



136 North Monroe Street  
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**CITY OF WATERLOO COUNCIL AGENDA**  
**COUNCIL CHAMBER OF THE MUNICIPAL BUILDING – 136 N. MONROE STREET**  
**Thursday, September 5, 2019 – 7:00 p.m.**

**\*\*\* Agenda Amended 9/3/2019 11:43 AM \*\*\***

Pursuant to Section 19.84 Wisconsin Statutes, notice is hereby given to the public and news media, that a public meeting will be held to consider the following:

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE & ROLL CALL
2. MEETING MINUTES APPROVAL: August 15, 2019
3. CITIZEN INPUT / PUBLIC COMMENT
4. COMMUNICATIONS TO THE CITY COUNCIL
  - a. Mayoral Proclamation – Saturday, In Recognition Of The 25<sup>th</sup> Anniversary Of The Karl Junginger Memorial Library Proclaiming September 21, 2019 Public Library Day
5. MEETING SUMMARIES - SINCE LAST COUNCIL MEETING
  - a. 8/19 Fire Department Meeting
  - b. 8/20 Community Development Authority
  - c. 8/22-8/23 League Of Wisconsin Municipalities Chief Executive Workshop
  - d. 8/27 Plan Commission
  - e. 8/29 & 9/3 Finance, Insurance & Personnel Committee
6. RECOMMENDATION OF BOARDS, COMMITTEES AND COMMISSIONS
  - a. Public Safety & Health Committee
    - i. Request To Fill Two Vacant Police Department Positions
    - ii. Special Event License: Waterloo Chamber of Commerce, Wiener & Kraut Day, 9/14/2019
  - b. Library Board
    - i. Presentation: How The Library Budget Works
7. NEW BUSINESS
  - a. Council Confirmation Of Mayoral Appointment To The Community Development Authority, Richard A, Weiher, Filling A Vacancy Of An Unexpired Term Ending In 2020
  - b. Resolution #2019-29 Resolution Authorizing The Borrowing Of \$919,615.00; Providing For The Issuance And Sale Of A General Obligation Promissory Note Therefor; And Levying A Tax in Connection Therewith
8. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS
9. ADJOURNMENT

  
Mo Hansen  
Clerk/Treasurer

\*\*\* Disbursements, Payroll and Treasurer's & Budget Reports Are Posted On The Municipal Website

Posted & Emailed: 08/28/2019 Revised Emailed 9/3/2019 11:43 AM

PLEASE NOTE: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above meeting(s) to gather information. No action will be taken by any governmental body other than that specifically noticed. Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request such services please contact the clerk's office at the above location

**CITY OF WATERLOO COMMON COUNCIL**  
**MEETING MINUTES: August 15, 2019**

Digital audio files are archived with these written minutes additionally serving as the official record.

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL. Mayor Quimby called the meeting to order at 7:00 p.m. Alderpersons present: Schoenwetter, Kuhl, Griffin, Thomas, Stinnett and Petts. Absent: Rhynes. Others present: Julie Busche; Traci Jo Beyer; Mike Beyer; Garry Whitebird; WLOO videographers; Tammy Krueger; Chris Hauptli; Utility Superintendent Barry Sorenson; Library Director Kelli Mountford; Parks Director Gabe Haberkorn and Clerk/Treasurer Mo Hansen. The pledge of allegiance was recited.

MEETING MINUTES APPROVAL: August 1, 2019. MOTION: Moved by Griffin, seconded by Stinnett to approve the minutes as presented. VOICE VOTE: Motion carried with Petts abstaining.

CITIZEN INPUT / PUBLIC COMMENT. None.

CONSENT AGENDA ITEMS. MOTION: Moved by Stinnett, seconded by Petts approve the consent agenda items. VOICE VOTE: Motion carried.

