



CITY OF BARABOO COMMON COUNCIL AGENDA

Tuesday, September 10, 2024, 7:00 p.m.
Council Chambers, 101 South Blvd., Baraboo, Wisconsin

	Pages
1. CALL TO ORDER	
2. ROLL CALL AND PLEDGE OF ALLEGIANCE	
3. APPROVAL OF PREVIOUS MINUTES (Voice Vote) August 22, 2024 & August 27, 2024	3
4. APPROVAL OF AGENDA (Voice Vote)	
5. COMPLIANCE WITH OPEN MEETING LAW NOTED	
6. PRESENTATIONS <i>None Scheduled.</i>	
7. PUBLIC HEARINGS <i>None Scheduled.</i>	
8. PUBLIC INVITED TO SPEAK <i>(Any citizen has the right to speak on any item of business that is on the agenda if recognized by the presiding officer.)</i>	
9. MAYOR'S BUSINESS <i>None.</i>	
10. CONSENT AGENDA <i>(Roll Call)</i>	
10.1 Approve the Accounts Payable to be paid in the amount of \$	30
10.2 Approve the following Combination "Class B" Temporary Liquor Licenses (AKA Picnic License): 1) Shakespeare on the Edge, Inc., A Gathering of Rogues and Ruffians Renaissance Faire, 10/12/2024-10/13/2024. 2) Sauk County Historical Society, Christmas at the Mansion, 12/13/2024	31
10.3 Approve the appointment of Cynthia Orbegoso to the Library Board to fill the unexpired term of Brenda Barahona.	32
10.4 Approve exemption from the County Library tax for 2025.	33
11. ORDINANCES ON 2nd READING <i>None.</i>	
12. NEW BUSINESS- RESOLUTIONS	
12.1 Wal-Mart Litigation Consider authorizing Atty. Storm Larson to proceed with mediation for the pending Wal-Mart litigations. (Young)	34
12.2 Operator's License	35

Consider the Operator's License for Noelle Thom. (Sinden)

13. NEW BUSINESS ORDINANCES

13.1 Amend 7.165 All-Terrain/Utility Terrain Vehicles 36

Consider amending 7.165 Traffic Code, All-Terrain/Utility Terrain Vehicles, to allow vehicles on a portion of STH 136. (Pinion)

13.2 Chapter 1 Additions 40

Review and recommendation to the Common Council on the proposed additions to the Baraboo Code of Ordinances, Chapter 1, regarding Robert's Rules of Order, Recurring Meetings, and Regular Meetings. (Nelson)

14. COMMITTEE OF THE WHOLE

Moved by _____, seconded by _____, to enter Committee of the Whole to discuss the following:

- BEDC 2025 Budget & Future Goal Setting
- Update on Preliminary 2025 Budget & Review

Moved by _____, seconded by _____, to rise and report from Committee of the Whole and return to regular session. *(Roll Call)*

15. ADMINISTRATOR AND COUNCIL COMMENTS

(Comments are limited to recognition of City residents and employees, memorials, and non-political community events; discussion of matters related to government business is prohibited.)

16. REPORTS, PETITIONS, AND CORRESPONDENCE

41

The City acknowledges receipt and distribution of the following:

Copies of the meeting minutes included in this packet:

Finance.....8/13/2024

Administrative.....8/6/2024

Public Safety.....7/22/2024

17. ADJOURNMENT (Voice Vote)

Common Council Meeting Minutes**August 22, 2024, 7:00 p.m.****Council Chambers, 101 South Blvd., Baraboo, Wisconsin**

Members Present: Olson, Hause, Hazard, Kent, Lombard, Ellington, Sloan, Kierzek, Thurow
Others Present: City Administrator Young, Clerk Zeman, T. Pinion, P. Cannon, J. Ostrander, members of the press and others.

1. CALL TO ORDER

Mayor Nelson called the meeting to order at 7:00pm.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

3. APPROVAL OF AGENDA

Moved by: Ellington

Seconded by: Hazard

Motion: CARRIED

4. COMPLIANCE WITH OPEN MEETING LAW NOTED**5. PUBLIC INVITED TO SPEAK**

Michael Springhetti, 126 13th Ave, apologized to the Mayor and members of the Council for his remarks and actions at the last Council meeting. He noted that he clapped following a comment from an Alderperson because he feels she is the only one that demonstrated understanding.

Bob Wood, 405 6th Street, spoke against the referendum. He was disappointed in the Council's decision to move forward with the referendum. He provided an example of making purchases that one can afford, not what they want and encourages the Council to remove certain expenditures and vote no to the referendum.

Lois Simpson, 827 3rd Street, spoke against the referendum. She is against the referendum because she feels taxes are already high enough. As a single woman, she can barely pay her taxes as they are. The entire nation is struggling with the increased cost of living and she encourages the Council to vote no to the referendum.

Ruth Koss, 508 Hill Street, spoke against the referendum. She agrees that with the increased cost of living, raising taxes would be inconsiderate on the residents of Baraboo. We should not put this additional cost on families that are struggling now and encourages the Council to make other cuts.

Brett Topham, 108 Monroe Street, is interested in the referendum. The increase is based on new construction, not on inflation; this is a flawed formula. Now that inflation is exceeding this, we are struggling to fund basic operational expenses. He noted that Council is going to have to be creative in their solutions. One way is to increase revenue, which the City has previously done, and now we are down to referendum. He is not opposed to the referendum because it let's the voters decide. Another option would be to reduce expenses. He offered the suggestion to not do the referendum this year and take on the shortfall in an attempt to better understand the shortfall. He recommends Council listen to their constituents, invest time to understand the City's finances, and use the knowledge of staff.

6. NEW BUSINESS- RESOLUTIONS**6.1 November Referendum****Resolution No: 2024-119**

Moved by: Ellington

Seconded by: Sloan

Whereas, the State of Wisconsin has imposed limits on town, village, city and county property tax levies under Wis. Stat. sec. 66.0602; and

Whereas, Wis. Stat. sec. 66.0602 limits the increase in 2024 (to be collected in 2025) to the local property tax levy to no more than the greater of (a) 0% of last year's actual levy or (b) a percentage equal to the percentage change in equalized value due to new construction less improvements removed; which for the City of Baraboo is to be **3.189%**; and

Whereas, the Common Council of the City of Baraboo, Sauk County believes it is in the City's best interest to exceed the state levy limit as described above by a greater percentage than 3.189% **for the purpose of funding the ongoing operations and services of the City**; and

Whereas, the City of Baraboo's actual levy in 2023 (collected in 2024) was \$9,401,925; and state law would limit the increase to \$177,678 for a total allowable 2024 (collected in 2025) City tax levy of **\$9,579,603**.

Now, Therefore the Common Council of the City of Baraboo, Sauk County does hereby resolve and order as follows:

1. The Common Council supports an increase in the City tax levy for 2024 (to be collected in 2025) that will exceed the amount allowed by the state levy limit by **20.878 percent** ($\$2,000,000 \div \$9,579,603$), which would increase the City levy by **\$2,000,000** for a total City tax levy (after adjustments) of **\$11,579,603**. The requested increase would apply **on an ongoing basis**.
2. The Common Council directs that the question of increasing the allowable City tax levy for 2024 (to be collected in 2025) by 20.878 percent over the 2024 allowable levy be put to referendum at an election on November 5, 2024.
3. The question shall be submitted to the electors as follows: "Under state law, the increase in the levy of the City of Baraboo for the tax to be imposed for the next fiscal year, 2025, is limited to 3.189%, which results in a levy of \$9,579,603. Shall the City of Baraboo be allowed to exceed this limit and increase the levy for the next fiscal year, 2025, for the purpose of funding the ongoing operations and services of the City, by a total of 20.878%, which results in a levy of \$11,579,603, and on an ongoing basis, include the increase of \$2,000,000 for each fiscal year going forward?"

Against (1): Lombard

Motion: CARRIED (8 to 1)

7. ADJOURNMENT

Moved by: Ellington

Seconded by: Sloan

That the meeting adjourn at 7:29pm.

Motion: CARRIED

Brenda M. Zeman, City Clerk

Common Council Meeting Minutes**August 27, 2024, 7:00 p.m.****Council Chambers, 101 South Blvd., Baraboo, Wisconsin**

Members Present: Olson, Hause, Hazard, Kent, Lombard, Ellington, Sloan, Kierzek, Thurow
Others Present: Chief Sinden, Clerk Zeman, City Administrator J. Young, T. Pinion, P. Cannon, J. Ostrander, members of the press and others.

1. CALL TO ORDER

Mayor Nelson called the meeting to order at 7:00pm.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

3. APPROVAL OF PREVIOUS MINUTES

Moved by: Hause

Seconded by: Lombard

Motion: CARRIED

4. APPROVAL OF AGENDA (Voice Vote)

Moved by: Hazard

Seconded by: Thurow

Motion to amend the agenda, moving the Wal-Mart Litigation Closed Session to immediately following Consent Agenda.

Motion: CARRIED

5. COMPLIANCE WITH OPEN MEETING LAW NOTED**6. PRESENTATIONS**

None Scheduled.

7. PUBLIC HEARINGS**7.1 Rezone 551 Quarry Street**

The Mayor announced that this is the published date and time to hear public comment regarding:

Request to rezone the parcel of land located in the SW-NE, Section 2, T11N, R6E, City of Baraboo, Sauk County Wisconsin, from A-1, Agricultural Transitional District to A-2, Agricultural Holding District, 551 Quarry Street. Said parcel is described as follows:

- Beginning at a point 445.07 feet West of the SE Corner of the SW ¼ of the NE ¼ of said Section 2; thence North 556.5 feet; thence S67°30"W, 66 feet; thence North 132 feet; thence S67°30"W, 47 feet; thence Southwest to a point that is 429 feet West and 144 feet North of the Point of Beginning; thence South to a point on the South line of said NE ¼ of said Section 2; thence East to the Point of Beginning

Khloe Pierce, 569 Quarry Street, spoke against the rezoning of 551 Quarry Street. She noted that according to the zoning code, the purpose of A-2 is to control urban sprawl by retaining agricultural land to provide for a lot size of at least 5 acres and to locate low density homes, residential development, in the areas without severe soil limitations for non-sewer town development. Quarry street is a very high-density residential street, surrounded by businesses and residential. She does not feel this meets the purpose of the A-2. Separating this as an A-2 zone would also consider it as a "spot zone", singling out this property for the benefit of the owner, different from surrounding properties. Her understanding is by making this change, the owner will also be allowed to keep donkeys, goats, and chickens. As a neighboring property, she feels this could have a harmful impact on herself and her young toddler. She feels to change this to be zoned A-2 would open up a lot of risk and danger for residents living on

Quarry Street. The current A-1 zoning aligns with the surrounding area, and remains the most appropriate zoning.

JoAnne McKeegan, 559 Quarry Street, noted she is also against the rezoning of 551 Quarry Street.

No one else spoke and the Mayor closed the Public Hearing.

8. PUBLIC INVITED TO SPEAK

No one spoke.

9. MAYOR'S BUSINESS

- The draft update of the City's Comprehensive Plan is now available for review at www.baraboowi.gov. Residents can provide feedback at an open house at the public library on Thursday, September 5 from 5:00 p.m. to 7:00 p.m. or by contacting Nate Day at nday@sehinc.com or 608-620-6185.
- The Mayor congratulated Tara Duncan on her 5th anniversary with the Baraboo Community Development Authority. Congratulations Tara!

10. CONSENT AGENDA

Moved by: Sloan

Seconded by: Thurow

Motion: CARRIED (8 to 0)

10.1 Accounts Payable

Resolution No: 2024-120

THAT the Accounts Payable, in the amount of \$1,046,390.83 as recommended for payment by the Finance/Personnel Committee, be allowed and ordered paid.

