAM

WHEREAS, the City of Neenah experienced a series of tragic water related events over a two-year period that resulted in the loss of life including the loss of Bruce Peterson; and,

WHEREAS, the City of Neenah realized the need for more advanced water rescue capability; and,

WHEREAS, the City of Neenah has endorsed the concept of establishing a dive rescue team within Neenah-Menasha Fire Rescue; and,

WHEREAS, the City of Neenah desires to provide a quality and professional level of rescue services to those who live, work, or visit the City of Neenah; and,

WHEREAS, the City of Neenah decided to raise funds for the Dive Team through a fund raising effort so as to not impact the tax levy; and,

WHEREAS, the City of Neenah were approached by Bruce Peterson's Family Members and Friends with a desire to assist Neenah-Menasha Fire Rescue in raising the necessary funds to begin a dive rescue program;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the City of Neenah, Wisconsin this 6th day of November, 2013, that the City of Neenah hereby formally recognizes and thanks Bruce Peterson's Family Members and Friends for their diligent efforts in raising the necessary start-up and on-going costs associated with maintaining a dive rescue program with in Neenah-Menasha Fire Rescue.

Introduced by Mayor George Scherck

**Recommended by:
Neenah-Menasha Fire Rescue**

CITY OF NEENAH, WISCONSIN

Moved: _____

George D. Scherck, Mayor

Passed: _____

Patricia A. Sturn, City Clerk



RESOLUTION NO. 2013-31

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$1,030,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS

WHEREAS, the Common Council of the City of Neenah, Winnebago County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of refunding obligations of the City, including interest on them, specifically, the State Trust Fund Loan dated November 10, 2004 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said cost;

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of achieving debt service cost savings;

WHEREAS, cities are authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance their outstanding obligations;

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance of and to sell its general obligation refunding bonds (the "Bonds") to Robert W. Baird & Co. Incorporated (the "Purchaser"), pursuant to the terms and conditions of its bond purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal"); and

WHEREAS, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue the Bonds on a taxable rather than tax-exempt basis.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Authorization and Sale of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of ONE MILLION THIRTY THOUSAND DOLLARS (\$1,030,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted, and the Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, the Bonds aggregating the principal amount of ONE MILLION THIRTY THOUSAND DOLLARS (\$1,030,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Refunding Bonds"; shall be issued in the aggregate principal amount of \$1,030,000; shall be dated December 2, 2013; shall be in the denomination of \$5,000

or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on March 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest is payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2014. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on March 1, 2022 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on March 1, 2021 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2013 through 2023 for the payments due in the years 2014 through 2024 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$1,030,000 Taxable General Obligation Refunding Bonds, dated December 2, 2013" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account.

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. Monies in the Borrowed Money Fund may be temporarily invested in

Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 9. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent").

Section 10. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 11. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 13. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 14. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 15. Prepayment of the Refunded Obligations. The Refunded Obligations shall be prepaid on January 2, 2014 at the principal amount thereof plus accrued interest to the prepayment date.

The City hereby directs the City Clerk to take all actions necessary for the prepayment of the Refunded Obligations on the prepayment date. All actions heretofore taken by the officers and agents of the City to effectuate the prepayment of the Refunded Obligations are hereby ratified and approved.

Section 16. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and

correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 17. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 18. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded November 6, 2013.

Recommended by: Finance and Personnel
Committee

CITY OF NEENAH, WISCONSIN

Moved: _____

George D. Scherck, Mayor

Passed: _____

Patricia A. Sturn, City Clerk

(SEAL)

EXHIBIT A

Bond Purchase Proposal

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B-1

Pricing Summary

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT C

(Form of Bond)

REGISTERED UNITED STATES OF AMERICA
STATE OF WISCONSIN DOLLARS
WINNEBAGO COUNTY
NO. R-____ CITY OF NEENAH \$_____
TAXABLE GENERAL OBLIGATION REFUNDING BOND

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
March 1, _____ December 2, 2013 _____ % _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$ _____)

FOR VALUE RECEIVED, the City of Neenah, Winnebago County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2014 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by the City Clerk or City Treasurer (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the City are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$1,030,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.04, Wisconsin Statutes, for the public purpose of refunding certain outstanding obligations of the City, all as authorized by a resolution of the Common Council duly adopted by said governing body at a meeting held on November 6, 2013. Said resolution is recorded in the official minutes of the Common Council for said date.

The Bonds maturing on March 1, 2022 and thereafter are subject to redemption prior to maturity, at the option of the City, on March 1, 2021 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the City, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of

notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the City of Neenah, Winnebago County, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Mayor and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF NEENAH,
WINNEBAGO COUNTY, WISCONSIN

By: _____
George D. Scherck
Mayor

(SEAL)

By: _____
Patricia A. Sturn
City Clerk

ASSIGNMENT

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

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or Nominee Name)

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

(Authorized Officer)



RESOLUTION NO. 2013-32

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$3,595,000 WATER UTILITY REVENUE REFUNDING BONDS, SERIES 2013, OF THE CITY OF NEENAH, WINNEBAGO COUNTY, WISCONSIN, AND PROVIDING FOR THE PAYMENT OF THE BONDS AND OTHER DETAILS WITH RESPECT TO THE BONDS

WHEREAS, the City of Neenah, Winnebago County, Wisconsin ("City") now owns and operates and has for many years owned and operated its Water System, a public utility (the Water System and all properties of every nature in connection with such System now or hereafter owned by the City, including all improvements and extensions thereto, all real and personal property of every nature comprising part of and used or useful in connection therewith, and all appurtenances, contracts, leases, franchises and other intangibles, are hereinafter referred to collectively as the "System"); and

WHEREAS, under the provisions of Chapter 66, Wis. Stats., any municipality in the State of Wisconsin may, by action of its governing body, provide funds for extending, adding to and improving a public utility or to refund obligations issued to finance extensions, additions and improvements from the proceeds of bonds, which bonds are to be payable only from the income and revenues derived from the operation of such utility and are to be secured by a pledge of the revenues of the utility; and

WHEREAS, the City has outstanding the Water Utility Revenue Bonds, Series 2003 (the "Series 2003 Bonds"), the Water Utility Revenue Refunding Bonds, Series 2004 (the "Series 2004 Bonds"), the Water Utility Revenue Bonds, Series 2007 (the "Series 2007 Bonds") and the Water Utility Revenue Refunding Bonds, Series 2012 (the "Series 2012 Bonds") (collectively, the "Prior Bonds"), which bonds are payable from the income and revenues of the System and were issued as Parity Bonds pursuant to the provisions of Resolution No. 6772, adopted by the Common Council on April 19, 1995 (the "1995 Resolution"); and

WHEREAS, the City also has outstanding the Water Utility Revenue Bonds, Series 2005, and the Water Utility Revenue Bonds, Series 2006 (collectively, the "Safe Drinking Water Fund Bonds"), which bonds are payable from the income and revenues of the System and were issued on a basis junior and subordinate to the Outstanding Prior Bonds; and

WHEREAS, the City has determined that it is necessary and desirable to refund the outstanding Series 2003 Bonds (the "Refunded Obligations") for the purpose of achieving debt service cost savings; and

WHEREAS, it is desired to authorize and sell revenue bonds for such purpose payable solely from the revenues to be derived from the operation of the System, which bonds are to be authorized and issued pursuant to the provisions of Section 66.0621, Wis. Stats.; and

WHEREAS, other than the Prior Bonds and the Safe Drinking Water Fund Bonds, the City has no bonds or obligations outstanding which are payable from the income and revenues of the System; and

WHEREAS, (a) the resolutions authorizing the Prior Bonds permit the issuance of bonds payable from revenues of the System on a parity with the Prior Bonds upon certain conditions and (b) the resolutions authorizing the Safe Drinking Water Fund Bonds permit the issuance of bonds on a basis senior to the Safe Drinking Water Fund Bonds upon certain conditions, and those conditions have been met.

NOW, THEREFORE, the Common Council of the City of Neenah, Winnebago County, Wisconsin, does resolve that:

Section 1. Authorization of Bonds. For the purpose above stated, the City shall borrow on the credit of the income and revenue of the System the sum of \$3,595,000. Negotiable, fully-registered bonds of the City, in the denomination of \$5,000, or any whole multiple thereof, shall be issued in evidence thereof. Such bonds shall be designated "Water Utility Revenue Refunding Bonds, Series 2013" (the "Series 2013 Bonds"), shall be numbered from R-1 upward and shall be dated December 2, 2013. The Series 2013 Bonds shall bear interest at the rates per annum set forth in the Bond Purchase Agreement attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal") and shall mature on December 1 of each year, in the years and principal amounts set forth in the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference.

Interest on the Series 2013 Bonds shall be payable on June 1 and December 1 of each year, commencing June 1, 2014. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

The schedule of principal and interest payments due on the Series 2013 Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

The Series 2013 Bonds shall not be subject to optional redemption. If the Proposal specifies that any of the Series 2013 Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated by this reference.

The schedule of maturities and mandatory redemption payments, if any, is found to be such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices.

The Common Council hereby determines that the refunding of the Refunded Obligations is advantageous and necessary to the City.

The Series 2013 Bonds, together with interest thereon, shall be payable only out of the Special Redemption Fund hereinafter provided, and shall be a valid claim of the owner thereof only against the Special Redemption Fund and the revenues pledged to such Fund, and sufficient revenues are pledged to the Special Redemption Fund, and shall be used for no other purpose than to pay the principal of and interest on the Outstanding Prior Bonds, the Series 2013 Bonds and Parity Bonds as the same fall due.

Section 2. Form of Bonds. The Series 2013 Bonds shall be in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 3. Definitions. In addition to the words defined elsewhere in this Resolution, the following words shall have the following meanings unless the context or use indicates another or different meaning or intent:

"Bond" or "Bonds" means the Series 2004 Bonds, the Series 2007 Bonds, the Series 2012 Bonds and any bond or bonds authorized and delivered pursuant to this resolution, including the Series 2013 Bonds, and any Parity Bonds.

"Bondowner" or "holder" or "owner" or words of similar import means, when used with reference to a Bond, the registered owner of such Bond.

"Code" means the Internal Revenue Code of 1986, as amended.

"Commission" means the Neenah Water Commission and any body, board or commission that may hereafter succeed to its powers, duties and functions.

"Current Expenses" means the reasonable and necessary cost of operating, maintaining and repairing the System, including the cost of water at wholesale, salaries, wages, cost of materials and supplies, insurance and audits, but shall exclude depreciation, replacements, in lieu of tax payments, and payments into the Special Redemption Fund.

"Debt Service" means as of any particular date of computation and with respect to a particular Fiscal Year, the sum of (a) all interest payable on June 1 and December 1 of such Fiscal Year on all Bonds Outstanding, and where the Safe Drinking Water Fund Bonds are referenced, all interest payable on May 1 and November 1 of such Fiscal Year on all Safe Drinking Water Fund Bonds

Outstanding, exclusive of interest payable from amounts set aside from Bond proceeds and deposited in the Special Redemption Fund, (b) the principal amount of all Bonds Outstanding that mature on December 1 of such Fiscal Year, and, where the Safe Drinking Water Fund Bonds are referenced, the principal amount of all Safe Drinking Water Fund Bonds Outstanding that mature on May 1 of such Fiscal Year and (c) the amount of all mandatory redemption payments, if any, in such Fiscal Year; all calculated on the assumption that Bonds and Safe Drinking Water Fund Bonds will cease to be Outstanding only by reason of the payment thereof when due and the payment when due and application in accordance with this resolution of mandatory redemption payments.

"Fiscal Year" means the twelve-month period beginning on January 1 of each calendar year and ending on December 31 of such calendar year.

"Interest Account" means the Account by that name established within the Special Redemption Fund pursuant to Section 4 hereof.

"Interest Payment Date" means any June 1 or December 1 on which interest on any Bond is payable.

"Maximum Annual Debt Service" means, as of any date of computation, (a) when used with respect to the Bonds of any particular series, an amount equal to the greatest amount of Debt Service on the Bonds of such series for the then current or any future Fiscal Year, and (b) when used with respect to the Bonds of all series, an amount equal to the greatest amount of aggregate Debt Service on all Outstanding Bonds for the then current or any future Fiscal Year.

"Net Revenues" means Revenues, excluding any profits or losses on the sale or other disposition, not in the ordinary course of business, of investments or fixed or capital assets, less Current Expenses.

"1995 Resolution" means Resolution 6772 adopted by the Common Council of the City on April 19, 1995.

"Outstanding," when used with reference to Safe Drinking Water Fund Bonds, means all Safe Drinking Water Fund Bonds which have not been paid in accordance with their terms and, when used with reference to Bonds, means, as of any date, all Bonds theretofore or thereupon being authorized and delivered except:

- (a) any Bonds cancelled by the City or by a registrar for the Bonds at or prior to such date;

- (b) any Bond (or portion thereof) for the payment or redemption of which there shall be set aside and held in trust pursuant to Section 13 hereof either:

(i) moneys in an amount sufficient to pay when due the principal or applicable redemption price thereof, together with all accrued interest;

(ii) securities, as described in Section 13 hereof, or obligations secured by such securities, in such principal amounts, of such maturities, bearing such interest and otherwise having such terms and qualifications, as are necessary to provide moneys (whether as principal or interest) in an amount sufficient to pay when due the principal or applicable redemption price thereof, together with all accrued interest, or

(iii) any combination of (a) and (b) above,

and, if such Bond or portion thereof is to be redeemed, for which notice of redemption has been given as provided by the terms of the Bond or provision has been made for the giving of such notice;

(c) any Bond in lieu of or in substitution for which another Bond has or other Bonds have been delivered; and

(d) any Bond deemed to have been paid as provided in Section 13 hereof.

"Parity Bonds" means Bonds issued on a parity with the Series 2004 Bonds, the Series 2007 Bonds, the Series 2012 Bonds and the Series 2013 Bonds in accordance with the provisions of Section 9 hereof.

"Principal Account" means the Account by that name established within the Special Redemption Fund pursuant to Section 4 hereof.

"Principal Payment Date" means any December 1 on which principal on any Bond is payable.

"Qualified Investments" means any investments permitted by Section 66.0603(1m), Wisconsin Statutes.

"Rating Agency" means Moody's Investors Service.

"Reserve Account" means the Account by that name established within the Special Redemption Fund pursuant to Section 4 hereof.

"Reserve Account Asset" means any letter of credit, insurance policy, surety bond or similar instrument issued by a provider with a rating in one of the two highest rating categories of the Rating Agency and held in the Reserve Account in lieu of the deposit herein of moneys.

"Reserve Requirement" means, as of any particular date of computation, a sum equal to the lesser of (i) ten percent of the aggregate principal amount of

proceeds of the Bonds secured by the Reserve Account or (ii) the Maximum Annual Debt Service on the Bonds secured by the Reserve Account which are then Outstanding.

"Revenues" means all revenues, rentals and income of the System from whatever source, including all revenues derived from the operation of the System; proceeds from the sale of property; proceeds of insurance and condemnation awards and compensation for damages, to the extent not applied to the payment of the cost of repairs, replacements and improvements; and all amounts realized from the investment of money in the Accounts and Funds described in this resolution; but excluding all meter deposits and connection charges.

"Safe Drinking Water Fund Bonds" means the Outstanding Water Utility Revenue Bonds, Series 2005 and the Outstanding Water Utility Revenue Bonds, Series 2006.

"Series 2004 Bonds" means the Outstanding Water Utility Revenue Refunding Bonds, Series 2004, of the City, authorized by the 2004 Resolution.

"Series 2007 Bonds" means the Outstanding Water Utility Revenue Bonds, Series 2007, of the City, authorized by the 2007 Resolution.

"Series 2012 Bonds" means the Outstanding Water Utility Revenue Refunding Bonds, Series 2012, of the City, authorized by the 2012 Resolution.

