

AGENDA FOR COUNCIL MEETING
CITY OF NEW RICHMOND, WISCONSIN
MONDAY, AUGUST 10, 2015 - 7:00 P.M.

AMENDED AGENDA:

1. Call to Order
2. Clerk's Roll Call
3. Pledge of Allegiance
4. Adoption of Agenda

PUBLIC COMMENT

CONSENT AGENDA:

1. Approval of the Minutes from the Previous Regular Council Meeting, July 13, 2015
2. Applications for License to Serve from Amanda M. Vorwald, New Richmond; Lory J. Gramberg, New Richmond; Robert W. Canfield, New Richmond; and Alexandra L. LaPitz, Roberts
3. Application for Amplification Permit and Exemption from Sec. 50-87 Loud & Unnecessary Noise from the Stronger Together – Operation Welcome Home – VFW Post 10818 for September 10-14, 2015 between Noon and 8 p.m. each day for programs
4. Application for Direct Seller's Permit from Mark Dickerson to sell area rugs in the vacant lot south of 575 North Knowles Avenue
5. Application for Temporary Class B License from the Knights of Columbus at 155 East Fourth Street for September 13, 20, 25, 27, October 4, 11, 18, 25, 30, November 1, 8, 15, 22, 27, 29, December 6, 13, 20, 27
6. Payment of VO#58374 through VO#58454 totaling \$237,444.00 plus electronic fund transfers of \$516,456.60 for a grand total of \$753,900.60

DEPARTMENT REPORTS:

Administration
Public Works
Community Development
Library
Police
Fire

UNFINISHED BUSINESS:

(Consideration and action on matters tabled, postponed or referred to a committee at a previous meeting)

NEW BUSINESS:

(Action on newly introduced motions, ordinances, resolutions or other matters)

1. Mayor Fred's Reading Challenge Recipients
2. 2014 Audit Presentation

3. Resolution #081501 - 2015 Budget Amendment for ERP Program
4. Resolution #081502 Authorizing the Issuance and Sale of \$3,530,000 General Obligation Refunding Bonds, Series 2015A
5. Resolution #081503 Authorizing the Issuance and Sale of \$1,800,000 Electric Utility Revenue Refunding Bonds, Series 2015B
6. **Plan Commission Recommendation:**
 - a. Ordinance #477- Text Amendments to Chapter 121 of the City Code – Zoning Ordinance
7. **Finance Committee Recommendations:**
 - a. Approval of Downtown Parking Signage
 - b. Approval of Capital Improvement Sources & Uses of Funds
 - c. Approval of Public Works Reorganization & Posting of Assistant Public Works Director Position
8. Driveway Permit – North Knowles Avenue
9. Driveway Permit – High Street
10. Moving Wall Transportation Approval *
11. Council Work Session on August 24, 2015 at 5:00 p.m. – Tentative Agenda – Department Head Presentations on 2016 Budget, Library, Street Naming, and 2016 Budget
12. Communications & Miscellaneous
13. Closed Session per State Statute 19.85 1(c)(e)(g) –
 - a. TIF#6
 - b. Airport Litigation Update
 - c. Employee Benefit Information and/or Wages in Which the City of New Richmond has Jurisdiction
14. Open Session – Action on Closed Session Agenda
15. Resolution #081504 – Sale of Land to Oppidan Holdings LLC
16. Adjournment

Frederick Horne, Mayor

(THE ABOVE AGENDA IS NOT NECESSARILY IN ORDER OF PRESENTATION)

**Late Changes and Additions

Posted: Civic Center and Friday Memorial Library and City Website

Mailed: Council Members, City Attorney, Utility Commission Members, NR County Board Members, New Richmond News, Northwest Community Communications, City Website and New Richmond Chamber of Commerce.

If you need a sign language interpreter or other special accommodations, please contact the City Clerk at 246-4268 or Telecommunications Device for the Deaf (TDD) at 243-0453 at least 48 hours prior to the meeting so arrangements can be made.

***AMENDED**

REGULAR COUNCIL MEETING JULY 13, 2015 7:00 P.M.

The meeting was opened by announcing that this was an open meeting of the Common Council. Notice of this meeting was given to the public at least 24 hours in advance of the meeting by forwarding the complete agenda to the official City newspaper, The New Richmond News, and to all news media who have requested the same as well as posting. Copies of the complete agenda were available for inspection at the City Clerk's office. Anyone desiring information as to forthcoming meetings should contact the City Clerk's office.

Roll call was taken.

Members Present: Mayor Horne, Alderman Kittel, Ard, Jackson, Hansen, Volkert and Zajkowski, and Student Representative Victoria Johnson

Members Absent: Student Representative Elliott Smallidge

The Pledge of Allegiance was recited.

Alderman Zajkowski moved to adopt the agenda as presented, seconded by Alderman Kittel and carried.

Public Comment

Patrick Olson, the new Superintendent for New Richmond School District, introduced himself to the Council and stated that he is looking forward to working with the City of New Richmond.

Consent Agenda

1. Approval of the Minutes from the Previous Regular Council Meeting, June 8, 2015 and Special Council Meeting, June 29, 2015
2. Applications for License to Serve from Christopher R. Heinbuch, New Richmond; Beverly J. Krumm, New Richmond; Jacquelyn R. Tallarico, New Richmond; Anna G. Gaynor, New Richmond; Michelle B. Gorka, New Richmond; Tyler C. Hansen, New Richmond; Lauren E. Armbruster, Amery; James G. Gibson, New Richmond; Scott S. Denker, New Richmond; Jessica L. Keyes, New Richmond; Michelle L. O'Connor, Somerset; Thomas J. Leverentz, New Richmond; Denise I. Myren, New Richmond; Carlie J. Gibson, New Richmond; Amy J. Larson, New Richmond; Derrick L. Melland, Woodville; Jennifer L. Sveta, Deer Park; Tammy D. Johnson, New Richmond; Patrice L Gorka, Star Prairie; Patricia J. Betterley, New Richmond; Debra K. Larson, New Richmond; and Robin L. Hanson, New Richmond
3. Application for Amplification Permit and Exemption from Sec. 50-87 Loud & Unnecessary Noise from
 - a. The Vine Church for July 26, 2015 10:00 a.m. to 1:00 p.m. at Mary Park Shelter
 - b. NR United Methodist Church for July 26, 2015 from 10:00 a.m. to 12:30 p.m. at Mary Park Shelter #3
 - c. NR United Methodist Church for August 30, 2015 from 5:00 to 8:00 p.m. at Mary Park Shelter #1
 - d. St. Croix County for August 6, 2015 from 4:00 to 8:00 p.m. at Mary Park Shelter #2
4. Applications for Amusement Device License:
 - a. From Sweet Greetings for Three Machines – 330 South Knowles Avenue
 - b. From Walmart #5432 for Four Machines – 250 Richmond Way