11. CLOSED SESSION

Moved by Sloan, seconded by Kent, to go into Closed Session. The Mayor announced that the Council will consider moving into Closed Session pursuant to §19.85(1)(g), Wis. Stat., to confer with legal counsel to render oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

- Wal-Mart Litigation

Council Members Present: Olson, Hause, Hazard, Kent, Lombard, Ellington, Sloan, Kierzek, Thurow

Others Present: Mayor Nelson, Clerk Zeman, Atty. Storm Larson, T. Pinion, P. Cannon, J. Ostrander

12. OPEN SESSION

Moved by Sloan, seconded by Thurow, to return to Open Session. The Mayor announced that the Council will return to Open Session as per §19.85(2), Wis. Stats., to address any business that may be the result of discussions conducted in Closed Session.

13. ORDINANCES ON 2nd READING

None.

14. NEW BUSINESS- RESOLUTIONS

14.1 Liquor License Application, Express Market LLC

Resolution No: 2024-121

Moved by: Lombard

Seconded by: Hazard

Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:

THAT the City Clerk be authorized to issue the following Liquor License:

- "Class A" Combination Liquor and Fermented Malt Beverage Liquor License, Express Market, LLC, d/b/a Express Market at 935 8th

Motion: CARRIED (9 to 0)

14.2 Water System Revenue Bonds & Financial Assistance Agreement, Dept. of Natural Resources
Resolution No: 2024-122

Moved by: Sloan

Seconded by: Kent

RESOLUTION AUTHORIZING THE ISSUANCE AND
SALE OF UP TO \$1,876,449 WATER SYSTEM REVENUE BONDS, SERIES 2024,
AND PROVIDING FOR OTHER DETAILS AND
COVENANTS WITH RESPECT THERETO

WHEREAS, the City of Baraboo, Sauk County, Wisconsin (the "Municipality") owns and operates a water system (the "System") which is operated for a public purpose as a public utility by the Municipality; and

WHEREAS, certain improvements to the System are necessary to meet the needs of the Municipality and the residents thereof, consisting of the construction of a project (the "Project") assigned Safe Drinking Water Loan Program Project No. 4762-06 by the Department of Natural Resources, and as described in the Department of Natural Resources approval letter for the plans and specifications of the Project, or portions thereof, issued under Section 281.41, Wisconsin Statutes, assigned No. W-2023-0528 and dated July 25, 2023 by the DNR; and

WHEREAS, under the provisions of Chapter 66, Wisconsin Statutes any municipality may, by action of its governing body, provide for purchasing, acquiring, constructing, extending, adding to, improving, operating and managing a public utility from the proceeds of bonds, which bonds are to be payable only from the revenues received from any source by such utility, including all rentals and fees; and

WHEREAS, the Municipality deems it to be necessary, desirable and in its best interest to authorize and sell water system revenue bonds of the Municipality payable solely from the revenues of the System, pursuant to the provisions of Section 66.0621, Wisconsin Statutes, to pay the cost of the Project; and

WHEREAS, no bonds or obligations payable from the revenues of the System are now outstanding.

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

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

- (a) "Act" means Section 66.0621, Wisconsin Statutes;
- (b) "Bond Registrar" means the Municipal Treasurer which shall act as Paying Agent for the Bonds;
- (c) "Bonds" means the \$1,876,449 Water System Revenue Bonds, Series 2024, of the Municipality dated their date of issuance, authorized to be issued by this Resolution;
- (d) "Bond Year" means the twelve-month period ending on each May 1;
- (e) "Current Expenses" means the reasonable and necessary costs of operating, maintaining, administering and repairing the System, including salaries, wages, costs of materials and supplies, insurance and audits, but shall exclude depreciation, debt service, tax equivalents and capital expenditures;
- (f) "Debt Service Fund" means the Debt Service Fund of the Municipality, which shall be the "special redemption fund" as such term is defined in the Act;
- (g) "Financial Assistance Agreement" means the Financial Assistance Agreement by and between the State of Wisconsin by the Department of Natural Resources and the Department of Administration and the Municipality pursuant to which the Bonds are to be issued and sold to the State, substantially in the form attached hereto and incorporated herein by this reference;
- (h) "Fiscal Year" means the twelve-month period ending on each December 31;
- (i) "Governing Body" means the Common Council, or such other body as may hereafter be the chief legislative body of the Municipality;
- (j) "Gross Earnings" means the gross earnings of the System, including earnings of the System derived from water charges imposed by the Municipality, all payments to the Municipality under any service agreements between the Municipality and any contract users of

the System, and any other monies received from any source including all rentals and fees, any tax incremental district revenues or other revenues of the Municipality pursuant to Section 9 appropriated by the Governing Body to the System, and any special assessments levied and collected in connection with the Project;

(k) "Municipal Treasurer" means the Treasurer of the Municipality who shall act as Bond Registrar and Paying Agent;

(l) "Municipality" means the City of Baraboo, Sauk County, Wisconsin;

(m) "Net Revenues" means the Gross Earnings of the System after deduction of Current Expenses;

(n) "Parity Bonds" means bonds payable from the revenues of the System other than the Bonds but issued on a parity and equality with the Bonds pursuant to the restrictive provisions of Section 11 of this Resolution;

(o) "Project" means the Project described in the preamble to this Resolution. All elements of the Project are to be owned and operated by the Municipality as part of the System as described in the preamble hereto;

(p) "Record Date" means the close of business on the fifteenth day of the calendar month next preceding any principal or interest payment date; and

(q) "System" means the entire water system of the Municipality specifically including that portion of the Project owned by the Municipality and including all property of every nature now or hereafter owned by the Municipality for the extraction, collection, treatment, storage and distribution of water, including all improvements and extensions thereto made by the Municipality while any of the Bonds and Parity Bonds remain outstanding, including all real and personal property of every nature comprising part of or used or useful in connection with such water system and including all appurtenances, contracts, leases, franchises, and other intangibles.

Section 2. Authorization of the Bonds and the Financial Assistance Agreement. For the purpose of paying the cost of the Project (including legal, fiscal, engineering and other expenses), there shall be borrowed on the credit of the income and revenue of the System up to the sum of \$1,876,449; and fully registered revenue bonds of the Municipality are authorized to be issued in evidence thereof and sold to the State of Wisconsin Safe Drinking Water Loan Program in accordance with the terms and conditions of the Financial Assistance Agreement, which is incorporated herein by this reference and the Mayor and City Clerk of the Municipality are hereby authorized, by and on behalf of the Municipality, to execute the Financial Assistance Agreement.

Section 3. Terms of the Bonds. The Bonds shall be designated "Water System Revenue Bonds, Series 2024" (the "Bonds"); shall be dated their date of issuance; shall be numbered one and upward; shall bear interest at the rate of 2.365% per annum; shall be issued in denominations of \$0.01 or any integral multiple thereof; and shall mature on the dates and in the amounts as set forth in Exhibit B of the Financial Assistance Agreement and in the Bond form attached hereto as Exhibit A as it is from time to time adjusted by the State of Wisconsin based upon the actual draws made by the Municipality. Interest on the Bonds shall be payable commencing on May 1, 2025 and semiannually thereafter on May 1 and November 1 of each year. The Bonds shall not be subject to redemption prior to maturity except as provided in the Financial Assistance Agreement.

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

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

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

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

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

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

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

- (a) Revenue Fund, into which shall be deposited as received the Gross Earnings of the System, which money shall then be divided among the Operation and Maintenance Fund, the Debt Service Fund and the Surplus Fund in the amounts and in the manner set forth in Section 7 hereof and used for the purposes described below.
- (b) Operation and Maintenance Fund, which shall be used for the payment of Current Expenses.
- (c) Debt Service Fund, which shall be used for the payment of the principal of, premium, if any, and interest on the Bonds and Parity Bonds as the same becomes due, and which may contain a Reserve Account established by a future resolution authorizing the issuance of Parity Bonds to secure such Parity Bonds.
- (d) Surplus Fund, which shall first be used whenever necessary to pay principal of, premium, if any, or interest on the Bonds and Parity Bonds when the Debt Service Fund shall be insufficient for such purpose, and thereafter shall be disbursed as follows: (i) at any time, to remedy any deficiency in any of the Funds provided in this Section 6 hereof; and (ii) money thereafter remaining in the Surplus Fund at the end of any Fiscal Year may be transferred to any of the funds or accounts created herein or to reimburse the general fund of the Municipality for advances made by the Municipality to the System.

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

- (a) to the Operation and Maintenance Fund, in an amount equal to the estimated Current Expenses for such month and for the following month (after giving effect to available amounts in said Fund from prior deposits);
- (b) to the Debt Service Fund, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the Bonds and any Parity Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the Bonds and any Parity Bonds coming due during such Bond Year (after giving effect to available amounts in said Fund from accrued interest, any premium or any other source), and any amount required by a future resolution authorizing the issuance of Parity Bonds to fund a Reserve Account established therein; and

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

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

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

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

Section 9. Service to the Municipality. The reasonable cost and value of services rendered to the Municipality by the System by furnishing water services for public purposes shall be charged against the Municipality and shall be paid in monthly installments as the service accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the System; that is to say, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. The reasonable cost and value of such service to the Municipality in each year shall be equal to an amount which, together with other revenues of the System, will produce in each Fiscal Year Net Revenues equivalent to not less than the annual principal and interest requirements on the Bonds, any Parity Bonds and any other obligations payable from the revenues of the System then outstanding, times the greater of (i) 110% or (ii) the highest debt service coverage ratio required with respect to any obligations payable from revenues of the System then outstanding. However, such payment out of the tax levy shall be subject to (a) approval of the Public Service Commission, or successors to its function, if applicable, (b) yearly appropriations therefor, and (c) applicable levy limitations, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of the services rendered to the Municipality and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

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

Section 11. Additional Bonds. No bonds or obligations payable out of the revenues of the System may be issued in such manner as to enjoy priority over the Bonds. Additional

obligations may be issued if the lien and pledge is junior and subordinate to that of the Bonds. Parity Bonds may be issued only under the following circumstances:

(a) Additional Parity Bonds may be issued for the purpose of completing the Project and for the purpose of financing costs of the Project which are ineligible for payment under the State of Wisconsin Safe Drinking Water Loan Program. However, such additional Parity Bonds shall be in an aggregate amount not to exceed 20% of the face amount of the Bonds; or

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

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

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

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

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

Section 12. Sale of Bonds. The sale of the Bonds to the State of Wisconsin Safe Drinking Water Loan Program for the purchase price of up to \$1,876,449 and at par, is ratified and confirmed; and the officers of the Municipality are authorized and directed to do any and all acts, including executing the Financial Assistance Agreement and the Bonds as hereinabove provided, necessary to conclude delivery of the Bonds to said purchaser, as soon after adoption of this Resolution as is convenient. The purchase price for the Bonds shall be paid upon requisition therefor as provided in the Financial Assistance Agreement, and the officers of the Municipality are authorized to prepare and submit to the State requisitions and disbursement requests in anticipation of the execution of the Financial Assistance Agreement and the issuance of the Bonds.

Section 13. Application of Bond Proceeds. The proceeds of the sale of the Bonds shall be deposited by the Municipality into a special fund designated as "Water System SDWLP Project Fund." The Water System SDWLP Project Fund shall be used solely for the purpose of paying the costs of the Project as more fully described in the preamble hereof and in the Financial Assistance Agreement. Moneys in the Water System SDWLP Project Fund shall be disbursed within three (3) business days of their receipt from the State of Wisconsin and shall not be invested in any interest-bearing account.