- a. July Reports Of City Officials And Contract Service Providers
  - i. Parks Coordinator
  - ii. Fire & EMS
  - iii. Building Inspection - Building, Plumbing & Electrical Permits
  - iv. Public Works
  - v. Police
  - vi. Karl Junginger Memorial Library
  - vii. Waterloo Water & Light Commission Minutes
  - viii. Watertown Humane Society

MEETING SUMMARIES (since last Council meeting)

- a. 08-15 Finance, Insurance & Personnel Committee. Thomas said the budget, wheel tax and Treyburn Farms project were discussed.
- b. 08-14 Parks Commission. Stinnett said budget and the last community night concert were discussed. She said a Friends of Firemen's Park representative met with Commissioners. She invited citizen participation in the Friends group.
- c. 08-13 Karl Junginger Memorial Library Board. Stinnett said budget; two damaged hot spots; and 25 anniversary were discussed.
- d. 08-12 Waterloo EMS. Chief Benisch said July 15 fire hose training took place and July 29<sup>th</sup> joint training on traffic management occurred. He said total calls were 32 with 22 EMS, 3 motor vehicle and 7 fire. He said Medical Director, Ed Foster was leaving and Dr. George from Aurora Medical Center Summit would serve. He said a transition from the Watertown hospital to Aurora would take place in October.
- e. 08-06 CATV Regulatory Board Agenda. No report.

RECOMMENDATION OF BOARDS, COMMITTEES AND COMMISSIONS

- a. Finance, Insurance & Personnel Committee
  - i. July Monthly Financial Statements
    1. General Disbursements - \$678,725.47. MOTION: Moved by Thomas, seconded by Griffin to approve the disbursements. ROLL CALL VOTE: Ayes: Schoenwetter, Kuhl, Griffin, Thomas, Stinnett and Petts. Noes: none with Rhynes absent. Motion carried.
    2. Payroll - \$70,911.47. MOTION: Moved by Thomas, seconded by Kuhl to approve the payroll. ROLL CALL VOTE: Ayes: Schoenwetter, Kuhl, Griffin, Thomas, Stinnett and Petts. Noes: none with Rhynes absent. Motion carried.
    3. Treasurer's Report & Budget Report. MOTION: Moved by Thomas, seconded by Schoenwetter to approve the payroll in the reports. ROLL CALL VOTE: Ayes: Schoenwetter, Kuhl, Griffin, Thomas, Stinnett and Petts. Noes: none with Rhynes absent. Motion carried.
  - ii. Resolution #2019-24 Establishing A 2020 Municipal Vehicle Registration Fee Status Per Adopted Ordinance #2019-08. MOTION: Moved by Thomas, seconded by Petts to approve the resolution maintaining the fee as is. ROLL CALL VOTE: Ayes: Schoenwetter, Kuhl, Thomas, Stinnett and Petts. Noes: Griffin with Rhynes absent. Motion carried.
  - iii. Resolution #2019-25 Directing The Expenditures Of Impact Fees For Qualified Projects.

MOTION: Moved by Thomas, seconded by Petts to approve the resolution. ROLL CALL VOTE: Ayes: Schoenwetter, Kuhl, Griffin, Thomas, Stinnett and Petts. Noes: none with Rhynes absent. Motion carried.

- iv. Resolution #2019-26 Authorizing Municipal Residential Development Activities Of The Remaining Phase Of The Treyburn Farms Subdivision (Sequential parcels 290-0813-0521-039 to 290-0813-0521-077) And Associated Public Improvements As Platted. MOTION: Moved by Thomas, seconded by Petts to approve the resolution as presented. ROLL CALL VOTE: Ayes: Schoenwetter, Kuhl, Griffin, Thomas, Stinnett and Petts. Noes: none with Rhynes absent. Motion carried.

#### NEW BUSINESS

- a. Community Development Authority Appointments. MOTION: Moved by Petts, seconded by Stinnett to confirm the appointments of Whitebird, Deegan and Kuhl. VOICE VOTE: Motion carried.
- i. Garry Whitebird (to complete an unexpired term ending 2021)
  - ii. Valerie Deegan (to complete an unexpired term ending 2020)
  - iii. Alder Charles Kuhl (Council Representative replacing Alder Schoenwetter)
- b. Granting New And Renewed Operator's Licenses For The License Period Ending June 30, 2021 (3). MOTION: Moved by Petts, seconded by Stinnett to grant the licenses as presented. VOICE VOTE: Motion carried.
- c. Resolution #2019-27 Authorizing The Redemption Of The City's General Obligation Community Development Bonds Dated September 26, 2007. MOTION: Moved by Kuhl, seconded by Petts to approve the resolution. ROLL CALL VOTE: Ayes: Schoenwetter, Kuhl, Thomas, Stinnett and Petts. Noes: none with Griffin abstaining and Rhynes absent. Motion carried.
- d. Resolution #2019-28 Authorizing A \$919,615 Bank Note To Refinance Existing TID #3 Debt And Costs Associated To The Reuse Of 333 Portland Road. MOTION: Moved by Petts, seconded by Thomas to approve the resolution agreeing to the Monona State Bank submittal as presented. ROLL CALL VOTE: Ayes: Schoenwetter, Kuhl, Thomas, Stinnett and Petts. Noes: none with Griffin abstaining and Rhynes absent. Motion carried.