5. Application for Run/Walk Permit from the New Richmond Area Centre for September 19, 2019 8:00 a.m. to Noon
6. Application for Street Use Permit from the New Richmond Area Centre for Sports Center Road from Ross Way to Fifth Street on September 19, 2015 from 7:00 a.m. to Noon
7. Accept Grant Funds for Dakota Avenue Bike Route
8. Accept Grant Funds for Library Story Walk
9. Accept Grant Funds for Moving Wall Event
10. Payment of VO#58252 through VO#58373 totaling \$289,618.98 plus electronic fund transfers of \$680,820.77 for a grand total of \$970,439.75

General Fund	\$845,376.50
Impact Fees Fund	22,498.74
CDBG – Housing	192.00
Debt Service Fund	35,669.47
Capital Projects	14,195.92
Landfill Cleanup Fund	10,738.75
TIF District #10	390.00
TIF District #6	6,234.01
TIF District #8	277.50
Storm Water Utility	13,676.57
Park Land Trust Fund	9,808.69
Library Trust Fund	10,000.00
NR WI Armed Services	1,381.60

Alderman Hansen moved to approve the consent agenda, seconded by Alderman Ard and carried.

Department Reports

Administration- Mike Darrow stated that the National Night Event will be from 5:00 to 7:30 p.m. on August 4, 2015 in collaboration with the Utility Customer Appreciation picnic from 11:00 a.m. to 1:00 p.m. In addition to the Police, Fire, and Ambulance being there, other departments will have information kiosks at the event as well.

Public Works – Jeremiah Wendt stated that today they had two water service leaks to repair. One was on East Third Street and the other was on West Sixth Street. The water tower project is wrapping up and they just have cleanup items left. A County Road A project will begin next week as they will be milling and resurfacing the road. There will be only one lane open for about a month. The ramp at the Mill Pond Dam is complete and open at this time. Tjader Highstrom is working for Baldwin Telecom to run fiber optic cable throughout the City.

Community Development – Beth Thompson stated that Momentum West offers a program that is smaller than the certified sites program offered by the State of Wisconsin. Shovel ready sites are under 25 acres. On July 8, 2015, we were notified that we were approved for 17 sites to be on as a certified site. It's called Gold Shovel Ready Sites. So far New Richmond is one of six communities chosen to be a certified site. The program only costs \$500 per year and means more visibility of New Richmond.

Library - Kim Hennings stated that the goal for the summer reading program was 550 participants and we now have 900 participants. Several events are coming up this week. The Ad Hoc committee from the County Board will meet tomorrow to discuss the joint library if anyone is interested in attending. Kim thanked the Street Department for the new sidewalk and handicapped accessible parking at the Library. They have received many compliments from the public.

Fire Department Mutual Aid Agreement

The Fire Advisory Board has reviewed this agreement, which includes Washington County in Minnesota and St. Croix County in Wisconsin, and recommends Council approval. Alderman Kittel moved to approve the agreement, seconded by Alderman Jackson and carried.

Finance Committee Recommendation – Resolution #071501

The Finance Committee recommended proceeding with the issuance of \$3,530,000 GO Refunding Bonds. Alderman Zajkowski offered the following resolution and moved for its adoption:

RESOLUTION #071501

RESOLUTION PROVIDING FOR THE SALE OF

\$3,530,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015A

- A. WHEREAS, the Common Council of the City of New Richmond, Wisconsin, has heretofore determined that it is necessary and expedient to issue the City's \$3,530,000 General Obligation Refunding Bonds, Series 2015A (the "Bonds"), the provide for a current refunding of the City's General Obligation Corporate Purpose Bonds, Series 2006A; and
- B. WHEREAS, the City has retained Ehlers & Associates, Inc., in Roseville, Minnesota ("Ehlers"), as its independent financial advisor;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of New Richmond, Wisconsin, as follows:

1. Authorization; Findings. The Common Council hereby authorizes Ehlers to solicit proposals for the sale of the Bonds.
2. Meeting; Proposal Opening. The Common Council shall meet at 7:00 p.m. on August 10, 2015, for the purpose of considering the proposals for and awarding the sale of the Bonds.
3. Official Statement. In connection with said sale, the officers or employees of the City are hereby authorized to cooperate with Ehlers and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the City upon its completion.

Motion was seconded by Alderman Ard and carried.

Finance Committee Recommendation - Resolution #071502

The Finance Committee recommended proceeding with the issuance of Electric Utility Revenue Refunding Bonds. Alderman Hansen offered the following resolution and moved for its adoption:

RESOLUTION #071502

RESOLUTION PROVIDING FOR THE SALE OF

\$1,800,000 ELECTRIC UTILITY REVENUE REFUNDING BONDS, SERIES 2015B

- A. WHEREAS, the Common Council of the City of New Richmond, Wisconsin, has heretofore determined that it is necessary and expedient to issue the City's \$1,800,000 Electric Utility Revenue Refunding Bonds, Series 2015B (the "Bonds"), the provide for a current refunding of the City's Electric Utility Revenue Bonds, Series 2006B; and
- B. WHEREAS, the City has retained Ehlers & Associates, Inc., in Roseville, Minnesota ("Ehlers"),
as its independent financial advisor;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of New Richmond, Wisconsin, as follows:

1. Authorization; Findings. The Common Council hereby authorizes Ehlers to solicit proposals for the sale of the Bonds.
2. Meeting; Proposal Opening. The Common Council shall meet at 7:00 p.m. on August 10, 2015, for the purpose of considering the proposals for and awarding the sale of the Bonds.
3. Official Statement. In connection with said sale, the officers or employees of the City are hereby authorized to cooperate with Ehlers and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the City upon its completion.

Motion was seconded by Alderman Ard and carried.

Finance Committee Recommendation – Resolution #071503

The Finance Committee reviewed the application for State Trust Fund Loan and recommended submitting. Alderman Ard offered the following resolution and moved for its adoption:

RESOLUTION #071503

By the provisions of Section 24.66 of the Wisconsin Statutes, all municipalities may borrow money for such purposes in the manner prescribed, and,

By the provisions of Chapter 24 of the Wisconsin Statutes, the Board of Commissioners of Public Lands of Wisconsin is authorized to make loans from the State Trust Funds to municipalities for such purposes, (Municipality as defined by Sec. 24.60(2) of the Wisconsin Statutes means a town, village, city, county, public inland lake protection and rehabilitation district, town sanitary district created under Sec. 60.71 or 60.72, metropolitan sewerage district created under Sec. 200.05 or 200.23, joint sewerage system created under Sec. 281.43(4), school district or technical college district.)

