MINUTES OF THE COMMON COUNCIL

TUESDAY, SEPTEMBER 16, 2014, 7:00 P.M.
COUNCIL CHAMBERS
ROOM 203, CITY HALL

Roll call: Mayor James J. Schmitt, City Clerk Kris A. Teske, Interim City Attorney James Mueller. Alderpersons: J. Wiezbiskie, Thomas DeWane, A. Nicholson, Tim DeWane, D. Nennig, J. Moore, R. Scannell, C. Wery, G. Zima, M. Steuer, B. Danzinger, T. Sladek. Excused: None.

Boy Scout Troop 1040 from the First United Methodist Church led the Pledge of Allegiance.

Mayor Schmitt led the invocation.

Moved by Ald. Nicholson, seconded by Ald. Tim DeWane to approve the minutes of the August 19, 2014, meeting. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Wiezbiskie to approve the agenda.
Moved by Ald. Thomas DeWane, seconded by Ald. Moore to move the Bonding Resolution to right after the recognition and act on the Improvement & Service Report and Park Report as the first reports. Motion carried.
Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt the agenda as amended. Motion carried.

REPORT BY THE MAYOR

The Mayor gave an update on the health condition of the Director of Parks and Recreation, Dawne Cramer.
He stated that sheets containing the budget dates had been placed on the aldermen's desks.
He reminded everyone that there will be a drug summit on Wednesday, September 24, at 6:30 P.M. in the Legends Room at Lambeau Field.

PROCLAMATION

Mayor Schmitt read the International Conflict Resolution Day Proclamation.
Laura Smythe, Executive Director at the Mediation Center of Greater Green Bay, spoke.
President Dotty Juengst was also present.

RECOGNITION

Jim Jacque spoke regarding the newly formed King of Arms Neighborhood Association.
The association will be given a plaque.

PETITIONS & COMMUNICATIONS

ADVISORY COMMITTEE

Request by Ald. Zima for the following:

1. Review and possible action on Council rules regarding the minutes and actions taken by the Common Council in closed session.
2. Review and possible action on City rules regarding autonomy of the Redevelopment Authority.
3. Consider creating a new Standing Committee of the Common Council to be named the "Planning and Economic Development Committee".

FINANCE COMMITTEE

Request by Ald. Zima that the Finance Committee review the authority and chronological record of events surrounding the City purchase and role of the Clarion Hotel Property with possible recommendation and action.

HISTORIC PRESERVATION COMMISSION

Request by Ald. Steuer that the Historic Preservation Commission be notified before a development project that has historical significance begins.

IMPROVEMENT & SERVICE COMMITTEE

Request by Ald. Tim DeWane to look into resurfacing or reconstructing Madison Street from Porlier Street to Howe School.

Request by Ald. Scannell, on behalf of Rena King, 970 Coppens Road, that her wooden fence be exempted from Ordinance 13-521.

LAW DEPARTMENT

Request by Ald. Moore to add language to the Plumbing Code, Section 16.11(c)2, regarding sump pump hook up, allowing the Director of Public works to have final authority in allowing or denying an exemption during the appeal of a mandatory hook up.

PERSONNEL COMMITTEE

Request by Ald. Nicholson that the City consider contracting for an attorney to advise the Common Council on matters that come before the Common Council and it's committees.

Request by Ald. Wery to review, with possible action, the function and structure of the Economic Development Department.

Request by Ald. Nicholson to review State Statutes/Robert Rules of Order/Ordinances that deal with the process of communications submitted to committees, with possible action.

PLANNING/ECONOMIC DEVELOPMENT/ASSESSOR/LAW

Request by Ald. Steuer to address a seamless flow of information so that the aldermen, citizens and staff are kept abreast when a property switches ownership or usage and does not need a site plan.

PROTECTION & WELFARE COMMITTEE

Request by the owners of Brewski's, 1100 S. Broadway, to hold outdoor events on October 4 and November 23.

Notice of the change of agent for The Sardine Can, Inc. at 128 S. Broadway.

Application for a Class "A" Beverage License by Elizabeth Treto at 1807 N. Irwin Avenue.

Application for an available "Class B" Combination License by Kimmer's Again, LLC at 702 N. Quincy Street.

Application to keep three dogs at 848 Fifteenth Avenue.

Appeal by Rodney Miller to the denial of his Public Vehicle Operator License application.

Appeal by Christopher Lee to the denial of his Operator License application.

Appeal by Timothy Hyde to the denial of his Public Vehicle Operator License application.

Request by Ald. Wery to review and discuss the "Class B" Combination License granted to Titletown Tobacco at 320 N. Broadway, also entertain a request by the applicant to transfer this license to 139 N. Broadway.

TRAFFIC COMMISSION

Request by Ald. Sladek to discuss, with possible action, speeding traffic on Packerland Drive in front of Southwest High School during morning student arrival time.

Request by Ald. Danzinger, on behalf of the residents along Seventh Street and Mennen Court, for a traffic study and consideration of installing traffic lights at the intersection of Seventh Street and Military Avenue.

Moved by Ald. Thomas DeWane, seconded by Ald. Wiezbiskie to refer the petitions and communications to the appropriate committee or commission. Motion carried.

REPORTS FOR COUNCIL ACTION

REPORT OF THE GREEN BAY PLAN COMMISSION
September 16, 2014

The Green Bay Plan Commission, having met on Monday, August 25, 2014, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the declaration of a portion of property surplus located along Radisson Street, east of Cofrin Drive.

2. To approve a Conditional Use Permit (CUP) to construct a private outdoor recreation court beyond the maximum accessory use size requirements found in Chapter 13-615, Table 6-4, in a Low Density Residential (R1) District located at 1322 Harvey Street, subject to the placement of coniferous trees, not less than 4 ft. in height, along the east and south side of the basketball court to create a dense barrier to adjoining properties.

3. To approve the amendment of the I-43 Business Center Design Criteria for modified signage within the Lodging (L) District, 2925 Voyager Drive, for Mackinaws Grill & Spirits, subject to approval of the draft ordinance.

Moved by Ald. Wiezbiskie, seconded by Ald. Wery to adopt the report. Motion carried.

REPORT OF THE GREEN BAY PLAN COMMISSION
September 16, 2014

The Green Bay Plan Commission, having met on Monday, September 8, 2014, considered all matters on its agenda and wishes to report and recommend the following:

1. To hold to the next available Plan Commission meeting the request to establish a Planned Unit Development (PUD) district at 1510 Morrow Street to allow for a major vehicle repair facility, machining and fabrication and retail uses.

2. To hold to the next available Plan Commission meeting the request for a Conditional Use Permit (CUP) to authorize a two-family dwelling in a Low Density Residential (R1) District located at 2388 Manitowoc Road.

3. To approve the amendment of the Planned Unit Development (PUD), The Preserve, located in the 3416 Indigo Bluff Drive, subject to the draft Planned Unit Development (PUD).

4. To approve a Conditional Use Permit (CUP) for a metal accessory structure within a Public/Institutional (PI) District at 226 North Baird Street, subject to site plan review and approval.

Moved by Ald. Thomas DeWane, seconded by Ald. Moore to adopt the report. Motion carried.

REPORT OF THE GREEN BAY REDEVELOPMENT AUTHORITY
September 16, 2014

The Green Bay Redevelopment Authority, having met on Tuesday, September 9, 2014, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve a HUD Section 108 loan guarantee in an amount not to exceed $4.7 Million to Frantz Community Investors for the Hotel Northland Project, subject to the following conditions:
   a. The Developer shall provide a financial letter of support for the remainder of the construction loan.
   b. The Developer shall maintain a minimum of two years of loan payments in escrow for the duration of the loan.
   c. The Developer shall pay a $25,000 maintenance fee annually for three years, to be funded on the close date of the Section 108 loan. If actual administrative costs exceed $25,000, Developer shall pay the actual amount of administration costs.
   d. The Developer shall receive private financing for the remainder of the project on or before the closing date of the Section 108 loan.

e. In the event of default, the payment sources for loan repayment, prior to accessing CDBG funds, will be, in the following order: the escrow account maintained by the Developer, the Developer's personal guarantee funds, revolving loan funds, available TIF funds.
f. The Developers shall enter into personal guarantees for the amount of the Section 108 Loan.
g. That the loan guarantee be structured in a way that allows the RDA/City to have the same powers as a bank regarding the ability to assume management of the property in the event of default.

Moved by Ald. Thomas DeWane, seconded by Ald. Wiezbiskie to adopt the report.
Moved by Ald. Thomas DeWane, seconded by Ald. Moore to suspend the rules to allow interested parties to speak. Motion carried.
Steven Frantz, Brigette Breitenbach and Dennis Doucette of the Frantz Team were present and answered questions from the Council.
Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to return to the regular order of business. Motion carried.
A vote was then taken on the motion to adopt the report. Motion carried with Ald. Nicholson and Zima voting no.

REPORT OF THE
TRAFFIC COMMISSION
September 16, 2014

The Traffic Commission having met Monday, August 18, 2014, considered all matters on its agenda and wishes to report and recommends the following:

1. To receive and place on file the request to discuss, with possible action, establishing a NO U-TURN condition on Military Avenue at Dousman Street.

2. That the City request the State to revisit §346.33, U-turns, as it pertains to U-turns at traffic signals.

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt the report. Motion carried.

REPORT OF THE ADVISORY COMMITTEE
September 16, 2014

The members of the Advisory Committee, having met on Wednesday, September 3, 2014, considered all matters on its agenda and wish to report and recommend the following:

1. To hold until next meeting a request by Ald. Wery to review with possible action Ordinances 2.01(2) Council meetings, special meetings and 2.06(14) rules of Council procedures, committee of the whole.

2. Refer to Finance Committee a request by Ald. Nicholson to review the status of Schauer & Schumacher building.

3. Refer to Personnel and Finance Committees a request by Ald. Nicholson to ask the opinion of the League of Municipalities for legal representation for the City Council.

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt the report. Motion carried.

REPORT OF THE FINANCE COMMITTEE
SEPTEMBER 16, 2014

The Finance Committee, having met on Wednesday, September 10, 2014 considered all matters on its agenda and wishes to report and recommends the following:

1. To receive and place on file the review and discussion presented by the City's audit firm, Schenck Business Solution, on the 2013 year-end financial results for the City.

2. To receive and place on file, at the request of Ald. Scannell, the referendum regarding BadgerCare.

3. To hold until the next meeting the request by Ald. Nicholson to review all City fees and permits with possible action.

4. To receive and place on file the request by Ald. Zima to review 20 years of history for the parking utility.

5. To hold until the next meeting, the request by Ald. Nicholson, to review the Stadium District Board and that Mr. Webb and Ms. Patteson be requested to attend the next Finance Committee meeting.

2014 Contingency Fund
$110,000

Moved by Ald. Zima, seconded by Ald. Scannell to adopt the report. Motion carried.

REPORT OF THE
IMPROVEMENT AND SERVICE COMMITTEE
September 16, 2014

The Improvement and Service Committee, having met on September 10, 2014 considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by Dan Carlson to rescind the weed control and unsightly growth charge of $166.10 at 958 West Mason Street and issue a new invoice in the amount of $83.05 for the work that had been completed by Department of Public Works staff.

2. To approve the request by John and Glenda Corrigan for an exemption to §16.11(b)2, Green Bay Municipal Code, requiring the mandatory connection of sump pump discharge to City's storm sewer system for the property located at 1320 Crestwood Drive.

3. To deny the request by Ald. Nicholson to consider allowing modifying City ordinance to require parking on driveway surfaces in the terrace only in a manner that is perpendicular to the roadway.

4. To approve a three (3) month trial of the request by Ald. Steuer, on behalf of the resident at 1722 Boland Road, for permission to park a service truck on-street overnight annually with no limits on occurrences due to inadequate driveway space. Upon completion of the three (3) month trial period, information gathered will be shared with the Committee to determine if an extension will be granted.

5. To approve the request by Ald. Scannell, on behalf of Katie LeBarron, to rescind a garbage collection charge at 405 Harvard Street.

6. To receive and place on file the request by Ald. Steuer, on behalf of the owner at 1843 Parkland Way, to have their sidewalk reconstruction costs reduced or to have the former removed and area reseeded.

7. To approve the request by Ald. Zima, on behalf of the residents at 847 Fifth Street, that the garbage pickup charge levied this past year be waived.

8. To hold over to the next regularly scheduled Committee meeting the request by Ald. Zima for a review and update on the City's maintenance schedules for all public works activities including pot holes, crack filling, weeds in City medians and all functions that affect the City's appearance.

9. To receive and place on file the request by Ald. Zima to determine why maintenance of garbage containers, etc. on Broadway has not been completed after two years.