FUTURE AGENDA ITEMS AND ANNOUNCEMENTS ## Stinnett encourage attendance at the August 29 Community Night Concert.

ADJOURNMENT. Moved by Petts, seconded by Griffin to adjourn. Motion carried. Time: 7:40 p.m.



Attest:  
Mo Hansen, Clerk/Treasurer

City of Waterloo, Wisconsin

# PROCLAMATION

**Whereas**, the Karl Junginger Memorial Library opened to the public on August 15th, 1994, at 625 N. Monroe Street, with Joel Zibell serving as Director; and

**Whereas**, upon opening, the library had about 16,000 volumes in its collection and a staff of about four; and

**Whereas**, the Karl Junginger Memorial Library joined the Bridges Library system in 2017; and

**Whereas**, the current 13,580 square foot library opened offering not only additional space for the library collection but also the Junginger Meeting Room and Hyer Conference Room; and

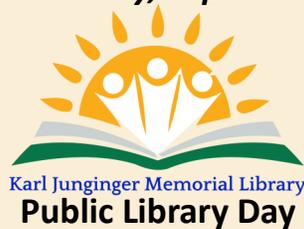
**Whereas**, there are now over 25,000 items in the library and close to 200,000 electronic books, audiobooks and videos available through the Wisconsin Public Library Consortium;

**Whereas**, Directors contributing to the success of the Karl Junginger Memorial Library throughout its 25 years also include Cynthia Taylor (1994 - 2005), Cecilia Wiltzius (2005 – 2013), and now Kelli Mountford (2013 to present), in cooperation with many dedicated staff throughout the decades;

**Whereas**, The City of Waterloo recognizes the outstanding contribution of our beloved Karl Junginger Memorial Library, and wishes to express our sincerest congratulations on this 25<sup>th</sup> Anniversary. Through your efforts, Waterloo has been truly improved by striving to bring all together to 'enrich lives and strengthen the Community.'

**NOW, THEREFORE**, I, Jenifer Quimby, Mayor of the fine City of Waterloo, do hereby proclaim:

***Saturday, September 21<sup>st</sup>, 2019***



**The Honorable Mayor Jenifer Quimby**



## Chief Executives Workshop

August 22-23, 2019, Osthoff Resort, Elkhart Lake

### PROGRAM

#### Wednesday, August 21

5:30 p.m. **Welcoming Reception**

#### Thursday, August 22

8:30 a.m. *Registration, coffee and rolls*

9:00 a.m. **Welcome and Opening Address**

Jerry Deschane, Executive Director, League of Wisconsin Municipalities; Governor Tommy G. Thompson  
*(invited)*

9:30 a.m. **Coping with Loss: Sun Prairie and Appleton Share their Stories**

Mayor Tim Hanna, Appleton; Aaron Oppenheimer, Sun Prairie City Administrator

10:30 a.m. *Break*

10:45 p.m. **Strategies for Expanding Housing Options in your Community**

City Administrator Adam Sonntag, Hillsboro *(invited)*; Kurt Paulsen, UW Madison, Associate Professor of Urban and Regional Planning

12:00 p.m. **Lunch**

1:15 p.m. **Panel Topic: Curbing Bad Behavior at Meetings and Hearings**

Attorney Matt Dregne, Stafford Rosenbaum, Madison; Mayor Tim Hanna, Appleton; Mayor Shawn Reilly, Waukesha; Village President Jeanne Carpenter, Oregon

2:15 p.m. *Break*

2:30 p.m. **Leading Positive Community Change**

Dr. David Ivan, Community & Economic Development Program Leader, Michigan State University