THEREFORE, BE IT RESOLVED, that the City of New Richmond, in the County of St. Croix, Wisconsin, borrow from the Trust Funds of the State of Wisconsin the sum of Four Hundred Fifty Thousand And 00/100 Dollars (\$450,000.00) for the purpose of financing TID #10 development and site improvements and for no other purpose.

The loan is to be payable within 10 years from the 15th day of March preceding the date the loan is made. The loan will be repaid in annual installments with interest at the rate of 3.25 percent per annum from the date of making the loan to the 15th day of March next and thereafter annually as provided by law.

RESOLVED FURTHER, that there shall be raised and there is levied upon all taxable property, within the City of New Richmond, in the County of St. Croix, Wisconsin, a direct annual tax for the purpose of paying interest and principal on the loan as they become due.

RESOLVED FURTHER, that no money obtained by the City of New Richmond by such loan from the state be applied or paid out for any purpose except financing TID#10 development and site improvements without the consent of the Board of Commissioners of Public Lands.\

RESOLVED FURTHER, that in case the Board of Commissioners of Public Lands of Wisconsin agrees make the loan, that the Mayor and clerk of the City of New Richmond, in the County of St. Croix, Wisconsin, indebtedness, in such form as required by the Commission, for any sum of money that may be loaned to the City pursuant to this resolution. The Mayor and clerk of the City will perform all necessary actions to fully carry out the provisions of chapter 24, Wisconsin Statutes, and these resolutions.

RESOLVED FURTHER, that this preamble and these resolutions and the ay and note by which they were adopted, be recorded, and that the clerk of this city forward this certified record, along with the application for the loan, to the Board of Commissioners of Public Lands of Wisconsin.

Motion was seconded by Alderman Kittel and carried.

Finance Committee Recommendation - Post Issuance Compliance Policy

When tax exempt debt is issued, it is recommended that each municipality adopt a Post Issuance Compliance Policy. The Finance Committee reviewed this policy and recommended approval. Alderman Hansen moved to approve the Post Issuance Compliance Policy, seconded by Alderman Zajkowski and carried.

Finance Committee Recommendation - Continuing Disclosure Agreement

Each time a security is issued, the issuer agrees to provide periodic information and notices associated with that particular offering. The Finance Committee reviewed this agreement and recommended approval of using Ehlers & Associates through 2015. Alderman Ard moved to approve this Continuing Disclosure Agreement with Ehlers & Associates, seconded by Alderman Hansen and carried.

Capital Project Public Participation Plan

Noah Weidenfeld explained the process that the City will follow to engage the public regarding the 2015 and 2016 street projects. Letters were sent in early June to property owners along the 2015 and 2016 project sites. A news release has been published in the paper, posted on our website, face

book and twitter. We also have a new page on our website for street utility construction. There is a timeline, map and FAQ sheets. People can click on the location and get all information regarding that project. Later in July there will be an open house for the property owners along the 2015 projects. In August and October, there will be meetings for the property owners along the 2016 projects. When construction begins, new pictures will be posted each week to show everyone the progress. Two YouTube videos will also be done at the half way mark and at the completion of the project.

WITC Agreement for Operating Local Cable Channel

Mike Darrow explained that the agreement is the same as what was approved in the past. He would like to have this agreement presented to the Finance Committee in June next year, prior to Council discussion. Alderman Kittel moved to approve the agreement with WITC, seconded by Alderman Jackson and carried.

Communications and Miscellaneous

On Wednesday, July 22, 2015 at 6:15 p.m., American Design will be here to talk about the design for the skate park. The new scoreboard is installed at Citizen's Field. Alderman Ard stated that the National Night Out event is off and running and they are looking for businesses who want to share information at the event which will be in Mary Park on August 4, 2015 from 5:00 to 7:30 p.m. There will be free hot dogs, fun games and lots of information. Volunteers are still needed to help with the Moving Wall and Operation Welcome Home Project September 10-14, 2015.

Closed Session

Alderman Ard moved to go into Closed Session per State Statute 19.85 (1)(c)(e)(g) TIF#6; Employee Benefit Information and/or Wages in Which the City of New Richmond has Jurisdiction; and Conferring with Legal Counsel With Respect to Litigation in Which the City is or is Likely to Become Involved – Slocum Litigation, seconded by Alderman Volkert and carried.

Open Session

Alderman Zajkowski moved to proceed with creating the purchase agreement and resolution for the sale of land in TIF #6, seconded by Alderman Ard and carried.

Alderman Ard moved to approve the use of land in TIF #6 for the Community Solar Garden, seconded by Alderman Kittel and carried. This lot is north of the well house on Madison Avenue.

Alderman Ard moved to proceed with the design for TIF#6 infrastructure plans (street, water, wastewater, and lighting), seconded by Alderman Kittel and carried.

Council Work Session

There will not be a Council work session in July.

Alderman Volkert moved to adjourn the meeting, seconded by Alderman Zajkowski and carried.

Meeting adjourned at 9:43 p.m.