"Special Redemption Fund" means the Fund by that name established pursuant to Section 4 hereof.

"State" means the State of Wisconsin.

"2004 Resolution" means Resolution 7111 adopted by the Common Council of the City on October 20, 2004 authorizing the issuance of the Series 2004 Bonds.

"2007 Resolution" means Resolution 7241 adopted by the Common Council of the City on May 2, 2007 authorizing the issuance of the Series 2007 Bonds.

"2012 Resolution" means Resolution 2012-32 adopted by the Common Council of the City on September 5, 2012 authorizing the issuance of the Series 2012 Bonds.

Section 4. Income and Revenue Funds. From and after the delivery of any Bonds hereunder, and as long as any of the Bonds shall be Outstanding, the entire Revenues of the System shall be applied as provided in this section.

All Revenues shall be deposited in a fund established pursuant to Section 9 of the 1995 Resolution known as the Water Utility Revenue Fund (the "Revenue Fund"), and shall be disbursed only as follows:

(a) *Payment of Current Expenses.* First for the payment of Current Expenses as the same become due and payable, and for the accumulation of an operating reserve in the Revenue Fund in an amount equal to one-twelfth (1/12) of the Current Expenses budgeted for the current Fiscal Year pursuant to Section 6 hereof, which reserve may be used during the month for the payment of Current Expenses.

(b) *Deposits into Special Redemption Fund.* Next to make deposits into a separate and special fund to pay principal of and interest on the Bonds and Parity Bonds as the same become due and to maintain a reserve for such payment as hereinafter set forth. Said Fund was established by Section 9 of the 1995 Resolution as the Water Utility Special Redemption Fund (the "Special Redemption Fund"), which is divided into three separate Accounts, known respectively as the Interest Account, the Principal Account, and the Reserve Account.

(1) *Interest Account.* In each month, there shall be deposited into the Interest Account an amount equal to one-sixth (1/6) of the interest coming due on all of the Outstanding Bonds on the next succeeding Interest Payment Date, or such larger amount as may be necessary to pay such interest; but no deposit need be made into the Interest Account in any month whenever the amount therein shall equal or exceed the interest coming due on all of the Outstanding Bonds on the next succeeding Interest Payment Date. Money in the Interest Account shall be used solely to pay interest on the Bonds as the same comes due.

(2) *Principal Account.* In each month, there shall be deposited into the Principal Account an amount equal to one-twelfth (1/12) of the principal of the Outstanding Bonds coming due on the next Principal Payment Date or subject to mandatory redemption thereon, or such larger amount as may be necessary to pay such principal; but no deposit need be made into the Principal Account in any month whenever the amount therein shall equal or exceed the principal amount of Outstanding Bonds maturing or required to be redeemed on the Principal Payment Date next succeeding. Money in the Principal Account shall be used solely to pay principal of the Bonds either at maturity or upon call for redemption.

(3) *Reserve Account.* To the degree required to correct any deficiency in the Reserve Account, an amount equal to the difference between the Reserve Requirement and any current amount maintained in the Reserve Account shall be deposited in

the Reserve Account on the first day of each month from available Net Revenues after the required payments have been made to the Interest Account and the Principal Account until the required balance has been attained. If such deficiency results from a draw on the Reserve Account, the amount of the deficiency shall be replenished during the 12-month period next succeeding the date of the draw by 12 equal monthly deposits until the Reserve Requirement has again been attained. Upon the issuance of Parity Bonds an additional amount may be immediately deposited into the Reserve Account (and credited to such subaccount therein as shall be specified in the supplemental resolution authorizing such Parity Bonds) sufficient to meet the Reserve Requirement (determined after giving effect to the issuance of such Parity Bonds), or an amount equal to the difference between such Reserve Requirement and the amount then on deposit in the Reserve Account shall be accumulated in the Reserve Account (and credited to such subaccount therein as shall be specified in the supplemental resolution authorizing such Parity Bonds) during the five-year period next succeeding the date of issuance of such Parity Bonds by sixty (60) equal monthly deposits, until the required balance has been attained. When the amount in the Reserve Account shall be equal to or exceed the Reserve Requirement as to all Outstanding Bonds secured by the Reserve Account, no further deposit need be made into the Reserve Account except to maintain said Account at such level. Whenever it shall become necessary to use money in the Reserve Account, the payments required above shall immediately be continued or resumed and replaced therein from the first available money until amounts therein shall have been restored to the required minimum. Reserve Account Assets or moneys (or a combination of both) may be used to satisfy the Reserve Requirement, provided that Reserve Account Assets shall be used only with the prior written approval of the Rating Agency. Moneys deposited in the Reserve Account to cure any deficiency therein shall be used first to repay the provider of a Reserve Account Asset any amount due such provider, including interest. Except as otherwise provided in the next preceding sentence, money in the Reserve Account shall be used solely for the purpose of paying interest on the Bonds secured by the Reserve Account, or the principal thereof at maturity or upon call for mandatory redemption, for the payment of which insufficient money shall be available in the Interest Account or the Principal Account, as the case may be. The Safe Drinking Water Fund Bonds are not secured by the Reserve Account.

All moneys in the Special Redemption Fund shall constitute trust funds irrevocably pledged for the payment of the principal of, and interest upon, and redemption premiums, if any, on the Outstanding Bonds and

such moneys shall, under no circumstances, be utilized for any other purpose until all of the Bonds shall have been retired or provision for the retirement thereof duly made in accordance with the provisions of this resolution.

(c) *Deposits into Depreciation Fund.* Next to make deposits into a separate and special Fund established by Section 9 the 1995 Resolution as the Water System Depreciation Fund (the "Depreciation Fund"). In each month there shall be deposited into the Depreciation Fund \$2,000. No such deposit need be made in any month if the aggregate amount on deposit in the Depreciation Fund equals or exceeds \$250,000. Withdrawals and disbursements from the Depreciation Fund shall be made to meet unforeseen emergencies in connection with the operation of the System or for the payment of the cost of making replacements necessary for the continued effective and efficient operation of the System. If necessary to prevent a default in the payment of principal of or interest on the Bonds, moneys in the Depreciation Fund may be transferred to the Special Redemption Fund; in the event of any such transfer, the deposit requirement into the Depreciation Fund shall be increased so as to replenish the amount of the transfer over the next succeeding 12-month period by 12 equal monthly deposits.

(d) *Payment of Subordinate Indebtedness.* Next to be used to pay principal of and interest (including reasonable reserves therefor) on the Safe Drinking Water Fund Bonds and any other obligations or indebtedness that by their terms are payable from the Revenues of the System but are subordinate to the Bonds and have been issued for the purpose of renewals, replacements, extensions or improvements to the System.

(e) *Use of Surplus Moneys.* All moneys thereafter remaining in the Revenue Fund shall be considered surplus and may be used for any lawful purpose of the Commission, including the making of payments into the general fund of the City in lieu of ad valorem taxes.

Money in the Revenue Fund shall be transferred and paid into the various Funds and Accounts hereinbefore referred to in the order in which said Funds and Accounts are listed, on a cumulative basis, and if in any month the money in the Revenue Fund shall be insufficient to place the required amount in any of said Funds and Accounts the deficiency shall be made up in the following month or months after payment into all Funds and Accounts enjoying a prior claim to the Revenues shall have been met in full.

Money in the Revenue Fund shall be transferred and paid into the various Funds and Accounts hereinabove referred to as of the 1st day of each month. If the 1st day of any month shall not be a business day then such transfer shall be as of the next succeeding business day.

The minimum amounts to be so deposited for debt service on the Series 2013 Bonds, in addition to all amounts to be deposited to pay debt service on the Prior Bonds and the Safe Drinking Water Fund Bonds, are set forth on the Schedule.

All of the Funds and Accounts provided by this section shall be kept on deposit with a bank or banks that shall be members of Federal Deposit Insurance Corporation and shall be secured to the fullest extent required by law.

Money on deposit in any of the Funds and Accounts described herein may be invested in Qualified Investments, all such obligations to mature not later than the date on which the money so invested shall be required for the purpose of the Fund or Account from which the investment was made. Moneys on deposit in the Reserve Account shall be invested in Qualified Investments having maturities no longer than five years from the dates of such investment. All income derived from such investments shall be deposited into the Revenue Fund and shall, to the extent so deposited, be regarded as Revenues; provided, however, that income derived from the investment of money on deposit in any construction fund or account established in whole or in part with the proceeds of bonds for the purpose of providing for the payment of the cost of extending, improving or replacing the System may, if and to the extent so required by the provisions of the supplemental resolution authorizing such bonds, be retained in such fund or account and used for the purposes for which such fund or account was established. Such investments shall at any time necessary be liquidated and the proceeds thereof applied to the purpose for which the respective fund was created.

Section 5. Service to the City. The reasonable cost and value of any service rendered to the City by the System shall be charged against the City and shall be paid by it in monthly installments as the service accrues, out of the current revenues of the City collected or in the process of collection, exclusive of the revenues derived from the System, to wit: out of the tax levy of the City made by it to raise money to meet its necessary current expenses. It is hereby found and determined that the amount of such reasonable cost and value shall be equal to such amount as may be necessary from year to year to pay the balance of an amount which, together with other Revenues of the System, will produce Net Revenues equivalent to not less than 1.25 times the annual Debt Service requirement on the Outstanding Bonds and the Outstanding Safe Drinking Water Fund Bonds. Such compensation for such service rendered to the City shall, in the manner provided hereinabove, be paid into the separate and special funds described in Section 4 of this Resolution. However, such payment is subject to (a) annual appropriation by the Common Council, (b) approval of the Wisconsin Public Service Commission, if necessary, and (c) applicable levy limits, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the City to make any such appropriation over and above the reasonable cost and value of services rendered to the City or to make any subsequent payment over and above such reasonable cost and value.

Section 6. Operation of System; City Covenants. It is covenanted and agreed by the City with the owner or owners of the Bonds, and each of them, that:

It will faithfully and punctually perform all duties with reference to the System required by the Constitution and Statutes of the State of Wisconsin, including the making and collecting of reasonable and sufficient rates lawfully established for services rendered by the System, and will segregate the Revenues of the System and apply them to the respective funds and accounts described hereinabove;

It will not sell, lease, or in any manner dispose of the System, including any part thereof or any additions, extensions, or improvements that may be made part thereto, except that the City shall have the right to sell, lease or otherwise dispose of any property of the System found by the City to be neither necessary nor useful in the operation of the System, provided the proceeds received from such sale, lease or disposal shall be paid into the Special Redemption Fund or applied to the acquisition or construction of capital facilities for use in the normal operation of the System, and such payment shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund;

It will pay or cause to be paid all lawful taxes, assessments, governmental charges, and claims for labor, materials or supplies which if unpaid could become a lien upon the System or its Revenues or could impair the security of the Bonds;

It will permit no free service to be furnished to any consumer or user whatsoever, including the City;

It will maintain in reasonably good condition and operate the System, and will establish, charge and collect such lawfully established rates and charges for the service rendered by the System, so that in each Fiscal Year Net Revenues shall not be less than 1.25 times the Debt Service payable during the next succeeding Fiscal Year on the Outstanding Bonds and the Outstanding Safe Drinking Water Fund Bonds, and so that the Revenues of the System herein agreed to be set aside to provide for the payment of the Bonds and Parity Bonds and the Safe Drinking Water Fund Bonds and the interest thereon as the same becomes due and payable, and to meet the Reserve Requirement, will be sufficient for those purposes; and

It will prepare a budget not less than sixty days prior to the end of each Fiscal Year and, in the event such budget indicates that the Net Revenues for each Fiscal Year will not exceed the annual Debt Service requirement for each corresponding Fiscal Year by the applicable proportion stated hereunder, will take any and all steps permitted by law to increase rates so that the

aforementioned proportion of Net Revenues to the annual Debt Service requirement shall be accomplished as promptly as possible.

Section 7. Books and Accounts; Inspection. The City will keep proper books and accounts relative to the System separate from all other records of the City and will cause such books and accounts to be audited annually by a recognized independent firm of certified public accountants including a balance sheet and a profit and loss statement of the System as certified by such accountants. Each such audit, in addition to whatever matters may be thought proper by the accountants to be included therein shall include the following: (1) a statement in detail of the income and expenditures of the System for the Fiscal Year; (2) a balance sheet as of the end of such Fiscal Year; (3) the accountants' comment regarding the manner in which the City has carried out the requirements of this Resolution and the accountants' recommendations for any changes or improvements in the operation of the System; (4) the number of connections to the System at the end of the Fiscal Year, for each user classification (i.e., residential, commercial, public and industrial); (5) a list of the insurance policies in force at the end of the Fiscal Year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer, and the expiration date of the policy; and (6) the volume of water used.

The owners of any of the Bonds shall have at all reasonable times the right to inspect the System and the records, accounts and data of the City relating thereto.

Section 8. Insurance. So long as any of the Bonds are outstanding the City will carry for the benefit of the owners of the Bonds: (a) adequate fire, lightning, vandalism, riot, strike, explosion, civil commotion, malicious damage, tornado and windstorm insurances on all portions of the System which are subject to loss through such casualties; (b) adequate insurance against loss of use and occupancy resulting from such casualties; (c) adequate public liability insurance and (d) insurance of the kinds and in the amounts normally carried by private companies engaged in the operation of similar systems. All money received for loss of use and occupancy shall be considered Revenue of the System payable into the separate funds and accounts named in Section 4 of this Resolution. All money received for losses under any of such casualty policies, except those specified in (b) above, shall be used in repairing the damage or in replacing the property destroyed provided that if the Common Council shall find it is inadvisable to repair such damage or replace such property and that the operation of the System has not been impaired thereby, such money, including proceeds from insurance under (b) above, shall be deposited in the Special Redemption Fund, but in that event such payments shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund.

Section 9. Additional Bonds. The Bonds shall enjoy complete parity of lien on the Net Revenues despite the fact that any of the Bonds may be delivered at an earlier date than any other of the Bonds. The City will issue no other bonds

or obligations of any kind or nature payable from or enjoying a lien or claim on the Revenues of the System having priority over the Bonds.

Additional bonds may be issued on a parity and equality of rank with the Bonds with respect to the lien and claim of such additional bonds to the Net Revenues of the System and the money on deposit in the funds and accounts of the System, for the following purposes and under the following conditions, but not otherwise:

9: (a) Without regard to the requirements of paragraph (b) of this Section

(1) for the purpose of refunding any of the Bonds that shall have matured or have become subject to mandatory redemption, or that shall mature or become subject to mandatory redemption not later than three months after the date of delivery of such refunding bonds and for the payment of which there shall be insufficient money in the Special Redemption Fund; or

(2) for the purpose of refunding any Outstanding Bonds under circumstances not resulting in the defeasance of all of the Bonds pursuant to Section 13 hereof, provided that the Maximum Annual Debt Service computed with respect to all Bonds to be Outstanding as of the date of issuance of such Parity Bonds (and after giving effect to the application of the proceeds thereof) shall not be greater than one hundred five percent (105%) of the Maximum Annual Debt Service computed with respect to all Bonds Outstanding as of the date immediately preceding the issuance of such additional bonds.