3:45 p.m. **Small Communities Idea Jam**

**Large Communities Idea Jam**

5:30 p.m. **Evening Reception**

#### Friday, August 23

7:30 a.m. **Breakfast Program: Forging the Way, Leading as a Woman in Local Government**

Barb Dickmann, Village President, Village of Saukville; Emily McFarland, Mayor, City of Watertown; Wanda Montgomery, Village President, Village of Brown Deer; Lori Palmeri, Mayor, City of Oshkosh;  
*Moderated by Kathy Ehley, Mayor, City of Wauwatosa;*

***A plated breakfast will be served.***

9:00 a.m. **Attracting and Keeping Talent Home**

Quint Studer, founder of Studer Community Institute & author of *Building a Vibrant Community*

10:00 a.m. *Break*

10:15 a.m. **Divided Government: How's it Working?**

Rep. Terry Katsma (R-Oostburg) *(invited)*; Jenni Dye, Policy Director, Office of Governor Tony Evers

11:00 a.m. **Legislative Update**

Jerry Deschane, Executive Director, League of Wisconsin Municipalities; Curt Witynski, Deputy Director, League of Wisconsin Municipalities

12:00 p.m. **Adjourn**



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### APPLICATION FOR SPECIAL EVENT or ENTERTAINMENT LICENSE

Any Special Event or Entertainment Event sponsor requesting municipal approvals, services, assistance, and/or other support from the City of Waterloo for a special or entertainment event on public or private property must provide the following information.

Submittal of application does not constitute approval. All applications must be reviewed.

NAME OF SPONSOR (Applicant): Waterloo Chamber of Commerce

STATUS: (circle one) unincorporated incorporated individual  other Non-profit

CONTACT NAME: Evan Kurkowski

PHONE NUMBER: 920-342-3507  
DAYTIME EVENING FAX

EMAIL ADDRESS: evan.kurkowski76@gmail.com

NAME OF EVENT: Weiner & Krawt Day

TYPE OF EVENT: (circle one)  Festival  Parade  Caravan  Rally  March  
 Race  Tag  Day  Other

PURPOSE OF EVENT: Raise money for the city

DATE OF EVENT: Sept. 14th

EVENT HOURS: 7am-6:00pm SET UP HOURS 7am-9am BREAKDOWN 4pm-6pm

DESCRIPTION OF EVENT: City wide event

SITE/ADDRESS FOR EVENT (list if multiple locations) Veterans park downtown.  
W Madison, E Madison, South Monroe (same as 2018)

PROJECTED ATTENDANCE: 1000 PAST ATTENDANCE: \_\_\_\_\_

NUMBER OF VOLUNTEERS/PERSONNEL FOR EVENT: 40

RAIN POLICY: Rain or shine

DATE APPLICATION MADE 8/5/2014

Pursuant to Section 12.06 Waterloo Municipal Code  
Application for Special Event or Entertainment License

Form created: 03/11/2004

**HOLD HARMLESS CLAUSE:**

The special event or entertainment sponsor hereby agrees to indemnify and hold harmless the City of Waterloo, Wisconsin, its agents, public officials, officers, employees and authorized volunteers, from and against any and all legal actions, claims, damages, losses, expenses arising out of the permitted event/activity or any activity associated with the conduct of the sponsor's operation of the event, including but not limited to, claims for personal or bodily injury, disease or death, or injury to or destruction of property, excluding claims caused by the willful commission or omission by employees of the City of Waterloo acting within the scope of their employment.

Further, the event sponsor agrees to indemnify the City of Waterloo and any of its agents, public officers, officials or employees and authorized volunteers for any attorneys fees and court costs incurred or to be incurred in defending any actions brought against them as a result of the sponsor's use of public property or operation of the event as set forth in the application for special permit.

**INSURANCE REQUIREMENTS:**

Proof of insurance is required of all Special or Entertainment Event Sponsors before the event. The attached list of insurance requirements should be reviewed immediately with your Insurance Agent to comply. Please provide a Certificate of Insurance with your completed application by, \_\_\_\_\_ 20\_\_ to the City Clerk's Office 136 N. Monroe Street, Waterloo, WI. 53594. Insurance coverage shall be from companies and in amounts acceptable to the City of Waterloo. Failure to provide said acceptable insurance coverage in a timely manner is grounds for non-issuance or revocation of the permit.