Tanya Reigel
City Clerk

VOUCHERS PRESENTED TO THE COUNCIL AUGUST 10, 2015

VO #	PAYMENT TO:	AMOUNT
58374	FRONTIER COMMUNICATIONS	751.81
58375	VERIZON WIRELESS (CITY)	262.03
58376	POLK COUNTY CLERK OF COURT	335.00
58377	5 BUGLE TRAINING & CONSULTING LLC	3,500.00
58378	BEHLING, MARGARET	1,000.00
58379	BOARDMAN & CLARK LLP	2,068.00
58380	BREAULT, STEVE	578.00
58381	DBS SQUARED, INC	8,161.60
58382	CEMSTONE - READY MIX INC	2,066.15
58383	CITY UTILITIES - INVOICES	63.14
58384	DERRICK HOMES, LLC	1,000.00
58385	DOAR DRILL & SKOW S.C.	1,112.67
58386	E O JOHNSON COMPANY	236.00
58387	ECKBERG LAMMERS BRIGGS WOLFF & VIERLING	5,137.50
58388	FRONTIER COMMUNICATIONS (2)	43.54
58389	LAMERS, ANDREW	436.89
58390	MSA PROFESSIONAL SERVICES INC	12,166.20
58391	STEPHENS SANITATION - REFUSE	487.15
58392	THE PLANNING COMPANY LLC	4,312.50
58393	BAKKE NORMAN S.C.	7,962.50
58394	CITY UTILITIES - 2ND BILLING	27,827.88
58395	KRAFT, KARI	1,132.95
58396	CONFIDENTIAL RECORDS, INC	40.00
58397	WI DEPT OF JUSTICE - CRIME INFO BUREAU	91.00
58398	AMAZON (CITY)	394.65
58399	AMAZON (LIBRARY)	1,418.22
58400	BAKER TILLY VIRCHOW KRAUSE, LLP	425.50
58401	BALDWIN TELECOM, INC	539.81
58402	BIRKHOLZ, ALEX	31.78
58403	BLOOMER PUBLIC LIBRARY	24.00
58404	BOWMAR APPRAISAL INC	6,250.00
58405	CITY OF NR - LIBRARY	246.84
58406	CITY UTILITIES - 1ST BILLING	1,006.65
58407	CITY UTILITIES - LANDFILL	1,401.95
58408	CITY UTILITIES - OTHER	44.85
58409	CITY UTILITIES - SAC CHARGES	4,800.00
58410	CITY UTILITIES - SALES TAX	261.16
58411	CITY UTILITIES - WATER IMPACT FEES	4,800.00
58412	CLEAR LAKE PUBLIC LIBRARY	8.00
58413	CYCLONE FENCE	625.00
58414	D & B HOMES LLC	1,000.00
58415	DEPT OF CORRECTIONS	80.00
58416	FLEET ONE LLC	3,824.31
58417	FREEDOM VALU CENTERS	3,699.11
58418	FRONTIER COMMUNICATIONS (3)	45.61
58419	G & K SERVICES, INC	120.86
58420	GHD SERVICES INC	4,575.43
58421	GILLEN'S LIME QUARRY	7,129.10
58422	HOWELL, PAT	100.00
58423	HURTIS LOCKSMITH SHOP	255.00
58424	INDIANHEAD FEDERATED LIBRARY	12,016.76
58425	K O CONSTRUCTION	660.00
	SUB - TOTAL	136,557.10

	SUB - TOTAL CARRIED FORWARD	136,557.10
58426	KWIK TRIP / KWIK STAR STORES	1,356.38
58427	LUCK PUBLIC LIBRARY	30.00
58428	MIDWEST TAPE	4.00
58429	MINNESOTA LIFE INSURANCE CO	2,188.33
58430	MUNICIPAL CODE CORPORATION	2,565.15
58431	OLD GEM THEATER	150.00
58432	PEDERSON, JOEL	975.00
58433	RICE, CYNTHIA	900.00
58434	RICKARD, TOM	1,000.00
58435	RIVERTOWN MULTIMEDIA	618.58
58436	RUNNING, INC	9,992.28
58437	SCHOOL DISTRICT OF NR - MOBILE HOME FEES	179.55
58438	SHORT-ELLIOTT-HENDRICKSON	6,595.13
58439	ST CROIX COUNTY HIGHWAY DEPT	388.78
58440	ST CROIX COUNTY TREASURER - MUNICIPAL COURT	485.80
58441	ST CROIX COUNTY TREASURER - TAXES	61,788.10
58442	STATE OF WI - COURT FINES & ASSESSMENTS	1,635.82
58443	STEPHENS SANITATION - RECYCLING	3,991.00
58444	THE CENTRE	50.00
58445	TRAFFIC MARKING SERVICE, INC	2,681.84
58446	VERIZON WIRELESS (CITY)	261.93
58447	WASHINGTON NATIONAL INS CO	390.50
58448	WESTFIELDS HOSPITAL (2)	25.00
58449	WI CHIEFS OF POLICE ASSOCIATION INC	366.00
58450	WI DEPT OF JUSTICE - TIME	318.00
58451	WI DEPT OF SAFETY & PROFESSIONAL SERVICES (2)	150.00
58452	WI PROFESSIONAL POLICE ASSN, INC	529.75
58453	XCEL ENERGY	241.98
58454	ZARNOTH BRUSH WORKS INC	1,028.00

SUB - TOTAL

237,444.00

SUB - TOTAL CARRIED FORWARD 237,444.00

TOTAL VOUCHERS 237,444.00

ELECTRONIC FUND TRANSFERS

PAYROLL (7/24, 8/7)	222,549.31
DEFERRED COMP	12,430.00
ROTH - WI	200.00
FEDERAL W/H	86,235.49
STATE W/H	15,208.14
POSTAGE	-
LT DISABILITY PREMIUMS	1,437.49
MEDICAL PREMIUMS	88,453.24
RETIREMENT	48,506.93
VISA P-CARDS	17,521.86
HRA	2,404.41
WI - SCTF	1,804.56
FLEX SPENDING	3,062.42
EMPLOYEE FUND	224.00
FIREMEN DUES DEDUCTIONS	380.00
INVESTMENT TRANSFER	-
AFLAC	1,564.03
ASM TRANSFER	-
IMPACT FEE TRANSFERS	11,000.00
SPORTS CENTER LEASE	-
MISC - BILLINGS	-
MISC - RESTITUTIONS	416.50
TID FEES	-
WPPI LOAN PMTS	1,363.47
DEBT PAYMENTS	1,694.75

TOTAL ELECTRONIC FUNDS 516,456.60

GRAND TOTAL 753,900.60

CHAIRMAN OF FINANCE COMMITTEE
8/10/2015



155 East 1st Street
New Richmond, WI 54017
Phone: 715.243-0431
Fax: 715.246-2691

info@newrichmondlibrary.org
www.newrichmondlibrary.org

To: Mayor and City Council

From: Kim Hennings, Library Director

Date: August 10, 2015

Re: Mayor Fred's Reading Challenge

This year we are very excited to recognize the inaugural class of Mayor Fred's Reading Challenge recipients.

As part of the 2015 Summer Reading Program we challenged school-aged readers to complete the challenge by reading 8 different types of books throughout the summer.