10. To refer to Department of Public Works staff to study the request by Ald. Thomas DeWane to have a bike lane on Greenbrier Road from the hospital to Manitowoc Road and report back to the Committee their findings upon completion of the study.

11. To approve the Tri-Party Agreement between the Green Bay Water Utility, Village of Ashwaubenon, and Village of Wrightstown to provide potable water supply to the Village of Wrightstown.

12. To approve the request by the Department of Public Works for the approval of an agreement with Suburban Wildlife Solutions LLC (formally Kurt Schroeder) to provide professional trapping services of nuisance animals at City owned storm water facilities.

13. To approve the State/Municipal Agreement for the reconstruction of Webster Avenue, University Avenue to Radisson Street and authorize the Director to execute the agreement.

14. To approve the report of the Purchasing Manager:

    A. To award the purchase of a Digital Mobile Radio System for the Parking Division to Nielson Communications, Inc. for $27,815.

    B. Report the purchase of parts to make emergency repairs to the tub grinder at the west side yard waste site to Nortrax for $22,993.

15. To approve and award the following contracts to the low, responsive bidders:

    A. To approve to award contract 36-inch transmission main interconnect improvements to the low, responsive bidder, De Groot, inc., in the amount of $636,500.00.

    B. To approve to award contract metro boat launch to the low, responsive bidder, Michels foundation, in the amount of $397,955.00.

    C. To approve to award contract parks project 3-14 to the low, responsive bidder, Ed Gersek, inc, in the amount of $206,704.40.

16. To approve the request by Reinhold Sign Service, Inc on behalf of Aging & Disability Resource Center of Brown County for an Air Rights Easement within the South Adams Street and Stuart Street right-of-ways for the installation of signage and awnings contingent upon executing a Hold Harmless Agreement and placing on file with the City the applicable insurance.

17. To approve the application for a Concrete Sidewalk Builder's License by N & L Concrete Construction, LLP.

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to adopt the report with the exception of Item #12. Motion carried.
Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to adopt Item #12. Motion carried.

REPORT OF THE PARK COMMITTEE
September 16, 2014

The Park Committee, having met on Wednesday, September 10, 2014, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by American Cancer Society to host Tramon Williams 2nd Annual Powder Puff Game at Joannes Stadium on October 14, 2014, contingent upon:

   - All expenses are the responsibility of the American Cancer Society;
   - All proper permits and insurances being obtained;
   - Must adhere to all noise ordinances and regulations;
   - No alcohol allowed.

2. To refer to staff to solicit feedback from interested parties, as well as the City Council, and present the revised conceptual Colburn Pool master plan at the next Park Committee meeting.

3. To receive and place on file the Director's Report.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the report. Motion carried.

REPORT OF THE PERSONNEL COMMITTEE
September 16, 2014

The Personnel Committee, having met on Wednesday, September 10, 2014 considered all matters on its agenda and reports and recommends the following:

1. a. To approve the requests to fill for the positions of Tractor Operator, Truck Driver and Senior Mechanic in Public Works and the Special Facilities Manager in Parks, Recreation and Forestry and all subsequent vacancies resulting from internal transfers.

   b. To move to consider the request to fill the newly created IT Programmer position for the Police Department as part of the 2015 budget discussions.

2. To refer the request to fill and reclassify the Economic Development Director position from Pay Grade 39 to Pay Grade 41 back to staff for further information

and other options for filling this position including looking at the private market and to bring this report back for further review and discussion by the Committee.

3. To approve the request to reclassify the position of Inspection Services Specialist from Pay Grade 35 to Pay Grade 36 effective at the beginning of the pay period following approval by City Council.

4. To hold the review and discussion, with possible action, on Green Bay Public Television until the next meeting of the Committee.

5. To refer the scheduling of a fact-finding hearing regarding the Green Bay Professional Police Association (GBPPA) Recruit Academy Grievance – Step 3 to the Human Resources Department.

6. To refer to staff to continue to review the Housing Administrator position and report back to the Committee.

7. a. To provide a report regarding Fire Fighter labor negotiations to the full City Council.

   b. To provide a report regarding Police Supervisory labor negotiations to the full City Council.

8. To receive and place on file the report of routine Personnel Actions for regular employees.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the report with the exception of Items #2 and #7. Motion carried.
Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt Item #2. Motion carried.
Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt Item #7.
Moved by Ald. Wery, seconded by Ald. Moore to convene in closed session pursuant to Section 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating public employee contracts for competitive or bargaining reasons. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.
Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to return to the regular order of business. Motion carried.
Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to direct staff to proceed as directed. Motion carried.

PROTECTION & WELFARE COMMITTEE REPORT

September 16, 2014

The Protection & Welfare Committee, having met on Monday, August 25, 2014 considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the request by Ald. Moore to amend the Green Bay Municipal Code §8.08 to limit the number of dogs permitted in residential neighborhoods (postponed from the July 28, 2014 meeting).

2. To approve the application, contingent upon submittal of a corrected surrender form, for a “Class C" Wine and a Class "B" Beverage License by WM Enterprises, LLC at 1212 Marine Street with the approval of the proper authorities. (Transfer from Sandra's Cafe, LLC)

3. To approve the application for a "Class B" Combination License by Neumritz, Inc. at 1106 Main Street with the approval of the proper authorities. (Changing from individual to corporation.)

4. To approve the application, contingent upon an approved security plan, for a "Class "B" Combination License by El Patron Entertainment, LLC at 1464 University Avenue with the approval of the proper authorities. (Transfer from El Carboncito, LLC)

5. To approve the application for one of ten available "Class B" Combination License by Amanda Patterson at 154 N. Broadway with the approval of the proper authorities. (Currently has beer and wine)

6. To hold the application for a Class "A" Beverage License by LTB Shell, LLC at 510 S. Monroe Avenue.

7. To approve the notice of the change of agent for Kwik Trip, Inc. at 1712 E. Mason Street.

8. To approve the request by the owners of Stadium View Bar & Grill, 1963 Holmgren Way, to allow music until 11:00 P.M. on October 3 and 4. The approval of the request is subject to complaint.

9. To receive and place on file the Quarterly Report of chronic nuisance addresses, including liquor establishments, submitted by the Green Bay Police Department.

10. To have the City Attorney's Office draft a warning letter for the bars on the 100 block of South Washington.

11. To deny the appeal by Rick Andrus to the denial of his Operator License application.

INFORMATION ONLY: The Protection and Welfare Committee has approved the request by the owner of the Next Stop Bar & Grill, 1610 Cass Street, to hold an outdoor event on September 13.

Moved by Ald. Wiezbiskie, seconded by Ald. Wery to adopt the report. Motion carried.

REPORT OF THE PROTECTION AND WELFARE COMMITTEE
GRANTING OPERATOR LICENSES
September 16, 2014

The Protection and Welfare Committee wishes to request that the following applications for Operator Licenses be granted. Stipulations placed on licenses shall continue to be in effect.

OPERATOR LICENSES

Andersen, Rebecca M
Anderson, Patricia A
Barrueta-Avila, Luis
Battle, Geneva D
Behnke, Kayla M
Bergsbaken, Renee E.
Berthold, Andra K
Beyer, Amanda R
Boelter, Kayla M
Botz, Grant J
Bowers, Cassius E
Bowersox, Nickolas W
Brunette, Ana-Lisa
Buhr, Brenda L
Campbell, Sonya M
Charles, Cecily A
Coromel, James D
De Lano, M. Robert
Desotelle, Kiana R
Detke, Tyler A
Doberstein, Gerald V
Doyle, Timothy M
Dufek, Jody L
Dull, Neva M
Dumke, Lindsay A
Dunbar, Amy J
Erickson, Jennifer L
Gullstrand, Eric W
Harrell, Adam M
Heffernan, Heather M
Hegg, Sara L
Henkelman, Jessie L
Jackson, Leon L
Jende-Kiernan, Richard A
Jensen, Craig S
Jensen, Kerry A
Keel, Nicholas F
Koeller, Jared M
Krawze, Kathy L
La Fave, Mike D
Lagerman, Hannah C
Lance, Mandi L
LaPere, Dawn NE
Mays, Michelle L
Moravec, Jonathan M
Nackers, Anne M
Nohr, Angel M
Oberjat, Ginger M
Oberle, Nicole L
Paynter, Brittany K
Plante, Kara L
Plaza, Elizabeth A
Pryes, Melissa M
Roberts, Emily A
Scully, Tabitha J
Sexmith, Barbara B
Sexmith, Steven J
Seymour, Holly R
Skaletski, Gregg S
Stack, Robert J
Starr, Cheyenne R
Steltz, Desiree A
Stowe, Bruce A
Suess, Cindy A
Summers, Bobbie J
Tenor, Stacey A
Titel, Robert E
Van Dyke, Brittany E
Wake, Betty L
Warden, Mark T
Weso, Monroe T
Yang, Mai V
Zhao, Shujia
Ziepke, Jon M
Zuvich, Michael J

Estevez, Lazaro	Rowell, Jennifer J
Fritz, Erik J	Rumbac, Kayla M
Gilbert, Bree A	Schadler, Scott B
Grieger, Nicole K	Schmitz, Grant M

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the report with Ald. Danzinger abstaining on the approval of Rebecca M. Andersen, Amy J. Dunbar, Anne M. Nackers, and Jennifer J. Rowell. Motion carried.

RECEIVE & PLACE ON FILE

City of Green Bay Trial Balance Report for July, 2014.

Building Permit Report for August, 2014.

Moved by Ald. Zima, seconded by Ald. Scannell to receive the reports and place them on file. Motion carried.

RESOLUTIONS

COMMON COUNCIL
OF THE
CITY OF GREEN BAY, WISCONSIN

September 16, 2014 **Resolution No. 12**

A Resolution Authorizing and Providing for the Sale and Issuance of $14,055,000 Water System Revenue Refunding Bonds, Series 2014, and All Related Details

RECITALS

The Common Council (the "**Governing Body**") of the City of Green Bay, Wisconsin (the "**Municipality**") makes the following findings and determinations:

1. The Municipality currently owns and operates a municipal water system (the "**System**", as more fully defined below), which is a "public utility" (within the meaning of Section 66.0621 (1)(b) of the Wisconsin Statutes).

2. Under the provisions of Section 66.0621 of the Wisconsin Statutes, as amended (the "**Act**"), the Municipality may, by action of the Governing Body, provide for, among other things, the acquisition, construction, extension, improvement, operation and management of the System, and the refunding of municipal obligations

issued for such purposes, from the proceeds of obligations that are payable solely from the income and revenues derived from the operation of the System.

3. On September 21, 2004 the Governing Body adopted a resolution (the "**2004 Resolution**") authorizing the issuance of the Municipality's $76,765,000 Water System Revenue Refunding and Improvement Bonds, Series 2004, dated October 1, 2004 (the "**Series 2004 Bonds**"). The Series 2004 Bonds are currently outstanding in the aggregate principal amount of $17,680,000.

4. On October 17, 2006 the Governing Body adopted a resolution (the "**2006 Resolution**") authorizing the issuance of the Municipality's $49,310,000 Water System Revenue Refunding Bonds, Series 2006, dated November 1, 2006 (the "**Series 2006 Bonds**"). The Series 2006 Bonds are currently outstanding in the aggregate principal amount of $48,325,000.

5. No other outstanding obligations are payable from the income and revenues derived from the operation of the System.

6. Under the provisions of the Act, the Municipality may provide for the refunding of any outstanding bonds, bond anticipation notes or promissory notes which were issued under the Act or Chapter 67 of the Wisconsin Statutes for any of the purposes set forth in Section 66.0621 (3) of the Wisconsin Statutes from the proceeds of notes or bonds, which notes or bonds are to be payable only from the income and revenues derived from the operation of the System.

7. The Municipality needs funds to finance the current refunding (the "**Refunding**") of the outstanding portions of the callable maturities of the Series 2004 Bonds specified herein (the "**Refunded Bonds**"). The Refunding will be advantageous to the Municipality.

8. On August 19, 2014, the Governing Body adopted an initial resolution (the "**Initial Resolution**") authorizing, among other things, the issuance of water system revenue refunding bonds in a principal amount of approximately $14,500,000 for the purpose of the Refunding.

9. For the purpose of financing the costs of the Refunding, the Governing Body desires to authorize, sell, and issue $14,055,000 in principal amount of its Water System Revenue Refunding Bonds, Series 2014 (the "**Bonds**"). The Bonds will be issued pursuant to the provisions of the Act, on the terms and conditions described below, and will be secured by and payable from the income and revenues derived and to be derived from the operation of the System. The Bonds will be issued on a parity and equality of rank with the Series 2004 Bonds and the Series 2006 Bonds (collectively, the "**Outstanding Bonds**").

10. Section 20 of the 2004 Resolution (the "**Additional Bonds Test**"), which section is continued in the 2006 Resolution, authorizes the issuance of additional bonds on a parity and equality of rank with the Series 2004 Bonds and the Series 2006 Bonds upon compliance with the conditions set forth under the Additional Bonds Test.