**PERMITTED USE OF PUBLIC PROPERTY:**

Whereas the Special or Entertainment Event Sponsor agrees to use the public property at Downtown four corners \_\_\_\_\_ in Waterloo, Wisconsin, known as, for staging of, the City of Waterloo does hereby agree to permit for use, at no cost, these premises for the date(s) of September 14 through 14th 20 14. Sponsor does hereby agree to conduct only that business/activity which is described in the Special Event Permit Application, and agrees to all municipal requirements. Sponsor further agrees that within thirty (30) days of the conclusion of the event it will, at its own expense, provide for the repair, replacement or maintenance of any damaged, lost or stolen portions of the subject property including, but not limited to landscaping, street or buildings and/or pavement.

**LIABILITY WAIVER:**

The event sponsor agrees for itself and/or its employees, agents, or volunteers associated or to be associated with the activity for which the permit is being sought, to waive and relinquish all claims that may result in any manner against the City of Waterloo, its agents, public officers, officials or employees and authorized volunteers from said sponsored event or activity, except for acts caused by the willful and wanton misconduct by employees of the City of Waterloo acting within the scope of their employment.

**AUTHORIZED SIGNATURES:**

I hereby attest that I am authorized to bind the sponsor and/or its employees, agents, or volunteers associated or to be associated with the activity for which the permit is being sought, to the terms of this agreement. I have read and understand all regulations and requirements outlined herein. I/we do hereby agree to abide by all rules and regulations outlined herein. I/we hereby agree to meet all requirements for documentation, certification, licensing, financial responsibility and all other aspects of staging a Special Event in the City of Waterloo, as outlined herein. I/we understand that our lack of meeting all requirements outlined herein may result in the denial or cancellation of the proposed Special or Entertainment Event. **Permit applied for and all terms and stipulations agreed to by:**

_____	_____
Name (please print)	Signature
_____	_____
Signatory Title (if applicable)	Date

Pursuant to Section 12.06 Waterloo Municipal Code  
Application for Special Event or Entertainment License

Form created: 03/11/2004

THIS APPLICATION, WITH A DETAILED SITE PLAN ATTACHED, AND ANY OTHER APPLICABLE DOCUMENTS AS OUTLINED HEREIN, MUST BE REMITTED TO THE CLERK'S OFFICE NO LATER THAN NINETY DAYS (90) PRIOR TO THE OPENING DAY OF THE EVENT. Application received late or incomplete may be denied. Direct mail to the **City Clerk, City of Waterloo, 136 N. Monroe Street, Waterloo, WI. 53594.** A copy of the application will then be forwarded to the appropriate committees and or Departments for consideration of approval, denial, and scheduling.

Date application received: \_\_\_\_\_ Received by: \_\_\_\_\_

Clerk's Office to complete the section below:

Cc:

\_\_\_\_\_ Police Department

\_\_\_\_\_ Council Approval \_\_\_\_\_  
Date

\_\_\_\_\_ Fire Department

\_\_\_\_\_ Public Works

\_\_\_\_\_ Certificate of Insurance

\_\_\_\_\_ Waterloo Utilities

**Fee for Profit Events = \$50.00 per event.**

***Fee is WAIVED for events held or sponsored by educational, charitable, nonprofit, or religious organizations when the proceeds are devoted to the purposes of such organization.***

Fee Paid: \_\_\_\_\_

Date Paid: \_\_\_\_\_

Received by: \_\_\_\_\_

## Attachment 1

### CITY OF WATERLOO INSURANCE REQUIREMENTS FOR SPECIAL EVENTS

1. The City of Waterloo requires submission of a Certificate of Insurance along with the Special or Entertainment Events Application prior to review by the City's Government Operations Committee.

2. The Certificate of Insurance must include the following **minimum** limits of insurance coverage required for special events on City property:

**\$300,000 Injury or death of one person; \$1,000,000 for any one accident; \$50,000 for Property Damage.**

3. The City of Waterloo must be named on the Certificate of Insurance as **primary, non-contributory additional Insured** under the general liability policy for the event.

4. The Certificate of Insurance must include the name of the special event, and the date, time and location of the event.

5. The City of Waterloo reserves the right to request a copy of the actual policy represented by the Certificate of Insurance.