- A book where at least one character is animal
- A funny or humorous book
- A non-fiction book (true story)
- A book that has won a national award (Caldecott or Newberry)
- Re-read one of your favorite books
- A fairy or Folktale
- Listen to a book (audiobook on CD or MP3 audiobook)
- A graphic novel, comic, or wordless picture book

This year 890 children and adults participated in the summer reading program, far exceeding our goal of 550! New books were given away to children who completed all 8 weeks as well as weekly prizes which included day passes to the New Richmond Area Centre, a cookie from Family Fresh, a personal pizza from Pete's Pizza, coupon for McDonalds, a \$1 coin from Bremer Bank, sandwich from Kwik Trip and coloring book from the New Richmond Regional Airport. Teens were entered into a raffle for cash prizes and adults were entered into a weekly prize raffle as well as a grand prize iPad mini.

Donations and support have enabled us to have a record breaking summer, and more importantly, ensuring our kids are motivated to read all summer long. Studies show that children who read during the summer are better prepared for school when it resumes in the fall. That is the ultimate goal of the Summer Reading Program - to ensure that children have the necessary tools to succeed in school and life.

Congratulations to the 2015 recipients of Mayor Fred's Reading Challenge.



156 East First Street
New Richmond, WI 54017
Ph 715-246-4268 Fax 715-246-7129
www.newrichmondwi.gov

TO: Mayor and City Council

FROM: Tanya Reigel, City Clerk

DATE: August 6, 2015

RE: 2014 Audit Presentation

Background

The auditors will be at the meeting to give a presentation on the 2014 Audit. Each of you has a copy of the audit book in your box at City Hall. The public can review the 2014 Financial Statements by going to the City's website. A link was also posted on Facebook.

Attached is the report that the auditors will present at the Council meeting.

CITY OF NEW RICHMOND
REPORT TO THE CITY COUNCIL

August 10, 2015

Presented By:

Baker Tilly Virchow Krause, LLP

Amanda R. Mboga, CPA, Manager
Amanda.Mboga@bakertilly.com

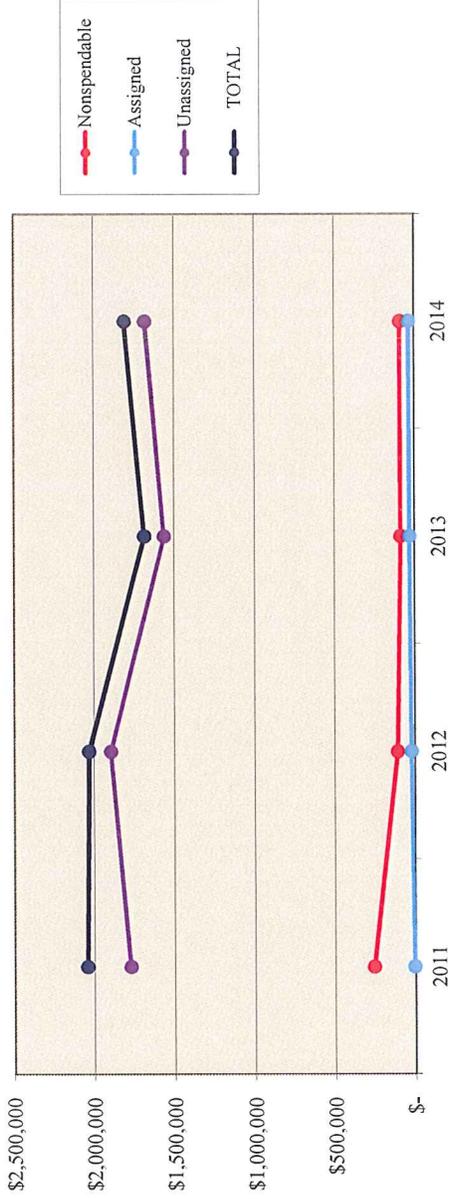
Note: Actual data was derived from current and prior years audited financial statements

CITY OF NEW RICHMOND
2014 FINANCIAL STATEMENT HIGHLIGHTS

ANALYSIS OF GENERAL FUND BALANCE

<u>Detail of Fund Balance</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Nonspendable	\$ 262,321	\$ 112,290	\$ 89,930	\$ 92,891
Assigned	8,033	22,897	31,452	34,146
Unassigned	1,776,398	1,899,376	1,565,106	1,681,933
TOTAL	\$ 2,046,752	\$ 2,034,563	\$ 1,686,488	\$ 1,808,970

General Fund Balance Trends

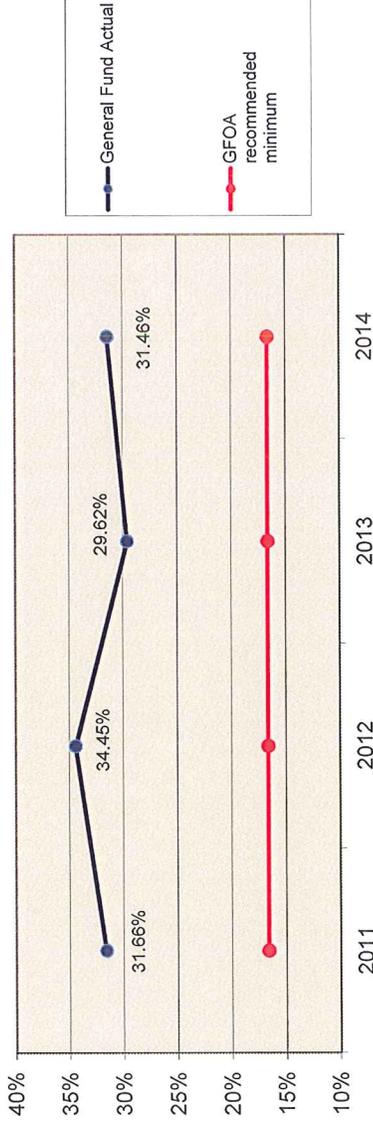


CITY OF NEW RICHMOND
2014 FINANCIAL STATEMENT HIGHLIGHTS

ANALYSIS OF GENERAL FUND BALANCE (cont.)