Section 14. Amendment to Resolution. After the issuance of any of the Bonds, no change or alteration of any kind in the provisions of this Resolution may be made until all of the Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except: (a) the Municipality may, from time to time, amend this Resolution without the consent of any of the owners of the Bonds, but only to cure any ambiguity, administrative conflict, formal defect, or omission or procedural inconsistency of this Resolution; and (b) this Resolution may be amended, in any respect, with a written consent of the owners of not less than two-thirds (2/3) of the principal amount of the Bonds then outstanding, exclusive of Bonds held by the

Municipality; provided, however, that no amendment shall permit any change in the pledge of revenues derived from the System or the maturity of any Bond issued hereunder, or a reduction in the rate of interest on any Bond, or in the amount of the principal obligation thereof, or in the amount of the redemption premium payable in the case of redemption thereof, or change the terms upon which the Bonds may be redeemed or make any other modification in the terms of the payment of such principal or interest without the written consent of the owner of each such Bond to which the change is applicable.

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

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

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

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

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

the Municipality, its Governing Body and any other authorized body, to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution.

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

Section 19. Conflicting Resolutions. All ordinances, resolutions, 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.

Motion: CARRIED (9 to 0)

14.3 Taxable Private LSL Replacement Loan Program Revenue Bonds
Resolution No: 2024-123

Moved by: Sloan

Seconded by: Hause

RESOLUTION AUTHORIZING THE ISSUANCE AND
SALE OF UP TO \$469,262 TAXABLE PRIVATE LSL REPLACEMENT LOAN PROGRAM
REVENUE BONDS, SERIES 2024,
AND PROVIDING FOR OTHER DETAILS AND
COVENANTS WITH RESPECT THERETO

WHEREAS, the City of Baraboo, Sauk County, Wisconsin (the "Municipality") has established a loan program (the "Program") pursuant to which it makes loans pursuant to Section 66.0627(8)(ag), Wisconsin Statutes, to owners of property in the Municipality for the purpose of replacing private customer-side water service lines containing lead ("Loans"), which Program is hereby found and determined to be a revenue producing enterprise operated for a public purpose as a public utility by the Municipality within the meaning of Section 66.0621, Wisconsin Statutes; and

WHEREAS, additional funding to conduct, operate and manage the Program to finance additional Loans is necessary to meet the needs of the Municipality and the residents thereof, consisting of Loans to be made for the construction of a project (the "Project") assigned Safe Drinking Water Loan Program Project No. 4762-05 by the Department of Natural Resources; and

WHEREAS, under the provisions of Chapter 66, Wisconsin Statutes any municipality may, by action of its governing body, provide for purchasing, acquiring, constructing, extending, adding to, improving, operating and managing a public utility from the proceeds of bonds, which bonds are to be payable only from the revenues received from any source by such utility, including all rentals and fees; and

WHEREAS, the Municipality deems it to be necessary, desirable and in its best interest to authorize and sell revenue bonds of the Municipality payable solely from the revenues of the Program, pursuant to the provisions of Section 66.0621, Wisconsin Statutes, to pay the cost of the Project; and

WHEREAS, due to certain provisions of the Internal Revenue Code of 1986, as amended, it is necessary to issue such bonds on a taxable basis, and the State of Wisconsin Safe Drinking Water Loan Program has determined to allow such bonds to be issued on a taxable basis; and

WHEREAS, no bonds or obligations payable from the revenues of the Program are now outstanding.

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

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

- (a) "Act" means Section 66.0621, Wisconsin Statutes;
- (b) "Bond Registrar" means the Municipal Treasurer which shall act as Paying Agent for the Bonds;
- (c) "Bonds" means the \$469,262 Taxable Private LSL Replacement Loan Program Revenue Bonds, Series 2024, of the Municipality dated their date of issuance, authorized to be issued by this Resolution;
- (d) "Bond Year" means the twelve-month period ending on each May 1;
- (e) "Current Expenses" means the reasonable and necessary costs of operating, maintaining, administering and conducting the Program, including salaries, wages, costs of materials and supplies, insurance and audits, but shall exclude depreciation, debt service, tax equivalents and capital expenditures;
- (f) "Debt Service Fund" means the Debt Service Fund of the Municipality, which shall be the "special redemption fund" as such term is defined in the Act;
- (g) "Financial Assistance Agreement" means the Financial Assistance Agreement by and between the State of Wisconsin by the Department of Natural Resources and the Department of Administration and the Municipality pursuant to which the Bonds are to be issued and sold to the State, substantially in the form attached hereto and incorporated herein by this reference;
- (h) "Fiscal Year" means the twelve-month period ending on each December 31;
- (i) "Governing Body" means the Common Council, or such other body as may hereafter be the chief legislative body of the Municipality;
- (j) "Gross Earnings" means the gross earnings of the Program, including earnings of the Program derived from any payments made to the Municipality under any Loans, any fees or charges imposed by the Municipality with respect to the Program or Loans, any service agreements between the Municipality and any contract users of the Program, and any other monies received by the Program from any source including all rentals and fees, any tax incremental district revenues or other revenues of the Municipality pursuant to Section 9 appropriated by the Governing Body to the Program, and any special assessments and Special Charges levied or imposed and collected in connection with the Loans or the Project (for the avoidance of doubt, "Gross Earnings" does not include revenues of the water system or utility of the Municipality except for any water system or utility revenues which may in the future be appropriated to the Program with Public Service Commission approval);
- (k) "Lead Service Line" or "LSL" means (i) all or a portion of a water Service Line constructed of lead, and/or (ii) all or a portion of a water Service Line constructed of galvanized material that is or was downstream of lead;
- (l) "Loans" mean loans made by the Municipality pursuant to Section 66.0627(8)(ag), Wisconsin Statutes, or any successor provisions, to owners of property in the Municipality for the purpose of replacing private customer-side Lead Service Lines;
- (m) "Municipal Treasurer" means the Treasurer of the Municipality who shall act as Bond Registrar and Paying Agent;
- (n) "Municipality" means the City of Baraboo, Sauk County, Wisconsin;
- (o) "Net Revenues" means the Gross Earnings of the Program after deduction of Current Expenses;
- (p) "Parity Bonds" means bonds payable from the revenues of the Program other than the Bonds but issued on a parity and equality with the Bonds pursuant to the restrictive provisions of Section 11 of this Resolution;
- (q) "Program" means the entire Private Lead Service Line Replacement Loan Program established and conducted by the Municipality for the purpose of making Loans, specifically including all funds or property of every nature now or hereafter owned by the Municipality for the purpose of making and administering Loans, including all improvements and extensions thereto made by the Municipality while any of the Bonds and Parity Bonds remain outstanding, including all real and personal property of every nature comprising part of or used or useful in connection

with such loan program and including all appurtenances, contracts, leases, franchises, and other intangibles. All elements of the Program are to be owned and operated by the Municipality as part of the Program as described in the preamble hereto;

- (r) "Project" means the Project described in the preamble to this Resolution;
- (s) "Record Date" means the close of business on the fifteenth day of the calendar month next preceding any principal or interest payment date;
- (t) "Service Line" means the water service piping from the corporation stop of the municipally-owned water main or service line to the meter, isolation valve, or other water utility service terminal on the served property; and
- (u) "Special Charges" means the special charges the Municipality imposes pursuant to Section 66.0627(8), Wisconsin Statutes, or any successor provisions, to collect loan repayments for the Loans.

Section 2. Authorization of the Bonds and the Financial Assistance Agreement. For the purpose of providing funding for the Program to make Loans to pay the cost of the Project (including legal, fiscal, engineering and other expenses), there shall be borrowed on the credit of the income and revenue of the Program up to the sum of \$469,262; and fully registered revenue bonds of the Municipality are authorized to be issued in evidence thereof and sold to the State of Wisconsin Safe Drinking Water Loan Program in accordance with the terms and conditions of the Financial Assistance Agreement, which is incorporated herein by this reference and the Mayor and City Clerk of the Municipality are hereby authorized, by and on behalf of the Municipality, to execute the Financial Assistance Agreement.

Section 3. Terms of the Bonds. The Bonds shall be designated "Taxable Private LSL Replacement Loan Program Revenue Bonds, Series 2024" (the "Bonds"); shall be dated their date of issuance; shall be numbered one and upward; shall bear interest at the rate of 0.250% per annum; shall be issued in denominations of \$0.01 or any integral multiple thereof; and shall mature on the dates and in the amounts as set forth in Exhibit B of the Financial Assistance Agreement and in the Bond form attached hereto as Exhibit A as it is from time to time adjusted by the State of Wisconsin based upon the actual draws made by the Municipality. Interest on the Bonds shall be payable commencing on May 1, 2025 and semiannually thereafter on May 1 and November 1 of each year. The Bonds shall not be subject to redemption prior to maturity except as provided in the Financial Assistance Agreement.

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

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

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

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

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

Section 5. Security for the Bonds. The Bonds, together with interest thereon, shall not constitute an indebtedness of the Municipality nor a charge against its general credit or taxing power. The Bonds, together with interest thereon, shall be payable only out of the Debt Service

Fund hereinafter created and established, and shall be a valid claim of the registered owner or owners thereof only against such Debt Service Fund and the revenues of the Program pledged to such fund. Sufficient revenues are hereby pledged to said Debt Service Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on the Bonds and any Parity Bonds as the same becomes due.

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

- (a) Private LSL Replacement Loan Program Revenue Fund (the "Revenue Fund"), into which shall be deposited as received the Gross Earnings of the Program, which money shall then be divided among the Debt Service Fund, the Operation and Maintenance Fund and the Surplus Fund in the amounts and in the manner set forth in Section 7 hereof and used for the purposes described below.
- (b) Private LSL Replacement Loan Program Debt Service Fund (the "Debt Service Fund"), which shall be used for the payment of the principal of, premium, if any, and interest on the Bonds and Parity Bonds as the same becomes due, and which may contain a Reserve Account established by a future resolution authorizing the issuance of Parity Bonds to secure such Parity Bonds.
- (c) Private LSL Replacement Loan Program Operation and Maintenance Fund (the "Operation and Maintenance Fund"), which shall be used for the payment of Current Expenses.
- (d) Private LSL Replacement Loan Program Surplus Fund (the "Surplus Fund"), which shall first be used whenever necessary to pay principal of, premium, if any, or interest on the Bonds and Parity Bonds when the Debt Service Fund shall be insufficient for such purpose, and thereafter shall be disbursed as follows: (i) at any time, to remedy any deficiency in any of the Funds provided in this Section 6 hereof; and (ii) money thereafter remaining in the Surplus Fund at the end of any Fiscal Year may be transferred to any of the funds or accounts created herein or to reimburse the general fund of the Municipality for advances made by the Municipality to the Program.

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

- (a) to the Debt Service Fund, until the amount on deposit therein is equal to the amount needed to pay the remaining installments of interest and principal coming due on the Bonds and any Parity Bonds then outstanding during such Fiscal Year (after giving effect to available amounts in said Fund from accrued interest, any premium or any other source), and any amount required by a future resolution authorizing the issuance of Parity Bonds to fund a Reserve Account established therein;
- (b) to the Operation and Maintenance Fund, until the amount on deposit therein is equal to the remaining estimated Current Expenses for such Fiscal Year (after giving effect to available amounts in said Fund from prior deposits); and
- (c) to the Surplus Fund, any amount remaining in the Revenue Fund after the monthly transfers required above have been completed.

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

other than a business day, such transfer or deposit shall be made on the next succeeding business day.