**6. No event will be allowed to proceed without receipt by the City of a valid Certificate of Insurance in full compliance with the above listed requirements.**

Any questions regarding these insurance requirements should be directed to the City Clerk's Office at (920) 478-3025

**SPECIAL EVENT or ENTERTAINMENT WORKSHEET**

NAME OF EVENT: Weiner and Kravt Day

DATE (S) OF EVENT: Sept. 14<sup>th</sup> HOURS: \_\_\_\_\_

LOCATION/PROPERTY: Veterans park, W Madison, E madison, South Monroe

**SAFETY PROCEDURES:**

1) Will you be providing private on-site security? YES  NO

If yes, list security company name. \_\_\_\_\_

Where will security be needed? Downtown / four corner area

What times will security be needed? During parade from 11:45 to 12:30

Will WPD officers be required?  YES  NO

Municipal estimation of cost: \_\_\_\_\_ WPD Personnel @ \$ \_\_\_\_\_ /hour = \$ \_\_\_\_\_

2) What are your plans for medical assistance? \_\_\_\_\_

Municipal estimation of cost: \_\_\_\_\_ WFD equipment/personnel @ \_\_\_\_\_ \$ hours = \$ \_\_\_\_\_

3) Will there be fireworks at your event? YES  NO

Date of fireworks \_\_\_\_\_ Time of Fireworks \_\_\_\_\_

Name/Address of company supplying fireworks \_\_\_\_\_

Fire Marshall must be contacted for approval and consultation.

**SET UP / CLEAN UP PROCEDURES:**

1) Name of person in charge of set up: Evan Kurkowsk, phone # 920-342-3507

2) What time will set up begin: 7 am

3) Name of clean up contact person: Evan K. Cell Phone# 920-342-3507

4) Estimated time for clean up after event: 2 hours

**FEES AND PROCEEDS:**

1) Will admission be charged for this event? YES  NO

If yes, how much: Adult \_\_\_\_\_ Seniors \_\_\_\_\_ Students \_\_\_\_\_

Children 5 & under \_\_\_\_\_ Families \_\_\_\_\_

2) If a participant fee is charged, please indicate the amount: Booth: \_\_\_\_\_

Concessionaire: \_\_\_\_\_



Concessions: \_\_\_\_\_ amps= \_\_\_\_\_ lines @ \$20 Cost \$ \_\_\_\_\_

Equipment being used: \_\_\_\_\_

Location: \_\_\_\_\_

Concessions: \_\_\_\_\_ amps= \_\_\_\_\_ lines @ \$20 Cost \$ \_\_\_\_\_

Equipment being used: \_\_\_\_\_

Location: \_\_\_\_\_

Name of company providing service if other than City: \_\_\_\_\_

3) Will you need fencing installed? YES NO

Purpose of fencing: \_\_\_\_\_

Location: \_\_\_\_\_ Amount: \_\_\_\_\_

Date needed \_\_\_\_\_ Time needed \_\_\_\_\_

Estimated costs: \_\_\_\_\_ locations @ \$100. = \$ \_\_\_\_\_ Total costs

4) Will parking considerations be needed YES NO

Type(s) \_\_\_\_\_

Location: \_\_\_\_\_ Amount \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

5) Will picnic tables be needed? YES NO

Location \_\_\_\_\_ Amount \_\_\_\_\_

Date needed: \_\_\_\_\_ Time needed \_\_\_\_\_

Estimated cost(s) \_\_\_\_\_ Picnic tables @ \$5.00 per table = \$ \_\_\_\_\_

6) Is a street sweeper needed? YES NO

Location \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Estimated cost(s) \_\_\_\_\_ hours @ \_\_\_\_\_ = \$ \_\_\_\_\_ total cost

Name of company providing service, if not City: \_\_\_\_\_

7) Will you need additional trash bins? ~~YES~~ NO

If yes how many requested? Cardboard trash bins \_\_\_\_\_ Barrels 8

Where do you want them placed? Veteran memorial. We will place them

Name of disposal company if other than the City: \_\_\_\_\_

Where will dumpster be placed: end of South Monroe like in 2018

8) Will water connection be needed?