All conditions set forth in under the Additional Bonds Test have been or will be satisfied prior to the issuance of the Bonds.

11. The portions of the callable maturities of the Series 2004 Bonds not included in the Refunding were advance refunded with proceeds of the Series 2006 Bonds. On the Redemption Date (defined herein) the entire outstanding principal amount of the callable maturities of the Series 2004 Bonds will be redeemed and the Series 2004 Bonds will no longer be outstanding.

12. In accordance with the provisions of Section 66.0621 (4)(a)2 of the Wisconsin Statutes and this resolution, (i) interest on the Bonds will be payable at least annually, and (ii) payment of principal of the Bonds will commence not later than 3 years after the date of issuance of the Bonds. The requirement each year to pay both principal of and interest on the Bonds will be reasonable and in accordance with prudent municipal utility management practices.

13. Robert W. Baird & Co. Incorporated, or a group that it represents (the "**Bond Purchaser**") has offered to purchase the Bonds for $14,258,021.40 (the "**Purchase Price**"), plus accrued interest to the date of delivery of the Bonds.

14. The Municipality has taken all actions required by law and has the power to sell and issue the Bonds.

15. The Governing Body will adopt this resolution to sell and issue the Bonds.

RESOLUTIONS

The Governing Body resolves as follows:

Section 1. Definitions.

In this resolution, the following terms have the meanings given in this section, unless the context requires another meaning.

"**Act**" means Section 66.0621 of the Wisconsin Statutes, as amended.

"**Bond Counsel**" means (i) as of the Original Issue Date, Foley & Lardner LLP, and (ii) after the Original Issue Date, either Foley & Lardner LLP or any other nationally recognized firm of attorneys, employed by the Municipality, experienced in municipal finance, whose legal and tax opinions are generally accepted by purchasers of municipal obligations.

"**Bonds**" means the $14,055,000 City of Green Bay, Wisconsin Water System Revenue Refunding Bonds, Series 2014, which will be issued pursuant to this resolution.

"**Bond Purchaser**" has the meaning given in the recitals to this resolution.

"**Bond Register**" means the register maintained by the Fiscal Agent at its designated office, in which the Fiscal Agent records:

(i) the name and address of the owner of each Bond, and

(ii) all transfers of each Bond.

"**Book-Entry System**" means a system in which no physical distribution of certificates representing ownership of the Bonds is made to the owners of the Bonds but instead all outstanding Bonds are registered in the name of a securities depository appointed by the Municipality, or in the name of such a depository's nominee, and the depository and its participants record beneficial ownership and transfers of the Bonds electronically.

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

"**Continuing Disclosure Agreement**" means the Continuing Disclosure Agreement, dated as of the Original Issue Date, to be executed by the Municipality and delivered on the date of issuance and delivery of the Bonds.

"**Current Expenses**" means the reasonable and necessary cost of operating, maintaining, administering, insuring, and repairing the System. Current Expenses shall be determined in accordance with generally accepted accounting principles and shall include, but not be limited to, salaries, premiums for insurance, wages, cost of materials and supplies, and insurance and audits. Current Expenses shall exclude allowances for depreciation, debt service on obligations of the System, tax equivalents, capital expenditures, and accumulations of reserves.

"**Depository**" means DTC or any successor appointed by the Municipality and acting as securities depository for the Bonds.

"**DTC**" means The Depository Trust Company, New York, New York.

"**Financial Officer**" means the Municipality's Treasurer.

"**Fiscal Agent**" means Associated Trust Company, National Association, or any successor fiscal agent appointed by the Municipality to act as paying agent and registrar for the Bonds pursuant to Section 67.10 (2) of the Wisconsin Statutes.

"**Fiscal Year**" means the twelve-month period beginning on January 1 of each year and ending on December 31 of each year. The Municipality may change the Fiscal Year of the System if the Original Purchasers consent to the change. If the Original Purchasers consent to the change, then the change will not constitute a modification, change, amendment or alteration of this resolution for purposes of Section 24 of this resolution.

"**Governing Body**" means the Municipality's Common Council.

"**Gross Revenues**" means the gross revenues of the System from all sources, excluding (i) customer deposits, (ii) collected taxes imposed by other governmental entities, and (iii) earnings on amounts held in the Special Redemption Fund and the Depreciation Fund.

"**Independent Consultant**" means a recognized engineer or firm of engineers or a recognized certified public accountant or firm of certified public accountants who or which is not an officer or regular employee of the Municipality or the System and who or which is not devoting substantially all of his, her or its time and efforts to the affairs of the System.

"**Minimum Reserve Amount**" means the lesser of (i) $5,592,475, plus the maximum annual debt service coming due in any future year on any new money (non-refunding) Parity Bonds then outstanding, or (ii) the maximum annual debt service coming due in any future year on the Bonds and Parity Bonds then outstanding. The Municipality understands that if the Minimum Reserve Amount ever exceeds the maximum reasonably required reserve permitted pursuant to the Code and the applicable Treasury Regulations, then the Municipality may be required to restrict the yield on certain investments held in the Reserve Account.

"**Municipal Officers**" means the Mayor and Clerk of the Municipality. These are the officers required by law to execute revenue obligations on the Municipality's behalf.

"**Municipality**" means the City of Green Bay, Wisconsin.

"**Net Revenues**" means Gross Revenues after deduction of Current Expenses, plus earnings on moneys held in the Special Redemption Fund.

"**Original Issue Date**" means October 14, 2014.

"**Original Purchasers**" means, collectively, the Bond Purchaser and the initial purchaser of each issue of Parity Bonds (as long as the issue of Parity Bonds remains outstanding).

"**Outstanding Bonds**" has the meaning given in the recitals to this resolution.

"**Parity Bonds**" means all obligations, other than the Bonds, payable from the revenues of the System (including the Outstanding Bonds) and issued on a parity and equality with the Bonds and the Outstanding Bonds pursuant to the restrictive provisions of Section 20 of the 2004 Resolution, and Section 21 of the Series 2006 Resolution and this resolution.

"**Prior Resolutions**" means, collectively, the 2004 Resolution and the 2006 Resolution, each as defined in the recitals to this resolution.

"**Purchase Price**" has the meaning given in the recitals to this resolution.

"**Record Date**" means the 15th day (whether or not a business day) of the calendar month just before a regularly scheduled interest payment date for the Bonds.

"**Recording Officer**" means the Municipality's Clerk.

"**Redemption Date**" means November 1, 2014.

"**Refunded Bonds**" means the outstanding portions of the callable maturities of the Series 2004 Bonds set forth under the column heading "Principal Amount Refunded" on Schedule 1 attached hereto.

"**Refunding**" means the refunding of the Refunded Bonds.

"**Reserve Account**" means the Reserve Account of the Special Redemption Fund.

"**Special Redemption Fund**" means the fund designated as such and described in Section 18 of this resolution.

"**System**" means the water utility of the Municipality, which shall include all property of every nature now or hereafter owned by the Municipality for the extraction, collection, storage, treatment, transmission, distribution, metering, and discharge of domestic, industrial, and potable public water, or constituting part of, or used or useful in connection with the water utility of the Municipality; and including all improvements and extensions thereto made by the Municipality while any of the Bonds or Parity Bonds remain outstanding and including all appurtenances, contracts, leases, franchises, and other intangibles.

"**Term Bonds**" means the Bonds maturing on November 1, 2028, which are subject to mandatory sinking fund redemptions as described in Section 8 of this resolution.

Section 2. Exhibits.

The attached exhibits are also a part of this resolution as though they were fully written out in this resolution:

(i) *Exhibit A* - Form of Bond.

(ii) *Exhibit B* - Notice to Electors of Sale.

Section 3. Purposes of Borrowing; Issuance of Bonds.

The Governing Body authorizes the Bonds and orders that they be prepared, executed, and issued. The Bonds will be fully registered, negotiable, water system revenue refunding bonds of the Municipality in the aggregate principal amount of $14,055,000. The Bonds will be issued under the provisions of the Act for the purposes

of the Refunding and paying the expenses of issuing the Bonds (including, but not limited to, printing costs and fees for financial consultants, bond counsel, rating agencies, bond insurance, and registration, as applicable).

Section 4. Terms of Bonds.

The Bonds will be named "City of Green Bay, Wisconsin Water System Revenue Refunding Bonds, Series 2014." The Bonds will be dated the Original Issue Date, even if they are actually issued or executed on another date. Each Bond will also be dated the date on which it is authenticated by the Fiscal Agent. That date is its registration date.

The face amount of each Bond will be $5,000 or any multiple thereof up to the principal amount authorized for that maturity.

The Bonds will bear interest from the Original Issue Date. Interest on the Bonds will be due and payable on each May 1 and November 1 until the principal of the Bonds has been paid, beginning on May 1, 2015. Interest on each Bond will be (i) computed on the basis of a 360-day year of twelve 30-day months and (ii) payable to the entity or person in whose name the Bond is registered on the Bond Register at the end of the day on the applicable Record Date. The Municipality and the Fiscal Agent may treat the entity or person in whose name any Bond is registered on the Bond Register as the absolute owner of the Bonds for all purposes whatsoever under this resolution. The Bonds will be numbered consecutively as may be required to comply with any applicable rules or customs or as determined by the Municipal Officers executing the Bonds

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The following table shows when the Bonds will mature and the rate of interest each maturity will bear:

Principal Maturity Date (November 1)	Principal Amount	Interest Rate	Principal Maturity Date (November 1)	Principal Amount	Interest Rate
2015	$700,000	2.00%	2022	$ 830,000	3.00%
2016	725,000	2.00	2023	850,000	3.00
2017	740,000	2.00	2024	875,000	3.00
2018	755,000	2.00	2025	900,000	3.00
2019	775,000	2.00	2026	930,000	3.00
2020	785,000	2.00	2028	1,960,000	3.50
2021	805,000	3.00	2029	2,425,000	3.50

The principal of and interest on the Bonds will be payable in lawful money of the United States of America.

Section 5. Fiscal Agent.

The Municipality appoints the Fiscal Agent to act as paying agent and registrar for the Bonds. The appropriate officers of the Municipality are directed to enter into a fiscal agency agreement with the Fiscal Agent on behalf of the Municipality. The fiscal agency agreement may provide for the Municipality to pay the reasonable and customary charges of the Fiscal Agent for those services. The fiscal agency agreement must require the Fiscal Agent to comply with all applicable federal and state regulations. Among other things, the Fiscal Agent must maintain the Bond Register.

Section 6. Appointment of Depository.

The Municipality appoints DTC to act as securities depository for the Bonds. An authorized representative of the Municipality has previously executed a blanket issuer letter of representations with DTC on the Municipality's behalf, and the Municipality ratifies and approves such document.

Section 7. Book-Entry System.

On the date of their initial delivery, the Bonds will be registered in the name of DTC or its nominee and maintained in a Book-Entry System. If the Municipality's relationship with DTC is terminated, then the Municipality may appoint another securities depository to maintain the Book-Entry System.

If on any date the Bonds are not being maintained in a Book-Entry System, then the Municipality will do the following:

(i) At its expense, the Municipality will prepare, authenticate, and deliver to the beneficial owners of the Bonds fully-registered, certificated Bonds in the denomination of $5,000 or any multiple thereof in the aggregate principal amount then outstanding. The beneficial owners will be those shown on the records of the Depository and its direct and indirect participants.

(ii) The Municipality will appoint a fiscal agent to act as paying agent and registrar for the Bonds under Section 67.10 (2) of the Wisconsin Statutes (the Fiscal Agent may be reappointed in this capacity).

Section 8. Redemption.

The Bonds maturing on and after November 1, 2025 are subject to redemption before their stated maturity dates, at the Municipality's option, in whole or in part, in the order of maturity selected by the Municipality, on November 1, 2024 and on any date thereafter. The redemption price will be 100% of the principal amount redeemed, plus accrued interest to the redemption date, and no premium will be paid. If payment of a

Bond called for redemption has been made or provided for, then interest on the Bond stops accruing on the stated redemption date. If less than all outstanding Bonds are redeemed, then the Bonds will be redeemed in $5,000 multiples in accordance with Sections 9 and 10 hereof, and if a portion, but not all, of a maturity that is subject to partial redemptions by operation of a sinking fund (as described below) is being redeemed, then the Municipality will select the amounts to be redeemed on future Sinking Fund Redemption Dates (as defined below) that are redeemed as a result of the partial redemption.