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

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

Section 9. Service to the Municipality. In recognition of and consideration for the public health benefit rendered to the Municipality by the Program by financing the elimination of lead from the public drinking water supply for public purposes, the Municipality agrees that it shall be charged and shall make payments to the Program in monthly installments as the service and benefit accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the Program; that is to say, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. The amount of the charge and payment for the service and benefit provided to the Municipality in each year shall be equal to an amount which, together with other revenues of the Program, will produce in each Fiscal Year Net Revenues equivalent to not less than 100% of the annual principal and interest requirements on the Bonds, any Parity Bonds and any other obligations payable from the revenues of the Program then outstanding. However, such payment out of the tax levy shall be subject to (a) approval of the Public Service Commission, or successors to its function, if applicable, (b) yearly appropriations therefor, and (c) applicable levy limitations, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of the service and benefit rendered to the Municipality and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

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

Section 11. Additional Bonds. No bonds or obligations payable out of the revenues of the Program may be issued in such manner as to enjoy priority over the Bonds or with a lien and pledge that is junior and subordinate to that of the Bonds. Parity Bonds may be issued only under the following circumstances:

- (a) Additional Parity Bonds may be issued for the purpose of completing the Project and for the purpose of financing costs of the Project which are ineligible for payment under the State of Wisconsin Safe Drinking Water Loan Program. However, such additional Parity Bonds shall be in an aggregate amount not to exceed 20% of the face amount of the Bonds; or
- (b) Additional Parity Bonds may also be issued if all of the following conditions are met:
 - (1) The State of Wisconsin Safe Drinking Water Loan Program has consented in writing to the issuance of such additional bonds on a parity with the Bonds.

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

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

(4) The proceeds of the additional bonds must be used only for the purpose of providing additional funding for the Program to make Loans, or to refund obligations issued for such purpose.

Section 12. Sale of Bonds. The sale of the Bonds to the State of Wisconsin Safe Drinking Water Loan Program for the purchase price of up to \$469,262 and at par, is ratified and confirmed; and the officers of the Municipality are authorized and directed to do any and all acts, including executing the Financial Assistance Agreement and the Bonds as hereinabove provided, necessary to conclude delivery of the Bonds to said purchaser, as soon after adoption of this Resolution as is convenient. The purchase price for the Bonds shall be paid upon requisition therefor as provided in the Financial Assistance Agreement, and the officers of the Municipality are authorized to prepare and submit to the State requisitions and disbursement requests in anticipation of the execution of the Financial Assistance Agreement and the issuance of the Bonds.

Section 13. Application of Bond Proceeds. The proceeds of the sale of the Bonds shall be deposited by the Municipality into a special fund designated as "Private LSL Replacement Loan Program SDWLP Project Fund." The Private LSL Replacement Loan Program SDWLP Project Fund shall be used solely for the purpose of paying the costs of the Project as more fully described in the preamble hereof and in the Financial Assistance Agreement. Moneys in the Private LSL Replacement Loan Program SDWLP Project Fund shall be disbursed within three (3) business days of their receipt from the State of Wisconsin and shall not be invested in any interest-bearing account.

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

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

Section 16. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owner or owners of the Bonds, and after issuance of any of the Bonds no change or alteration of any kind in the provisions of this Resolution may be made, except as provided in Section 14, until all of the Bonds have been paid in full as to both principal and interest. The owner or owners of any of the Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce such owner's or owners' rights against the Municipality, the Governing Body thereof, and any and all officers and agents thereof including, but without limitation, the right to require the Municipality, its Governing Body and any other authorized body, to establish and collect charges and other revenues fully adequate to carry out all of the provisions and agreements contained in this Resolution.

Section 17. Continuing Disclosure. The officers of the Municipality are hereby authorized and directed, if requested by the State of Wisconsin, to provide to the State of Wisconsin Safe Drinking Water Loan Program and to such other persons or entities as directed by the State of Wisconsin such ongoing disclosure regarding the Municipality's financial condition and other matters, at such times and in such manner as the Safe Drinking Water Loan Program may require, in order that securities issued by the Municipality and the State of Wisconsin satisfy rules and regulations promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended and as it may be amended from time to time, imposed on brokers and dealers of municipal securities before the brokers and dealers may buy, sell, or recommend the purchase of such securities.

Section 18. Conflicting Resolutions. All ordinances, 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.

Motion: CARRIED (9 to 0)

14.4 Sewerage System Revenue Bonds

Resolution No: 2024-124

Moved by: Thurow

Seconded by: Hazard

RESOLUTION AUTHORIZING THE ISSUANCE AND
SALE OF UP TO \$1,371,097 SEWERAGE SYSTEM REVENUE BONDS, SERIES 2024,
AND PROVIDING FOR OTHER DETAILS AND
COVENANTS WITH RESPECT THERETO

WHEREAS, the City of Baraboo, Sauk County, Wisconsin (the "Municipality") owns and operates a sewerage system (the "System") which is operated for a public purpose as a public utility by the Municipality; and

WHEREAS, pursuant to a resolution adopted by the Governing Body on March 27, 2018 (the "2018 Resolution"), the Municipality has heretofore issued its Sewerage System Revenue Bonds, Series 2018, dated April 11, 2018 (the "2018 Bonds"), which are payable from the income and revenues of the System; and

WHEREAS, certain improvements to the System are necessary to meet the needs of the Municipality and the residents thereof, consisting of the construction of a project (the "Project") assigned Clean Water Fund Program Project No. 4153-05 by the Department of Natural Resources, and as described in the Department of Natural Resources approval letter for the plans and specifications of the Project, or portions thereof, issued under Section 281.41, Wisconsin Statutes, assigned No. S-2023-0437 and dated August 11, 2023 by the DNR; and

WHEREAS, under the provisions of Chapter 66, Wisconsin Statutes any municipality may, by action of its governing body, provide for purchasing, acquiring, constructing, extending, adding to, improving, operating and managing a public utility from the proceeds of bonds, which bonds are to be payable only from the revenues received from any source by such utility, including all rentals and fees; and

WHEREAS, the Municipality deems it to be necessary, desirable and in its best interest to authorize and sell sewerage system revenue bonds of the Municipality payable solely from the revenues of the System, pursuant to the provisions of Section 66.0621, Wisconsin Statutes, to pay the cost of the Project; and

WHEREAS, the 2018 Resolution permits the issuance of additional bonds on a parity with the 2018 Bonds upon certain conditions, and those conditions have been met; and
WHEREAS, other than the 2018 Bonds, no bonds or obligations payable from the revenues of the System are now outstanding.

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

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

- (a) "Act" means Section 66.0621, Wisconsin Statutes;
- (b) "Bond Registrar" means the Municipal Treasurer which shall act as Paying Agent for the Bonds;
- (c) "Bonds" means the \$1,371,097 Sewerage System Revenue Bonds, Series 2024, of the Municipality dated their date of issuance, authorized to be issued by this Resolution;
- (d) "Bond Year" means the twelve-month period ending on each May 1;
- (e) "Current Expenses" means the reasonable and necessary costs of operating, maintaining, administering and repairing the System, including salaries, wages, costs of materials and supplies, insurance and audits, but shall exclude depreciation, debt service, tax equivalents and capital expenditures;
- (f) "Debt Service Fund" means the Debt Service Fund of the Municipality, which shall be the "special redemption fund" as such term is defined in the Act;
- (g) "Financial Assistance Agreement" means the Financial Assistance Agreement by and between the State of Wisconsin by the Department of Natural Resources and the Department of Administration and the Municipality pursuant to which the Bonds are to be issued and sold to the State, substantially in the form attached hereto and incorporated herein by this reference;
- (h) "Fiscal Year" means the twelve-month period ending on each December 31;
- (i) "Governing Body" means the Common Council, or such other body as may hereafter be the chief legislative body of the Municipality;
- (j) "Gross Earnings" means the gross earnings of the System, including earnings of the System derived from sewerage charges imposed by the Municipality, all payments to the Municipality under any wastewater treatment service agreements between the Municipality and any contract users of the System, and any other monies received from any source including all rentals and fees, any tax incremental district revenues or other revenues of the Municipality pursuant to Section 9 appropriated by the Governing Body to the System, and any special assessments levied and collected in connection with the Project;
- (k) "Municipal Treasurer" means the Treasurer of the Municipality who shall act as Bond Registrar and Paying Agent;
- (l) "Municipality" means the City of Baraboo, Sauk County, Wisconsin;
- (m) "Net Revenues" means the Gross Earnings of the System after deduction of Current Expenses;
- (n) "Parity Bonds" means bonds payable from the revenues of the System other than the Bonds but issued on a parity and equality with the Bonds pursuant to the restrictive provisions of Section 11 of this Resolution;
- (o) "Project" means the Project described in the preamble to this Resolution. All elements of the Project are to be owned and operated by the Municipality as part of the System as described in the preamble hereto;
- (p) "Record Date" means the close of business on the fifteenth day of the calendar month next preceding any principal or interest payment date;
- (q) "System" means the entire sewerage system of the Municipality specifically including that portion of the Project owned by the Municipality and including all property of every nature now or hereafter owned by the Municipality for the collection, transmission, treatment and

disposal of domestic and industrial sewerage and waste, including all improvements and extensions thereto made by the Municipality while any of the Bonds and Parity Bonds remain outstanding, including all real and personal property of every nature comprising part of or used or useful in connection with such sewerage system and including all appurtenances, contracts, leases, franchises, and other intangibles;

(r) "2018 Bonds" means the Municipality's Sewerage System Revenue Bonds, Series 2018, dated April 11, 2018; and

(s) "2018 Resolution" means a resolution adopted by the Governing Body on March 27, 2018 authorizing the issuance of the 2018 Bonds.

Section 2. Authorization of the Bonds and the Financial Assistance Agreement. For the purpose of paying the cost of the Project (including legal, fiscal, engineering and other expenses), there shall be borrowed on the credit of the income and revenue of the System up to the sum of \$1,371,097; and fully registered revenue bonds of the Municipality are authorized to be issued in evidence thereof and sold to the State of Wisconsin Clean Water Fund Program in accordance with the terms and conditions of the Financial Assistance Agreement, which is incorporated herein by this reference and the Mayor and City Clerk of the Municipality are hereby authorized, by and on behalf of the Municipality, to execute the Financial Assistance Agreement.

Section 3. Terms of the Bonds. The Bonds shall be designated "Sewerage System Revenue Bonds, Series 2024" (the "Bonds"); shall be dated their date of issuance; shall be numbered one and upward; shall bear interest at the rate of 2.365% per annum; shall be issued in denominations of \$0.01 or any integral multiple thereof; and shall mature on the dates and in the amounts as set forth in Exhibit B of the Financial Assistance Agreement and in the Bond form attached hereto as Exhibit A as it is from time to time adjusted by the State of Wisconsin based upon the actual draws made by the Municipality. Interest on the Bonds shall be payable commencing on May 1, 2025 and semiannually thereafter on May 1 and November 1 of each year. The Bonds shall not be subject to redemption prior to maturity except as provided in the Financial Assistance Agreement.

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

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

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

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

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

Section 5. Security for the Bonds. The Bonds, together with interest thereon, shall not constitute an indebtedness of the Municipality nor a charge against its general credit or taxing power. The Bonds, together with interest thereon, shall be payable only out of the Debt Service Fund hereinafter continued, and shall be a valid claim of the registered owner or owners thereof only against such Debt Service Fund and the revenues of the System pledged to such fund, on a parity with the pledge granted to the holders of the 2018 Bonds. Sufficient revenues are

hereby pledged to said Debt Service Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on the 2018 Bonds, the Bonds and any Parity Bonds as the same becomes due.