YES

NO

Location \_\_\_\_\_ Amount \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Estimated costs: \_\_\_\_\_ connection(s) @ \$20.00 = \$ \_\_\_\_\_ Total water costs

# RESOLUTION

RESOLUTION NO. #2019-29

## RESOLUTION AUTHORIZING THE BORROWING OF \$919,615.00; PROVIDING FOR THE ISSUANCE AND SALE OF A GENERAL OBLIGATION PROMISSORY NOTE THEREFOR; AND LEVYING A TAX IN CONNECTION THEREWITH

WHEREAS, the Common Council (the "Governing Body") hereby finds and determines that it is necessary, desirable and in the best interest of the City of Waterloo, Jefferson County(ies), Wisconsin (the "Issuer") to raise funds for the purpose of:

To Refinance Existing Tax Incremental District #3 Debt And Costs Associated To The Reuse of 333 Portland Road

(the "Borrowing Purpose"); and

WHEREAS, the Governing Body hereby finds and determines that the Borrowing Purpose is within the Issuer's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes; and

WHEREAS, the Issuer is authorized by the provisions of Section 67.12(12) of the Wisconsin Statutes to borrow money and issue general obligation promissory notes for such public purposes.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Issuer that:

**Section 1. Authorization of the Note.** For the purpose of paying the cost of the Borrowing Purpose, there shall be borrowed pursuant to Section 67.12(12) of the Wisconsin Statutes, the principal sum of \$919,615.00 from Monona Bank (the "Lender") in accordance with the terms set forth herein.

**Section 2. Issuance of the Note.** To evidence such indebtedness, the Mayor and the Clerk are hereby authorized, empowered and directed to make, execute, issue and deliver to the Lender for, on behalf of and in the name of the Issuer, a general obligation promissory note aggregating the principal amount of \$919,615.00 (the "Note").

**Section 3. Terms of the Note.** The Note shall be designated "General Obligation Promissory Note"; shall be dated the date of its issuance; shall bear interest at the rate of 3.550% per annum; and shall be payable as follows:

Borrower will pay this loan in 25 regular payments of \$44,574.49 each and one irregular last payment estimated at \$44,574.50. Borrower's first payment is due March 1, 2020, and all subsequent payments are due on the same day of each half-year after that. Borrower's final payment will be due on September 1, 2032, and will be for all principal and all accrued interest not yet paid. Payments include principal and interest.

Interest on this Note is computed on a 365/360 basis; that is, by applying the ratio of the interest rate over a year of 360 days, multiplied by the outstanding principal balance, multiplied by the actual number of days the principal balance is outstanding. All interest payable under this Note is computed using this method.

**Section 4. Prepayment Provisions.** The Note shall have prepayment privileges on any principal or interest payment date on or after 09-01-2026.

**Section 5. Form of the Note.** The Note shall be issued in registered form and shall be attached hereto and incorporated herein by this reference.

**Section 6. Direct Annual Irrepealable Tax Levy.** For the purpose of paying the principal of and interest on the Note as the same becomes due, the full faith, credit and resources of the Issuer are hereby irrevocably pledged, and a direct annual irrepealable tax is hereby levied upon all taxable property of the Issuer. Said direct annual irrepealable tax shall be levied in the years and amounts as follows:

Levy Year	Amount
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The aforesaid direct annual irrepealable tax hereby levied shall be collected in addition to all other taxes and in the same manner and at the same time as other taxes of the Issuer levied in said years are collected. So long as any part of the principal of or interest on the Note remains unpaid, the tax herein above levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created herein. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on the Note when due, the requisite amount shall be paid from other funds of the Issuer then available, which sums shall be replaced upon the collection of the taxes herein levied. In the event the Issuer exercises its prepayment privilege, if any, then no such direct annual tax shall be included on the tax rolls for the prepayments made and the amount of direct annual tax hereinabove levied shall be reduced accordingly for the year or years with respect to which said note was prepaid.

**Section 7. Debt Service Fund Account.** There is hereby established in the Issuer's treasury a fund account separate and distinct from every other issuer fund or account designated "Debt Service Fund Account for \$919,615.00 General Obligation Promissory Note." Such fund shall be maintained in accordance with generally accepted accounting practices. There shall be deposited in said fund account any premium plus accrued interest paid on the Note at the time of delivery to the Lender, all money or funds raised by taxation pursuant to Section 6 hereof and all other sums as may be necessary to pay interest on the Note when the same shall become due and to retire the principal installments on the Note. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Note and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished. Sinking funds established for obligations previously issued by the Issuer may be considered as separate and distinct accounts within the Debt Service Fund Account.