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Available Fund Balance	\$ 1,784,431	\$ 1,922,273	\$ 1,596,558	\$ 1,716,079
Operating revenues	5,635,833	5,580,649	5,389,510	5,454,878
% of operating revenues	31.66%	34.45%	29.62%	31.46%

Available General Fund Balance as a Percentage of Operating Revenues

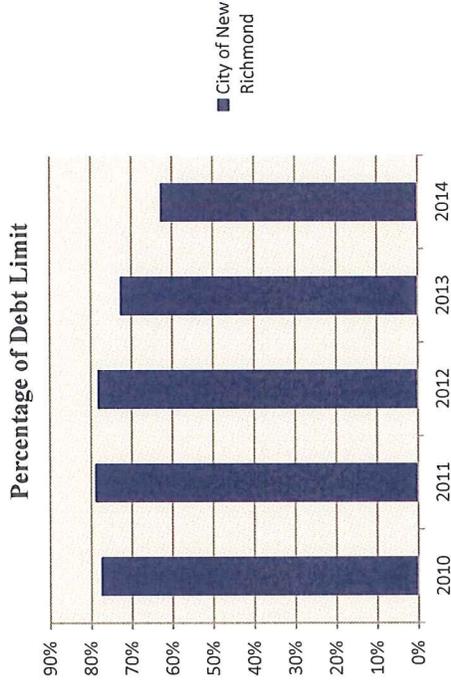


GFOA recommended range for % of operating revenues: no less than 2 months of GF operating revenues

CITY OF NEW RICHMOND
2014 FINANCIAL STATEMENT HIGHLIGHTS

GENERAL OBLIGATION DEBT OUTSTANDING

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Total General Obligation (G.O.) Debt (net)					
City	\$ 23,130,094	\$ 22,589,767	\$ 21,512,617	\$ 20,093,376	\$ 18,005,411
Utilities	110,161	90,721	-	-	-
Subtotal	23,240,255	22,680,488	21,512,617	20,093,376	18,005,411
Less: Debt service fund - fund balance	(118,361)	(73,650)	(73,650)	-	-
TOTAL	\$ 23,121,894	\$ 22,606,838	\$ 21,438,967	\$ 20,093,376	\$ 18,005,411
G.O. Debt Capacity	\$ 29,904,635	\$ 28,700,530	\$ 27,451,145	\$ 27,701,415	\$ 28,774,425
% of debt limit	77%	79%	78%	73%	63%



CITY OF NEW RICHMOND
2014 FINANCIAL STATEMENT HIGHLIGHTS

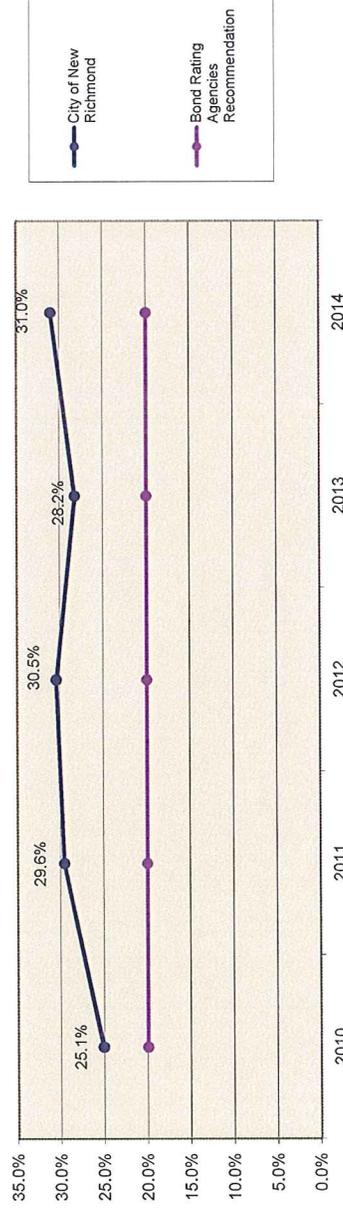
ANALYSIS OF DEBT SERVICE - GOVERNMENTAL FUNDS

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Total Debt Service					
Principal**	\$ 1,381,839	\$ 1,702,463	\$ 1,896,051	\$ 1,834,017	\$ 2,087,965
Interest	891,745	995,986	948,303	675,411	635,479
TOTAL	\$ 2,273,584	\$ 2,698,449	\$ 2,844,354	\$ 2,509,428	\$ 2,723,444
Total Non-Capital Expenditures					
Total governmental funds expenditures**	\$ 12,199,478	\$ 10,594,338	\$ 9,996,798	\$ 10,087,259	\$ 9,524,156
Less: capital outlay	(3,139,372)	(1,469,603)	(657,617)	(1,202,861)	(739,588)
TOTAL NON-CAPITAL EXPENDITURES	\$ 9,060,106	\$ 9,124,735	\$ 9,339,181	\$ 8,884,398	\$ 8,784,568

% of debt service to non-capital expenditures	25.1%	29.6%	30.5%	28.2%	31.0%
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**Excludes debt refunding

Debt Service to Non-Capital Expenditures



Bond rating agencies recommended % 20.00%

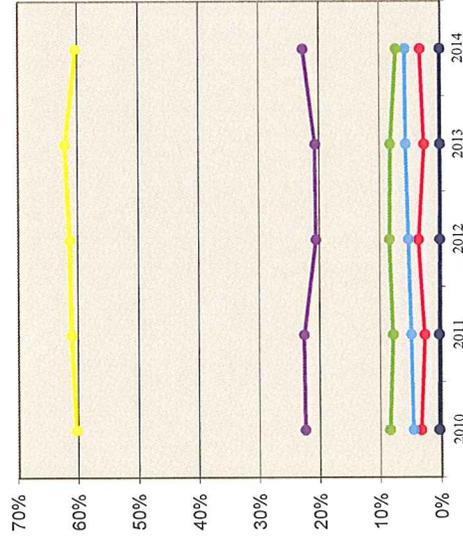
CITY OF NEW RICHMOND

2014 FINANCIAL STATEMENT HIGHLIGHTS

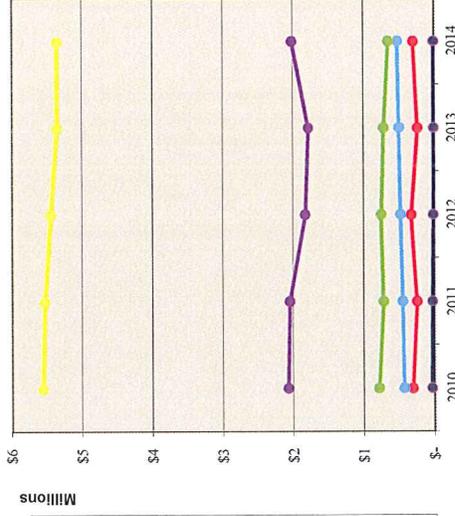
GOVERNMENTAL FUND REVENUES

	2010	%	2011	%	2012	%	2013	%	2014	%
Total Revenues										
Taxes	\$ 5,569,322	60%	\$ 5,542,672	61%	\$ 5,456,323	61%	\$ 5,366,244	62%	\$ 5,364,153	60%
Intergovernmental	2,078,737	23%	2,055,999	23%	1,834,816	21%	1,788,507	21%	2,020,784	23%
Regulation and Compliance	314,175	3%	250,838	3%	332,149	4%	239,732	3%	301,289	3%
Special Assessments	37,414	0%	32,550	0%	18,959	0%	10,404	0%	10,404	0%
Public Charges for Services	429,263	5%	448,411	5%	477,073	5%	496,777	6%	517,511	6%
Investment Income & Other	788,372	9%	721,625	8%	754,323	9%	719,886	8%	653,715	7%
TOTAL	\$ 9,217,283	100%	\$ 9,052,095	100%	\$ 8,873,643	100%	\$ 8,621,550	100%	\$ 8,867,856	100%