The Term Bonds are also subject to mandatory partial redemptions prior to their stated maturity date by operation of a sinking fund. On the following redemption dates (each a "**Sinking Fund Redemption Date**"), the Municipality will redeem the following principal amounts (subject to reduction as provided in the immediately preceding paragraph) of the Term Bonds:

Term Bonds Maturing November 1, 2028

Sinking Fund Redemption Date (November 1)	Principal Amount To be Redeemed
2027	$ 960,000
2028 (Stated Maturity)	1,000,000

The redemption price will be 100% of the principal amount redeemed, plus accrued interest to the Sinking Fund Redemption Date, and no premium will be paid. The particular Term Bonds to be redeemed will be selected in accordance with Sections 9 and 10 hereof, and the Municipality will give notice of the redemption in the manner stated in this resolution.

Section 9. Manner of Payment/Transfers/Redemption Notices Under Book-Entry System.

So long as the Bonds are being maintained in a Book-Entry System, the following provisions apply:

Payment. The Fiscal Agent is directed to pay the principal of, and interest on, the Bonds by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect.

Transfers. The Bonds are transferable, only upon the Bond Register and only if the Depository ceases to act as securities depository for the Bonds and the Municipality appoints a successor securities depository. If that happens, then upon the surrender of the Bonds to the Fiscal Agent, the Municipality will issue new fully registered Bonds in the same aggregate principal amounts to the successor securities depository, and the

Bonds will be recorded as transferred to the successor securities depository in the Bond Register.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed redemption date.

Section 10. Manner of Payment/Transfers/Redemption Notices *Not* Under Book-Entry System.

If on any date the Bonds are not being maintained in a Book-Entry System, then the following provisions apply:

Payment. The Fiscal Agent will pay the principal of each Bond upon its presentation and surrender on or after its maturity or earlier redemption date at the designated office of the Fiscal Agent, and the Fiscal Agent will pay, on each interest payment date, the interest on each Bond by wire or other electronic transfer or by check of the Fiscal Agent sent by first class mail to the person in whose name the Bond is registered on the Bond Register at the end of the day on the applicable Record Date.

Transfers. Each Bond is transferable, only upon the Bond Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of $5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Bond shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Municipality will issue one or more new fully registered Bonds in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Bonds and upon the payment of a charge sufficient to reimburse the Municipality or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after the Bond has been called for redemption.

Partial Redemptions. If less than all the principal amount of a specific maturity is to be redeemed, then the Municipality or the Fiscal Agent will randomly select the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds shall be sent by first class mail not less than 30, and not more than 60, days before the redemption date to the registered owners of the Bonds to be redeemed at the respective addresses set forth in the Bond Register. A notice of redemption may be revoked by sending a notice by first class mail not less than 15 days prior to the proposed redemption date to the registered owners of the Bonds which have been called for redemption.

Section 11. Form of Bonds.

The Bonds shall be in substantially the form shown in Exhibit A hereto. Omissions, insertions, or variations are permitted if they are deemed necessary or desirable and are consistent with this resolution or any supplemental resolution. The Municipality may cause the approving opinion of bond counsel to be printed or reproduced on the Bonds.

Section 12. Execution of Bonds.

The Bonds shall be signed by the persons who are the Municipal Officers on the date on which the Bonds are signed. The Bonds shall be sealed with the Municipality's corporate seal (or a facsimile thereof), if the Municipality has one, and the Bonds shall also be authenticated by the manual signature of an authorized representative of the Fiscal Agent.

The Bonds will be valid and binding even if before they are delivered any person whose signature appears on the Bonds is no longer living or is no longer the person authorized to sign the Bonds. In that event, the Bonds will have the same effect as if the person were living or were still the person authorized to sign the Bonds.

A facsimile signature may be used as long as at least one signature of a Municipal Officer is a manual signature or the Fiscal Agent's certificate of authentication has a manual signature. If a facsimile signature is used, then it will be treated as the officer's own signature.

Section 13. Continuing Disclosure.

The appropriate officers of the Municipality are directed to sign the Continuing Disclosure Agreement, and the Municipality agrees to comply with all of its terms.

Section 14. Payable Solely From Special Redemption Fund.

The Bonds and any Parity Bonds, together with interest thereon, will be payable only out of the Special Redemption Fund as provided in the Prior Resolutions and in this resolution. The registered owners of the Bonds and any Parity Bonds will have a valid claim only against the Special Redemption Fund and the revenues pledged to such fund.

Section 15. Pledge.

The Municipality pledges the Net Revenues of the System and all amounts in the Special Redemption Fund to the payment of the principal of and interest on the Bonds and any Parity Bonds as provided in this resolution. Such revenues will be used for no purpose other than to pay the principal of and interest on the Bonds and any Parity Bonds on the dates on which such amounts are due. The Bonds and any Parity Bonds, together with the interest thereon, shall not constitute an indebtedness of the Municipality within the meaning of any constitutional or statutory limitation or provision and shall not constitute a general obligation of the Municipality or a charge against its general credit or taxing power. The Municipality will not be liable for the payment of the principal of and interest on the Bonds, except as provided in this resolution.

Section 16. Equality of Lien.

All Bonds and any Parity Bonds, regardless of issue dates, maturity dates, or series designations, will be secured equally by the pledge of the Net Revenues of the System and all amounts in the Special Redemption Fund.

Section 17. No Senior Bonds; Parity Bonds.

Except as permitted by Section 21(a) of this resolution, the Municipality will issue no bonds or other obligations payable from the revenues of the System, or enjoying a lien on the revenues or property of the System, that have a priority over the Bonds with respect to their payment or security. The Municipality may issue Parity Bonds on the terms and conditions set forth in the applicable section of each Prior Resolution and Section 21 of this resolution.

Section 18. Funds and Accounts.

(a) Continuation of Funds and Accounts; Purposes.

The Municipality affirms and continues the following funds and accounts of the System originally created under Section 17 of the 2004 Resolution (collectively, the

"**Funds and Accounts**") to provide for the collection, distribution, and use of the Gross Revenues:

(1) Water System Revenue Fund (the "**Revenue Fund**"), into which the entire Gross Revenues will be deposited as received.

(2) Water System Operation and Maintenance Fund (the "**Operation and Maintenance Fund**"), which will be used to hold amounts expected to be used for the payment of the reasonable and necessary expenses of operating and maintaining the System, including salaries, wages, materials, supplies, and insurance, and for the purposes described in Section 19(c)(1) of this resolution.

(3) Water System Special Redemption Fund, which will be divided into the following three accounts: (i) the "**Interest and Principal Account**", (ii) the "**Earnings Account**", and (iii) the "**Reserve Account**." Amounts held in the Interest and Principal Account and the Earnings Account will be used solely to pay interest on and principal of the Bonds and Parity Bonds as provided in this resolution. Amounts held in the Reserve Account will be used to pay principal of or interest on the Bonds and Parity Bonds on any date when amounts in the Interest and Principal Account and the Earnings Account are insufficient to make such payments.

(4) Water System Depreciation Fund (the "**Depreciation Fund**"), which will be used to hold amounts expected to be used to pay for repairs, replacements, extensions, or additions to the System, provided that amounts in the Depreciation Fund can be used for any such purpose only if such amounts are not needed to make up any deficiency in the Interest and Principal Account or the Reserve Account.

(5) Water System Surplus Fund (the "**Surplus Fund**"), amounts in which will be used for the purposes described in Section 19(c)(4) of this resolution.

(b) <u>Limitation on the Use of Amounts in the Funds and Accounts.</u>

Amounts held in the Funds and Accounts must be used solely for the purposes described in this resolution.

(c) Requirement to Maintain the Special Redemption Fund as a Separate Fund.

The Special Redemption Fund must be maintained as a separate fund in the treasury of the Municipality. The other Funds and Accounts may be combined in a single investment or bank account.

(d) Investment of Amounts held in Funds and Accounts.

Amounts in the Funds and Accounts may be invested in any manner permitted by the laws of Wisconsin, subject to the following limitations:

(1) The investments in each Fund or Account must be sold whenever necessary to provide funds for the purposes for which the Fund or Account was created.

(2) In particular, amounts in the Reserve Account must be invested so that sufficient funds will be available on each interest payment date for the Bonds and any Parity Bonds to make the required interest and principal payments in the event amounts in the Interest and Principal Account and the Earnings Account are insufficient to make the payments.

(3) No investment may be purchased or retained if the purchase of the investment or its retention would cause any Bond to be an "arbitrage bond" (within the meaning of Section 148 of the Code or the Treasury Regulations promulgated thereunder).

(4) All investments held in the Funds and Accounts must be secured to the fullest extent required by the laws of Wisconsin.

(e) Required Transfers of Earnings on Certain Funds and Accounts.

All income from the investment of amounts in the Special Redemption Fund must be transferred to the Earnings Account. All income from the investment of amounts in the Depreciation Fund must be deposited in the Depreciation Fund. All income from the investment of amounts in all other Funds and Accounts must be deposited in the Revenue Fund and regarded as revenues of the System.

(f) Rebate Matters.

To comply with the rebate requirements of Section 148(f) of the Code and the related Treasury Regulations:

(1) The Municipality shall cause a determination to be made, by engaging Bond Counsel or another qualified rebate determination provider, of the amount, if any, of rebate required to be paid with respect to the Bonds to the United States Treasury at least every five years (as of the anniversary date of the issuance of the Bonds) and upon the retirement of the last Bond. The Municipality may pay reasonable compensation to the rebate determination provider for the performance of such services.

(2) The Municipality shall make required rebate payments to the United States Treasury with respect to the Bonds at such times and in such amounts and manner as are required by the Code and the related Treasury Regulations.

(3) The Municipality shall keep records of the rebate determinations prepared and rebate payments made until six years after the retirement of the last Bond.

Section 19. <u>Application of Revenues.</u>

(a) <u>Deposits to Revenue Fund and Transfers From Revenue Fund.</u>

Until all Bonds and Parity Bonds, if any, have been retired, or until there is on deposit in the Special Redemption Fund an amount sufficient to provide for the payment of the principal of all outstanding Bonds and Parity Bonds, if any, together with the interest thereon to maturity, the Gross Revenues must, to the extent permitted by law, be deposited as collected in the Revenue Fund and must be transferred from the Revenue Fund and deposited in the Operation and Maintenance Fund, the Special Redemption Fund, the Depreciation Fund, and the Surplus Fund in the following order:

(1) A sum sufficient of the money in the Revenue Fund for the purposes of the Operation and Maintenance Fund must be deposited in the Operation and Maintenance Fund.

(2) A sum sufficient of the money in the Revenue Fund for the purposes of the Special Redemption Fund must be deposited in the Special Redemption Fund.

(3) A sum sufficient of the money in the Revenue Fund for the purposes of the Depreciation Fund must be deposited in the Depreciation Fund.

(4) The remainder of the money in the Revenue Fund must be deposited in the Surplus Fund.

Transfers from the Revenue Fund to the Operation and Maintenance Fund, the Special Redemption Fund, the Depreciation Fund, and the Surplus Fund must be made in the order indicated above, at such times as are necessary to carry out the purposes of the respective funds.

(b) <u>Transfers to the Special Redemption Fund.</u>

The Governing Body intends that the amount of money deposited in the Special Redemption Fund from all sources will be sufficient to (i) pay the interest on the Bonds and any Parity Bonds as the same becomes due, (ii) retire the Bonds and any Parity Bonds at maturity, and (iii) provide for any required monthly deposits to the Reserve Account.

(c) <u>Transfers Among Certain Funds and Accounts; Uses of Amounts in Funds and Accounts.</u>

Amounts deposited in the following Funds and Accounts must be held, used or transferred as follows:

(1) *Operation and Maintenance Fund*. Amounts deposited in the Operation and Maintenance Fund must be used for the purposes described in Section 18(a)(2) of this resolution, unless the balance in the Operation and Maintenance Fund exceeds the estimated operating and maintenance expenses of the System for the next succeeding sixty days, in which case the excess amount must (i) be transferred to the Special Redemption Fund to remedy any deficiency in the Special Redemption Fund, or (ii) if or to the extent that no such deficiency exists, then the remaining excess amount must be transferred to the Surplus Fund.

(2) *Interest and Principal Account and Earnings Account*. Amounts deposited in the Special Redemption Fund must first be used to deposit each month into the Interest and Principal Account an amount equal to one-sixth (1/6) of the next installment of interest due on the Bonds and any Parity Bonds then outstanding, plus an amount equal to one-twelfth (1/12) of the next installment of principal of the Bonds and any Parity Bonds coming due, until the full amount of such installments is on deposit in the Interest and Principal Account. The deposits must be made first from the Earnings Account until it is depleted, and all moneys in the Earnings Account will be deemed to have been used first in payment of interest on the Bonds and any Parity Bonds. Any funds remaining in the Earnings Account after each such transfer must first be transferred to the Interest and Principal Account until there is on hand in the Interest and Principal Account an

amount equal to the full amount of interest and principal coming due on the Bonds and any Parity Bonds then outstanding during the 12 months following the date of such transfer and after that either (i) be used to retire the Bonds or any Parity Bonds in advance of maturity by redemption or by purchase of such bonds on the open market or an invitation and receipt of tenders of the lowest dollar price or prices obtainable, but not exceeding the lowest price at which such bonds could be redeemed on the next succeeding redemption date or (ii) be invested so as to restrict the yield thereon to avoid the Bonds or any Parity Bonds being classified as "arbitrage bonds" within the meaning of Section 148 of the Code or any Treasury Regulations promulgated thereunder.