(b) For the purpose of refunding any Outstanding Bonds under circumstances not resulting in the defeasance of all of the Bonds pursuant to Section 13 hereof, and/or for the making of improvements, extensions, renewals or replacements to the System, if all of the following conditions shall have been met:

(1) Either:

(A) the Net Revenues of the System for the last completed Fiscal Year for which audited financial statements are available immediately preceding the issuance of such proposed additional bonds, as evidenced by the annual audits required by Section 6 hereof, must have been equal to at least Maximum Annual Debt Service computed with respect to the additional bonds proposed to be issued and all Outstanding Bonds other than any Bonds intended to be refunded by the proposed additional bonds times 1.25; or

(B) the Net Revenues of the System for the last completed Fiscal Year for which audited financial statements are available immediately preceding the issuance of such proposed additional bonds, as evidenced by the annual audits required by Section 6 hereof, must have been equal to at least Maximum Annual Debt Service computed with respect to the additional bonds proposed to be issued and all Outstanding Bonds other than any Bonds intended to be refunded by the proposed additional bonds times 1.25; provided, however, that if prior to the authorization of such additional bonds either (i) the City shall have adopted and put into effect or (ii) the Wisconsin Public Service Commission shall have approved a revised schedule of rates for services and water furnished by the System, then the Net Revenues for the Fiscal Year immediately preceding, as certified by an independent certified public accountant not in the employ of the City on a salary basis, that would have resulted from such rates had they been in effect for such period, may be used in lieu of the actual Net Revenues for such Fiscal Year;

(2) The payments required to be made into the various Funds and Accounts provided in Section 4 hereof must be current; and

(3) The additional bonds must be payable as to principal on December 1 of each year in which principal falls due and payable as to interest on June 1 and December 1 of each year.

Section 10. Sale of Series 2013 Bonds. The City shall sell and deliver the Series 2013 Bonds to Robert W. Baird & Co. Incorporated (the "Purchaser") for the purchase price set forth in the Proposal. The Proposal is hereby approved, and the appropriate City officials are hereby authorized and directed to execute the same. The officers of the City are authorized and directed to do any and all acts necessary to conclude delivery of the Series 2013 Bonds to the Purchaser, upon receipt of the purchase price, as soon after adoption of this Resolution as is convenient.

Section 11. Application of Series 2013 Bond Proceeds. All accrued interest received from the sale of the Series 2013 Bonds shall be deposited into the Special Redemption Fund. An amount (if any) necessary to make the amount currently on deposit in the Reserve Account equal to the Reserve Requirement shall be deposited in the Reserve Account. An amount of proceeds of the Series 2013 Bonds sufficient to provide for the payment of the Refunded Obligations shall be deposited in a special account designated the "Refunding Fund" for that purpose. The balance of the proceeds, less the expenses incurred in authorizing, issuing and delivering the Series 2013 Bonds, shall be transferred to the Special Redemption Fund for use in payment of principal of and interest on the Series 2013 Bonds.

Section 12. 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 City 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 the written consent of the owners of not less than two-thirds of the principal amount of the Bonds then outstanding, exclusive of Bonds held by the City; provided, however, that no amendment shall permit any change in the pledge of Revenues derived from the System, or in 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 13. Defeasance. When all Bonds have been discharged, all pledges, covenants and other rights granted to the owners thereof by this Resolution shall cease. The City may discharge all Bonds due on any date by depositing into a special account on or before that date a sum sufficient to pay the same in full; or if any Bonds should not be paid when due, it may nevertheless be discharged by depositing into a special account a sum sufficient to pay it in full with interest accrued from the due date to the date of such deposit. The City, at its option, may also discharge all Bonds called for redemption on any date when they are prepayable according to their terms, by depositing into a special account on or before that date a sum sufficient to pay them in full, with the required redemption premium, if any, provided that notice of redemption has been duly given as required by this Resolution. The City, at its option, may also discharge all Bonds of said issue at any time 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 City'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 City'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 14. Investments and Arbitrage. Monies accumulated in any of the funds and accounts referred to in Sections 4 and 11 hereof which are not immediately needed for the respective purposes thereof, may be invested in Qualified Investments until needed. All income derived from such investments shall be credited to the fund or account from which the investment was made; provided, however, that at any time that the Reserve Requirement is on deposit in the Reserve Account, any income derived from investment of the Reserve Account shall be deposited into the Special Redemption Fund and used to pay principal and interest on the Bonds. A separate banking account is not required for each of the funds and accounts established under this Resolution; however, the monies in each fund or account shall be accounted for separately by the City and used only for the respective purposes thereof. The proceeds of the Series 2013 Bonds shall be used solely for the purpose for which they are issued but may be temporarily invested until needed in legal investments. No such investment shall be made in such a manner as would cause the Series 2013 Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations of the Commissioner of Internal Revenue thereunder (the "Regulations").

An officer of the City, charged with the responsibility for issuing the Series 2013 Bonds, shall, on the basis of the facts, estimates and circumstances in existence on the date of closing, make such certifications as are necessary to permit the conclusion that the Series 2013 Bonds are not "arbitrage bonds" under Section 148 of the Code or the Regulations.

Section 15. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the City and the owner or owners of the Series 2013 Bonds, and after issuance of any of the Series 2013 Bonds no change or alteration of any kind in the provisions of this Resolution may be made, except as provided in Section 12, until all of the Series 2013 Bonds have been paid in full as to both principal and interest. The owner or owners of any of the Series 2013 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 City, the governing body thereof, and any and all officers and agents thereof including, but without limitation, the right to require the City, 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 16. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Series 2013 Bonds eligible for the services provided by The Depository Trust Company, New York, New York, the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 17. Payment of the Series 2013 Bonds; Fiscal Agent. The principal of and interest on the Series 2013 Bonds shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent").

Section 18. Persons Treated as Owners; Transfer of Series 2013 Bonds. The City Clerk shall cause books for the registration and for the transfer of the Series 2013 Bonds to be kept by the Fiscal Agent. The person in whose name any Series 2013 Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Series 2013 Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Series 2013 Bond to the extent of the sum or sums so paid.

Any Series 2013 Bond may be transferred by the registered owner thereof by surrender of the Series 2013 Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Series 2013 Bond or Bonds of a like aggregate principal amount, series and maturity, and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Series 2013 Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Series 2013 Bond or Bonds necessary to effect any such transfer.

The fifteenth day of each calendar month next preceding each interest payment date shall be the record dates for the Series 2013 Bonds. Payment of interest on the Series 2013 Bonds on any interest payment date shall be made to the registered owners of the Series 2013 Bonds as they appear on the registration book of the Fiscal Agent at the close of business on the corresponding record date.

Section 19. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Series 2013 Bonds and by the Refunded Obligations and the ownership, management and use of the projects will not cause the Series 2013 Bonds or the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Series 2013 Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Series 2013 Bonds) if taking, permitting or omitting to take such action would cause any of the Series 2013 Bonds to be an arbitrage bond or a private activity bond within

the meaning of the Code or would otherwise cause interest on the Series 2013 Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Series 2013 Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Series 2013 Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Series 2013 Bonds and the laws of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

The foregoing covenants shall remain in full force and effect, notwithstanding the defeasance of the Series 2013 Bonds, until the date on which all of the Series 2013 Bonds have been paid in full.

Section 20. Qualified Tax-Exempt Obligations. The Bonds are deemed designated as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code and in support of such designation, the City Clerk or other officer of the City charged with the responsibility for issuing the Bonds, shall provide an appropriate certificate of the City, all as of the Closing.

Section 21. Undertaking to Provide Continuing Disclosure. The City covenants and agrees, for the benefit of the owners of the Series 2013 Bonds, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Series 2013 Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Series 2013 Bonds).

The Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Series 2013 Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 22. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Series 2013 Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission

pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the closing of the Series 2013 Bonds, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 23. Redemption of Refunded Obligations. The Refunded Obligations are hereby called for prior payment and redemption on December 9, 2013 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the City Clerk to work with the Purchaser to cause timely notice of redemption, in substantially the form attached hereto as Exhibit D-1 and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice. All actions heretofore taken by the officers and agents of the City to effectuate the redemption of the Refunded Obligations are hereby ratified and approved.

Section 24. Records. The City Clerk shall provide and keep a separate record book and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Series 2013 Bonds.

Section 25. Bond Insurance. If the Purchaser of the Series 2013 Bonds determines to obtain municipal bond insurance with respect to the Series 2013 Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Series 2013 Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Series 2013 Bonds by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 26. Execution of the Series 2013 Bonds; Closing; Professional Services. The Series 2013 Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent, sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Series 2013 Bonds may be imprinted on the Series 2013 Bonds in lieu of the manual signature of the officer but, unless the City has contracted with

a fiscal agent to authenticate the Series 2013 Bonds, at least one of the signatures appearing on each Series 2013 Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Series 2013 Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Series 2013 Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Series 2013 Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Series 2013 Bonds is hereby ratified and approved in all respects.

Section 27. Conflicting Ordinances or Resolutions. All ordinances and resolutions, other than the 1995 Resolution, the 2004 Resolution, the 2007 Resolution and the 2012 Resolution (collectively, 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 so long as any Prior Bonds are outstanding.

Adopted, approved and recorded November 6, 2013.

Recommended by: Finance and
Personnel Committee

CITY OF NEENAH, WISCONSIN

Moved: _____

George D. Scherck, Mayor

Passed: _____

Patricia A. Sturn, City Clerk

(SEAL)

EXHIBIT A

Bond Purchase Proposal

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B-1

Pricing Summary

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B-2

Debt Service Schedule

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT C

(Form of Bond)

REGISTERED	UNITED STATES OF AMERICA	DOLLARS
	STATE OF WISCONSIN	
NO. R-____	COUNTY OF WINNEABGO	\$_____
	CITY OF NEENAH	

WATER UTILITY REVENUE REFUNDING BOND, SERIES 2013

MATURITY DATE:	ORIGINAL DATE OF ISSUE:	INTEREST
RATE: CUSIP:		
December 1, _____	December 2, 2013	_____% _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$_____)

FOR VALUE RECEIVED, the City of Neenah, Winnebago County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), solely from the fund hereinafter specified, on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2014 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by the City Clerk or City Treasurer (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

This Bond is not subject to optional redemption.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bond, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, upon surrender of this Bond together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds after the Record Date. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

This Bond is one of an issue aggregating \$3,595,000, issued to refund obligations of the City issued to finance additions, improvements and extensions to the Water System of the City, pursuant to Article XI, Section 3, of the Wisconsin Constitution, Section 66.0621, Wisconsin Statutes, acts supplementary thereto and a Resolution adopted November 6, 2013, and entitled: "Resolution Authorizing the Issuance and Sale of \$3,595,000 Water Utility Revenue Refunding Bonds, Series 2013, of the City of Neenah, Winnebago County, Wisconsin, and Providing for the Payment of the Bonds and Other Details With Respect to the Bonds," and is payable only from the income and revenues derived from the operation of said Water System. Such revenues have been set aside and pledged as a special fund for that purpose and identified as "Special Redemption Fund", created by Resolution No. 6772 adopted by the City on April 19, 1995 and continued by the resolution referred to above. The Bonds are issued on a parity with the City's outstanding Water Utility Revenue Refunding Bonds, Series 2004, Water Utility Revenue Bonds, Series 2007 and Water Utility Revenue Refunding Bonds, Series 2012, and senior to the Water Utility Revenue Bonds, Series 2005 and Water Utility Revenue Bonds, Series 2006. This Bond does not constitute an indebtedness of the City within the meaning of any constitutional or statutory debt limitation or provision.

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

This Bond is a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

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

CITY OF NEENAH,
WINNEBAGO COUNTY, WISCONSIN

(SEAL)

By _____
City Clerk

By _____
Mayor

ASSIGNMENT

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

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or Nominee Name)

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

(Authorized Officer)

EXHIBIT D-1

NOTICE OF FULL CALL*

Regarding

City of Neenah
Winnebago County, Wisconsin
Water Utility Revenue Bonds, Series 2003
Dated July 1, 2003

NOTICE IS HEREBY GIVEN that the Bonds of the above-referenced issue which mature on the dates and in the amounts; bear interest at the rates; and have CUSIP Nos. as set forth below have been called by the City for prior payment on December 9, 2013 at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the date of prepayment:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
12/01/2014	\$250,000	3.15 %	640089EX2
12/01/2015	480,000	3.25	640089EY0
12/01/2016	375,000	3.35	640089EZ7
12/01/2017	390,000	3.45	640089FA1
12/01/2018	410,000	3.55	640089FB9
12/01/2019	425,000	3.65	640089FC7
12/01/2020	445,000	3.75	640089FD5
12/01/2021	460,000	3.85	640089FE3
12/01/2022	485,000	4.00	640089FF0

The City shall deposit federal or other immediately available funds sufficient for such redemption at the office of The Depository Trust Company on or before December 9, 2013.

Said Bonds will cease to bear interest on December 9, 2013.

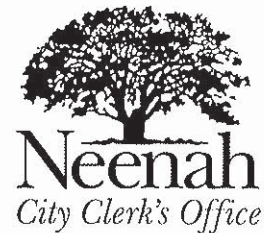
By Order of the
Common Council
City of Neenah
City Clerk

Dated _____

* To be provided by facsimile transmission, registered or certified mail, or overnight express to The Depository Trust Company, Attn: Supervisor, Call Notification Department, 55 Water Street, 50th Floor, New York, NY 10041-0099, not less than thirty (30) days nor more than sixty (60) days prior to December 9, 2013 and to the MSRB. Notice shall also be provided to Ambac Assurance Corporation, or any successor, the bond insurer of the Bonds.

In addition, if the Bonds are subject to the continuing disclosure requirements of SEC Rule 15c2-12 effective July 3, 1995, this Notice should be filed electronically with the MSRB through the Electronic Municipal Market Access (EMMA) System website at www.emma.msrb.org.

City of Neenah
Application For Appointment



Name	<u>Ann Lee</u>	Date	<u>10/17/2013</u>
Address	<u>120 Bpkd #119</u>		
City, ST Zip	<u>Neenah, WI 54956</u>	Employer	
Eve. Phone	<u>920-886-3263</u>	Day Phone	<u>—</u>
E-mail	<u>annmlee@gmail.com</u>	Fax	

What appointment are you seeking? You may check more than one box.

- | | |
|--|---|
| <input type="checkbox"/> Library Board | <input type="checkbox"/> Park and Recreation Commission |
| <input checked="" type="checkbox"/> Committee on Aging | <input type="checkbox"/> Board of Appeals |
| <input type="checkbox"/> Plan Commission | <input type="checkbox"/> Board of Review |
| <input type="checkbox"/> Police Commission | <input type="checkbox"/> Emergency Government Committee |
| <input type="checkbox"/> N-M Joint Fire Commission | <input type="checkbox"/> Loan Assistance Board |
| <input type="checkbox"/> Landmarks Commission | <input type="checkbox"/> Board of Harbor Commissioners |
| <input type="checkbox"/> Business Improvement District | <input type="checkbox"/> Water Works Commission |
| <input type="checkbox"/> Board of Health | <input type="checkbox"/> N/M Sewerage Commission |
| <input type="checkbox"/> Community Development Authority | <input type="checkbox"/> Citizen Advisory Committee |
| <input type="checkbox"/> Other | <input type="text"/> |

Do you currently serve on other boards, commissions, or hold an elected office? ☐ Yes ☒ No Detail Below

Please provide or attach a brief statement outlining your interest and qualifications for this appointment:

As a volunteer, I am interested in issues in-
volving aging. I was a bereavement counselor
in Beloit, WI in Big Sky Hospice & I cur-
rently am involved with the Men's League in
Appleton.

Please Sign and Date:

Ann M. Lee

10/17/2013

Please return to the Neenah City Clerk's Office

Proceedings of the Common Council of the City of Neenah

Monday, October 14, 2013 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 p.m., October 14, 2013 in the Council Chambers of Neenah City Hall.

Mayor Scherck in the chair.

Present: Aldermen Lendrum, Hamblin, Pollnow, Bates, Hillstrom, Ramos, Kunz and Stevenson, City Attorney Godlewski and City Clerk Sturn. Ald. Ahles was excused.

Also Present: Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, Director of Parks & Recreation McCoy, Superintendent of Parks Fink, Carrie Holcomb, Lori Burr, Warren Tran, Catherine Fleischer and Tracy McCormick.

Mayor Scherck called the meeting to order at 7:03 pm.

Clerk Sturn called a voice roll call as the Mayor/Aldermen recorded their attendance in the RollCall-Pro System followed by the Pledge of Allegiance.