Section 6. Funds and Accounts. In accordance with the Act, for the purpose of the application and proper allocation of the revenues of the System, and to secure the payment of the principal of and interest on the 2018 Bonds, the Bonds and Parity Bonds, certain funds of the System which were created and established by a resolution adopted May 24, 1994 are hereby continued and shall be used solely for the following respective purposes:

- (a) Revenue Fund, into which shall be deposited as received the Gross Earnings of the System, which money shall then be divided among the Operation and Maintenance Fund, the Debt Service Fund and the Surplus Fund in the amounts and in the manner set forth in Section 7 hereof and used for the purposes described below.
- (b) Operation and Maintenance Fund, which shall be used for the payment of Current Expenses.
- (c) Debt Service Fund, which shall be used for the payment of the principal of, premium, if any, and interest on the 2018 Bonds, the Bonds and Parity Bonds as the same becomes due, and which may contain a Reserve Account established by a future resolution authorizing the issuance of Parity Bonds to secure such Parity Bonds.
- (d) Surplus Fund, which shall first be used whenever necessary to pay principal of, premium, if any, or interest on the 2018 Bonds, the Bonds and Parity Bonds when the Debt Service Fund shall be insufficient for such purpose, and thereafter shall be disbursed as follows:
 - (i) at any time, to remedy any deficiency in any of the Funds provided in this Section 6 hereof; and
 - (ii) money thereafter remaining in the Surplus Fund at the end of any Fiscal Year may be transferred to any of the funds or accounts created herein or to reimburse the general fund of the Municipality for advances made by the Municipality to the System.

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

- (a) to the Operation and Maintenance Fund, in an amount equal to the estimated Current Expenses for such month and for the following month (after giving effect to available amounts in said Fund from prior deposits);
- (b) to the Debt Service Fund, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the 2018 Bonds, the Bonds and any Parity Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the 2018 Bonds, the Bonds and any Parity Bonds coming due during such Bond Year (after giving effect to available amounts in said Fund from accrued interest, any premium or any other source), and any amount required by a future resolution authorizing the issuance of Parity Bonds to fund a Reserve Account established therein; and
- (c) to the Surplus Fund, any amount remaining in the Revenue Fund after the monthly transfers required above have been completed.

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

It is the express intent and determination of the Governing Body that the amounts transferred from the Revenue Fund and deposited in the Debt Service Fund shall be sufficient in any event to pay the interest on the 2018 Bonds, the Bonds and any Parity Bonds as the same accrues

and the principal thereof as the same matures, and to fund the Reserve Account as required in connection with future Parity Bonds.

Section 8. Deposits and Investments. The Debt Service Fund shall be kept apart from monies in the other funds and accounts of the Municipality and the same shall be used for no purpose other than the prompt payment of principal of and interest on the 2018 Bonds, the Bonds and any Parity Bonds as the same becomes due and payable. All monies therein shall be deposited in special and segregated accounts in a public depository selected under Chapter 34, Wisconsin Statutes and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes. The other funds herein created (except the Sewerage System CWFP Project Fund) may be combined in a single account in a public depository selected in the manner set forth above and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes.

Section 9. Service to the Municipality. The reasonable cost and value of services rendered to the Municipality by the System by furnishing sewerage services for public purposes shall be charged against the Municipality and shall be paid in monthly installments as the service accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the System; that is to say, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. The reasonable cost and value of such service to the Municipality in each year shall be equal to an amount which, together with other revenues of the System, will produce in each Fiscal Year Net Revenues equivalent to not less than the annual principal and interest requirements on the 2018 Bonds, the Bonds, any Parity Bonds and any other obligations payable from the revenues of the System then outstanding, times the greater of (i) 110% or (ii) the highest debt service coverage ratio required with respect to any obligations payable from revenues of the System then outstanding. However, such payment out of the tax levy shall be subject to (a) approval of the Public Service Commission, or successors to its function, if applicable, (b) yearly appropriations therefor, and (c) applicable levy limitations, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of the services rendered to the Municipality and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

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

Section 11. Additional Bonds. The Bonds are issued on a parity with the 2018 Bonds as to the pledge of revenues of the System. No bonds or obligations payable out of the revenues of the System may be issued in such manner as to enjoy priority over the Bonds. Additional obligations may be issued if the lien and pledge is junior and subordinate to that of the Bonds. Parity Bonds may be issued only under the following circumstances:

(a) Additional Parity Bonds may be issued for the purpose of completing the Project and for the purpose of financing costs of the Project which are ineligible for payment under the State of Wisconsin Clean Water Fund Program. However, such additional Parity Bonds shall be in an aggregate amount not to exceed 20% of the face amount of the Bonds; or

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

(1) The Net Revenues of the System for the Fiscal Year immediately preceding the issuance of such additional bonds must have been in an amount at least equal to the maximum annual interest and principal requirements on all bonds outstanding payable from the revenues of the System, and on the bonds then to be issued, times the greater of (i) 1.10 or (ii) the highest debt service coverage ratio to be required with respect to the Additional Parity Bonds to be issued or any other obligations payable from the revenues of the System then outstanding. Should an increase in permanent rates and charges, including those made to the Municipality, be properly

ordered and made effective during the Fiscal Year immediately prior to the issuance of such additional bonds or during that part of the Fiscal Year of issuance prior to such issuance, then Net Revenues for purposes of such computation shall include such additional revenues as a registered municipal advisor, an independent certified public accountant, consulting professional engineer or the Wisconsin Public Service Commission may calculate would have accrued during the prior Fiscal Year had the new rates been in effect during that entire immediately prior Fiscal Year.

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

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

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

Section 12. Sale of Bonds. The sale of the Bonds to the State of Wisconsin Clean Water Fund Program for the purchase price of up to \$1,371,097 and at par, is ratified and confirmed; and the officers of the Municipality are authorized and directed to do any and all acts, including executing the Financial Assistance Agreement and the Bonds as hereinabove provided, necessary to conclude delivery of the Bonds to said purchaser, as soon after adoption of this Resolution as is convenient. The purchase price for the Bonds shall be paid upon requisition therefor as provided in the Financial Assistance Agreement, and the officers of the Municipality are authorized to prepare and submit to the State requisitions and disbursement requests in anticipation of the execution of the Financial Assistance Agreement and the issuance of the Bonds.

Section 13. Application of Bond Proceeds. The proceeds of the sale of the Bonds shall be deposited by the Municipality into a special fund designated as "Sewerage System CWFP Project Fund." The Sewerage System CWFP Project Fund shall be used solely for the purpose of paying the costs of the Project as more fully described in the preamble hereof and in the Financial Assistance Agreement. Moneys in the Sewerage System CWFP Project Fund shall be disbursed within three (3) business days of their receipt from the State of Wisconsin and shall not be invested in any interest-bearing account.

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

Section 15. Defeasance. When all Bonds have been discharged, all pledges, covenants and other rights granted to the owners thereof by this Resolution shall cease. The Municipality may discharge all Bonds due on any date by irrevocably depositing in escrow with a suitable bank or trust company a sum of cash and/or bonds or securities issued or guaranteed as to principal and interest of the U.S. Government, or of a commission, board or other instrumentality of the U.S. Government, maturing on the dates and bearing interest at the rates required to provide funds sufficient to pay when due the interest to accrue on each of said Bonds to its maturity or,

at the Municipality's option, if said Bond is prepayable to any prior date upon which it may be called for redemption, and to pay and redeem the principal amount of each such Bond at maturity, or at the Municipality's option, if said Bond is prepayable, at its earliest redemption date, with the premium required for such redemption, if any, provided that notice of the redemption of all prepayable Bonds on such date has been duly given or provided for.

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

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

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

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

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

Section 19. Conflicting Resolutions. All ordinances, resolutions (other than the 2018 Resolution), or orders, or parts thereof heretofore enacted, adopted or entered, in conflict with the provisions of this Resolution, are hereby repealed and this Resolution shall be in effect from and after its passage. In case of any conflict between this Resolution and the 2018 Resolution, the 2018 Resolution shall control as long as any 2018 Bonds are outstanding.

Motion: CARRIED (9 to 0)

14.5 Building Demolition & Disposal, 105 Vine Street

Resolution No: 2024-125

Moved by: Ellington

Seconded by: Sloan

Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:

That the Proposal for Building Demolition & Disposal at 105 Vine Street from Beaver Services, Inc. in the amount of \$23,800 is hereby accepted and all other Proposals are rejected.

Motion: CARRIED (9 to 0)

14.6 Special Assessments

Resolution No: 2024-126

Moved by: Sloan

Seconded by: Hause

Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:

1. The Common Council hereby declares its intention to exercise its police power under Section 66.0703, Wis. Stats., to levy special assessments upon property in the assessment districts hereafter described for benefits conferred upon such property by reason of the following public work and improvements: 2024 Street Reconstruction projects.
2. The property to be assessed lies within the following described assessment district:
ASSESSMENT DISTRICTS
 - New Sidewalk** – That property on:
 - Waldo Street (between Parkside Avenue and Haeger Street) – approximately 4,550 sq. ft.
 - New Curb & Gutter** – That property on:
 - Waldo Street (between Parkside Avenue and Haeger Street) – approximately 2,000 lf.
 - Sauk Avenue (between Hitchcock Street and Moore Street) – approximately 1,150 lf.
3. The total amount assessed against the properties in the described assessment district shall not exceed the total cost of the improvements.
4. The City Council determines that the improvements constitute an exercise of the police power for the health, safety and general welfare of the municipality and its inhabitants.
5. The City Engineer shall prepare a report which shall consist of:
 - Final plans and specifications for the improvements.
 - An estimate of the entire cost of the proposed improvements.
 - A schedule of proposed assessments.
6. When the report is completed, the City Engineer shall file a copy of the report with the City Clerk for public inspection.
7. Upon receiving the report of the City Engineer, the Clerk or her designee shall cause notice to be given stating the nature of the proposed improvements, the general boundary lines of the proposed Assessment District, the time and place at which the report may be inspected, and the time and place of the public hearing on the matters contained in the preliminary resolution and the report. This notice shall be published as Class 1 notice under ch. 985, Wis. Stats, and a copy shall be mailed, at least 10 days before the hearing,

to every interested party whose address is known or can be ascertained with the reasonable diligence.

8. The hearing shall be held in the Council Chambers of the City Hall at 101 South Blvd, Baraboo, WI 53913 on September 24th, 2024 at 7:00 p.m. in accordance with Section 66.0703 (7)(a), Wis. Stats.

9. The assessment against any parcel may be paid in cash or in annual installments in accordance with the City of Baraboo Sidewalk Policy and Special Assessment Procedure.

Motion: CARRIED (9 to 0)

15. NEW BUSINESS ORDINANCES

15.1 Amend Section 17.18(4)(a) and the Zoning District Map

Moved by: Thurow

Seconded by: Lombard

Motion to table amending Section 17.18(4)(a) and the Zoning District Map to rezone 551 Quarry Street from A-1 Agricultural Transition to A-2 Agricultural Holding pending opinion from legal counsel.

16. ADMINISTRATOR AND COUNCIL COMMENTS

None.

17. REPORTS, PETITIONS, AND CORRESPONDENCE

The City officially acknowledges receipt and distribution of the following:

Reports: July, Treasurer

Copies of the meeting minutes included in this packet:

Finance/Personnel Committee Meeting Minutes

July 23, 2024, 6:00 p.m.

City Hall, Committee Room #205

101 South Blvd., Baraboo, WI 53913

Members Present:

Sloan, Kent, Kierzek

Others Present:

Mayor Nelson, City Administrator J. Young, Clerk B. Zeman, P. Cannon, T. Pinion, J. Ostrander, D. Olson, Brett Topham

1. Call Meeting to Order

Chairman Sloan called the meeting to order at 6:00pm.