Notwithstanding the foregoing, unless the Municipality is provided with an opinion of Bond Counsel that the action specified below will not adversely affect the exclusion of interest on the Bonds or the applicable issue of Parity Bonds from gross income for federal income tax purposes (A) moneys in the Earnings Account that are allocable to "proceeds" (within the meaning of Treas. Reg. § 1.148-1(b)) of the Bonds or any issue of Parity Bonds may only be deposited in the Interest and Principal Account if such moneys will be used to pay interest on or principal of the issue to which such proceeds are allocable, and (B) no moneys that are allocable to proceeds of the Bonds or any issue of Parity Bonds may be used to pay interest on or principal of obligations that are not part of the issue to which the proceeds are allocable.

(3) *Reserve Account*. The next available amounts in the Special Redemption Fund must be used to make monthly transfers to the Reserve Account until there is on hand in the Reserve Account an amount equal to the Minimum Reserve Amount. Amounts in the Reserve Account must be used whenever necessary to pay principal of or interest on the Bonds and Parity Bonds whenever the Interest and Principal Account and the Earnings Account are insufficient for that purpose. Any amounts in the Reserve Account in excess of the Minimum Reserve Amount must be transferred to the Earnings Account, except that it is expected that $5,592,475 of the amount in the Reserve Account will be used on November 1, 2029 to pay a portion of the final principal amounts due on the Bonds and Parity Bonds on that date (unless all or a portion of the Bonds and Parity Bonds are refunded prior to November 1, 2029, in which case any

amounts in the Reserve Account in excess of what will be the Minimum Reserve Amount after the retirement of the last Bonds and Parity Bond must be transferred to the Earnings Account and used to pay all or a portion of the last principal and interest payments due on the Bonds and Parity Bonds). For the purpose of computing the Minimum Reserve Amount, all investments in the Reserve Account shall be valued semiannually, on each interest payment date, at then current market value. In the event that amounts are withdrawn from the Reserve Account or amounts on deposit in the Reserve Account on any valuation date are less than the Minimum Reserve Amount, the Municipality, from revenues of the System, must restore any amounts so withdrawn or any shortfall so that 12 months following such withdrawal or shortfall the amount on deposit in the Reserve Account equals the Minimum Reserve Amount.

If, 12 months following any withdrawal from the Reserve Account, the amount on deposit in the Reserve Account is less than the Minimum Reserve Amount, then the Financial Officer must certify to the Governing Body the amount necessary to restore the Reserve Account to the Minimum Reserve Amount. Recognizing its moral obligation to do so, the Governing Body expresses its expectation and aspiration that, if presented with such a certification, it will make an appropriation of funds sufficient to restore the Reserve Account to the Minimum Reserve Amount. The Governing Body determines that the System and any appropriation of funds pursuant to this moral obligation pledge serves a public purpose by safeguarding the health and welfare of its citizens.

(4) *Surplus Fund*. Amounts in the Surplus Fund must first be used whenever necessary to pay principal of or interest on the Bonds and Parity Bonds when the Special Redemption Fund is insufficient for that purpose, and thereafter to remedy any deficiency in any of the Funds or Accounts, or if at the close of any Fiscal Year there is no such deficiency, then such amounts may be disbursed as follows:

(i) to retire Bonds or Parity Bonds in advance of maturity by redemption or by purchase of such bonds on the open market or an invitation and receipt of tenders at the lowest dollar price or prices obtainable, but not exceeding the lowest price at which such bonds could be redeemed on the next succeeding redemption date; or

(ii) to rebate payments made by customers of the System pursuant to any plan adopted by the Governing Body of the Municipality; or

(iii) to the general fund of the Municipality.

All transfers and deposits within any Fund or Account or to any other Fund or Account required or permitted by this section shall be made at such times as are necessary to carry out the purposes of the applicable Fund or Account.

Section 20. <u>Agreements and Covenants Regarding the Operation of the System.</u>

The Municipality agrees and covenants with each and every registered owner of the Bonds and Parity Bonds as follows:

(a) The reasonable cost and value of any service rendered to the Municipality by the System by furnishing utility services, including, but not limited to, fire, police, safety and health protection, will, to the extent permitted by law, be charged against the Municipality and be paid by it monthly as the service accrues out of the current revenues of the Municipality collected or in process of collection, exclusive of the Gross Revenues, and, if necessary, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses.

(b) The Municipality will faithfully and punctually perform all duties concerning the System required by the constitution and statutes of the State of Wisconsin, including the making and collecting of reasonable, lawful, and sufficient rates for services rendered by the System and the segregation and application of the revenues of the System as provided in this resolution.

(c) The Municipality will not sell, lease, or in any manner dispose of all or any part of the System, or any additions or extensions that may be made to the System, until all Bonds and Parity Bonds have been paid in full, both principal and interest, or until provision has been made for the payment in full of all Bonds and Parity Bonds, both principal and interest, unless the property to be sold, leased or otherwise disposed of has been found by the Governing Body not be necessary or useful in the operation of the System. The proceeds received from any sale, lease, or disposal of any such property of the System must be paid into (i) the Earnings Account of the Special Redemption Fund, if the property sold was acquired

or improved with proceeds of the Bonds or Parity Bonds that are tax-exempt obligations, or (ii) the Revenue Fund, in all other cases.

(d) The Municipality will: (i) operate and maintain the System in good condition; (ii) charge and collect such lawfully established rates and charges for the service rendered by the System so that the Gross Revenues of the System will be sufficient to make the payments into the Funds and Accounts created by this resolution and provide for Net Revenues at least equal to 1.20 times the highest combined annual interest and principal requirements on all Bonds and Parity Bonds then outstanding (for this purpose, the Municipality may treat the final payment due on the Bonds as being reduced by the amount expected to be transferred from the Reserve Account and applied toward such final payment); and (iii) promptly take such actions as are necessary to adopt and enforce increased rates whenever such increase shall be necessary to fulfill any covenant of this resolution.

(e) The Municipality will keep proper books and accounts relating to the System separate from all other records of the Municipality and will cause such books and accounts to be audited annually by a recognized independent firm of certified public accountants and will make available to the owners of any of the Bonds or Parity Bonds the latest balance sheet and the profit and loss statement of the System as certified by such accountants. The registered owners of any the Bonds or Parity Bonds will have the right to inspect the System and the records, accounts and data of the Municipality relating to the System at all reasonable times. Each audit of the books and accounts of the System, in addition to whatever matters may be thought proper by the accountants to be included therein, must include the following: (i) a statement in detail of the revenues and expenditures of the System for the Fiscal Year; (ii) a statement of the Net Revenues as herein defined for the Fiscal Year; (iii) a balance sheet as of the end of the Fiscal Year; (iv) the accountants' comment regarding the manner in which the Municipality has carried out the requirements of this resolution and the accountants' recommendation for any changes or improvements in the operation of the System; (v) a list of the insurance policies in force at the end of the Fiscal Year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer and the expiration date of the policy; and (vi) the number and types of connections at the end of the Fiscal Year.

(f) The Municipality will carry, for the benefit of the registered owners of the Bonds and Parity Bonds, insurance of a kind and in such amounts as would usually be carried by private companies or other public bodies engaged in operating a similar utility system. All

amounts received for losses under any of such insurance policies, except public liability, must be used in repairing the damage or in replacing the property destroyed, unless the Governing Body finds that it is not advisable to repair such damage or replace such property and that the operation of the System will not be impaired if such property is not repaired or such property is not replaced, in which case such amounts shall be deposited in the Earnings Account, provided that any amounts deposited in the Earnings Account must not reduce the amounts otherwise required to be paid into the Special Redemption Fund.

(g) The Municipality will grant no franchise for the operation of another System (or any part thereof) within the geographic limits of the Municipality, unless the denial of such franchise would be in violation of any law.

(h) The Municipality will by resolution of its Governing Body require all buildings in the Municipality used for human habitation and located adjacent to service from the System, or located in a block through which service from the System extends, to be connected with service from the System.

(i) The Municipality will not enter into any contract with any person or persons which would cause any Bonds or Parity Bonds to become "private activity bonds," within the meaning of Section 141(a) of the Code or any Treasury Regulations promulgated thereunder.

(j) The Municipality will comply with all requirements of the Code that must be satisfied subsequent to the issuance of the Bonds or Parity Bonds in order that interest thereon be (or continue to be) excluded from gross income for federal income tax purposes, including, but not limited to the rebate requirements set forth in the Code and the Treasury Regulations. The Municipality will comply with the provisions of the Tax Certificate delivered in connection with the issuance of the Bonds relating to these requirements.

Section 21. <u>Additional Bonds.</u>

The Municipality will issue no notes, bonds, or any other obligations of any kind or nature payable from or enjoying a lien on the Gross Revenues, the Special Redemption Fund or properties of the System on a parity with or having a priority over the Bonds, except as provided in this Section:

(a) Notes (including bond anticipation notes) or bonds may be issued having a priority over the Bonds and Parity Bonds if either (i) such notes or bonds are issued, wholly or in part, for the purpose of and will provide an amount sufficient, together with the earnings thereon

and all other funds legally available therefor, to pay the entire principal of and all interest on the Bonds and Parity Bonds to their maturity or early redemption; or (ii) immediately upon the issuance of such notes or bonds, the Municipality has discharged all the Bonds and Parity Bonds in the manner provided in Section 23 of this resolution.

(b) Additional notes (including bond anticipation notes) or bonds may be issued on a parity with the Bonds and Parity Bonds if such notes or bonds are issued for the purpose of refunding any of the Bonds or Parity Bonds which either (i) have matured or (ii) will mature not later than 90 days after the date of delivery of such refunding notes or bonds if there is insufficient amounts in the Special Redemption Fund to provide for the required payments.

(c) Additional notes (including bond anticipation notes) or bonds may be issued on a parity with the Bonds and Parity Bonds if all of the following conditions have been satisfied:

(1) Either (A) the Net Revenues of the System for the last completed Fiscal Year were at least 1.20 times the highest combined annual interest and principal requirements on all bonds and notes then outstanding payable from the Gross Revenues of the System (other than bonds being refunded) and the bonds or notes so proposed to be issued for any succeeding Bond Year in which there will be a principal maturity on such outstanding bonds or notes (for this purpose, the Municipality may treat the final payment due on the Bonds and Parity Bonds as being reduced by the amount expected to be transferred from the Reserve Account and applied toward such final payment); *provided, however,* that if prior to the authorization of such additional bonds or notes the Municipality has adopted and put into effect a revised schedule of rates, then the Net Revenues of the System for the last completed Fiscal Year which would, in the written opinion of an Independent Consultant employed for that purpose, have resulted from such rates had they been in effect for such period, may be used in lieu of the actual net income for the last completed Fiscal Year; or (B) the need for such financing is evidenced by a certificate or certificates of an Independent Consultant with recognized expertise in utility ratemaking before the Public Service Commission of Wisconsin employed for that purpose, giving a detailed description of the proposed projects to be financed, an estimate of the cost of the proposed projects including proposed capitalized interest, if any, and an estimate of the time of completion of the proposed projects, and showing the

feasibility of such financing with reference to projected Net Revenues based on rates and charges projected to be in effect upon completion of such projects; *provided*, that such feasibility shall not be deemed shown unless the projected Net Revenues for each of the two full Fiscal Years next succeeding the estimated date of completion of such projects shall be equal to at least equal to 1.20 times the highest combined annual interest and principal requirements on all bonds and notes then outstanding payable from the Gross Revenues of the System (other than bonds being refunded) and the bonds or notes so proposed to be issued for any succeeding Fiscal Year in which there shall be a principal maturity on such outstanding bonds or notes (for this purpose, the Municipality may treat the final payment due on the Bonds and Parity Bonds as being reduced by the amount expected to be transferred from the Reserve Account and applied toward such final payment). For purposes of this subsection, actual Net Revenues for any Fiscal Year will be the Net Revenues shown in the audit of the System's books and accounts for the Fiscal Year required by Section 20(e) of this resolution.

(2) The payments required to be made into the Funds and Accounts continued pursuant to Section 18 of this resolution must be current.

(3) There must be on hand in the Reserve Account immediately upon the issuance of such additional bonds or notes an amount not less than the Minimum Reserve Amount.