Council Proceedings

- I. **MSCRP Bates/Ramos to approve the Council Proceedings of October 2, 2013 regular session and October 7, 2013 Committee of the Whole minutes, all voting aye.**

Consent Agenda

- I. **MSCRP Ramos/Kunz to approve the Consent Agenda as follows:**
 - A. **Approve Beverage Operator License Applications for: Kelly A. Fuhr, Mary E. Patovisti, Stephanie M. Pirus and Kayla M. Wippich; and the new Beverage Operator License Application for Lisa K. Gauger contingent on payment of a delinquent utility bill of \$692.57.**
 - B. **Approve the Temporary Class "B" retail beer license to St. Gabriel's Congregation, 900 Geiger Street, for their Friday Fish Fry events to be held on November 1, 8 & 15, 2013.**
 - C. **All voting aye.**

Public Services and Safety Committee

- I. **MSC Ramos/Bates to waive the 24-hour rule relative to providing minutes for Council consideration and action in order to permit a report of the special meeting of October 14, 2013, all voting aye.**

- II. Chairman Hillstrom reported the special meeting of October 14, 2013:
- A. Committee recommends Council approve the Public Works Department purchase of a 2013 4WD tractor/backhoe from Brooks Tractor for \$102,105 with trade allowance of \$10,000, for a net cost of \$92,105, with difference (\$105) covered by extra funds remaining from the purchase of the Kann recycling/refuse truck. **MSCRP Hillstrom/Hamblin by a 6-2 RollCall-Pro System vote, all voting aye, Ald. Ramos and Pollnow voting nay.**
- III. Chairman Hillstrom reported the regular meeting of October 8, 2013:
- A. Committee recommends Council repeal the action on September 18, 2013, regarding the layout for the Gateway Lot and recommend that Council adopt layout Option 1. **MSCRP Hillstrom/Bates by a 7-1 RollCall-Pro System vote, all voting aye, Ald. Stevenson voting nay.**
1. Committee recommends Council approve the implementation of a trial of the combination permit-parking plan on Martens Street and direct staff to report to the committee in 6 months with observations and recommendations. **MSCRP Hillstrom/Ramos, all voting aye.**

Finance and Personnel Committee

- I. Vice Chairman Bates reported the regular meeting of October 7 2013:
- A. Committee recommends Council approve the sale of the western two acres of property located at 2435 Industrial Drive to 2442 Progress Court, LLC (d/b/a Valley Label Company, Inc.) at a sale price of \$35,000. **MS CRP Bates/Stevenson, all voting aye.**

Board of Public Works

- I. **MSC Ramos/Stevenson to waive the 24-hour rule relative to providing minutes for Council consideration and action in order to permit a report of the meeting of October 14, 2013, all voting aye.**
- II. Vice Chairman Hamblin reported the meeting of October 14, 2013:
- A. Council Action Items:
1. The Board recommends Council award Contract PR13-01-A Riverside Shoreline Repair and Improvement Base Bid #1 (Seawall & Deck) to the low bid from Radtke Construction in the amount of \$148,000 and Base Bid #2 (Storm Sewer) to the low bid from Radtke Construction in the amount of \$13,100. **MSCRP Hamblin/Hillstrom by a 7-1 RollCall-Pro System vote, all voting aye, Ald. Pollnow voting nay.**

Council Directives

- I. **MS Stevenson/Bates to add the update of the Plexus Development Agreement prior to the end of 2013 to the Council Directives.** (To be acted on at the November 6, 2013 Council meeting)

Adjournment

- I. **MSC Stevenson/Ramos to adjourn at 8:47 p.m., all voting aye.**

Patricia A. Sturn, WCPC/MMC

COMMON COUNCIL MINUTES

Monday, October 14, 2013 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 p.m., October 14, 2013 in the Council Chambers of Neenah City Hall.

Mayor Scherck in the chair.

Present: Aldermen Lendrum, Hamblin, Pollnow, Bates, Hillstrom, Ramos, Kunz and Stevenson, City Attorney Godlewski and City Clerk Sturn. Ald. Ahles was excused.

Also Present: Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, Director of Parks & Recreation McCoy, Superintendent of Parks Fink, Carrie Holcomb, Lori Burr, Warren Tran, Catherine Fleischer and Tracy McCormick.

Mayor Scherck called the meeting to order at 7:03 pm.

Clerk Sturn called a voice roll call as the Mayor/Aldermen recorded their attendance in the RollCall-Pro System followed by the Pledge of Allegiance.

Council Proceedings

- I. **MSCRP Bates/Ramos to approve the Council Proceedings of October 2, 2013 regular session and October 7, 2013 Committee of the Whole minutes, all voting aye.**

Public Forum

- I. Lori Burr, 315 Division Street, owner of Sew Biz Drapery, 220 W. Wisconsin Avenue, spoke in favor of Option 1 for the Gateway Parking lot. She asked that the City consider placing parking meters back in that area, particularly on Doty Avenue.
- II. Warren Tran, owner of the Nail Salon located at 216 W. Wisconsin Avenue, indicated parking is a necessity for the downtown. He does not see why it is so complicated. He feels it is pretty simple. He questioned how many 2-hour parking stalls were available.
 - A. Dir. Haese responded there are (20) 2-hour spaces.
 - B. Mr. Tran asked where these stalls are dedicated and asked that it be made clear to customers. He expressed concern that they gave advice at the PSSC meeting but no one was listening. The Council did not take their opinion into consideration when making the decision to go with Option 2. If there will only (20) 2-hour spaces available, he would favor Option 1.

- III. Carrie Holcomb, 1141 Sand Point Ridge, Neenah, owner of Carry Me Home Again Resale Shop located at 214 W. Wisconsin Avenue, indicated she favors parking in the back of her business. During busy times, parking in the front is next to impossible. She expressed concern over employees and tenant using the two-hour parking in the front and moving their vehicles every two hours. Elderly customers get nervous parking in the front, as traffic coming around the corner is too fast. She asked that they be given back some metered parking.
- IV. Catherine Fleischer, owner of Elements Unleashed, 210 W. Wisconsin Avenue, expressed concern over the parking for her business. She asked that the 2-hour parking stalls be divided up. The way it is, it could be mistaken as parking for Under the Dome and Subway. Spreading out the 2-hour parking makes more sense. She indicated 2-hour parking is not enough. The City needs to not only look at short-term needs but also long term needs. She feels they need more parking for longer periods of time.
- V. There being no further appearances, Mayor Scherck declared the public forum closed.

Mayor/Council Consideration of Public Forum Issues

- I. Ald. Lendrum thanked the business owners for their ideas and cooperation. The parking issue is a concern to all of us. She asked that the issue of placing meters on Doty Avenue be placed on a future agenda. She advised the business owners to watch for that. Enforcement is a huge issue. She is working with Carrie Holcomb and the PD on that issue. She is also working with Engineer Merten on the issue of a rumble strip around the curve and she hopes to have that issue placed on a future agenda.

Consent Agenda

- I. **MSCRP Ramos/Kunz to approve the Consent Agenda as follows:**
 - A. **Approve Beverage Operator License Applications for: Kelly A. Fuhr, Mary E. Patovisti, Stephanie M. Pirus and Kayla M. Wippich; and the new Beverage Operator License Application for Lisa K. Gauger contingent on payment of a delinquent utility bill of \$692.57.**
 - B. **Approve the Temporary Class "B" retail beer license to St. Gabriel's Congregation, 900 Geiger Street, for their Friday Fish Fry events to be held on November 1, 8 & 15, 2013.**
 - C. **All voting aye.**
 - D. Ald. Bates asked the history of collection of these delinquent payments prior to issuance of licenses.
 - E. Clerk Sturn indicated most applications pay their delinquent payments so they can obtain their licenses. Only a few have not paid and picked up their licenses.

Public Services and Safety Committee

- I. **MSC Ramos/Bates to waive the 24-hour rule relative to providing minutes for Council consideration and action in order to permit a report of the special meeting of October 14, 2013, all voting aye.**
- II. Chairman Hillstrom reported the special meeting of October 14, 2013:
 - A. Committee recommends Council approve the Public Works Department purchase of a 2013 4WD tractor/backhoe from Brooks Tractor for \$102,105 with trade allowance of \$10,000, for a net cost of \$92,105, with difference (\$105) covered by extra funds remaining from the purchase of the Kann recycling/refuse truck. **MS Hillstrom/Hamblin.**
 1. Ald. Pollnow expressed concern over approving this purchase without obtaining additional information. The recent purchasing checklist for non-specific vehicles gives a lot of information on the vehicle. We were not provided with the maintenance history or estimate of what it would cost to bring this vehicle to a working condition. He would like to see that information on a regular basis. Without seeing those types of estimates he cannot approve this purchase.
 2. Ald. Bates questioned if these vehicles are repaired in our motor pool or sent out for repairs.
 3. Dir. Kaiser advised that it depends on the type of repair needed. Some repairs have to be sent out because we are not equipped to handle them. He could put something together additional information for the memo next time.
 4. Ald. Pollnow indicated providing that information for future purchases would be great. However he would urge the Council to do their due diligence and require that information prior to approving this expenditure.
 5. Mayor Scherck advised that each department has a long-range plan for equipment replacement, the annual budget workshops review what is in the proposal for that year and the supervisor looks at it again in fall prior to bringing it before the Council. There is strong professional staff involvement before making decisions on spending. The Council has reviewed the 5-year plan. If we want more than that, we should develop a policy that requires specific information from the department heads.
 6. Ald. Pollnow concurred with Mayor Scherck however this is the last approval on this particular purchase. He advocated for the non-specific vehicle report and would favor a policy for these types of purchases. He does not want staff to feel like they have not done their due diligence, however, he does not work for the staff, he works for the City of Neenah taxpayers.
 7. Dir. Kaiser advised that the current piece of equipment is a Ford Tractor (1992 model) and the Brooks tractor, which is the low proposal, is a John Deere tractor.
 8. **Motion carried by a 6-2 RollCall-Pro System vote, all voting aye, Ald. Ramos and Pollnow voting nay.**

III. Chairman Hillstrom reported the regular meeting of October 8, 2013:

A. Committee recommends Council repeal the action on September 18, 2013, regarding the layout for the Gateway Lot and recommend that Council adopt layout Option 1. **MS Hillstrom/Bates.**

1. Ald. Bates clarified that Option 1 has the parking along the outer perimeter. She asked if we could direct staff to look at the parking meter situation.
2. Dir. Kaiser indicated that issue was already brought through Committee and will be placed on a future Public Services & Safety agenda.
3. Ald. Stevenson clarified that Option 1 provides (20) 2-hour parking stalls and Option 2 provides (21) 2-hour parking stalls.
4. Mayor Scherck indicated it was his understanding that the concern in committee was not the shape or location but the number of 2-hour parking stalls.
5. Dir. Haese added that the Bookland lot had (18) 2-hour parking stalls therefore either option is an increase to what was previously there.
6. Ald. Bates indicated that the concerns were not only in the number of stalls but the shape also.
7. Ald. Pollnow expressed concern over how confusing these options were presented. He supports repealing the action the Council previously voted on, as it was not what the businesses at Committee level wanted. He asked if these would be voted on separately.
8. City Atty. Godlewski advised it was one motion out of the Committee. A motion before the Council can always be amended. If it is outside of the three options provided by staff, he suggested it would be more appropriate to ask staff to take into account your suggestions. It would be wise to get input if you are going to change the three options designed by professional staff.
9. Ald. Hamblin asked if this is a trial period.
10. City Atty. Godlewski advised that the trial in on Martens Street, the next agenda item. This will govern how the lot is designed until Site 7 is developed.
11. Ald. Bates asked if someone is allowed to park in the alley to temporarily to unload.
12. Dir. Kaiser advised that technically there is no parking in the alley however as long as they are not blocking passage through the alley they could park to unload.
13. Ald. Bates asked if the landscaped area could include a walkway.
14. Ald. Kunz favored moving forward with this plan for perimeter parking. Parking up against adjoining buildings will be seen as parking for those businesses only. He would hate to send this back and prolong marking that lot. He feels Option 1, even though it is not perfect, uses the parking lot to its best use.

15. **Motion carried by a 7-1 RollCall-Pro System vote, all voting aye, Ald. Stevenson voting nay.**

B. Committee recommends Council approve the implementation of a trial of the combination permit-parking plan on Martens Street and direct staff to report to the committee in 6 months with observations and recommendations. **MS Hillstrom/Ramos.**

1. Dir. Kaiser outlined the plan for Ald. Bates. The combination permit-parking plan has two components: it will allow for overflow parking from the Gateway Lot (yellow permit). If there is an occasion where a person with a yellow permit cannot find a spot in the Gateway Lot, they can park on Martens Street. The street will be posted for permit parking; the second part is that the residents would be given a residential parking permit and have the ability to park in front of their home without having the yellow permit.
2. Ald. Ramos questioned if the houses on Smith Street with driveways on Martens Street will be given a residential permit.
3. Dir. Kaiser indicated this did not come up in committee however he expects they would be given a permit.
4. Mayor Scherck indicated a consistency that did come up and needs to be addressed is that we currently charge \$5 for residential permit parking throughout the City. We should have the committee look into that.
5. Ald. Stevenson thanked the Mayor for bringing up that issue. He is supportive of the Martens Street trial project however sees a need to look at consistency between charging residents.
6. Dir. Kaiser indicated the residential parking program gives the residents are getting permission to park in violation of what is posted on the street for a nominal fee. In most cases, this was done because of outside parking influence disrupting their lives.
7. Ald. Stevenson indicated from a consistency standpoint we should charge the residents on Martens Street the \$5 or not charge anyone.
8. Ald. Kunz questioned whether we are charging the residents on Martens Street or not.
9. Mayor Scherck indicated there was nothing in the Committee that said to charge them. As it stands right now, we are not.
10. Ald. Lendrum requested the Chairman of the Public Services & Safety Committee add this to a future agenda.
11. Ald. Hillstrom indicated he would place it on the agenda.
12. Ald. Bates suggested this could be done at the six-month review.
13. Dir. Kaiser advised that the trial would begin as soon as Council acts on it.
14. Mayor Scherck indicated that the Public Services & Safety Committee will discuss this at their October 29th meeting.
15. Ald. Stevenson questioned if this meant we are not going to attempt consistency during the trial period.

16. Mayor Scherck responded that they would get the parking for free for 10 days until the Committee meets. After that either everyone gets charged or no one gets charged.
17. **The motion carried, by a RollCall-Pro System vote, all voting aye.**

Finance and Personnel Committee

- I. Vice Chairman Bates reported the regular meeting of October 7 2013:
 - A. Committee recommends Council approve the sale of the western two acres of property located at 2435 Industrial Drive to 2442 Progress Court, LLC (d/b/a Valley Label Company, Inc.) at a sale price of \$35,000. **MS Bates/Stevenson.**
 1. Ald. Bates added that they will work with the businesses regarding noise and odor concerns.
 2. Ald. Pollnow informed the audience that the expansion of Valley Label could potentially add up to 6 industrial jobs.
 3. Dir. Haese responded to Ald. Hamblin indicating this will come before the Plan Commission.
 4. **Motion carried, by the RollCall-Pro System, all voting aye.**

Board of Public Works

- I. **MSC Ramos/Stevenson to waive the 24-hour rule relative to providing minutes for Council consideration and action in order to permit a report of the meeting of October 14, 2013, all voting aye.**
- II. Vice Chairman Hamblin reported the meeting of October 14, 2013:
 - A. Council Action Items:
 1. The Board recommends Council award Contract PR13-01-A Riverside Shoreline Repair and Improvement Base Bid #1 (Seawall & Deck) to the low bid from Radtke Construction in the amount of \$148,000 and Base Bid #2 (Storm Sewer) to the low bid from Radtke Construction in the amount of \$13,100. **MS Hamblin/Hillstrom.**
 - a) Dir. McCoy clarified there were two base bids for one contract. The \$148,000 is for the shoreline and deck repair and the \$13,100 is for the associated storm sewer. The work is along Wisconsin Avenue along the harbor. She clarified for Ald. Stevenson that this is the work for which Radtke has their crane out already.
 - b) Ald. Stevenson clarified that we have grant funding in the amount of \$85,285. We can match all the way up to that. If we do that, we have the budgeted amount of \$170,570 between the grant and our 50% match.
 - c) Dir. McCoy indicated landscaping will be done in-house. She further clarified there are additional city funds above

and beyond that match portion. This would cover the landscaping and possible some signage.