% of Total Revenue



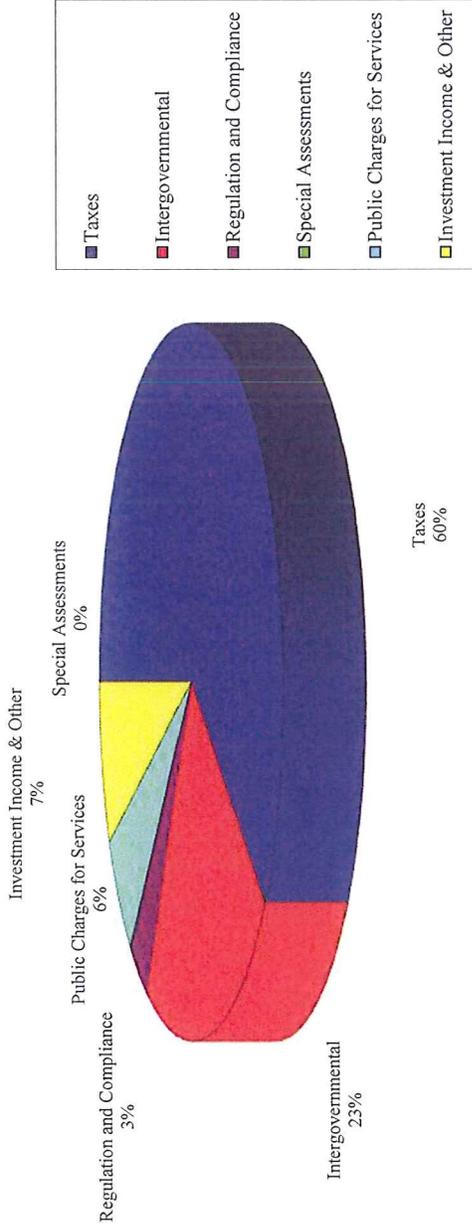
Total Revenue



CITY OF NEW RICHMOND
2014 FINANCIAL STATEMENT HIGHLIGHTS

GOVERNMENTAL FUND REVENUES

Total Revenues: \$8,867,856



CITY OF NEW RICHMOND

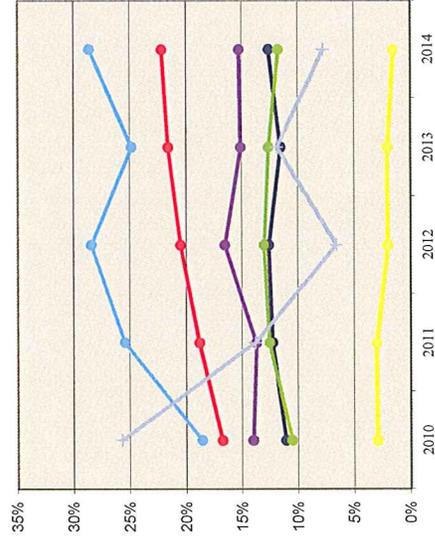
2014 FINANCIAL STATEMENT HIGHLIGHTS

GOVERNMENTAL FUND EXPENDITURES

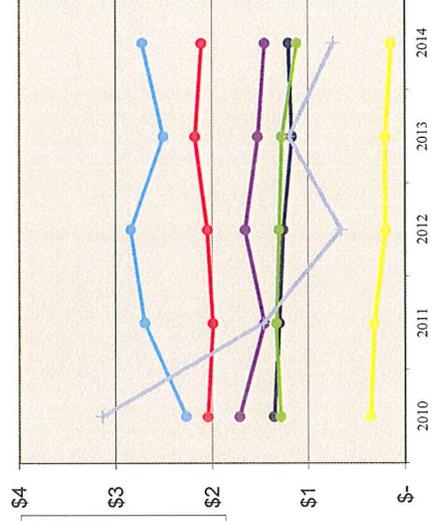
	2010	%	2011	%	2012	%	2013	%	2014	%
Total Expenditures										
General Government	\$ 1,357,743	11%	\$ 1,304,832	12%	\$ 1,264,963	13%	\$ 1,170,162	12%	\$ 1,205,458	13%
Public Safety	2,051,821	17%	1,998,623	19%	2,053,893	21%	2,182,154	22%	2,116,391	22%
Public Works	1,717,868	14%	1,460,413	14%	1,658,237	17%	1,528,912	15%	1,457,707	15%
Leisure Activities	1,292,762	11%	1,335,071	13%	1,308,948	13%	1,280,490	13%	1,125,431	12%
Debt Service**	2,273,584	19%	2,698,449	25%	2,844,354	28%	2,509,428	25%	2,726,099	29%
Capital Outlay	3,139,372	26%	1,469,603	14%	657,617	7%	1,202,861	12%	739,588	8%
Other*	366,328	3%	327,347	3%	208,786	2%	213,252	2%	153,482	2%
TOTAL	\$ 12,199,478	100%	\$ 10,594,338	100%	\$ 9,996,798	100%	\$ 10,087,259	100%	\$ 9,524,156	100%

*Other includes Health and Human Services and Conservation and Development
 **Excludes debt refunding