(4) The additional bonds or notes must be payable as to principal on November 1 of each year and as to interest on May 1 and November 1 of each year.

(5) The proceeds of the additional bonds or notes must be used solely to refund Bonds or Parity Bonds, or for acquiring or constructing additions, extensions, improvements, renewals or replacements to the System.

In the case of bond anticipation notes, the provisions of the Act shall govern with respect to all matters relating to the lien and sources of payment of such notes.

Section 22. <u>Resolution a Contract; Remedies of Bondholders.</u>

The provisions of this resolution constitute a contract between the Municipality and the registered owners of the Bonds. After the issuance of the Bonds no change or

alteration in the provisions of this resolution may be made, except as provided in Section 24 of this resolution and in the definition of "Fiscal Year" in Section 1 of this resolution, until all Bonds have been paid in full as to both principal and interest.

The registered owners of any of the Bonds will have the right, in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce their rights against the Municipality, the Governing Body, and any and all officers and agents thereof, including, but not limited to, the right to require the Municipality, the Governing Body, and any other authorized body to fix and collect rates and charges fully adequate to carry out all provisions and agreements contained in this resolution, and the right to have a receiver appointed for the System in the event of a default in the payment of principal of or interest on the Bonds.

Section 23. <u>Discharge and Satisfaction of Bonds and Covenants.</u>

The agreements, covenants, liens and pledges entered into, created, or imposed pursuant to this resolution may be fully discharged and satisfied with respect to any or all of the Bonds in any one or more of the following ways:

(a) By paying the Bonds when they become due and payable, or upon their prior redemption, in the manner provided in this resolution;

(b) By depositing with the appropriate fiscal agent(s) for the Bonds funds in the amount necessary, without consideration of any reinvestment thereof, to pay the principal of and interest on the Bonds until their maturity or earlier redemption; *provided* that if the Bonds are to be redeemed prior to their stated maturities, then (i) the Bonds must have been irrevocably called for redemption by the Governing Body, and (ii) provision must have been made for the required notice of the redemption in the manner provided in this resolution; *provided further*; that any such deposit can only be made if the deposit will not adversely affect the exclusion of interest on the Bonds from gross income of the owners thereof for federal income tax purposes; or

(c) By depositing with a trustee or an escrow agent, in trust for such purpose, on or before the date of maturity or redemption, money and/or direct obligations of, or obligations the principal of and interest on which are fully guaranteed by the United States of America, in such amount as, together with the income or increment to accrue thereon without consideration of any reinvestment thereof, will be fully sufficient to pay or redeem (when redeemable) the Bonds at or before their respective maturity dates; *provided,* that if a Bond is to be redeemed prior to its stated maturity date, then (i) the Bond must have been irrevocably called for redemption by the Governing Body, and (ii) provision must have been made for

the required notice of the redemption in the manner provided in this resolution; *provided, further,* that any such deposit can only be made if the deposit will not adversely affect the exclusion of interest on the Bonds from gross income of the owners thereof for federal income tax purposes**.**

Upon a payment or a deposit of money or investments in the amount and manner required by this section, all liability of the Municipality with respect to the relevant Bonds will cease, determine, and be completely discharged, and the registered owners of any Bonds that are not then retired will be entitled only to payment out of the money and investments deposited as required by this section.

Section 24. <u>Amendment of Resolution.</u>

Amendment Without the Consent of the Owners. This resolution may be amended from time to time without the consent of the registered owners of the Bonds to make any change that does not adversely affect the registered owners of the Bonds, including, without limitation, to cure any ambiguities, inconsistencies, or typographical errors that may be contained in this resolution.

Amendment With the Consent of the Owners. This resolution may also be amended from time to time with the written consent of the registered owners of not less than two-thirds in outstanding principal amount of the Bonds (not including any Bonds that are held or owned by or for the account of the Municipality); *however* this resolution may be amended only with the unanimous written consent of:

(a) The registered owners of the Bonds (not including any Bonds that are held or owned by or for the account of the Municipality):

(i) To make any change in the stated maturity date of or interest rate on any Bond; modify the terms of payment of principal of or interest on any Bond; or impose any conditions with respect to payment of principal of or interest on any Bond;

(ii) To materially affect the rights of the owners of less than all Bonds then outstanding; or

(iii) To reduce the required outstanding principal amount of the Bonds for which consent must be given to effect any future amendments to this resolution; and

(b) The registered owners of any series of Parity Bonds (not including any Parity Bonds of the series that are held or owned by or for the account of the Municipality):

(i) To make any change in the stated maturity date of or interest rate on any Parity Bond of the series; modify the terms of

payment of principal of or interest on any Parity Bond of the series; or impose any conditions with respect to payment of principal of or interest on any Parity Bond of the series;

(ii) To materially affect the rights of the owners of less than all Parity Bonds of the series then outstanding; or

(iii) To reduce the required outstanding principal amount of Parity Bonds of the series for which consent must be given to effect any future amendments to this resolution.

Notice. If the Municipality proposes to amend this resolution under any provision of this section, then the Municipality must cause notice of the proposed amendment (the "**Amendment Notice**") and, if consent is required, a form of consent to the proposed amendment (the "**Consent**") to be (i) sent by certified mail to all registered owners of the Bonds and, if appropriate, any Parity Bonds, and (ii) filed with the Bond Purchaser. The Amendment Notice must briefly describe the nature of the proposed amendment and must state that a copy of the proposed amendment is on file for public inspection in the office of the Recording Officer. The Consent must refer to the proposed amendment, specifically evidence consent to and approval of the proposed amendment, and be dated by the owner of the Bonds and, if appropriate, the Parity Bonds upon execution of the Consent. The Amendment Notice and Consent may be one instrument.

If on any date prior to one year after the date of the mailing of the Amendment Notice and Consent the Recording Officer receives Consents executed by the registered owners of the Bonds and Parity Bonds owning not less than the required outstanding principal amount to approve the amendment, then the Governing Body may adopt a resolution effecting the proposed amendment and, upon the adoption of the resolution effecting the proposed amendment, the proposed amendment will become effective and binding upon the registered owners of all of the Bonds and Parity Bonds issued after the Bonds.

Any Consent given by the registered owner of a Bonds or Parity Bond pursuant to the provisions of this section will be irrevocable for a period of six months from the date of the Consent and will be conclusive and binding upon all future registered owners of the same Bonds or Parity Bonds during the six-month period. A Consent may be revoked on any date after the six-month period by the registered owner who gave the Consent or by a successor in title by filing notice of such revocation with the Recording Officer; *provided* that a revocation will not be effective if the Recording Officer has already received Consents from registered owners of the Bonds and Parity Bonds owning not less than the required outstanding principal amount to approve the amendment, evidencing their consent to and approval of the proposed amendment that was the subject of the Consent.

Section 25. <u>Sale of Bonds.</u>

The Municipality awards the sale of the Bonds to the Bond Purchaser at the Purchase Price, plus any accrued interest from the Original Issue Date to the date of delivery of the Bonds. The Municipality approves and accepts the purchase agreement signed and presented by the Bond Purchaser to evidence the purchase of the Bonds (the "**Bond Purchase Agreement**"). The Municipal Officers are directed (a) to sign the Bond Purchase Agreement in the Municipality's name and (b) to take any additional actions needed to complete the sale of the Bonds, including arranging for a specific date, location, and time of closing of the sale.

The Municipal Officers are directed to sign the Bonds and to deliver the Bonds to the Bond Purchaser through the facilities of DTC in accordance with the Bond Purchase Agreement and this resolution. The Bonds may be delivered to the Bond Purchaser upon payment by the Bond Purchaser of the Purchase Price, plus any accrued interest, as required by this resolution.

Unless waived by the Bond Purchaser, the delivery of the Bonds is conditioned upon the Municipality furnishing the following items to the Bond Purchaser:

(i) The Bonds, together with the written, unqualified approving opinion of Bond Counsel, evidencing the legality of the Bonds and that interest on the Bonds will be excluded from gross income for federal income tax purposes.

(ii) A transcript of the proceedings relating to the issuance of the Bonds.

(iii) A certificate showing that no litigation has been threatened or is pending that would affect the legality of the Bonds or the right of the Municipality to issue them at the time of their delivery.

Section 26. <u>Refunding of Refunded Bonds.</u>

To provide for the refunding of the Refunded Bonds and the payment of the principal of, and interest on, the Refunded Bonds on the Redemption Date, the Municipal Officers are directed to (i) take such actions as are necessary to call the Refunded Bonds for redemption on the Redemption Date and (ii) apply the net proceeds of the Bonds that are held in the Interest and Principal Account of the Special Redemption Fund pursuant to Section 28(c) hereof.

Section 27. <u>Redemption of Refunded Bonds.</u>

The Municipality irrevocably directs that the principal amount of the Refunded Bonds be redeemed and paid in full in advance of their stated maturity dates on the Redemption Date. The appropriate officers of the Municipality are directed to instruct

the fiscal agent for the Series 2004 Bonds to take all actions required to call the Refunded Bonds for redemption on the Redemption Date, including giving notice in the manner that the governing documents for the Series 2004 Bonds require. The Municipality ratifies and approves any action that has been taken in connection with the Refunding and the redemption of the Refunded Bonds prior to the date of this resolution.

Section 28. <u>Disposition of Bond Proceeds.</u>

The proceeds from the sale of the Bonds shall be disbursed as follows:

(a) All accrued interest, if any, shall be deposited in the Interest and Principal Account of the Special Redemption Fund.

(b) Any contingency or rounding amount shall be deposited in the Interest and Principal Account of the Special Redemption Fund and used to pay interest on the Bonds.

(c) The remaining proceeds from the sale of the Bonds, after payment of the costs of issuing the Bonds, shall be deposited in the Interest and Principal Account of the Special Redemption Fund and used, together with the amount described in Section 29(b), to pay the redemption price of the Refunded Bonds on the Redemption Date.

Section 29. <u>Fund Transfers.</u>

The Financial Officer is hereby irrevocably directed to make the following transfers on the Redemption Date of moneys and investments held in the specified funds and accounts:

(a) Any amounts in the Principal and Interest Account of the Special Redemption Fund established under the 2004 Resolution that are allocable to the Refunded Bonds and will not be used to pay the principal of, and interest on, the Refunded Bonds on the Redemption Date shall be continued in the corresponding account affirmed and continued under the 2006 Resolution and this resolution, and applied as provided in this resolution.

(b) Any amounts in the Earnings Account of the Special Redemption Fund necessary, together with amounts described in Section 28(c), to pay the principal of, and interest on, the Refunded Bonds on the Redemption Date shall be transferred to the Principal and Interest Account of the Special Redemption Fund.

(c) The remaining balances in all other funds and accounts established under the 2004 Resolution shall be continued in the corresponding

accounts affirmed and continued under the 2006 Resolution and this resolution and applied as provided in this resolution.

Section 30. Official Statement.

The Municipality approves and ratifies the preliminary offering document prepared and distributed in connection with the sale of the Bonds, and the Municipality authorizes and directs the final version of such document (the "**Official Statement**") to be prepared and distributed prior to the issuance of the Bonds; *provided, however,* that the Official Statement shall be substantially in the form submitted to this meeting, with such modifications as the Municipal Officers approve. The Municipal Officers are directed to deliver copies of the Official Statement to the Bond Purchaser and, if the Bond Purchaser requests, execute one or more copies on behalf of the Municipality. Execution and delivery of the Official Statement conclusively evidences the approval of the Municipal Officers.

Section 31. Publication of Notice.

The Recording Officer is directed to publish notice that the Municipality has agreed to sell the Bonds. The notice shall be published promptly after the adoption of this resolution in the Municipality's official newspaper as a class 1 notice under Chapter 985 of the Wisconsin Statutes. The notice shall be in substantially the form shown in Exhibit B hereto. The Recording Officer shall obtain proof, in affidavit form, of the publication, and shall compare the notice as published with the attached form to make sure that no mistake was made in publication.

Section 32. Authorization of Officers.

The appropriate officers of the Municipality are directed to prepare and furnish the following items to the Bond Purchaser and the attorneys approving the legality of the Bonds:

(i) Certified copies of proceedings and records of the Municipality relating to the Bonds and to the financial condition and affairs of the Municipality.

(ii) Other affidavits, certificates, and information as may be required to show the facts about the legality of the Bonds as such facts appear on the books and records under the officer's custody or control or as are otherwise known to the officer.

All certified copies, affidavits, certificates, and information furnished for such purpose are representations of the Municipality as to the facts they present.

Section 33. Tax Law Covenants.

The Municipality covenants that it will comply with all requirements of the Code, and the Treasury Regulations promulgated thereunder, that shall be satisfied so that

interest on the Bonds will be excluded from gross income for federal income tax purposes.

Section 34. Termination of Reserve Account Investment.