- d) Ald. Stevenson indicated that we borrowed \$126,500 and anticipating a match not to exceed \$170,000. He questioned how much money we are encumbering for this bid.
- e) City Atty. Godlewski indicated he believes it is half of \$161,100. It is a dollar for dollar match and since we did not hit the \$170,000 we will not use the full \$85,000 grant.
- f) Dir. McCoy further clarified that we would use half of the \$161,100 for this part of the contract. We still have in-house work to do on landscaping and restoration.
- g) Ald. Stevenson clarified that we are authorizing an \$80, 550 expenditure recognizing there will be some internal cost that will be matched up to an additional \$4,450.
- h) Dir. McCoy asked for clarification as to whether or not she needs to bring that additional work before the Council for approval.
- i) City Atty. Godlewski advised that it is part of the same contract therefore she would not need additional approval.
- j) Ald. Pollnow indicated this is an example of how these short meetings prior to Council do not work. This item would be better served, if ran through a normal standing committee. He will vote against this on those grounds.
- k) **Motion carried, by a 7-1 RollCall-Pro System vote, all voting aye, Ald. Pollnow voting nay.**

B. Informational Items:

- 1. The Board recommends the Water Utility approve the Final Payment for Contract 2-13 Removal and Disposal of Lime Sludge, to United Liquid Waste Recycling, Inc of Clyman, WI, in the amount of \$186,822.00.
- 2. The Board approved. Pay Estimate No. 11 for Contract 1-13 Sewer and Water Main Construction and Street Resurfacing on S. Commercial Street, Orange Street and Church Street to Van Straten Construction Co., Inc. of Green Bay in the amount of \$447,955.29.
- 3. The Board approved Pay Estimate No. 3 for Contract 8-13 Replacement Sidewalk Construction/Concrete Pavement Patch to Fischer-Ulman Construction, Inc. in the amount of \$78,309.05.
- 4. Ald. Stevenson questioned the budget amount for the sludge removal.
 - a) Dir. Kaiser advised that the budgeted amount was \$200,000
 - b) Mayor Scherck indicated there are legitimate concerns over the Board of Public Works. In some ways it comes down to: trust of staff, that have worked on these projects before they bring them to us; trust of the two Council reps; and trust in the knowledge and expertise of the other

board members (City Attorney, Director of Finance, Dir. of Community Development and Director of Public Works). That does not mean the Council loses control over whether or not that process continues. They created the Board and could dissolve it.

Community Development Authority

- I. The CDA continues to work on the Redevelopment of Site 7. They are scheduled to meet on Wednesday October 23rd at which time he hopes to complete the document and have it ready for distribution.
 - A. Ald. Pollnow questioned the (Plexus Project) listed on the agenda. He asked if there is any news on the update of the Plexus Development Agreement.
 - B. Dir. Haese indicated that is a historic remnant and can be removed. Plexus has some internal decision to make in early November after which he expects information that will provide some clarity as it relates to the revision of the Developers Agreement. The Agreement states we will have it revised in 2013.
 - C. City Atty. Godlewski clarified there was no sunset in the agreement. Just a provision we would look at the terms of the relation to the data center.
 - D. Ald. Pollnow questioned if that has changed since the data center is in big building.
 - E. Dir. Haese indicated that is part of the reason for the revision.
 - F. Ald. Pollnow indicated the sooner we have that information the better as that drives part of the parking situation as well.
 - G. Dir. Haese indicated his intent is to get that completed in 2013.

Council Directives

- I. **MS Stevenson/Bates to add the update of the Plexus Development Agreement prior to the end of 2013 to the Council Directives.** (To be acted on at the November 6, 2013 Council meeting)

Unfinished Business

- I. Mayor Scherck strongly urged the Council to discuss the suggestion made by Council President Stevenson regarding the protocol for Budget Workshop Sessions prior to the first workshop. Ald. Stevenson proposed discussing the budget with department heads during the budget workshops and saving debate until the entire budget has been reviewed.
 - A. Ald. Bates indicated she gave it some thought and feels saving debate/motions until the end would shorten up the workshop sessions. She favors keeping a list of corrections to be made and department head changes. She would like to also see a list of Council bookmarks, items to be discussed at the end.

- B. Ald. Pollnow questioned the process and how it would be done procedurally. He asked if a motion would be required to add things to the list and who will keep this list.
- C. Council President Stevenson indicated he would assume either himself or Director Easker would keep the list. Regardless of the source of the change, the Council has to make the change. When we allowed the ability to make changes during the workshop sessions, we ended up with full-blown debates when we are really supposed to be hearing about the budget from the department heads. He suggested waiting with those debates until the entire budget is reviewed. If it takes another night, he is not opposed to that. He would like to avoid having these long drawn out debates during the first night of the workshop. He feels the Council needs to listen and be exposed to the entire product before making massive changes. He favors keeping a tickler list of errors or changes to be made and/or Council bookmarks and addressing each one individually after the entire budget has been reviewed. A simple request would add an item to the list. All his proposal is doing is saying lets not debate during the workshop sessions. If anyone has an issue that they want to give notice to the Council about so they can do their homework, they should request it be put on the list. Dir. Easker has typically kept a list but the Council can determine who should keep that list.
- D. Mayor Scherck indicated he does not think a consensus is required to place an item on the list. The important thing is that if anyone suddenly decides to make a change that hasn't been discussed make sure to send it to the Mayor or someone so it gets sent out to everyone and no big surprise comes up the night of the public hearing.
- E. Ald. Ramos supported the suggestion made by Council President Stevenson. He does not feel it limits discussion at all. It simply changes the timing of that discussion. It makes more sense to discuss the items at the end as we are better informed and it is more transparent to the public. Amendments during late hours are not transparent.
- F. Ald. Kunz concurred with this design of the workshop for most of the reasons stated plus the debate will be more public and the department heads will be more prepared. The tickler file could help is specifying the information requested. Items could be added by a simple motion and second.
- G. Ald. Bates suggested using a giant flip pad.
- H. Ald. Lendrum asked if the tickler file could be done electronically possibly using the Smart Board. This way the Council could access it following the meeting. She would love to see this tickler file used in every committee.
- I. Ald. Stevenson clarified that the tickler file should be limited to action items anticipated relating to the budget itself.
- J. Ald. Hamblin asked who would make the decision whether an item get put on the list or not.
- K. Ald. Stevenson added that if it has a budgetary impact on the 2014 budget we need to deal with it in the budget debate. If it doesn't, then we need to debate it at a later time. If an alderman changes their mind, they can remove any item from the list.

- L. Ald. Bates favored using the Smart Board. She feels Ald. Lendrum is referring to her recent request of Dir. Wenninger to come up with a Council tickler file for other thoughts. She will continue her discussion with him then perhaps the entire Council can give their input. She questions how the discussion would take place in the workshop.
 - M. Ald. Stevenson indicated we could create 3-4 lists, clerical, Council Bookmarks, Department Head Changes & clerical error or we could create one list indicating the page number of the budget, the issue/department and source or author. He does not feel we need a motion and second to put an idea on the list. A simple request will place an item on the list. The point is not to limit debate but to enhance our workshop session time. Once the workshop sessions are done he would not be opposed to scheduling another night to debate. At that time, anything listed as clerical would be grouped under one motion. That would leave the real Council debate. At that point, a motion and second would be required to change the budget. He cautioned over grouping the motions as one may cause the others to fail. The point is each item on the list would be acted on separately. All adding things to the list does is give notice to the Council.
 - N. The Council came to the consensus to try this process for the 2014 budget workshops and meet shortly following the passage of the budget to tweak the process for next year.
- II. Ald. Stevenson indicated that based on the Committee of the Whole meeting, he had requested input from both Dir. Easker and Dir. Barber regarding how to proceed with the salary plan discussions. They both had some ideas and thoughts that might put some structure as to how to move forward. He will forward that information to the entire Council. He asked everyone to get back to him as to their availability for a Committee of the Whole meeting on October 28 or 29th.

Adjournment

- I. **MSC Stevenson/Ramos to adjourn at 8:47 p.m., all voting aye.**

Patricia A. Sturn, WCPC/MMC

CITY OF NEENAH
“Town Meeting” Minutes
Monday, October 21, 2013 - 7:00 p.m.

Purpose: Mayor Scherck presented a State of the City report followed by a question and answer session and preview of the 2014 Budget.

Present: Mayor Scherck, Deputy Clerk Hatala, Director of Finance Easker, Deputy Director of Community Development & Assessment Kroner, Director of Public Works Kaiser, Dir. of Water Utilities Taylor, Police Chief Wilkinson, Fire Chief Auxier, Director of Library Services Raab, Director of Information Systems Wenninger, Director of Parks and Recreation McCoy, Information Systems Programmer/Analyst Tauscher and Help Desk/GIS Technician Lukasavage, Asst. Superintendent of Public Works Harding, Aldermen Lendrum, Ramos, Ahles, Bates, Kunz, Hillstrom, Hamblin and Stevenson.

Also present: Duke Behnke of the Post Crescent and 45 citizens.

Due to the fact that the entire Council was invited to attend this meeting, a potential quorum notice was posted. Since at least five aldermen were in attendance, this meeting would have constituted a meeting of the Common Council and was noticed as such. The Council will not take any formal action at this meeting.

Mayor Scherck began the meeting at 7:00 p.m. asking everyone to join him in the Pledge of Allegiance.

Welcome

Mayor Scherck welcomed everyone to the 11th annual Town meeting indicating the purpose of this meeting is to keep citizens informed and obtain their input. This is just one part of an ongoing effort to keep citizens informed as to what is going on in our community. The quarterly newsletter, public forum during Council meetings and the city web site are all examples of efforts by the City to stay in touch with citizens and make sure their voices are heard. We have a commitment to respond to all communications. He advised that this meeting would be televised on Thursday evening at 6 pm on Channel 2. He reported that Neenah continues to grow and fulfill the vision for our future in a fiscally responsible way. This was accomplished not only through his leadership alone, but by the commitment of city staff, the diligence of city employees, the support and direction of the Council and above all by the faith, confidence and constructive involvement of our citizens.

Introduction of Aldermen

Mayor Scherck indicated the success of any community is the willingness of individuals to work together for the public good. They sometimes disagree but never take action that is not in the public good. He introduced the Council: representing the 1st Aldermanic District, he introduced Aldermen Lendrum and Ramos while stating Aldermen Pollnow was out of town on business; representing the Second Aldermanic District, he introduced Aldermen Ahles, Bates and Kunz; and representing the 3rd Aldermanic District he introduced Aldermen Hamblin, Hillstrom and Council President Stevenson.

Introduction of Department Heads

Mayor Scherck indicated that while much of the work of government is carried out by part time elected or appointed representatives, Neenah is blessed with a responsive and responsible staff. He introduced Dir. of Finance Easker, City Atty. Godlewski, Dir. of Public Works Kaiser, Dir. of Water Utility Taylor, Deputy Dir. of Community Development & Assessment Kroner, Police Chief Wilkinson, Fire Chief Auxier, Dir. of Library Services Raab, Dir. of Information Systems Wenninger, Dir. of Park & Recreation McCoy and Dir. of Human Resources & Safety Barber.

State of the City

Mayor Scherck described that Neenah was recently ranked as the 24th best place in the nation to live when pointing to home prices and the quality of life according to CNN. Mayor Scherck reminded everyone that just 35% of the total tax bill is for city services. The rest goes to the Neenah Joint School District, Fox Valley Technical Institute, Winnebago County and the State of Wisconsin. While taxes have been controlled fees continue to increase. Often times, fees are viewed as a ploy to keep taxes down but still get money by increasing taxes. An example is the water bill keeps going up but that reflects the cost of producing adequate supplies of safe drinking water. It also involves the storm water treatment and sanitary sewer treatment. There is likely to be a major increase in the sanitary sewer bill this year for three reasons: the Sewerage Commission has decided the remodeling of the Sewerage Plant is essential to treat the sewerage adequately with new machinery and new equipment (\$20 million dollars plus) for which the city must pay 50% of and will come from the sewer user fee; the Fox River Cleanup effort continues; and finally it is our responsibility to take care of the infrastructure that is aged, sewer repair and replacement. That increase will result in an increase in the sewer user fee by \$2.70 per month. The City of Neenah is currently rank 484th out of 504 communities as far as what is charged for sewer services. We are at the near the bottom in these specific fees. Our goal in finalizing any budget is to hold down expenditures and taxes for municipal services. To meet that goal we seek out change rather than to practice business as usual. For example neighboring communities allow one 35-gallon pale per household for garbage pickup while Neenah allows three. The drop-off site at the City Garage is free while other communities charge as much as \$35 per trailer full. Cutting a budget is quite simple in theory; the problem is it has a direct impact on someone. In most cases, we try to make sure what we are cutting has the least impact on the fewest number of people. Despite a continuation of tough economic times, the addition of Affinity, in our downtown, Festival Foods, on the west side and the Plexus Industrial Site, on our south side show the continued growth of our community. The Gateway Plaza downtown was built with primarily donated funds and shows that Neenah is committed to not just economic development but to development of our quality of life as well. In recognition of our success on the Glatfelter site, the City won the 2012 Economic Impact Award from Brownfield Renewal Magazine for the transforming of the Glatfelter site into a thriving commercial property. This redevelopment project also earned a "smart people, smart places" award for the adaptive reuse of urban land. He highlighted the department accomplishments in 2013: City Clerk's Office supervised the busiest election year in history; the HR Director completed the biggest recruiting year in over a decade; the City Attorney negotiated a series of very complex development agreements; the budget and positive financial situation is a direct result of our Finance Director and his staff; our Information System Department continues to make us more efficient through the use of technology; our Library had a record pace of 929,000 check outs in 2012 and was the lowest in cost for circulation of any community in Winnebago

County; program attendance was up 22%; Public Works continued the high level of service relative to snow plowing, leaf pick-up, recycling, storm damage clean up; completed and expanded infrastructure; Fire Department had 406 fire related calls through July, 993 medical related calls and did over 2800 fire inspections and 241 public education events; the most impressive result is that our firefighters led an effort to raise money for a dive rescue team, raising over \$90,000 and have the rescue team in place; they are also active in fund raising for charities; the Police Officers lead a fund raiser to develop a K9 program for Cedric the drug sniffing dog, also trained in tracking and patrol work; Community Development managed the redevelopment of the downtown and the CDA, focusing on the Glatfelter site including grant applications, inspections, planning and zoning reviews; they partnered with Plexus to begin a \$50 million dollar manufacturing center to retain 1,000 jobs in our Industrial Park while securing a \$500,000 grant of funds to assist with site redevelopment; the Park and Recreation Department had over 6,000 people participate in structured recreation programs. He thanked those citizens serving on city boards and commissions and commended those serving Future Neenah for the positive events they sponsor. Government simply can't and should not do everything. We are grateful to the many organizations that provide services to the City. He encouraged everyone to step up and find ways to volunteer and get more actively involved in our community. What our city becomes is a direct reflection of each of us. He encouraged everyone to attend meetings and events to get involved. If each of us does a little bit, we are guaranteed that the best days of our community are ahead of us.