1.a Roll Call of Membership

1.b Note Compliance with Open Meeting Law

1.c Approve Minutes of July 9, 2024

Moved by: Kent

Seconded by: Kierzek

CARRIED (3 to 0)

1.d Approve Agenda

Moved by: Kierzek

Seconded by: Kent

CARRIED (3 to 0)

2. Action Items

2.a Accounts Payable

Moved by: Kierzek

Seconded by: Kent

Recommend Common Council pay \$440,180.48 in Accounts Payable.

CARRIED (3 to 0)

2.b Budget Amendments

The committee reviewed the budget amendments, no questions or concerns.

Moved by: Kierzek

Seconded by: Kent

Recommend Common Council approve the 1st and 2nd Qtr. 2024 Budget Amendments.

CARRIED (3 to 0)

2.c Street Reconstruction Projects

T. Pinion noted that only one bid was received for this project. While the city has not contracted with H James & Sons, Inc. in the past, they did recently do the Baraboo Bluffs project. Waldo Street is a complete reconstruct from Parkside to Haeger, 14th Avenue from Birch to Crawford is a pulverize and overlay with some curb replacement, and Sauk Avenue is very similar with a pulverize and overlay, curb and gutter from end to end. This project was originally estimated at \$974,000, the bid received is very comparable. This was approved unanimously by the Public Safety Committee.

Moved by: Kent

Seconded by: Kierzek

Recommend Common Council award a contract to the lowest qualified bidder, H James & Sons, Inc., for the 2024 Street Reconstruction Projects.

CARRIED (3 to 0)

2.d Line of Credit, TID #11

The committee reviewed the costs associated with this draw from the TID #11 Line of Credit. It was noted that materials purchased for water improvements were returned which resulted in a negative cost on the spreadsheet.

Moved by: Kent

Seconded by: Kierzek

Recommend Common Council approve a draw of \$173,502.68 from the Line of Credit with Community First Bank for TID #11.

CARRIED (3 to 0)

2.e Water Debt Service Account

J. Ostrander noted that this new account is required for the Safe Water Drinking Loan which was previously approved for the Hwy 33 project.

Moved by: Kent

Seconded by: Kierzek

Recommend Common Council approve the creation of a new Water Debt Service checking account.

CARRIED (3 to 0)

2.f Development Agreement, PR Baraboo LLC

T. Pinion noted that was agreement was discussed at the last meeting. Due to concerns with item D in the agreement, and the fact that the project is well under construction already, the committee requested additional information on the "but for" language. Staff has contacted legal counsel and this is defined as the developer would not move forward with the project within the same time frame or with the same level of value. There is still concern from the committee that this project has moved forward prior to approval of the development agreement.

Moved by: Kierzek

Seconded by: Kent

Motion to forward this item to the Common Council with no recommendation from the Finance/Personnel Committee.

CARRIED (3 to 0)

3. Discussion Items

3.a Shared Ride Taxi

J. Ostrander noted that she is currently working on the procurement. The estimate she provided removed one vehicle for any shift that had more than one vehicle available. The number of rides is listed as per van, majority of them being less than 2. Removing one vehicle would save us costs of approximately \$100,000 per year. By using the 2024 formula, it is showing us not owing anything the first year and then up to approximately \$44,000 by year five; assuming fare rates and funding remain the same. Based on the data provided, committee members agree that we should never have more than 3 vehicles available at one time.

Mayor Nelson noted the he is considering a procurement committee of City Administrator J. Young, himself, Scott Sloan, Jim Bowers, and Shelly Mordini. Mayor Nelson and City Administrator J. Young did attend a meeting for the Village of West Baraboo and they seemed interested in collaborating with the City on this. The committee discussed the different funding options that West Baraboo might consider. Although the City would lose the West Baraboo fare of \$1.50, the contribution from West Baraboo might work out better financially for the City.

3.b Creation of TIF Policy

This will be discussed at the next meeting.

4. Adjournment

Moved by: Kent

Seconded by: Kierzek

That the meeting adjourn at 6:52pm.

CARRIED (3 to 0)

18. CLOSED SESSION

Moved by Kent, seconded by Kierzek, to go into Closed Session. The Mayor announced that the Council will consider moving into Closed Session pursuant to §19.85(1)(e), Wis. Stat., to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

- Update on Campus Management Agreement

Council Members Present: Hause, Kent, Ellington, Sloan, Kierzek, Thurow

Council Members Excused at 8:19pm: Olson, Hazard, Lombard

Others Present: Mayor Nelson, Clerk Zeman, T. Pinion, P. Cannon, J. Ostrander

19. OPEN SESSION

Moved by Kent, seconded by Sloan, to return to Open Session. The Mayor announced that the Council will return to Open Session as per §19.85(2), Wis. Stats., to address any business that may be the result of discussions conducted in Closed Session.

20. ADJOURNMENT

Moved by: Ellington

Seconded by: Sloan

That the meeting adjourn at 8:57pm.

Motion: CARRIED

Brenda M. Zeman, City Clerk

10.1

RESOLUTION NO. 2024 -

Dated: September 10, 2024

The City of Baraboo, Wisconsin

<i>Background:</i>
Fiscal Note: (Check one) <input type="checkbox"/> Not Required <input type="checkbox"/> Budgeted Expenditure <input type="checkbox"/> Not Budgeted
<i>Comments</i>

Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:

THAT the Accounts Payable, in the amount of \$ _____ as recommended for payment by the Finance/Personnel Committee, be allowed and ordered paid.

Offered By: Consent
Motion:
Second:

Approved by Mayor: _____
Certified by City Clerk: _____

The City of Baraboo, Wisconsin

Background: In order to be in full compliance with State Law, the City amended Chapter 12, Intoxicating Liquor and Fermented Malt Beverages. Because of this change, the Administrative Committee is now required to review all Liquor License applications and make a recommendation to Council.

All Liquor Licenses expire annually on June 30th with the exception of the Picnic License. A Picnic License, also known as a Temporary Beer and/or Wine License, is typically issued for a one or two day event.

The Picnic Licenses listed below were reviewed by the Police Department and the City Clerk. They were also reviewed by the Administrative Committee at their September 3rd, 2024 meeting.

Fiscal Note: (check one) ☒ **Not Required** ☐ **Budgeted Expenditure** ☐ **Not Budgeted**
Comments:

Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:

THAT the City Clerk be authorized to issue the following Combination “Class B” Picnic Licenses:

- Shakespeare on the Edge, Inc., A Gathering of Rogues and Ruffians Renaissance Faire, 10/12/2024-10/13/2024
- Sauk County Historical Society, Christmas at the Mansion, 12/13/2024

Offered by: Administrative Comm. **Approved by Mayor:** _____

Motion:

Second: _____ **Certified by Clerk:** _____

RESOLUTION NO. 2024 -

Dated: September 10, 2024

The City of Baraboo, Wisconsin*Background:*

Fiscal Note: (Check one) ☒ Not Required ☐ Budgeted Expenditure ☐ Not Budgeted
Comments

Resolved, by the Common Council of the City of Baraboo, confirms the Mayor's appointments as follows:

THAT, Cynthia Orbegoso be appointed to the Carnegie-Schadde Memorial Public Library Board to fill the unexpired term of Brenda Barahona, serving until June 30, 2027.

Offered By: Consent
Motion:
Second:

Approved by Mayor: _____
Certified by City Clerk: _____

RESOLUTION NO. 2024 -

Dated: September 10, 2024

The City of Baraboo, Wisconsin

Background: The Council must take action annually declaring City taxpayers exempt from paying county library tax to avoid double taxation of city and county taxes supporting similar services.

Fiscal Note: (check one) ☒ **Not Required** ☐ **Budgeted Expenditure** ☐ **Not Budgeted**
Comments:

WHEREAS, the Sauk County Board levies a county library tax.

WHEREAS, Section 43.64(2)(b) of the Wisconsin Statutes provides that such units of government which levy a tax for public library service and appropriate and expend for a library fund as defined by s.43.52(1) during the year for which the county tax levy is made a sum at least equal to the county tax rate in the prior year multiplied by the equalized valuation of property in the City for the current year, may apply for exemption from this tax; and

WHEREAS, the City of Baraboo does levy a library tax in excess of the amount calculated in accordance with 43.64(2)(b).

Now Therefore be it Resolved, THAT the City of Baraboo be exempted from the payment of any county library tax as provided in Section 43.64(2)(b) inasmuch as it will expend for its own library fund for 2024 an amount in excess of that calculated in accordance with 43.64(2)(b). Exemption from the payment of said county library tax shall not preclude the City of Baraboo's participation in county library service in all other respects; and

Be it further Resolved THAT confirmed copies of the Resolution be forwarded by the City Clerk to the Reedsburg Public Library and to the Sauk County Clerk no later than September 30, 2024.

Offered by: Finance

Motion:

Second:

Approved: _____

Attest: _____

The City of Baraboo, Wisconsin

Background: In August 2020, the Wal-Mart Real Estate Business Trust, filed a Civil Suit against the City of Baraboo, through the Sauk County Circuit Court. The suit involved property owned by the Plaintiff, located at 920 State Road 136, Baraboo, WI 53913, Tax Parcel ID# 3426-21000. This dispute involves differing opinions as to the actual assessed value of the existing property. Since litigation has commenced, there has been minimal progress towards resolving this matter.

The City Council met in closed session on August 27, 2024, to confer with legal counsel to render oral advice concerning the prospects of further litigation proceeding on this matter. With a goal of bringing this matter to an end, and in a fiscally responsible manner that protects the City's interest, the Council made their recommendations to their legal team on how to proceed.

Fiscal Note: (☒ one) [☐ Not Required] [☒ Budgeted Expenditure] [☐ Not Budgeted]

Comments: Legal Services have already been budget. It is anticipated that if the matter is resolved, based off of legal recommendations, the City would save additional monies if an agreement is reached.

Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:

THAT the City approves the authorization of legal counsel, BoardmanClark, in scheduling and proceeding with the mediation process, on behalf of the City, in its dispute with the Wal-Mart Real Estate Business Trust.

Offered by: Staff

Motion:

Second:

Approved: _____

Attest: _____

RESOLUTION NO. 2024 -

Dated: September 10, 2024

The City of Baraboo, Wisconsin

Background: On July 22, 2024 Noelle Thom applied to the City of Baraboo for a Tavern Operator License. Based on her prior alcohol related offenses, Police Chief Sinden denied her application. Ms. Thom contacted City Clerk Zeman and requested that this denial be reviewed.

A Tavern Operator License, also known as a “Bartender’s License”, is valid for no more than a 2-year period, expiring on June 30th. A Conditional Operators License is valid for a period of one year, expiring on June 30th.

Per City Code, appeals of a denial of an operator’s license must be reviewed for a recommendation to Council by the Administrative Committee prior to Council taking action. The Council must then choose to approve, approve with conditions or requirements, or deny the application. The Administrative Committee reviewed the application on Tuesday, September 3, 2024 and recommended unanimously that the Common Council approve a Conditional Operator’s license, expiring June 30, 2025, for Ms. Thom.

Note: (☒ one) ☒ Not Required [] Budgeted Expenditure [] Not Budgeted
Comments:

Resolved by the Common Council of the City of Baraboo, Sauk County, Wisconsin:

WHEREAS, the Common Council has reviewed the reports and recommendations of Police Chief Sinden and the City’s Administrative Committee regarding the Tavern Operator License application filed with the City by Noelle Thom, and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council (approve / deny) Noelle Thom’s (Conditional / Regular) Operator’s License with the condition that there are no alcohol license related offenses within the term of this license.