The Municipality ratifies and approves the execution and delivery by the Municipal *Officers of a termination agreement, and any additional related documents, with respect* to the termination of the Debt Service Reserve Fund Agreement dated as of October 5, 2004, among the Fiscal Agent, the Municipality, Morgan Stanley Capital Services, Inc., and Morgan Stanley & Co. Incorporated (the "**Prior GIC**") that was entered into in connection with the issuance of the Series 2004 Bonds. The Municipality further authorizes and directs the Municipal Officers to deposit funds received from the termination of the Prior GIC as follows: (i) an amount equal to the Minimum Reserve Amount shall be deposited into the Reserve Account, and (ii) an amount equal to any excess shall be deposited to the Earnings Account and applied as provided in Section 29(b).

Section 35. Further Authorization.

The Municipality authorizes its officers, attorneys, and other agents or employees to do all acts required of them to carry out the purposes of this resolution.

Section 36. Conflict with Prior Acts.

In case any part of a prior action of the Governing conflicts with this resolution, the Municipality rescinds that part of the prior action, except that this section shall not be interpreted as rescinding any part of the Prior Resolutions.

Section 37. Severability of Invalid Provisions.

If a court holds any provision of this resolution to be illegal or invalid, then the illegality or invalidity shall not affect any other provision of this resolution.

Section. 38 Effective Date.

This resolution takes effect upon its adoption and approval in the manner provided by law.

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Adopted: September 16, 2014

Approved: September 17, 2014

James J. Schmitt
Mayor

Kris A. Teske
Clerk

SCHEDULE 1

Refunded Bonds

The Refunded Bonds are the portions of the principal amounts of each maturity of the Series 2004 Bonds set forth below under the "**Principal Amount Refunded**" column:

Maturity (November 1)	Original Principal Amount	Interest Rate	**Principal Amount Refunded**	Principal Amount Remaining
2015	$ 160,000.00	3.65%	$ 40,000	-0-
2015	2,400,000.00	5.00	600,000	-0-
2016	2,685,000.00	5.00	670,000	-0-
2017	1,820,000.00	5.00	455,000	-0-
2017	1,000,000.00	4.50	250,000	-0-
2018	2,960,000.00	5.00	740,000	-0-
2019	355,000.00	4.00	90,000	-0-
2019	2,750,000.00	5.00	690,000	-0-
2020	3,260,000.00	5.00	815,000	-0-
2021	3,420,000.00	5.00	855,000	-0-
2022	3,590,000.00	5.25	900,000	-0-
2023	3,780,000.00	5.25	945,000	-0-
2024	3,980,000.00	4.75	995,000	-0-
2025	4,165,000.00	4.75	1,040,000	-0-
2026	4,365,000.00	5.00	1,090,000	-0-
2029[1]	150,000.00	4.75	40,000	-0-
2029[1]	4,440,000.00	5.00	1,110,000	-0-
2029[2]	230,000.00	4.75	60,000	-0-
2029[2]	4,590,000.00	5.00	1,150,000	-0-
2029[3]	180,000.00	4.75	45,000	-0-
2029[3]	10,470,000.00	5.00	2,615,000	-0-

[1] Mandatory Sinking Fund Redemption Date of November 1, 2027
[2] Mandatory Sinking Fund Redemption Date of November 1, 2028
[3] Stated Maturity Date

EXHIBIT A

FORM OF BOND

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("**DTC**"), to the issuer or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA
STATE OF WISCONSIN
CITY OF GREEN BAY

Registered

No. R-___ $_____

WATER SYSTEM REVENUE REFUNDING BOND, SERIES 2014

Interest Rate	Maturity Date	Original Issue Date	CUSIP
_____%	November 1, 20__	October 14, 2014	392690 ____

REGISTERED OWNER: CEDE & CO.
PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF GREEN BAY, WISCONSIN (herein called the "**Municipality**") hereby acknowledges itself to owe and for value received promises to pay the Principal Amount to the Registered Owner, solely from the income and revenues hereinafter specified on the Maturity Date, and interest on the Principal Amount from the Original Issue Date at the annual rate of the Interest Rate. Interest is due and payable on each May 1 and November 1 until the Principal Amount has been paid, beginning on May 1, 2015. Interest is computed on the basis of a 360-day year of twelve 30-day months.

This Bond is one of a duly authorized issue of revenue bonds (the "**Bonds**") of the Municipality of an aggregate principal amount of $14,055,000, all of which are of like tenor, except as to denomination, interest rate, maturity date, and redemption provisions, issued by the Municipality pursuant to Article XI, Section 3 of the Wisconsin Constitution and Section 66.0621 of the Wisconsin Statutes, and acts supplementary thereto.

This Bond, together with interest hereon, is payable in lawful money of the United States of America, together with the Municipality's outstanding $76,765,000 Water System Revenue Refunding and Improvement Bonds, Series 2004, dated October 1, 2004, and $49,310,000 Water System Revenue Refunding Bonds, Series 2006, dated November 1, 2006 (the "**Outstanding Bonds**"), from the income and revenues to be derived from the operation of the Municipality's water utility (the "**System**") to be set aside in the "Water System Special Redemption Fund," which was created by a resolution adopted by the governing body of the Municipality on September 21, 2004 (the "**2004 Resolution**") and affirmed and continued by subsequent resolutions, including a resolution adopted by the governing body of the Municipality on September 16, 2014 (the "**2014 Resolution**"). The 2014 Resolution is entitled "A Resolution Authorizing and Providing for the Sale and Issuance of $14,055,000 Water System Revenue Refunding Bonds, Series 2014 and All Related Details". Reference is hereby made to the 2014 Resolution for a more complete statement of the revenues from which and conditions under which this Bond is payable, the provisions pursuant to which this Bond has been issued, and the conditions under which bonds may hereafter be issued on a parity with this Bond. The Bonds rank on a parity with the Outstanding Bonds. This Bond does not constitute an indebtedness of the Municipality within the meaning of any constitutional or statutory limitation or provision.

This Bond is a valid claim of the registered owner hereof only against the Water System Special Redemption Fund and the revenues of the System pledged to the Water System Special Redemption Fund. Sufficient revenues of the System have been pledged to the Water System Special Redemption Fund and will be used for no other purpose than to pay the principal of and interest on the Bonds and the Outstanding Bonds as the same becomes due.

On the date of their initial delivery, the Bonds will be maintained in a system in which no physical distribution of certificates representing ownership of the Bonds is made to the owners of the Bonds but instead all outstanding Bonds are registered in the name of a securities depository appointed by the Municipality (a "**Depository**"), or in the name of the Depository's nominee, and the Depository and its participants record beneficial ownership and effect transfers of the Bonds electronically (a "**Book-Entry System**"). So long as the Bonds are maintained in a Book-Entry System, then the principal of, premium, if any, and interest on this Bond will be paid by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect by ASSOCIATED TRUST COMPANY, NATIONAL ASSOCIATION, or any successor fiscal agent appointed by the Municipality (hereinafter, the "**Fiscal Agent**"), which will act as paying agent and registrar for the Bonds.

If on any date the Bonds are *not* being maintained in a Book-Entry System, then (i) the principal of this Bond will be paid by the Fiscal Agent upon its presentation and surrender on or after its maturity date or prior redemption date at the designated office of the Fiscal Agent, and (ii) the interest on this Bond will be paid by the Fiscal Agent, on each interest payment date, by wire or other electronic transfer or by check of the Fiscal Agent sent by first class mail to the person or entity in whose name this Bond is registered in the register (the "**Register**") maintained by the Fiscal Agent at the end of the day on the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date (the "**Record Date**"). The

Municipality and the Fiscal Agent may treat the entity or person in whose name this Bond is registered on the Register as the absolute owner of this Bond for all purposes.

The Bonds maturing on or after November 1, 2025 are subject to redemption prior to their stated maturity dates, at the Municipality's option, in whole or in part, in the order of maturity selected by the Municipality, on November 1, 2024 and on any date thereafter. The redemption price will be 100% of the principal amount redeemed plus accrued interest to the redemption date, and no premium will be paid. If payment of a Bond called for redemption has been made or provided for, then interest on the Bond stops accruing on the stated redemption date. If less than all outstanding Bonds are redeemed, then the Bonds will be redeemed in $5,000 multiples as described below, and if a portion, but not all, of a maturity that is subject to partial redemptions by operation of a sinking fund (as described below) is being redeemed, then the Municipality will select the amounts to be redeemed on future Sinking Fund Redemption Dates (as defined below) that are reduced as a result of the partial redemption.

The Bonds maturing on November 1, 2028 (the "**Term Bonds**") are also subject to mandatory partial redemptions prior to their stated maturity date, by operation of a sinking fund. On the following redemption dates (each a "**Sinking Fund Redemption Date**") the Municipality will redeem the following principal amounts (subject to reduction as provided in the immediately preceding paragraph) of the Term Bonds:

Term Bonds Maturing November 1, 2028

Sinking Fund Redemption Date (November 1)	Principal Amount To be Redeemed
2027	$ 960,000
2028 (Stated Maturity)	1,000,000

The redemption price will be 100% of the principal amount so redeemed, plus accrued interest thereon to the Sinking Fund Redemption Date, and no premium will be paid. The particular Term Bonds to be redeemed will be selected as stated below and the Municipality will give notice of the redemption in the manner stated below.

So long as the Bonds are being maintained in a Book-Entry System the following provisions apply:

Transfers. The Bonds are transferable, only upon the Register and only if the Depository ceases to act as securities depository for the Bonds and the Municipality appoints a successor securities depository. If that happens, then upon the surrender of the Bonds to the Fiscal Agent, the Municipality will issue new fully registered Bonds in the same aggregate principal amounts to the successor securities depository and the Bonds will be recorded as transferred to the successor securities depository in the Register.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of

any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed redemption date.

If on any date the Bonds are not being maintained in a Book-Entry System, then the following provisions apply:

Transfers. Each Bond is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of $5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Bond shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Municipality will issue one or more new fully registered Bonds, in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Bonds and upon the payment of a charge sufficient to reimburse the Municipality or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Municipality or the Fiscal Agent will randomly select the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds shall be sent by first class mail not less than 30, and not more than 60, days before the redemption date to the registered owners of any Bonds to be redeemed, at the respective addresses set forth in the Register. A notice of redemption may be revoked by sending a notice by first class mail not less than 15 days prior to the proposed redemption date to the registered owners of the Bonds which have been called for redemption.

The Municipality certifies, recites, and declares that all acts, conditions, and procedures required by law to exist, to have happened, and to be performed, leading up to and in the issuing of this Bond and of the issue of which it is a part, do exist, have happened, and have been performed in regular and due form, time, and manner as required by law; and that a sufficient amount of the income and revenue to be received by the Municipality from the operation of the System has been pledged to and will be set aside into a special fund for the payment of the principal of, and interest on, this Bond.

IN WITNESS WHEREOF, the Municipality, by its governing body, has caused this Bond to be executed in its name and on its behalf by the manual or facsimile signatures of its Mayor and Clerk, and to be sealed with its corporate seal (or a facsimile thereof), if any, all as of October 14, 2014.

CITY OF GREEN BAY, WISCONSIN

By:_____
Mayor

[SEAL]

And:_____
Clerk

Certificate of Authentication:
Dated: October __, 2014
This Bond is one of the Bonds described in the within-mentioned 2014 Resolution.
ASSOCIATED TRUST COMPANY, NATIONAL ASSOCIATION, as Fiscal Agent

_____
Authorized Signatory

ASSIGNMENT

For value received, the undersigned hereby sells, assigns, and transfers unto

PLEASE INSERT SOCIAL SECURITY OR
OTHER IDENTIFYING NUMBER OF ASSIGNEE

_____

_____

_____

(Please Print or Type Name and Address of Assignee)

the within-mentioned Obligation and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney-in-fact, to transfer the same on the books of the registry in the office of the Fiscal Agent, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signatures must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Fiscal Agent, which requirements include membership or participation in the Securities Transfer Association Medallion Program ("**STAMP**") or such other "signature guarantee program" as may be determined by the Fiscal Agent in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

Note: The signature to this assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or change whatsoever. When assignment is made by a guardian, trustee, executor or administrator, an officer of a corporation, or anyone in a representative capacity, proof of such person's authority to act must accompany this Bond.

EXHIBIT B

NOTICE TO THE ELECTORS OF THE
CITY OF GREEN BAY, WISCONSIN
RELATING TO BOND SALE

On September 16, 2014, pursuant to Section 66.0621 of the Wisconsin Statutes, a resolution was offered, read, approved, and adopted whereby the City of Green Bay, Wisconsin authorized the borrowing of money and entered into a contract to sell water system revenue refunding bonds in the principal amount of $14,055,000. It is anticipated that the closing of this bond financing will be held on or about October 14, 2014. A copy of all proceedings had to date with respect to the authorization and sale of said bonds is on file and may be examined in the office of the City Clerk at 100 North Jefferson Street, Green Bay, Wisconsin between the hours of 9:00 a.m. and 4:00 p.m. on weekdays.