**Section 8. Segregated Borrowed Money Fund.** The proceeds of the Note (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Note into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and be disbursed solely for the purposes for which borrowed or for the payment for the principal of and the interest on the Note.

**Section 9. Arbitrage Covenant.** The Issuer shall not take any action with respect to the Note Proceeds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of the delivery of and payment for the Note (the "Closing"), would cause the Note to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and any income tax regulations promulgated thereunder (the "Regulations").

The Note Proceeds may be temporarily invested in legal investments until needed, provided however, that the Issuer hereby covenants and agrees that so long as the Note remains outstanding, moneys on deposit in any fund or account created or maintained in connection with the Note, whether such moneys were derived from the Note Proceeds or from any other source, will not be used or invested in a manner which would cause the Note to be an "arbitrage bond" within the meaning of the Code or Regulations.

The Clerk, or other officer of the Issuer charged with responsibility for issuing the Note, shall provide appropriate certifications of the Issuer, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the Issuer regarding the amount and use of the Note Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

**Section 10. Additional Tax Covenants: Exemption from Rebate; Qualified Tax-Exempt Obligation Status.** The Issuer hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Note) to assure that the Note is an obligation described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes, throughout its term. The Clerk or other officer of the Issuer charged with the responsibility of issuing the Note, shall provide appropriate certifications of the Issuer as of the Closing, for inclusion in the transcript of proceedings,

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certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the Issuer to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Note will continue to be an obligation described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes.

For Note Proceeds allocable to a Borrowing Purpose for new projects or acquisitions, the Issuer reasonably expects to:

- qualify for the small issuer rebate exception because it (including any entities subordinate to the Issuer) will issue no more than \$5,000,000 of tax-exempt obligations (including the Note(s)) during the current calendar year.
- qualify for the eighteen month rebate exception under Section 1.148-7(d) of the Regulations.
- qualify for the two-year rebate exception under Section 148(f)(4) of the Code.
- not qualify for an exception to rebate.

The Issuer hereby designates the Note to be a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Code and in support of such designation, the Clerk or other officer of the Issuer charged with the responsibility for issuing the Note, shall provide appropriate certifications of the Issuer, all as of the Closing.

**Section 11. Execution of the Note.** The Note shall be prepared in typewritten form, executed on behalf of the Issuer by the manual or facsimile signatures of the Mayor and Clerk, sealed with its official or corporate seal thereof, if any, and delivered to the Lender upon payment to the Issuer of the purchase price thereof, plus accrued interest to the date of delivery; provided that, if this is a refinancing, the refunding Note shall be immediately exchanged for the note being refinanced. In the event that either of the officers whose signatures appear on the Note shall cease to be such officers before the delivery of the Note, such signatures shall nevertheless be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute all documents as may be necessary and convenient for effectuating the Closing.

**Section 12. Payment of the Note.** The principal of and interest on the Note shall be paid by the Clerk or Treasurer in lawful money of the United States.

**Section 13. Registration and Transfer of Note.** The Clerk shall keep records for the registration and for the transfer of the Note. The person in whose name the Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of either principal or interest on the Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid. The Note may be transferred by the registered owner thereof by presentation of the Note at the office of the Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his legal representative duly authorized in writing. Upon such presentation, the Note shall be transferred by appropriate entry in the registration records and a similar notation, including date of registration, name of new registered owner and signature of the Clerk, shall be made on such Note.

**Section 14. Conflicting Resolutions; Severability; Effective Date.** All prior resolutions, rules or other actions of the Issuer or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

**Section 15. Financial Reports.** Officials of the Issuer are hereby authorized and directed, so long as the Note is outstanding, to deliver to Lender any audit statement or other financial information Lender may reasonably request and to discuss its affairs and finances with Lender.

Adopted and recorded this 15th day of August, 2019.

(Seal)

By: \_\_\_\_\_  
Jennifer Quimby, Mayor

ATTEST:

By: \_\_\_\_\_  
Morton J Hansen Jr, Clerk