Offered by: Administrative Committee**Approved:** _____**Motion:****Second:****Attest:** _____

The City of Baraboo, Wisconsin

Background: The City approved the ATV_UTV Ordinance in April 2024. That Ordinance approved all Streets, with the exception of STH 33.

The Village of West Baraboo has allowed ATVs and UTVs for a much longer period than Baraboo and they are noticing a fair amount of traffic using State Rd 136 to cross the Baraboo River. To avoid State Rd 136 would create a lot of extra travel in the Village and they have already approved the use of the State Rd 136 to their southerly Village Limits. In order to allow traffic from the joint Village Limit/City Limit at the center of the Baraboo River to the Carpenter Street/Hatchery Road intersection.

The Public Safety Committee reviewed this matter at their August 26th meeting and recommended approval of the proposed Ordinance revision.

Fiscal Note: (check one) ☒ Not Required ☐ Budgeted Expenditure ☐ Not Budgeted **Comments:**

An Ordinance adding Section §7.165 to Traffic Code to regulate All-Terrain and Utility Terrain Vehicles.

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DO
ORDAIN AS FOLLOWS:

7.165 ALL-TERRAIN/UTILITY TERRAIN VEHICLES

- (1) **INTENT; APPLICABILITY.** The City Council has considered the recreational and economic value of all-terrain vehicle and utility-terrain vehicle (ATV/UTV) routes opportunities weighed against protecting the public safety, liability aspects, terrain involved, traffic density, and history of automobile traffic. After due consideration, this ordinance is created to establish all-terrain vehicle and utility terrain vehicle routes on public roadways on the City property and to regulate the operation of such vehicles on such routes to provide safe and healthful conditions for the enjoyment of ATV/UTV travel consistent with public rights and interest pursuant to City authority under Wis. Stat. §§ 62.11(5), 23.33(8) and 23.33(11).
- (2) **STATE LAWS ADOPTED.** Except as otherwise provided in this section, the statutory provisions in Wis. Stat. Chs. 23, 340 to 348, and 350 establishing the definitions and regulations with respect to ATVs and UTVs, and Wis. Adm. Code. Ch. NR 64, All-Terrain Vehicles, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Unless otherwise provided in this section, any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the statutes or administrative codes incorporated herein are made a part of this section in order to secure uniform statewide regulation of ATVs and UTVs, except to the extent that the provisions of this section are more restrictive.
- (3) **DESIGNATION OF ATV AND UTV ROUTES.**
 - (a) No person shall operate an ATV or UTV on any City street, alley, park or parking lot, on any public lands or parking lots held open to the public, or on any land within the City except as provided in this section.

- (b1) Designated Routes. All streets in the City are designated ATV/UTV routes except STH 33.
 - (c) Authorized Routes. Pursuant to Wis. Stat. Sec. 23.33(11)(am)(4), ATVs/UTVs are authorized to operate on the following highways where the speed limits are 35 MPH or less:
 - 1. CTH A
 - 2. CTH T
 - 3. CTH W
 - 4. CTH DL
 - 5. STH 113
 - 6. STH 136
 - (d) The City reserves the right to close or modify ATV and UTV routes at any time.
 - (e) Municipal, State, and Utility Operations. An ATV or UTV owned by a municipality, state agency, public utility, or electric cooperative may be operated on any street or highway within the City, and within any City park, while the operator is engaged in an emergency or the operation directly relates to the functions of the municipality, state agency, public utility, or electric cooperative. Unless safety requires strict adherence, the regulations in subsection (4) shall not apply to such operation of an ATV or UTV.
 - (f) Route Signs. All ATV and UTV routes shall be signed in accordance with Wis. Admin. Code Sec. NR 64.12. The City shall install and maintain all route signs within the City, including without limitation, on federal, state and county trunk highways within the City. Route signs shall be provided by the Baraboo Bluffs ATV/UTV Club., or their successor, with uniform ATV route signs in accordance with Wis. Admin. Code Sec. NR 64.12(7).
- (4) **OPERATION**. Operation of ATVs and UTVs on designated ATV/UTV routes shall be subject to all provisions of Wis. Stat. § 23.33, which is adopted as part of this ordinance by reference. The following restrictions apply to operation of ATVs and UTVs on all City streets designated as ATV/UTV routes:
- (a) Hours of Operation. ATVs and UTVs may only be operated on approved ATV/UTV routes from 6am – 10pm.
 - (b) Speed Limits. ATVs and UTVs shall operate at a safe speed not to exceed the posted speed limits, except that no ATV or UTV shall be operated at a speed greater than 35 MPH.
 - (c) Age of Operation. No person under the age of 16 may operate an ATV or UTV on any segment of a street or highway in the City.
 - (d) Safety and Safety Certificate. All ATV and UTV operators are subject to and shall abide by applicable provisions of the Wisconsin Statutes and Department of Natural Resources regulations pertaining to safety and safety certificate requirements. Persons born on or after January 1, 1988, must possess a valid safety certificate to operate an ATV or UTV and shall display proof that the person holds a valid safety certificate to a law enforcement officer on request.
 - (e) Valid Driver's License Required. Every person who operates an ATV or UTV on any street or highway in the City shall have in his or her immediate possession a valid motor vehicle operator's license. The ATV/UTV operator shall display the operator's license upon demand from any law enforcement officer, state patrol officer, inspector under Wis. Stat. § 110.07(1), conservation warden, or municipal peace officer.

- (f) Insurance. All ATVs and UTVs are required to have liability insurance with limits no less than the amounts specified in Wis. Stat. § 344.33(2)(a) through (c). The operator of an ATV or UTV shall display proof of such insurance upon demand from any traffic officer.
- (g) Rules of the Road. All ATV and UTV operators shall observe all applicable rules of the road governing motorized vehicles operating on municipal streets in accordance with Wis. Stat. § 23.33 and Wis. Stat. Ch. 346.
- (h) Parking. ATVs and UTVs shall be subject to all City parking regulations and restrictions.
- (i) Parking Lots. ATVs or UTVs may be operated within City parking lots, unless otherwise prohibited by this section.
- (j) Operation within Parks and Sidewalks Prohibited. No person shall operate an ATV or UTV within any City park, or on any sidewalk, designated bicycle or pedestrian lane, gravel shoulder, ditch or other area of any street right-of-way other than on the paved roadway, unless specifically designated and posted otherwise by the City.
- (k) Cruising Prohibited. No person shall, while operating an ATV or UTV, engage in the practice of cruising on any authorized roads. Cruising is defined as running all or part of the length of a roadway multiple times, per day, back and forth, for any purpose other than departing or arriving at their residence, or place of lodging, or departing or arriving, at a person's place of employment.
- (l) Leaving Unattended Prohibited. No person shall leave or allow any ATV or UTV owned or operated by that person to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
- (m) Protective Headgear. ATV and UTV operators or passengers under the age of 18 years of age shall wear protective headgear of the type required under Wis. Stat. § 347.485(1)(a) and the chin strap is properly fastened.
- (n) Safety Belts. No person may operate a UTV unless each passenger is wearing a safety belt installed by the manufacturer and fastened in a manner prescribed by the manufacturer of the safety belt to act as a body restraint.
- (o) Lights. No person shall operate an ATV or UTV on any route without full functional headlights, taillights and brake lights. All operators shall display a lighted headlight and taillight at all times while on the route. No person may operate an ATV or UTV that is equipped with a lamp that emits any color of light other than white or amber and that is visible from directly in front of the ATV or UTV; a lamp that emits any color of light other than red, yellow, amber, or white and that is visible from directly behind the ATV or UTV; or a flashing, oscillating, or rotating lamp that emits any color other than yellow or amber.
- (p) Noise and Exhaust. No person shall operate an ATV or UTV on any route where the vehicle does not meet state or municipal noise and exhaust restriction requirements, including a display of power in violation of § 7.12 of this Code.
- (q) Radios or Electronic Sound Amplification Devices. No person may operate or park, stop or leave standing an ATV or UTV while using a radio or other electronic sound amplification device emitting sound from the vehicle that is audible under normal conditions from 75 feet or more, unless the electronic sound amplification device is being used to request assistance or to warn against an unsafe condition.

- (r) Open Intoxicants Prohibited. No operator or passenger of an ATV or UTV may possess in or on an ATV or UTV on any street or highway in the City, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed or released. This subsection does not apply if the bottle or receptacle is kept in the trunk of the ATV or UTV or if the ATV or UTV does not have a trunk, in some other area of the ATV or UTV not normally occupied by the operator or passengers. A utility compartment or glove compartment is considered to be within the area normally occupied by the operator and passengers.
- (s) Operating While Under the Influence Prohibited. No person shall operate and ATV or UTV while under the influence of an intoxicant, a restricted controlled substance, a controlled substance analog, or any combination of these elements, to a degree which renders the person incapable of safely operating the ATV or UTV.
- (5) **VIOLATIONS AND PENALTIES.** The penalty for any violation identified in Wis. Stat. Sec. 23.33(13) or Wis. Stat. Chaps. 340 through 347 shall be as provided in the Statutes. Deposit amounts for such violations shall be as set forth in the current Revised Uniform State Traffic Deposit Schedule. The penalty for any violation of this ordinance not addressed in Wis. Stat. Sec. 23.33(13) or Wis. Stat. Chaps. 340 through 347 shall be a forfeiture as set forth in § 25.04 of this Code, together with all applicable costs, surcharges and assessments.

This Ordinance shall take effect upon passage and publication as provided by law.

Mayor's Approval: _____

Clerk's Certification: _____

I hereby certify that the foregoing Ordinance was duly passed by the Common Council of the City of Baraboo on the ____ day of September , 2024 and is recorded on page ____ of volume ____.

City Clerk: _____

13.2
The City of Baraboo, Wisconsin

Background: It recently came to light that while the Common Council has a protocol for calling special meetings [2.02(3)], there are no similar instructions for committees, commissions, and boards. Attorneys from Boardman and Clark and from the League of Wisconsin Municipalities opined that lacking any direction in ordinance, any single member of a body could call a “special” meeting. It was also discovered that while it is common practice for subunits of City government to follow Roberts Rules of Order, there is nothing in our ordinances requiring this. [Council’s use of Roberts’ Rules is stipulated in 2.04(18).] This addition to our ordinances seeks to codify the scheduling of meetings and the use of Roberts’ Rules. The language below was reviewed by attorney Eric Hagen and approved by the Administrative Committee.

Note: (☒) **Not Required** [☐] **Budgeted Expenditure** [☐] **Not Budgeted**
Comments:

An Ordinance amending Chapter 1 in the Municipal Code of the City of Baraboo, relating to Robert’s Rules of Order, recurring meetings, and special meetings.

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION 1. CHAPTER I, SUBCHAPTER II – BOARDS AND COMMISSIONS, Sections 1.38, Robert’s Rule of Order to Govern, and Section 1.39, Meetings, are hereby added to Chapter I, Subchapter II, of the code of ordinances, City of Baraboo, Wisconsin, as follows:

1.38 ROBERT'S RULES OF ORDER TO GOVERN. In the absence of a specific direction in any applicable ordinance, by-laws, or State statute, all Committees, Boards, and Commissions of the City and all sub-units thereof shall be governed by Robert's Rules of Order Revised.

1.39 MEETINGS

(1) RECURRING MEETINGS. The day and time of recurring meetings for all Committees, Boards, and Commissions of the City and all sub-units thereof shall be established by a majority vote of the body, in order to promote the efficient conduct of City business and facilitate attendance by members, staff, and the general public.