This notice is given pursuant to Section 893.77 of the Wisconsin Statutes, which provides that an action or proceeding to contest the validity of such financing, for other than constitutional reasons, must be commenced within 30 days after the date of publication of this notice.

Publication Date: September 19, 2014

/s/ Kris Teske
City Clerk

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of adopting the remaining resolutions with one roll call vote. Motion carried.

FINAL PAYMENTS RESOLUTION
SEPTEMBER 16, 2014

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the City Clerk be and is hereby instructed to draw FINAL ORDERS in favor of the following contractors for their projects in the amounts listed as follows:

1. PARKS PROJECT 2-13
   Maroszek Excavating, Inc.

TOTAL AMOUNT EARNED:	$	63,931.44
LESS AMOUNT RETAINED:	$	0.00
	$	63,931.44
LESS AMOUNT PREVIOUSLY PAID:	$	60,564.88
AMOUNT DUE THIS ESTIMATE:	$	3,366.56

   ACCOUNT NUMBERS
   410-60-600-000-53001-000000-000-97501: $3,366.56
   PO #105451

2. FIRE STATION NO. 6 MECHANICAL SYSTEM REPLACEMENT AND REROOFING
   B & P Mechanical, Inc.

TOTAL AMOUNT EARNED:	$	128,369.90
LESS AMOUNT RETAINED:	$	0.00
	$	128,369.90
LESS AMOUNT PREVIOUSLY PAID:	$	115,532.91
AMOUNT DUE THIS ESTIMATE:	$	12,836.99

   ACCOUNT NUMBERS
   417-40-400-000-55201-000000-000-41131: $12,836.99
   PO #105521

Adopted September 16, 2014

Approved September 17,, 2014

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

RESOLUTION APPROVING AIR RIGHTS EASEMENT WITHIN THE SOUTH ADAMS AND STUART STREET RIGHT-OF WAYS September 16, 2014

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the request by Reinhold Sign Service, Inc on behalf of Aging & Disability Resource Center of Brown County for an Air Rights Easement within the South Adams Street and Stuart Street right-of-ways for the installation of signage and awnings contingent upon executing a Hold Harmless Agreement and placing on file with the City the applicable insurance.

Adopted September 16, 2014

Approved September 17, 2014

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

RESOLUTION OF RECOGNITION
KING OF ARMS NEIGHBORHOOD ASSOCIATION

Green Bay, Wisconsin
September 16, 2014

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, the Mayor and Common Council of the City of Green Bay, along with its staff and citizens, recognize the importance of developing and maintaining healthy neighborhoods throughout the community; and

WHEREAS, the City of Green Bay values citizen involvement and wishes to reach out to all segments of the community by supporting the formation of effective neighborhood associations; and

WHEREAS, the King of Arms Neighborhood Association has been organized by residents of the City of Green Bay with a mission statement as follows: "The King of Arms Neighborhood Association strives to enhance and inspire the quality of life and beautification of our neighborhood by serving as a link to government, preserving the safety and social well-being of our neighborhood, and creating intergenerational partnerships." and

WHEREAS, the King of Arms Neighborhood Association will serve residents of the City of Green Bay in the neighborhood bounded by Northern boundary of West Point Road, Western boundary of Hillcrest Drive, Southern boundary of the City limits of Green Bay, Eastern boundary being three parcels west of King of Arms Drive to the Southern boundary; and

NOW, THEREFORE, BE IT RESOLVED that the City of Green Bay, whose Mayor and Common Council are herein assembled, officially recognizes the King of Arms Neighborhood Association; and

BE IT FURTHER RESOLVED that the Mayor, Common Council and staff of the City of Green Bay hereby pledge their support and cooperation in addressing the needs of the citizens of this neighborhood in particular and the community in general.

Adopted September 16, 2014

Approved September 17, 2014

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

RESOLUTION AUTHORIZING CONDITIONAL-USE APPROVAL AT 1322 HARVEY STREET (ZP 14-27)

September 16, 2014

BY THE COMMON COUNCIL OF THE CIT OF GREEN BAY, RESOLVED:

That pursuant to Zoning Petition 14-27 and the recommendation of the Plan Commission on August 25, 2014, the City of Green Bay authorizes approval of the request for a conditional-use permit to construct a private outdoor recreation court beyond the maximum accessory use size requirements found in Chapter 13-615, Table 6-4, Green Bay Municipal Code, in a Low Density Residential (R1) District located on the following described property at 1322 Harvey Street:

Part of Lot 2, Whitneys Addition, described in 352 D 214 (Tax Parcel Number 8-611-A)

Said conditional-use permit shall be granted subject to placement of coniferous trees, not less than 4 feet in height, along the east and south sides of the basketball court to create a dense barrier to adjoining properties.

Adopted September 16, 2014

Approved September 17, 2014

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

RESOLUTION AUTHORIZING CONDITIONAL-USE APPROVAL AT 226 N. BAIRD STREET (ZP 14-32)

September 16, 2014

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That pursuant to Zoning Petition 14-32 and the recommendation of the Plan Commission on September 8, 2014, the City of Green Bay authorizes approval of the request for a conditional-use permit to allow a metal accessory structure within a Public Institutional (PI) District located on the following described property at 226 N. Baird Street:

> Part of Lots 2 and 3, Section 31, T24N R21E lying southwesterly of the East River and north of Walnut Street, except Baird Street and except road in 2628906 (Tax Parcel Number 17-1061)

Said conditional-use permit shall be granted subject to standard site plan review and approval.

Adopted September 16, 2014

Approved September 17, 2014

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

ORDINANCES - FIRST READING

GENERAL ORDINANCE NO. 18-14

AN ORDINANCE
AMENDING SECTION 29.208,
GREEN BAY MUNICIPAL CODE,
RELATING TO PARKING REGULATIONS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING zone:

> DOUSMAN STREET, south side, from Taylor Street to Fellows Drive

SECTION 2. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING zones:

> DOUSMAN STREET, south side, from Taylor Street to 170 feet east of Taylor Street
>
> DOUSMAN STREET, south side, from a point 20 feet west of Westplain Drive to a point 10 feet east of Westplain Drive

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2014.

APPROVED:

_____
Mayor

ATTEST:

_____
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.
Moved by Ald. Wery, seconded by Ald. Scannell to advance the ordinance to the third reading. Motion carried.

GENERAL ORDINANCE NO. 19-14

AN ORDINANCE
AMENDING SECTION 8.08(3)(a),
GREEN BAY MUNICIPAL CODE,
RELATING TO KEEPING OF DOGS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 8.08(3)(a), Green Bay Municipal Code, is hereby amended as follows:

8.08 **DOGS, KEEPING IN RESIDENTIAL AREAS**.

(3) NUMBER OF DOGS LIMITED. (a) No family shall own, harbor, or keep in its possession more than two dogs on any residentially-zoned lot without the prior approval of the Council, except that a litter of pups or a portion of a litter may be kept for not more than eight weeks from birth **if the mother of the pups is owned by one of the occupants of the residential lot and the mother of the pups resides at the residential lot**. If more than one family resides on a residential lot, then only two dogs shall be allowed on the residential lot unless the prior approval is obtained from the Council. For the purpose of this section, the term "family" shall be defined as one or more persons.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2014.

APPROVED:

_____
Mayor

ATTEST:

_____
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.
Moved by Ald. Wery, seconded by Ald. Scannell to advance the ordinance to the third reading. Motion carried.

ZONING ORDINANCE NO. 9-14

AN ORDINANCE
AMENDING THE PLANNED UNIT
DEVELOPMENT FOR THE PRESERVE
3416 INDIGO BLUFF DRIVE
(ZP 14-31)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by modifying the established Planned Unit Development (PUD) District on the following described property:

The Preserve, LOT 1
(Tax Parcel Number: 21-8248)

SECTION 2. Pursuant to Section 13-1900, et seq., Green Bay Municipal Code, as they apply, the following conditions are imposed:

A. Permitted Uses.

1. Principal Uses. The club house may be used for the enjoyment and recreation of The Preserve residents and may include office and sales space related to the subdivision.

B. Dimensional Standards.

1. Setbacks. The club house parking area may be permitted to encroach with the required setback, but shall not be less than 10' from the Indigo Bluff Drive right-of-way.

C. Parking.

1. The club house site may be permitted two, two-way driveways less than 200' measured from centerline to centerline off of Indigo Bluff Drive.

2. Each drive shall not exceed 25' at the property line and 30' at the curb line.

D. Landscaping. A detailed landscape plan shall be submitted prior to the issuance of any building permits.

E. Additional Applicable Regulations. Unless stated above, the development must comply with all other regulations of the Green Bay Municipal Code.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-1900, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin this _____ day of _____, 2014.

APPROVED:

_____

Mayor

ATTEST:

_____
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.
Moved by Ald. Wery, seconded by Ald. Scannell to advance the ordinance to the third reading. Motion carried.

ZONING ORDINANCE NO. 10-14

AN ORDINANCE
AMENDING ZONING ORDINANCE NO. 1-91
REGARDING MODIFIED GROUND
MOUNTED AND WALL SIGNAGE FOR
MACKINAWS GRILL & SPIRITS
2925 VOYAGER DRIVE
(ZP 14-28)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to Section 13-108, Green Bay Municipal Code, together with the zoning map and statutory authority referred to therein, the Planned Unit Development created by Zoning Ordinance No. 1-91 is hereby amended on the following described property:

LOT 3 OF 33 CSM 118 BNG PRT OF NW1/4 NE1/4
SEC 10 T23N R21E (Tax Parcel Number: 21-147-3)

SECTION 2. That pursuant to Section 13-1900 et seq., Green Bay Municipal Code, as they apply, Zoning Ordinance No. 1-91 is hereby amended to allow the following changes:

A. Existing East Mason Street Monument Sign.

1. The existing four lines of manual reader board may be exchanged for one static electronic message sign, per sign face.

2. The sign shall comply with all standard found in Chapter 13-2000, specifically, Chapter 13-2021, Green Bay Municipal Code.

3. There shall be no expansion of the sign or other modifications without an amendment to this ordinance.

B. All signs shall meet all other applicable standards of the I-43 Business Center Design Criteria.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. In addition to all other remedies available to the City of Green Bay, the City may decline to issue any building or other permits otherwise required by any ordinance of this City while any violation of this ordinance remains uncured.

SECTION 5. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance and has no financial impact on the City.

Dated at Green Bay, Wisconsin this _____ day of _____, 2014.

APPROVED:

_____
Mayor

ATTEST:

_____
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.
Moved by Ald. Wery, seconded by Ald. Scannell to advance the ordinance to the third reading. Motion carried.

ORDINANCE - THIRD READING

GENERAL ORDINANCE NO. 17-14

AN ORDINANCE
AMENDING SECTION 15.68,
GREEN BAY MUNICIPAL CODE,
RELATING TO BUILDING MAINTENANCE

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 15.68 Green Bay Municipal Code, is hereby amended as follows:

15.68 BUILDING MAINTENANCE (Cr. GO 13-13)

(1) HAZARDOUS CONDITIONS. A person who owns, leases or occupies a building shall keep the building from structural or other conditions that constitute a substantial hazard to the health or safety of its occupants, or creates an unreasonable risk of personal injury as a result of any reasonably foreseeable use of the building other than negligence by an occupant.

(2) COMMON AREAS. A person who owns a commercial building and leases the building to multiple tenants shall keep all common areas of the building maintained in a manner that is safe, functioning, sanitary, and undamaged.

(3) BUILDING EXTERIOR. A person who owns a building shall keep all exterior and weatherproofing components maintained in a manner that is safe, functioning, cleanable, and undamaged.

(3m) OTHER STRUCTURES. Accessory structures, temporary structures, fences and other structures shall be kept in a manner that is safe, functioning, cleanable, and undamaged.

(4) INSUFFICIENT REPAIRS. A person who owns a building shall ensure all repairs to the building are performed in a workmanlike manner. Workmanlike manner includes, but is not limited to:

(a) The use of materials that has a consistent texture, color, quality, or appearance with adjacent materials.

(b) The complete performance of a job which does not leave unfinished edges, exposed nails/screws, loosely attached materials, or similar conditions.

(5) NOTICE OF VIOLATIONS TO PROSPECTIVE PURCHASERS. An owner of real property shall give notice to any

prospective purchaser that a notice has been issued concerning a building code violation, where the condition giving rise to the notice of violation has not been corrected.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 16th day of September, 2014.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the ordinance.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Sladek to adjourn at 10:08 P.M. Motion carried.

Kris A. Teske
Green Bay City Clerk