Public Forum

Jean Arnold, 744 Reed Street, commented on how happy she was with the new arrival of Festival Foods in the City of Neenah. She indicated how competition is good for business especially since Pick 'n Save and Copps are run by the same company. She thanked everyone and asked Chief Wilkinson his opinion on the proposed increase in the speed limit to 70 mph.

Police Chief Wilkinson indicated he is a member of the Winnebago County Highway Safety Commission and recently sent a letter to the Senators urging them to fight against the proposed legislation about increasing the speed limit. Raising the speed on the interstate will increase the number of traffic fatalities.

Mayor Scherck then read a request presented on the behalf of a citizen who was unable to attend the Town Meeting. His basic point was to maintain all future budgets to no increases in taxes and come up with a plan on how to start paying down debt.

Don Miller, 1555 Lyon Drive, commented last year he lived on Zemlock Avenue, but is no longer a homeowner in the City of Neenah. The cost of services that has been described has gotten people on fixed incomes frustrated. His second question concerned the downtown parking issue. He commended the Park and Recreation Department for great programs and staff.

Deputy Dir. Kroner explained that the Public Works and Community Development departments are working on an analysis with what's going on with all of the parking. They are looking for violators of 2-hour parking restrictions and are trying to figure out what's available for permit parking spaces in the City. Parking has been added by Arrowhead Park in addition to temporary parking at the corner of Wisconsin Avenue and Main Street. Public Works is looking at considering changes to the meters on Doty Avenue. Overall consideration is being given to a potential parking structure.

Mayor Scherck indicated everyone is aware of the problem and everyone recognizes the solution is likely a parking ramp rather than adding six or eight spots at a time. The questions are cost and location.

Ald. Bates asked if Mayor Scherck could give information about how much a parking ramp would cost.

Mayor Scherck commented depending on the size of the parking ramp the cost could be as high as \$10 million but a more likely cost that has been looked at would be about \$7 million.

Kate Hancock-Cooke, 216 Bosworth Court, commented on the proposed 70 mph speed limit and how much fuel efficiency decreases as you go over 55 mph. Driving 70 mph is 17% less efficient and if gas were \$3.35/gallon you would actually be paying the equivalent of \$3.91/gallon. She recommended a local bus for Neenah as an alternative to a \$10 million parking ramp.

Arlene Horstmann, 1120 Brittany Court, questioned the plans for the crossing of Winneconne Avenue and Tullar Road. She has safety concerns for pedestrians walking at that intersection.

Police Chief Wilkinson commented he's been in contact with the City Traffic Engineer and short-term enforcement can be done. He suggested re-signing that location or laying out the pedestrian crosswalk differently. Another possibility is signage indicating a no right turn on red.

Dir. Kaiser indicated from a speed limit standpoint where the jurisdiction lies between the City and County would have to be looked at. Signing and visibility of the crosswalk would be the key to making it safer.

Ted Galloway, 744 S. Park Avenue, commended the City staff for their work and indicated he has worked closely with nearly every department in City Hall. He was excited about the completion of Commercial Street and the amount of use it would get by commercial vehicles.

Council Report

Ald. Lendrum explained her experience with Chief Wilkinson going to the Winnebago County Heroin Task Force. She asked if Chief Wilkinson would do a presentation in the future to the Council as she feels it is a problem worth addressing. Ald. Lendrum stated she has an Aldermen face book page, which promotes local businesses and local events. She reminded everyone the broadcast of City meetings are shown Thursday nights at 6:00 p.m. and well as available for download on the City website. She thanked the Council and staff for their work.

Ald. Bates asked Chief Wilkinson if he sees a definite improvement in motorist driving skills through the round a bouts.

Chief Wilkinson indicated he believes driving is improving slowly, but it takes time to learn the rules for round a bouts, which are simple, but new and different. He stated there was a marked reduction in traffic accidents especially injury accidents.

Council President Stevenson thanked the people who attended the meeting as well as those who shared their comments and passion for the City. He thanked the staff and the Mayor for putting the Town Meeting on. He mentioned how much time the Council members dedicate to

serving and thanked them for that. He mentioned the challenges that are coming in the near future such as the salary review and the parking issue downtown.

Conclusion

Mayor Scherck thanked everyone for attending and closed the meeting at 7:55 p.m.

Sam Hatala, Deputy Clerk

Committee of the Whole Minutes
Tuesday, October 29, 2013 - 6:00 p.m.
Council Chambers

Purpose: Draft Salary Plan Employee Input Session and Possible Action.

Present: Aldermen Lendrum, Ahles, Hamblin, Pollnow, Bates, Hillstrom, Ramos, Kunz, Stevenson and Mayor Scherck.

Also Present: City Attorney Godlewski, City Clerk Sturn, Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, Director of Human Resources & Safety Barber, Police Chief Wilkinson, Fire Chief Auxier, Director of Parks & Recreation McCoy, Director of Library Services Raab, Director of Information Systems Wenninger, Police Support Services Supervisor Schroeder, Assistant Fire Chief Green, Superintendent of Recreation Olson, Traffic Engineer Merten, Water Utility Maintenance Technician Evensen, Public Works Sanitation Crewman Pitzrick and Dean Kaufert.

Council President Stevenson called the meeting to order at 6:02 p.m.

Draft Salary Plan Employee Input Session

Ald. Bates entered the meeting at 6:04 p.m.

Council President Stevenson opened the Employee Input Session on the draft salary plan. With no appearances, he declared the Employee Input Session closed.

Draft Salary Plan Discussion and Possible Action

Council President Stevenson opened the discussion advising the Council that they are not limited to the four options provided by Mr. Carlson & Dir. Barber and as outlined in the October 10, 2013 memo from Dir. Barber. He clarified for Ald. Pollnow that comments previously made regarding the inclusion of Aldermanic Salaries were not intended to mean salaries could not be discussed as part of this process. The Committee can address Aldermanic Salaried at any time they want. However, an increase must be put into place prior to December 1st to take effect April of the following year.

Ald. Ahles entered the meeting at 6:25 p.m.

The Committee discussed the draft salary plan: pay grades and positions within each grade; steps or open range plan; setting the minimum at 80% or 87.5% of the control point; the meaning of midpoint and each plans ability of getting employees to midpoint; the cost to implement the plan; and inclusion of part-time employees in the plan.

MS Pollnow/Bates to recommend Council accept Option 1: Plan B as outlined in the October 10, 2013 memo from Dir. of Human Resources & Safety Barber (attached) including the pay grades and position within each of those pay grades. Dir. Easker indicated that that the step increase plan makes him nervous. He expressed concern over the ability to fund due to state levy limits combined with decreasing state aids. Dir. Barber reminded of the need to set the framework prior to setting rules. The decision needs to be

made whether to go with the steps or open range plan. Once that is in place Plan B could be a merit plan. Within the plans, the Council will approve a set of "rules" to govern the specifics within the plan. Adding vacation days as merit and/or other bonus pieces fall under the rules. City Atty. Godlewski asked the Committee to keep in mind the compression issues. He added the grievance policy does not apply to this salary plan. Dir. Easker concurred with Dir. Barber the need to structure movement before the rules. Once the Plan is in place, anything can be done with Plan B. Following a short discussion: **MSC Bates/Kunz to amend the motion by removing the reference to Option 1: Plan B and only approve the pay grades and positions within those grades based on the minimum at 80% or 87.5% of the control point, all voting aye, Ald. Pollnow voting nay. The original motion, as amended, carried 9-0, all voting aye.**

MS Pollnow/Kunz to accept Option 1: Plan B as outlined in the October 10, 2013 memo from Dir. of Human Resources & Safety Barber. Following a short discussion, the majority of the Committee favored the merit system over the step system. **Motion carried 8-1, all voting aye, Ald. Ramos voting nay.**

MS Kunz/Hamblin to increase the wages beginning January 1, 2014 for all employees (13) below the newly proposed minimum up to minimum prior to any increases later in 2014. The Committee discussed that the proposed cost to bring these (13) employees to minimum would be \$26,000. The majority agreed that this should be included as part of the budget workshops sessions. Dir. Easker advised that it is included as part of the proposed budget. **Motion failed 2-7, all voting nay, Ald. Kunz & Hamblin voting aye.**

Dir. Barber advised that if you do not set the percentage of the full time plan the part-time rate is we would not know how to treat them beginning January 1, 2014. Currently, their plan has no relationship to the full time plan. It moves on its own. Their positions have not been tied to a full time rate. Mr. Carlson was able to correlate which positions were equivalent to which full time positions and in which grades. He has made a recommendation to tie them so they no longer stand as their own entity. It could be set at 85% of the minimum or 85% of the midpoint and add 15% on either end. It makes more sense to set it at 85% of the midpoint. She feels it would make more sense to bring these numbers to either a budget workshop or a future Finance & Personnel Committee meeting to show the plans. Information requests and questions can be directed to Dir. Barber. She will have this placed on a future agenda.

Adjournment

MSC Bates/Kunz to adjourn at 7:45 p.m., all voting aye.



Human Resources and Safety
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Phone 920-886-6102 • e-mail: hbarber@ci.neenah.wi.us
HEATHER BARBER
Director of Human Resources and Safety

M E M O R A N D U M

DATE: October 10, 2013
TO: President Stevenson and Members of the Common Council
FROM: Heather Barber, Human Resources
RE: Committee of the Whole Requested Information

At the Committee of the Whole meeting on October 7th, there were several questions about salary plan design options, and how the budget requests for 2014 support these options. In order to give the Council as much information as possible in making these important decisions, President Stevenson requested that Director Easker and I provide information from a Human Resources and Financial perspective. This memo is not intended to provide staff recommendations, it is simply informational.

While you have been presented with two basic options, Plan B, an Open Range Plan, and Plan C, a Combination Plan, staff feels that there are variations within each of these plan types that are also viable options. These plan options include the following:

- Option 1: Plan B
- Option 2: Plan B with Plan C component
- Option 3: Plan C
- Option 4: Plan C with Plan B component

Each of these plans has its own unique strengths and weaknesses in our opinion. In the information below, we will give a summary of the plan type and what we perceive as some strengths and weaknesses.

Option 1. (Plan B)

Plan B, the Open Range Plan, provides movement using merit as the factor to move all employees through the plan. Typically, a cost of living increase is given across the board to account for inflation, and then money budgeted for merit increases is distributed among employees, regardless of their position relative to the market rate (midpoint) of the range.

Strengths:

- This system is 100% based on merit, and employees would be aware that exceptional performance is the key to movement through the salary plan.
- The system is fairly simple to explain – all employees are on the same review system (i.e. not split into employees on the step side, and employees on the merit side) and all employees would be eligible for the same pay increase.

Weaknesses:

- The perception by our current employees is that this plan is the same as our most recent system, and that it provides no clear path to the market (midpoint) of the plan. Several employees and Department Heads have indicated a preference that there be a plan that provides greater movement for employees below market (midpoint) so they can reach that point within a reasonable amount of time.

Option 2. (Plan B with Plan C component)

In this type of open range plan, the component that is added in is a clearly defined pathway to market (midpoint) for employees below market (midpoint). While there would still be an across-the-board increase and a merit system, the merit pay would be weighted to provide greater increases to those employees below midpoint.

Strengths:

- This type of plan allows employees to reach midpoint in a reasonable time without the rigidity and lack of flexibility of a step system.
- Employees both above and below market (midpoint) have an incentive to perform at above average levels, as there is no guaranteed “step” for average performance.

Weaknesses:

- This hybrid plan is not as simplistic as the straight B or C plan and would require careful explanation and training to communicate to employees.

Option 3. (Plan C)

Plan C is a combination plan, where employees below market (midpoint) receive guaranteed steps to reach the market (midpoint). Increases beyond market (midpoint) are for merit only. Employees below market (midpoint) would receive an automatic bump to the next step of the plan upon satisfactory performance. Employees above market (midpoint) could receive a cost of living increase, plus an increase for above average performance.

Strengths:

- This plan is easier on staff, as it results in doing true merit reviews for only half of employees.
- Employees have a clear path to midpoint. Provided an employee is at an average performance level, they will move through the plan to market (midpoint) in a reasonable amount of time.

Weaknesses:

- Due to the rigidity of the steps (i.e., an employee cannot move a half step), there is less flexibility in terms of budgeting. In years where there is not a large amount of money to be used for employee increases, the merit pay would be eliminated or reduced for employees above market (midpoint) to be able to fully fund the steps.

Option 4. (Plan C with Plan B component)

Plan C with a Plan B component is the same as above, however, the Plan B component means that the scale of steps starts at 80% instead of 87.5%.

Strengths:

- The start-up costs in the modified plan C at 80% are less expensive than in the Plan C as presented, at 87.5%.

Weaknesses:

- The start-up cost of this plan is still higher than both plan B plans. In the B plans, employees below minimum need to be bumped up to minimum. In this modified plan C, employees would need to be bumped to minimum, but in addition, any employees whose pay rate does not fall on a step would need to be bumped up to the next nearest step, as their pay cannot fall outside of steps while they are below market (midpoint).

Within all of these plans, the Council will approve a set of “rules” to govern the specifics within the plan. Items that could be included in these rules include consideration for pay compression and inversion, adding a seniority component in moving people to midpoint, and the process for adjustments of salaries out of whack with market data.

In looking at the part time plan, and what I think we can recruit and retain part time talent at, I think setting the part time minimum to 85% of the full time minimum provides an appropriate starting pay rate.

In my previous memo, I detailed the projected cost to bring all employees to minimum in 2014 versus spreading that over multiple years. If the plan is approved, I will be using the new salary plan pay rates for 2014 new hires. If current employees who fall below the minimum do not get a bump all of the way to minimum, then 12 full time employees and 1 part time employee will make less than new hires, causing internal inequity and unfairness. Going forward, that group will continue to see a disparity between employees hired after them.

For the Council's information, the related budgetary items I have requested for my HR budget include a \$20,000 request for the creation of a merit system based on Council's indication of the importance of a merit component in the salary plan. Additionally, I have requested an additional part time Human Resources and Safety employee.

Please do not hesitate to contact me with questions.

Attachment "B"



Finance Department
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MICHAEL K. EASKER, CPA
FINANCE DIRECTOR

M E M O R A N D U M

DATE: October 14, 2013
TO: President Stevenson and Members of the Common Council
FROM: Michael K. Easker, Director of Finance *MKE*
RE: Salary Plan Information

In concert with the attached memo from Director Barber, below is financial information related to the Salary Plan proposed by Carlson Dettman.

To begin, the information below is based upon certain assumptions. The assumptions are in no way meant to presume any specific action by the council. They instead are meant to provide a starting point to calculate some basic cost information, which will then provide a basis for analyzing the options presented. Those assumptions are as follows:

- 1). The Common Council accepts the pay grades and pay ranges for non-represented full-time employees as proposed by Carlson Dettman.
- 2). The Common Council accepts the pay grades and pay ranges for non-represented part-time employees as proposed by Director Barber.
- 3). Any non-represented employees who have been given a positive performance evaluation for 2013 would receive a 2% salary increase for 2014. The cost of that increase, including related fringes, is approximately \$144,000. That increase would equate to the contractual increase provided for all unionized public safety employees for 2014. The funding for those increases are currently incorporated in the proposed 2014 Executive Budget scheduled for release October 25.
- 4). There is sufficient interest from the common council in the concept of bringing all employees to minimum of their new pay grade as well as providing a clearly defined pathway to midpoint for all employees under midpoint of their pay grade.
- 5). With the exception of potentially moving affected employees to their grade minimum as of 1/1/14, no other implementation of the new salary plan would occur until 2015.
- 6). All costs are calculated including a fringe benefit factor of 15%.
- 7). All numbers are based upon 2014 dollars.