(2) SPECIAL MEETINGS. In the absence of a specific direction in any applicable ordinance, by-laws, or State statute, special meetings of any Committee, Board, or Commission of the City may be called by the Chair/Presiding Officer, or at the request of two or more members of the body. All meetings must comply with Wisconsin Open Meetings Law as described in §1.36.

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect upon passage and publication as provided by law.

Mayor’s Approval: _____

Clerk’s Certification: _____

I hereby certify that the foregoing Ordinance was duly passed by the Common Council of the City of Baraboo on the ____ day of September, 2024 and is recorded on page ____ of volume _____. A summary of the Ordinance was published in the local newspaper on the ____ day of September, 2024.

City Clerk: _____

Finance/Personnel Committee Meeting Minutes
August 13, 2024, 6:00 p.m.
City Hall, Committee Room #205
101 South Blvd., Baraboo, WI 53913

Members Present: Sloan, Kent, Kierzek
Others Present: Mayor Nelson, Administrator J. Young, L. Laux, J. Ostrander, T. Pinion, and T. Gilman

1. Call Meeting to Order

Chairman Sloan called the meeting to order at 6:00pm.

1.a Roll Call of Membership

1.b Note Compliance with Open Meeting Law

1.c Approve Minutes of July 23, 2024

Moved by: Kent

Seconded by: Kierzek

CARRIED (3 to 0)

1.d Approve Agenda

Moved by: Kierzek

Seconded by: Kent

CARRIED (3 to 0)

2. Action Items

2.a Accounts Payable

Moved by: Kierzek

Seconded by: Kent

Recommend Common Council pay \$1,205,389.01 of Accounts Payable.

CARRIED (3 to 0)

2.b Rural Energy Start-Up Grant

Mayor Nelson noted this was a grant we applied for in February and received the grant. The funding will allow for consultants to come in and look at our various facilities and advise as to how we can improve energy efficiency. There is no requirement for a city match, just staff time for putting together the RFP which Powered Up Baraboo has offered to assist with. The only requirement on our end will be to provide periodic progress updates with the Department of Revenue. The City will be provided a report with suggestions to improve energy efficiency; however, there is no commitment required of the City. This is a reimbursement program which means the City will pay the costs upfront and then request reimbursement from the state.

Moved by: Kent

Seconded by: Kierzek

Recommend to Common Council to authorize the Mayor to execute the Rural Energy Start-Up grant agreement with the Public Service Commission of Wisconsin Office of Energy Innovation to provide up to \$75,000 for an energy audit of City facilities.

CARRIED (3 to 0)

2.c Equipment Replacement Purchase

T. Gilman explained that when completing the budget process for 2024, he planned ahead for both 2024 and 2025 expecting that they would not be able to get all of the equipment in 2024. Staff has since found out that they can get the equipment in 2024, saving the city the 2025 price increase for the cost of the equipment. These funds are already in the equipment replacement fund.

Moved by: Kent

Seconded by: Kierzek

Recommend approving available 2025 equipment replacement funds of \$721,000 to be utilized in the 2024 budget cycle.

CARRIED (3 to 0)

2.d Information Technology (IT) Services Technician Position

Administrator Young noted that there is a current MOU with Sauk County to provide IT services. Staff recently learned that the individual primarily providing this service to the City will be resigning

in the near future. Sauk County has notified us that they will not be able to provide the same level of service following the resignation of this employee, they are looking to end the agreement with us by end of the calendar year. The individual that is resigning has offered to provide us with the service as a part-time, no more than 600 hrs, limited term employee position. There will be no additional cost to the City and this position would average out to 11.5hrs per week, paid per hour.

Moved by: Kent

Seconded by: Kierzek

Recommend creating a part-time, one year term of 8/16/2024 to 8/15/2025, Limited Term Information Technology Services Technician position and authorize staff to fill the position.

CARRIED (3 to 0)

3. Discussion Items

Shared Ride Taxi

J. Ostrander presented the committee with a procurement timeline. Currently we are working on the adequate funding sources and developing solicitation language. The next goal is to confirm the evaluation team. This will be released for proposals September 30th. As of now we have not heard back from the Village of West Baraboo.

Creation of TIF Policy

Mayor Nelson noted that he had sent out draft TIF policies. This policy would be useful to have consistent guidelines. Staff will create an application and bring it forward for approval with the policy.

4. Adjournment

Moved by: Kent

Seconded by: Kierzek

That the meeting adjourn at 6:48pm.

CARRIED (3 to 0)

Brenda Zeman, City Clerk



CITY OF BARABOO ADMINISTRATIVE MEETING

Meeting Minutes

August 6, 2024, 8:00 a.m.
City Hall, Committee Room #205
101 South Blvd., Baraboo, WI 53913

Members Present: Thurow, Hazard, Lombard

Others Present: Co-Interim Administrators - Pat Cannon & Tom Pinion, City
Clerk - Brenda Zeman, Finance Director - Julie Ostrander, Police
Chief - Rob Sinden

1. **CALL TO ORDER**

1.a **ROLL CALL OF MEMBERS**

1.b **NOTE COMPLIANCE WITH OPEN MEETING LAW**

1.c **APPROVE MINUTES: JULY 2, 2024**

Moved by: Lombard

Seconded by: Hazard

Approval of the July 2, 2024 minutes

Motion: CARRIED

1.d **APPROVE AGENDA**

Moved by: Hazard

Seconded by: Lombard

Approve August 6, 2024 agenda

Motion: CARRIED

2. **ACTION ITEM(S)**

2.a **Liquor License Application, New**

Police Chief found no reason to deny. Clerk will affirm effective date.

Moved by: Lombard

Seconded by: Hazard

Recommendation to the Common Council for a "Class A" Combination Liquor & Fermented Malt Beverage Liquor License Application for Express Market, LLC d/b/a Express Market at 935 8th Street.

Motion:CARRIED

3. **INFORMATIONAL ITEM(S)**

3.a Date and time of next meeting: September 3, 2024

4. **ADJOURNMENT (Voice Vote)**

Adjourn at 8:02 am

Moved by: Lombard

Seconded by: Hazard

Motion to adjourn

Motion:CARRIED

Julie A. Ostrander, Finance Director

Minutes of the Public Safety Committee Meeting – July 22, 2024

Members Present: Steve Hause, David Olson, and John Ellington. **Others Present:** Administrator John Young, Chief Sinden, Tom Pinion, Utility Superintendent Wade Peterson, and Street Superintendent Tony Gilman.

Call to Order – Chairman John Ellington called the meeting to order at 1:00. Compliance with the Open Meeting Law was noted. It was moved by Olson, seconded by Hause to approve the agenda as posted. Motion carried unanimously. It was moved by Hause, seconded by Olson to approve the minutes of the June 24, 2024 meeting. Motion carried unanimously.

Public Invited to Speak (*Any citizen has the right to speak on any item of business that is on the agenda for Commission action if recognized by the presiding officer.*) – There were no speakers.

Action Items

- a. Review Bid Tabulations for 2024 Street Reconstruction projects and recommend award of contracts – Pinion said that they received one bid from H James & Sons, Inc. Pinion said H James & Sons, Inc. is a very good contractor with an excellent reputation. Pinion said it is his recommendation to award the contract to H James & Sons, Inc. It was moved by Olson, seconded by Hause to forward to Council with a recommendation to award the contract for 2024 Street Reconstruction project to H James & Sons, Inc. in the amount of \$1,016,384.48. Motion carried unanimously.
- b. Review and approval of monthly Billing Adjustments/Credits for Sewer and Water Customers for June – Peterson said there were two credits, and they are both for the City. It was moved by Hause, seconded by Olson to approve the monthly billing adjustments/credits for June as presented. Motion carried unanimously.

Information Items

- a. STH 33 Reconstruction Project – Status Report – Pinion said that the project is moving along well, the segment between Elizabeth and Jefferson should be done in the next two weeks. Gasser should be paving Monday, Tuesday, and Wednesday, and Mr. Manhole will be in on Friday. He said the street will be painted two weeks from today. He said that this segment was started approximately 3 weeks ahead and was not scheduled to be complete until August 29, so they are about 3-1/2 weeks ahead. He said the other end, Jimmy John's to West Street has the water mains are all in and tested, sewer mains are in. Pinion then explained the Pedestrian Refuge Islands. Pinion said the businesses have been remarkably quiet which means that the project liaison has been doing a great job.

Reports

- a. Utility Superintendent's Report
 - i. Staffing Updates – Peterson said Water Operator Dale had successful heart surgery and will be back August 1. Jan Bance who has been here for 25 years, her last day will be next Thursday. He said they interviewed 5 people and offer the position to Jessica Wilcox which she has accepted. He said Jessica was a billing tech for just over a year three years ago.
 - ii. Project Updates – Peterson said that the status on the sewer main on Bridge 368 (trestle) remains the same. Spirit Lake lift station was started last week and is up and functioning. He said the water crew is wrapping up the annual valve and fire hydrant exercising. Sewer crew has completed this year's sewer main cleaning and working on other projects.
- b. Street Superintendent's Report
 - i. Staffing Updates – Gilman said that we use various schedules depending on the heat and task.
 - ii. Month Activity Report - Gilman said alley from Barker to Elizabeth is complete, alley from Warren to Barker is asphalt ready and waiting for DL Gasser's paving, and dead end alley west of Oak will be asphalt read the week of 7/22 and the alley Birch to west will start removals and pavement prep in mid-August. Gilman due to several significant rain events a few needed repairs in our storm sewer system have been repaired. He said that with the grass growing weather they have experienced people mowing their grass clippings onto storm sewer inlets, which inhibits proper water drainage to the system. Pinion said that the Department survived their first audit of the stormwater management. He said that overall it went well, they have to do pick up the erosion control on the smaller business sites, and that message has already been sent on to the building inspector. He said that the former DPW site on Briar Street is required to have a separate stormwater pollution prevention program, and consultant was hired for that eight or nine years ago and we received glowing marks.
 - iii. Informational – Gilman said during the fiscal years 2024 and 2025, the Public Works Department has three plow trucks scheduled for replacement and three haul trucks scheduled for replacement. These trucks will be replacing fleet vehicles ranging in years from 1996 to 2000. Our Mechanic, Travis Steinke, has been able to secure the 2024 pricing for our 2025 purchases as long as we sign purchase agreements now, which has been done and were within our limits because

no funds are actually due for those purchases until the 2025 budget cycle. However, at a future Public Safety meeting, Finance Committee meeting, and City Council meeting, you will see a resolution requesting the 2025 scheduled funds to be used in 2024 for the purchase of this scheduled equipment.

c. Police Chief's Report

Sinden said he felt that the attendance to the fair was up except for the rain on Saturday evening, cancelling all shows. He said this year there were 12 calls specific to the fair compared to 9 in 2023.

- i. Staffing Updates – Sinden said another officer from night has submitted his resignation to go to Sauk Co. Sheriff's Department to make more money. Officer Short is in training and will be going solo the middle of August which will fill one vacancy. Zach McShaffrey will be starting the academy on August 12, that process is 3-4 months. He said two more trainees that will be starting the training process the first and second weeks in August. He said we tried to fill the now-existing that will happen August 2 with our current eligibility list, but that individual has taken another job. Sinden said he will be meeting with the Police Commission to authorize the closing the current eligibility list and creating another one. He said the problem with starting another one is that there are no police academies that are starting until post-January. He said he is working with Madison to try to expand police academies.
- ii. Case/Response Update – Sinden presented the Case/Response Update to the Committee.

AJOURNMENT – There being no further business, it was moved by Olson, seconded by Hause to adjourn at 1:56 p.m.

Respectfully submitted,

John Ellington, Chairman