Based upon these assumptions, the proposed salary plan would affect 133 full-time employees and 32 part-time employees. Of those employees, 12 full-time and 1 part-time would be under their grade minimum at the beginning of 2014. The cost to bring those employees to minimum

CITY OF NEENAH
Office of Finance

October 14, 2013 – Page 2

would depend upon which plan is chosen. Under Option 3, where the pay ranges start at 87.5% of market, that cost totals \$121,000. Under the other three options where the pay ranges begin at 80% of market, the cost is \$26,000 (a difference of \$95,000). The \$26,000 amount is currently being discussed for potential inclusion in the 2014 Executive Budget.

Assuming all employees are brought to minimum, next we'll look at the financial effects of the three options (2, 3, and 4) that would provide a clearly defined pathway to mid-point.

First, some basic facts to provide context. As of 1/1/14, of the 133 full-time employees affected by the salary plan, 74 employees would be under mid-point of the proposed plan, while 59 would be over mid-point. Of the 32 part-time employees affected, 19 would be under mid-point while 13 would be above.

In looking at the 106 employees under mid-point, the cumulative gap between their 1/1/14 salaries and their grade mid-point's of the 80% minimum plans (options 2 and 4) is approximately \$536,000. In other words, that would be the cost to bring all 106 employees currently under mid-point immediately to mid-point in one year. Since it appears clear that such an expenditure would not be appropriate even in the best of financial times, that number simply serves as the point from which the council can evaluate various time frames to implement a clearly defined pathway to mid-point plan if it so desires.

** Note: For option 3, since the total cost to bring people to minimum is \$95,000 higher upfront than option 2 or 4, the total cost to bring people to mid-point would be that much lower.*

With that in mind, I have provided a quick analysis of the three plans that provide a clearly defined pathway to mid-point.

Under Option 2, which has no defined steps, the time frame for the average employee to reach mid-point would be guided by projected budgetary considerations and implemented within the framework of the salary plan rules created by Common Council.

Under the options with defined steps...

* For Option 3 as proposed, the average employee would attain mid-point in approximately four years, at a budgetary cost of approximately \$110,250 per year. As a reminder, the upfront cost of this option to bring all employees to minimum is \$95,000 higher than options 2 or 4.

* For Option 4 as proposed, the average employee would attain midpoint in approximately six years, at a budgetary cost of \$89,333 per year.

Hopefully this provides the council the basic financial information necessary as you consider these plan options. Please contact me directly with any questions.

CITY OF NEENAH
Public Services and Safety Committee Meeting Minutes
Tuesday, October 29, 2013 - 7:48 P.M.
Hauser Room - City Administration Building

Present: Chairman Hillstrom, Aldermen Hamblin, Kunz, Lendrum and Stevenson

Also Present: Mayor Scherck, City Attorney Godlewski, Director of Public Works Kaiser, Police Chief Wilkinson, Director of Community Development and Assessment Haese, Superintendent Fink, Engineer Merten, Aldermen Pollnow and Bates, Mike Lettier, Ken Young, Tom Kropidowski, Ellen Koski, Paula Krause, Dave Reuter, Maria Reuter, Dean Kaufert

A quorum of the Common Council was present, but no action of the Council was taken.

MINUTES: MSC Lendrum/Kunz to approve the minutes of the October 8, 2013, regular meeting and the October 14, 2013, special meeting. All voting aye

APPEARANCES:

Maria Reuter, 1087 Laurel Court, spoke as a representative of Winnebago County Crime Stoppers in support of Resolution No. 2013-30, a resolution to raise awareness of bullying. She noted the Crime Stopper's Quick 50 program that encourages students to report weapons, drugs, alcohol or bomb threats. She also pointed to pilot anti-bullying programs in place in a number of schools and the training conducted by Neenah Police with Kobussen Bus drivers to teach them how to recognize and handle bullying situations.

UNFINISHED BUSINESS: None

COUNCIL REFERRALS: None

NEW BUSINESS:

MSC Stevenson/Kunz to adjust the agenda to address Resolution No. 2013-30: Joint City of Neenah and NJSD Anti-Bullying Resolution. All voting aye.

Resolution No. 2013-30: Joint City of Neenah and NJSD Anti-Bullying Resolution:
Committee reviewed Resolution No. 2013-30, a joint resolution of the City of Neenah and the Neenah Joint School District to jointly raise awareness of bullying and recognizing November 26, 2013, as "Bullying Awareness Day".

MSC Stevenson/Kunz to recommend Council approve Resolution No. 2013-30, a joint resolution of the City of Neenah and the Neenah Joint School District to jointly raise awareness of bullying and recognizing November 26, 2013, as "Bullying Awareness Day". All voting aye

MSC Stevenson/Kunz to adjust the agenda to address Beverage Operator License Application (New) Recommendation for Denial - Rachel A. Janssen. All voting aye.

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Beverage Operator License Application (New) Recommendation for Denial - Rachel A. Janssen: City Attorney Godlewski reviewed the application for a new beverage operator license for Rachel A. Janssen and the rationale behind the Neenah Police Department recommendation to deny the license based on Ms. Janssen's actions, which constitute habitual offender behavior. They cited three underage drinking convictions, two convictions of operating with a suspended license, and a conviction for possession of prescription drugs without a prescription. They noted an uncooperative response to law enforcement in the latter incident. Ald. Kunz noted that the applicant was not truthful on her application, so there wasn't necessarily a need to base a denial on being an habitual offender. City Attorney Godlewski stated that the applicant had been notified by certified mail of the Committee review of her application.

MSC Stevenson/Hamblin to recommend Council deny the new beverage operator license application for Rachel A. Janssen based on an untruthful application and indicators of being an habitual offender. All voting aye

Parks and Recreation:

Request to Purchase Utility Cart for Oak Hill Cemetery: Committee reviewed Superintendent Fink's October 18, 2013, memo, vehicle condition report, pictures and purchasing checklist regarding purchase of a replacement RO2 utility cart for Oak Hill Cemetery. Proposals were sent to three vendors. The 2013 Park and Recreation capital equipment budgeted amount for this purchase was \$20,000.

The Parks and Recreation Commission recommends the purchase of the Toro Workman HDX demo unit from Reinders, Inc. for a net proposal price of \$14,716 (\$18,216 less trade allowance \$3,500). Superintendent Fink said that the unit would come with a full 2-year warranty. It has an estimated 15-year life. He noted that the existing unit is normally placed on eBay, but that will not be done in this case given the poor condition of our current unit.

Following discussion, **MSC Kunz/Stevenson to recommend Council approve purchase of a Toro Workman HDX demo unit from Reinders, Inc. for a net price of \$14,716 (\$18,216 less trade allowance of \$3,500), with funds from 2013 Park and Recreation capital equipment budget (\$20,000).** All voting aye

Police Department: None

Community Development Department: None

Public Works Department:

Request for Meters/Long Term Parking on W. Doty Avenue: Committee reviewed Engineer Merten's October 29, 2013, memo regarding a request for metered or long-term parking on the 200 block of W. Doty Avenue. He listed current parking meter locations and average occupancy over different times of the day. Mayor Scherck stated that requests like this pit

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businesses that would benefit from these kinds of installations against those businesses that wouldn't benefit. Ald. Lendrum indicated that she had asked for the review in order to try to provide customer parking locations that were longer than 2 hours in an area that would be more convenient to businesses in the 200 block of W. Wisconsin Avenue. She does not believe that the current 10-hour meter locations on the 100 block of W. Doty and the 200 block of S. Church are convenient. Discussion followed about the parking data collected to this point and the objectives of the downtown parking study. Director Haese noted the need to be able to accommodate the different types of parking in the downtown - full-time employees, part-time employees, long-term customers and short-term customers. He noted that it is not practical to expect to be able to accommodate all of these types outside the front door of their destination.

Dean Kaufert, 1360 Alpine Lane and owner of Under the Dome, asked that parking meters not be installed in this area. He believes that there is a negative stigma attached to them and that they wouldn't really serve a purpose.

Committee discussed alternatives to accommodate customer parking longer than 2 hours including a parking validation program. Director Kaiser noted that a validation program had been tried in the late 1990's to address a similar issue but was discontinued. Director Haese stated that Knox Furniture currently does handle parking tickets received by their customers. Engineer Merten noted that Future Neenah, Inc., has indicated a willingness to manage a validation program. Director Haese indicated that he would like to see this as a BID-driven program similar to the way that the street food-vendor issue was handled.

Ald. Kunz stated that he is not in favor of parking meters in the 200 block of W. Doty Avenue and stressed the need for a comprehensive downtown parking plan. Director Haese discussed aspects of the downtown parking analysis and potential avenues to address the problems observed. Ald. Pollnow encouraged the prioritization of this analysis since the information gained will guide future parking decisions. Committee discussed the role of the Downtown Parking Task Force in reviewing the analysis and any forthcoming recommendations.

Residential Parking Permit Fee Program: Director Kaiser reviewed the history of the residential parking permit program. The program allows property owners abutting a residential street to violate the posted parking restriction where those restrictions have been placed to discourage the migration of commuter traffic into the residential neighborhoods. The intent is to place parking restrictions appropriate to the overall goals of the community while minimally impacting the abutting residents. There is currently an annual \$5 charge per permit with each address on affected streets allowed 2 permits. Approximately 15-20 permits are sold each year.

Ald. Stevenson noted that his only concern was that all residents be treated consistently. Ald. Kunz stated that Martens Street is in a different position than other streets in the program.

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Following discussion, **MSC Lendrum/Stevenson to recommend Council approve elimination of the \$5 charge for a residential parking permit.** All voting aye.

Public Works General Construction and Department Activity:

1. (Contract 12-12, Asphalt Patch) Work has been completed. The contractor has been given final quantities for review.
2. (Contract 1-13, S. Commercial Street, Orange Street and Church Street utilities, pavement and marking) Commercial Street is complete, except for sign installation, which is being done by city crews. Church Street is complete. A section of Orange Street failed the proof roll. That section was excavated and graveled the week of Oct. 21. Paving should be complete the week of Oct. 28.
3. (Contract 2-13, Lime sludge removal and disposal) Work is complete. Final quantities are being prepared.
4. (Contract 3-13, Hydrant blasting and painting) The Water Utility is following up with Ferguson Waterworks on hydrants that were primed but not painted. Mayor Scherck stated that Water Utility Director Taylor has a list of the hydrant locations that need to be addressed.
5. (Contract 4-13, Storm Sewer and Bell Street Trail) The consultant is contacting those parcels that are considered nominal purchases. An appraisal is being prepared for the CTI Paper parcel. Staff is staking the proposed taking areas.
6. (Contract 7-13, Asphalt Pavement Repair) Work is scheduled to start October 24. Work will begin on Doty Island.
7. (Contract 8-13, Concrete Pavement/Sidewalk Repair) The contractor is working through the miscellaneous repair list. Work should be completed the week of Oct. 28.
8. (Contract 9-13a, Epoxy Pavement Marking) Work is completed. Final quantities are being measured and reconciled with the contractor.
9. (Contract 10-13, Tullar Garage Fuel System Upgrade) Work started the week of Oct. 21. A detection of petroleum product was noted in one of the monitoring wells at the start of the work. The DNR was notified and we are awaiting their instructions. This may require hiring an environmental consultant. While the fuel island area is excavated, we arranged to test the tanks and piping. They passed the tightness test.
10. Brooks Avenue Water Main - Water main installation is complete. Pavement restoration is scheduled for the week of Oct. 28.
11. Staff has had exploratory discussions with Neenah Foundry about the former Plant 1 site located at Winneconne Avenue and Harrison Street. Discussions had been held about the same site in 2006, but were halted over concerns with environmental liability. We are scheduled to meet with DNR to gather information on any limitations we would have for using that site as a detention pond.

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12. A We Energies representative conducted an energy audit of the Municipal Services Facility on Tullar Road. A report and recommendations will be forthcoming in a few weeks.
13. Leaf pickup has begun.

Director Kaiser informed the Committee that City Attorney Godlewski had forwarded a proposed agreement on the Lakeview School crossing to the Town of Neenah and the Neenah Joint School District. The Town Board has a meeting scheduled for October 31 to discuss the matter. Depending on their action, it may be desirable to have a special meeting of the Committee prior to the next Council meeting to move forward with getting a crossing guard at that location.

Ald. Pollnow asked about the schedule for making pavement repairs at the intersection of Green Bay Road and Main Street. Director Kaiser stated that those repairs had been moved beyond the 5-year plan.

Director Kaiser was questioned about unnecessarily creative crack sealing. He stated that he would discuss the matter with the street superintendent.

Director Kaiser was asked about the agreement with Fahrner Asphalt Sealer, LLC regarding the micro surfacing work. Director Kaiser informed the Committee that staff has prepared an agreement and directed it to the contractor. He hopes to bring it to the next Committee meeting.

Licenses:

Beverage Operator License Applications: The Committee reviewed the beverage operator license applications for Cheryl J. Bruce, Raymond J. DeRoche, Alex D. Fehrenbach, Nathan I. Jole, Kelsey J. Matuszak, Penny L. Myers and Laura R. Wendler.

C.A. Following discussion, **MSC Stevenson/Lendrum to recommend Council approve beverage operator license applications for Cheryl J. Bruce, Raymond J. DeRoche, Alex D. Fehrenbach, Nathan I. Jole, Kelsey J. Matuszak, Penny L. Myers and Laura R. Wendler.** All voting aye

Retail "Class B" Malt and Liquor License Application - Copperstill Bourbon Bar, LLC: The Committee reviewed the retail "Class B" malt and liquor license application for Copperstill Bourbon Bar, LLC.

C.A. Following discussion, **MSC Lendrum/Kunz to recommend Council approve the request for a retail "Class B" malt and liquor license for Copperstill Bourbon Bar, LLC, d/b/a Copperstill Bourbon Bar, 211 E. Wisconsin Avenue, Anthony Kuhr, agent, contingent upon passing all inspections.** All voting aye

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Announcements/Future Agenda Items: None

MSC Stevenson/Kunz to adjourn at 9:30 p.m. All voting aye

Respectfully submitted,

Gerry Kaiser, P.E.
Director of Public Works

**CITY OF NEENAH
FINANCE AND PERSONNEL COMMITTEE MEETING
Monday, October 28, 2013 – 7:00 p.m.
Hauser Room, Neenah City Administration Building
211 Walnut Street, Neenah, Wisconsin**

Present: Chairman Ahles; Aldermen Bates, Pollnow and Stevenson; Mayor Scherck, City Attorney Godlewski, Director of Finance Easker.

Excused: Alderman Ramos.

Others Present: Aldermen Kunz and Lendrum; Director of Human Resources and Safety Barber, Director of Community Development and Assessment Haese, Police Chief Wilkinson, Financial Advisor Brad Viegut.

A quorum of the Common Council was present, but no action of the Council was taken.

Public Appearances: None.

Minutes: Motion/Second/Carried Pollnow/Bates to approve the minutes from the October 7, 2013 Regular Meeting. All voting aye.

Consideration of Resolution No. 2013-31 Authorizing the Issuance and Sale of \$1,030,000 Taxable General Obligation Refunding Bonds: Committee reviewed Resolution No. 2013-31 Authorizing the Issuance and Sale of \$1,030,000 Taxable General Obligation Refunding Bonds and the Refunding Analysis document provided by Financial Advisor Viegut. The bonds would refund the existing State Trust Fund Loan issued in 2004. That loan was used to purchase land from the Town of Neenah for industrial park development.

Discussion took place regarding various aspects of the proposed refunding. Based upon the analysis, the refunding would generate present value (PV) savings of \$71,598, or 6.951% of the bond refunding amount.

REPORT

Motion/Second/Carried Stevenson/Pollnow to recommend Council adopt Resolution No. 2013-31 Authorizing the Issuance and Sale of \$1,030,000 Taxable General Obligation Refunding Bonds and the Refunding Analysis, contingent upon a minimum present value savings of approximately 2% of the bond refunding amount. All voting aye.

Consideration of Resolution No. 2013-32 Authorizing the Issuance and Sale of \$3,595,000 Water Utility Revenue Refunding Bonds, Series 2013, of the City of Neenah, Winnebago County, Wisconsin and Providing for the Payment of the Bonds and Other Details With Respect to the Bonds: Committee reviewed Resolution No. 2013-32 Authorizing the Issuance and Sale of \$3,595,000 Water Utility Revenue Refunding Bonds, Series 2013, of the City of Neenah, Winnebago County, Wisconsin and Providing for the Payment of the Bonds and Other Details With Respect to the Bonds and the Refunding Analysis document provided by Financial Advisor Viegut. The refunding had been scheduled for September, but was delayed due to a new state law (Wisconsin Act 25) that prohibited the City from releasing Water Utility customer information to the public. This was interpreted to include prohibiting the release of a list of the top ten water utility customers by volume and

billing amount. Such information is seen by bond underwriters as necessary to meet federal disclosure requirements related to municipal debt issuance thereby delaying the issuance of the refunding bonds. Wisconsin Act 25 has since been modified by subsequent legislation to allow for the release of the top ten water user list and subsequent issuance of the bonds.

Discussion took place regarding various aspects of the proposed refunding. Based upon the analysis, the refunding would generate present value (PV) savings of \$278,104, or 7.476% of the bond refunding amount. Advisor Viegut indicated that additional savings have been identified from previous estimates due to the bonds being issued as bank qualified because the bonds are being "deemed designated", allowing the bonds to be tied directly to the bank qualified status of year of the issuance of the bonds being refunded.

REPORT

Motion/Second/Carried Pollnow/Bates to recommend Council adopt Resolution No. 2013-32 Authorizing the Issuance and Sale of \$3,595,000 Water Utility Revenue Refunding Bonds, Series 2013, of the City of Neenah, Winnebago County, Wisconsin and Providing for the Payment of the Bonds and Other Details With Respect to the Bonds and the Refunding Analysis, contingent upon a minimum present value savings of approximately 2% of the bond refunding amount. All voting aye.

Request to Fill Property Appraiser II Position: Committee reviewed memo from Deputy Director Kroner requesting to fill the vacant Property Appraiser II position and redirecting Appraiser II salary dollars to contract services to complete work through the end of the year in an amount not to exceed \$8,000. Current Property Appraiser II Chuck Paskey has given notice he will be leaving the position effective November 1. Mayor Scherck has reviewed the request and concurs with filling the position. Committee and staff discussed various issues related to the position and the request to use salary dollars to contract services to complete work through the end of the year.

Motion/Second/Carried Stevenson/Pollnow to approve filling the Property Appraiser II position and redirecting Appraiser II salary dollars to contract services to complete work through the end of the year in an amount not to exceed \$8,000, with those funds to be transferred from the Assessors salary budget line item to the contractual service budget line item. All voting aye.

Downtown Parking Structure Temporary Parking Assignment: Committee reviewed memo from Director Haese requesting approval of the Downtown Neenah Parking Structure Temporary Parking Permit Reassignment Memorandum of Understanding to allow the temporary transfer of 50 additional parking spaces within the Church Street Ramp from Plexus Corp. to Alta. Both companies have already approved the proposed parking space assignment.

Committee and staff discussed various aspects of the proposal. Alderman Pollnow expressed concern that all of the development agreements related to Plexus and Alta are not part of the agenda discussion. He felt that they all work together and that the provisions in all of the agreements needed to be part of the overall discussion. Director Haese said that the proposal to assign the fifty parking stalls is really an issue between Alta and Plexus, and the City only needs to act to serve as a conduit because they are party to the agreements. He further indicated that the City would benefit from this arrangement since it

would temporarily relieve some of the parking pressures downtown. He also said that the language in the existing development agreements provide the City virtually no leverage to ask for anything further from either party related to this issue even if it wanted to. Chairman Ahles and Alderman Stevenson agreed with the assessment of Director Haese that the City has very little to gain by trying to tie other development agreement issues to the discussion of this proposal. Continued discussion took place on this and other aspects of the proposal.

REPORT

Motion/Second/Carried Bates/Pollnow to recommend Council approve the Downtown Neenah Parking Structure Temporary Parking Permit Reassignment Memorandum of Understanding to allow the temporary transfer of 50 additional parking spaces within the Church Street Ramp from Plexus Corp. to Alta. All voting aye.

Staffing Request/Reorganization: Committee reviewed memo from Chief Wilkinson requesting approval of the Police Department's reorganization plan, to include the creation of a non-sworn administrative supervisor position, the reduction of a full-time clerk position to a half-time position, and the replacement of one sworn lieutenant position with a patrol officer. Chief Wilkinson indicated that the proposal would be the first of a three-part reorganization plan intended to provide a more efficient and effective workforce, including the goal of more sworn officers in a patrol capacity. He also provided a financial impact analysis indicating that this proposal would be basically cost neutral over a five-year period.

Discussion took place regarding various aspects of the proposed plan. Items discussed included the ratio of sworn to non-sworn employees in the police department, and how that ratio compares to comparable departments statewide; the assumptions behind the cost analysis, the role of the Police Commission in these types of decisions and the process needed to determine the pay grade of the newly created non-sworn administrative supervisor position.

REPORT

Motion/Second/Carried Pollnow/Stevenson to recommend Council approve the Police Department's reorganization plan, to include the creation of a non-sworn administrative supervisor position, the reduction of a full-time clerk position to a half-time position, and the replacement of one sworn lieutenant position with a patrol officer. All voting aye.

2014 Health and Dental Insurance Renewal: Committee reviewed memo from Director Barber requesting approval of the 2014 health and dental insurance programs. The proposed renewal includes a 5% increase in premium rates for health insurance and a 2% increase for dental insurance as proposed by the City's insurance broker, Associated Financial Group. Director Barber's memo indicated that the health insurance increase was initially estimated at 14% due to three major factors, including the high cost of claims, the cost of stop loss insurance related to three high dollar claims, and a \$43,000 "reinsurance fee" mandated by Obamacare law provisions. Subsequent discussions with Associated Financial Group lead to proposed benefit changes to the three health insurance plans offered by the City as well as changing carriers and deductible levels for stop loss insurance. Those changes have brought the increase down to approximately 5%, which is the amount of increase included in the 2014 Proposed Budget.

Committee and staff discussed various aspects of the proposed insurance plans. After discussion, the consensus of the Committee was that it would like more time to review the information presented and to defer consideration on the proposed plans to a special meeting prior to the November 6 Common Council meeting.

Motion/Second/Carried Pollnow/Stevenson to table approval of the 2014 health and dental insurance programs and consider the issue at a special meeting prior to the November 6 Common Council meeting. All voting aye.

Fiscal Matters: September Vouchers: Motion/Second/Carried Stevenson/Bates to approve the September vouchers as presented. All voting aye.

Motion/Second/Carried Bates/Pollnow to convene in closed session at 9:30 p.m. pursuant to Wis. Stat. Sec. 19.85(1)(g) for the purpose of conferring with legal counsel who will render oral or written advice regarding the City of Neenah's defense in Hartzheim, et al vs. Cair Car Sales & Service, et al. All voting aye.

Meeting adjourned at 9:55 p.m.

Respectfully submitted,

Michael K. Easker, CPA
Director of Finance

Neenah-Menasha Fire Rescue
Joint Finance & Personnel Committee Meeting
October 22, 2013 – 5:30 p.m.
3rd Floor Council Chambers – City of Menasha

Present: Ald. Langdon, Englebert, Stevenson and Ramos.

Excused: Ald. Benner & Ahles.

Also Present: Chief Auxier, Finance Director Steeno and Office Manager Theisen.

Members of the Public Present: Jamie Leonard

Ald. Stevenson called the meeting to order at 5:52 p.m.

Public Forum: No members of the public spoke.

Meeting Minutes: The Committee reviewed the September 24, 2013 meeting minutes.
MSC Ramos/Englebert to approve the meeting minutes of September 24, 2013, all voting aye.

Budget Review: The Committee reviewed the September 2013 budget report. **MSC Englebert/Langdon to approved the September 2013 budget report and place on file, all voting aye.**

Activity Report: The Committee reviewed the September activity and automatic aid reports. Ald. Langdon asked about the service calls for elevators. Chief Auxier explained sometimes there may be an issue with the elevator, someone calls 911, and we verify that no one is trapped. **MSC Englebert/Ramos to approve the September activity and automatic aid reports, and place on file, all voting aye.**

Review of and Action of Re-Inspection Ordinance: The Committee reviewed the City of Neenah and City of Menasha re-inspection ordinances. The Committee reviewed guidelines that were developed for the re-inspections that personnel would use when trying to gain compliance from property owners. It was noted both City Attorneys did review the guidelines and supported this. The Committee thanked the Department for their efforts and asked that this be reviewed in six months to see how the new process was working. **MSC Ramos/Englebert recommends the City of Neenah Common Council approve Ordinance 2013-17 Creating Code 7-34 relating to fees for Fire Re-inspection or Missed Appointments and the City of Menasha Common approve Chapter 3, Sec.5-3-5 Re-Inspection or Missed Appointments of the Fire Prevention Code, all voting aye.**

Consideration and Action of Re-Inspection Ordinances: Discussion was held on costs incurred by our Department. **MSC Englebert/Ramos recommend the City of Neenah Common Council and City of Menasha Common Council amend their respective fee schedules to add a \$100 fire re-inspection fee for each fire re-inspection performed, all voting aye.**

Review of Assistant Green's Wages: Chief Auxier noted the consultant for the City of Neenah recently completed the salary study. He is asking for review of AC Green's wages due to the duties he is performing and the current plan in place will not reflect a supervisor having wages that either are the same, or above, people he is directly supervising. Ald. Stevenson updated the Menasha Aldermen of the wage study that was completed by the independent consultant and the process that is currently taking place. Ald. Stevenson felt the communication memo that was sent to the Committee is appropriate. The Committee members didn't feel comfortable acting upon on a request for additional monies at this time as the review of the current salary plan has not been completed and acted upon by the City of Neenah Common Council. The Committee will wait to see what the City of Neenah Common Council decides for a compensation structure for the position and what merit system is approved for employees. After this is completed they felt comfortable reviewing if an issue may still exist. Ald. Englebert asked to an updated organizational charge that includes the base salaries and duties of the positions within the Department and asked when this information is put together that this is discussed in a closed session meeting.

Future Meetings: The November 26, 2013 and December 24, 2013 meetings will be cancelled. The next meeting will be scheduled for December 3, 2013 to accommodate availability of the members and will be held in the City of Neenah.

MSC Ramos/Langdon to adjourn at 6:50 p.m., all voting aye.

Respectfully Submitted,

Al Auxier
Chief

AA/tt



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By Jt. Fire Finance & Personnel
Committee
Re: Creating Code §7-34 relating to fees for Fire re-
inspection or missed appointments

ORDINANCE NO. 2013-17
Introduced: November 6, 2013
Committee/Commission Action:
RECOMMENDED FOR PASSAGE

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Section 7-34 of the Code of Ordinances of the City of Neenah is created to read as follows:

Sec. 7-34 Fees for Re-inspection or Missed Appointments

- (a) Any person who shall fail to comply with any lawful order of the Fire Chief or a designated Neenah Menasha Fire Rescue representative issued pursuant to the provisions of this Chapter may be assessed a re-inspection fee, which fee shall be established by the Common Council.
- (b) The Fire Chief shall keep an accurate account of all unpaid inspection fees incurred for re-inspection or missed appointment services and such fees shall be charged to and paid by the parcel or lot owner. Notice of the bill for such fees shall be mailed to the last-known address of the owner of the parcel or lot and shall be payable within thirty (30) days after billing. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

Approved:

George Scherck, Mayor

Attest:

Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:

City Attorney James G. Godlewski

211 Walnut Street

Neenah, WI 54956

State Bar No. 1005210



**CITY OF NEENAH
NEENAH JOINT SCHOOL DISTRICT**

RESOLUTION NO. 2013-30



A JOINT RESOLUTION OF THE CITY NEENAH AND THE NEENAH JOINT SCHOOL DISTRICT TO JOINTLY RAISE AWARENESS OF BULLYING AND RECOGNIZING NOVEMBER 26, 2013 AS "BULLYING AWARENESS DAY"

WHEREAS, the City of Neenah and the Neenah Joint School District have an interest in promoting the social and economic well-being of their citizens, students, and employees; and

WHEREAS, bullying in the schools, workplace, and community has become an increasingly significant problem in the United States; and

WHEREAS, bullying can take many forms, including verbal, physical, and most recently in cyberspace, and can happen in many places throughout the community, in the workplace, and both on and off school grounds; and

WHEREAS, the well-being of Neenah depends upon the existence of healthy and productive students, employees, and citizens learning, working, and living in safe and abuse-free environments; and

WHEREAS, almost thirty percent of the youth in the United States are estimated to be involved in bullying each year, and between thirty and fifty percent of employees in the United States are subject to workplace bullying sometime in their career; and

WHEREAS, abusive work environments are costly for employers, with consequences including reduced productivity, absenteeism, turnover, and injuries; and

WHEREAS, abusive school environments are costly for the community with consequences including negatively impacting a student's connection with school, their engagement with the curriculum, and their overall ability to learn; and

WHEREAS, research has documented stress-related health consequences for individuals caused by exposure to abusive environments; and

WHEREAS, it is important for the City of Neenah and the Neenah Joint School District to be aware of bullying and to encourage discussion of the problem as a community, school, and workplace; and

WHEREAS, the City of Neenah and the Neenah Joint School District are united in their desire to educate and to encourage positive behaviors and to eliminate bullying behaviors; and

NOW THEREFORE BE IT RESOLVED, that the City of Neenah and the Neenah Joint School District jointly resolve their unified commitment to the education and prevention of bullying within our communities, schools, and workplaces; exploring

solutions to the problem, including cyber bullying, and offering support in raising awareness and recognizing November 26, 2013 as

Bullying Awareness Day

in the City of Neenah and throughout the Neenah Joint School District.

NEENAH JOINT SCHOOL DISTRICT:

CITY OF NEENAH:

Scott Thompson, School Board President

George Scherck, Mayor

Jeff Spoehr, School Board Clerk

Patricia A. Sturn, City Clerk

Introduced by: _____

Introduced by: _____

Moved: _____

Moved: _____

Passed: _____

Passed: _____



RESOLUTION NO. 2013-34

A RESOLUTION AMENDING THE FEE SCHEDULE OF THE CITY OF NEENAH TO CREATE A FIRE RE-INSPECTION FEE

WHEREAS, Municipal Code §7-34, as created by Ord. No. 2013-17 provides for the Common Council to adopt a fire re-inspection fee; and,

WHEREAS, by Resolution #7185, the Common Council adopted a uniform fee schedule; and,

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NEENAH, WISCONSIN this 6th day of November 2013, that the uniform fee schedule established by Resolution #7185, as amended, is further amended by creating the following Fire re-inspection fee. Fees not listed remain unchanged.

FEE TYPE	FEE	BASIS	STATUTE NO.	ORD/RES/CODE
FIRE				
Re-inspection Fee	\$100	Per inspection starting with the 2 nd inspection		Sec. 7-34

Recommended by: **Joint Fire Finance and Personnel Committee**

CITY OF NEENAH, WISCONSIN

Moved: _____

George D. Scherck, Mayor

Passed: _____

Patricia A. Sturn, City Clerk

November 6, 2013

STATUS OF COUNCIL DIRECTIVES ISSUED SINCE JULY 1, 1981

<u>Date of Directive</u>	<u>Item</u>	<u>Responsible Party</u>	<u>Status</u>
1/05/2011	Direct the Plan Commission to consider and draft an Ordinance creating a Planned Development Overlay District	Ald. Ramos	Pending
6/15/2011	Re-evaluate the decibel levels for the beer gardens in one year	Ald. Bates	Pending