% of Total Expenditures



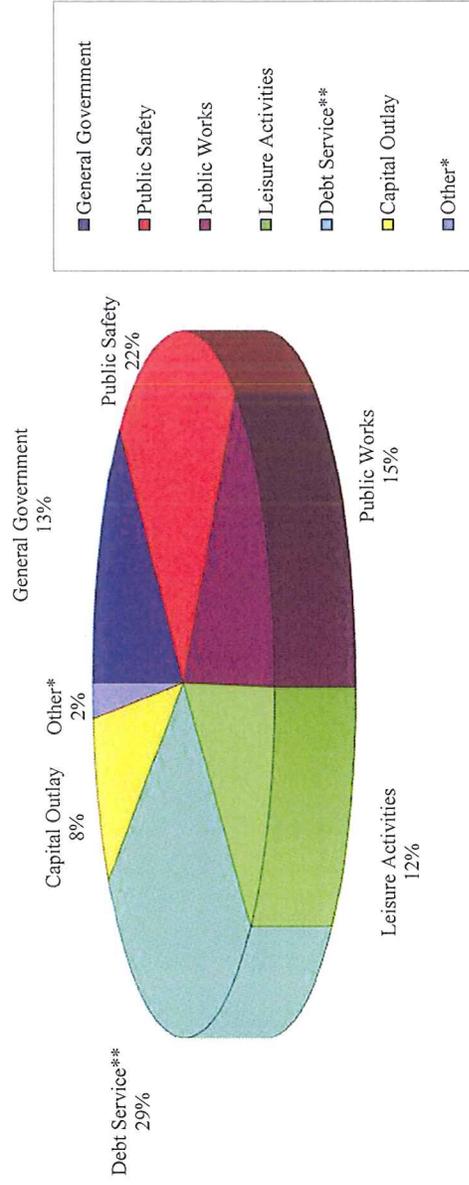
Total Expenditures



CITY OF NEW RICHMOND
2014 FINANCIAL STATEMENT HIGHLIGHTS

GOVERNMENTAL FUND EXPENDITURES

Total Expenditures: \$9,524,156



*Other includes Health and Human Services and Conservation and Development

**Excludes debt refunding



156 East First Street
New Richmond, WI 54017
Ph 715-246-4268 Fax 715-246-7129
www.newrichmondwi.gov

TO: Mayor and Council Members

FROM: Bev Langenback, City Treasurer / Mike Darrow, City Administrator

DATE: August 6, 2015

RE: 2015 Budget Amendment for Expenditure Restraint Program (ERP)

Background

In prior years, the City has approved a budget that qualifies for the Expenditure Restraint Program which provides an incentive payment in the following fiscal year. Recently, we received notice from the Department of Revenue informing us that the adopted 2015 budget showed a 2% increase in expenditures. In order to qualify for the incentive payment, the 2015 adopted budget needs to be less than a 2% increase. This can be accomplished by amending the budget by \$500, showing an increase of 1.99%. The accounts to be reduced are Unemployment Comp (100-00-51970) in General Government and Rent-Land Business Tech Park (100-00-46744) in Public Charges for Services.

Recommendation

Staff recommends approval of a resolution amending the 2015 budget. Following the council action, staff will then submit an amended 2015 budget, a copy of the resolution showing approval and an amended expenditure restraint worksheet to the Department of Revenue.

CITY OF NEW RICHMOND
RESOLUTION #081501

WHEREAS, the City of New Richmond has levied taxes and appropriated monies for City operations, and

WHEREAS, the City desires to qualify for the expenditure restraint program under the Wisconsin Department of Revenue;

NOW, THEREFORE, BE IT RESOLVED by the common council of the City of New Richmond that the 2015 budget be amended as follows:

	2015 ADOPTED <u>BUDGET</u>	<u>AMENDMENT</u>	2015 AMENDED <u>BUDGET</u>	
REVENUES				
General Property Taxes	2,923,900.90		2,923,900.90	0.641%
Taxes (other than property)	692,201.64		692,201.64	
Public Imp Revenue-Assessments	4,195.93		4,195.93	
Intergovernmental Revenues	1,488,841.57		1,488,841.57	
Licenses & Permits	303,500.00		303,500.00	
Public Charges for Service	320,674.00	(500.00)	320,174.00	
Miscellaneous Revenue	76,282.40		76,282.40	
Other Financing Sources	100,000.00		100,000.00	
TOTAL REVENUES	5,909,596.44		5,909,096.44	
EXPENDITURES				
General Government	1,287,517.36	(500.00)	1,287,017.36	
Protection - Person & Property	2,184,604.66		2,184,604.66	
Public Works - Streets	1,147,582.07		1,147,582.07	
Education & Recreation	1,106,595.89		1,106,595.89	
Health & Sanitation	12,250.00		12,250.00	
Conservation & Development	133,704.66		133,704.66	
Outlay	24,341.80		24,341.80	
Other Financing Uses / Transfers	13,000.00		13,000.00	
TOTAL EXPENDITURES	5,909,596.44		5,909,096.44	1.992%
			Property Tax Contribution Plus <u>TIF Increments</u>	
General Fund			2,923,900.90	
Debt Service Fund			1,532,420.24	
Capital Replacement Fund			96,350.00	
Tax Increments			869,414.07	
Totals			5,422,085.21	

Adopted at a regular meeting of the common council on August 13, 2015.



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Milwaukee, Wisconsin 53202-4426
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Attorneys at Law in
Chicago
Indianapolis
Madison
Milwaukee
Naples
Phoenix
Tampa
Tucson
Washington, D.C.

August 6, 2015

VIA EMAIL

Ms. Tanya N. Reigel
City Clerk
City of New Richmond
156 East First Street
New Richmond, WI 54017

Re: City of New Richmond
\$3,530,000 General Obligation Refunding Bonds, Series 2015A and
\$1,800,000 Electric Utility Revenue Refunding Bonds, Series 2015B

Dear Ms. Reigel:

Attached is a draft of each of the **Authorizing Resolutions** to be adopted in connection with the above-referenced financings. We have prepared the Resolutions with the information provided to us by Ehlers & Associates, Inc. ("Ehlers"). Please review them carefully.

It is our understanding that the Resolutions will be considered by the Common Council at its regular meeting on August 10, 2015 after the bid opening earlier that day.

If you have not already done so, please include the titles of the Resolutions on the agenda for the meeting. Please then post the agenda in at least three public places and provide it to the official newspaper of the City (or if the City has no official newspaper, to a news medium likely to give notice in the area) and to any other requesting media at least twenty-four hours prior to the meeting (see Section 19.84(1)(b), Wisconsin Statutes). The attached **Certificate of Compliance with Open Meeting Law** must be completed in connection with the meeting at which the Resolutions are adopted.

Unless the Common Council has adopted special rules regarding the adoption of borrowing resolutions, a vote of at least a majority of the members of the Common Council is necessary to adopt the Resolutions. We will provide you with an Excerpts of Minutes form for you to complete which records the vote on the Resolutions on the day of the meeting.

You will note in reviewing the Resolutions that some of the exhibits will be provided to the City on the day of sale. It is our understanding that Ehlers will provide this information to you and to us after the bid opening and prior to the meeting on August 10, 2015. We will review and confirm that information. We will email a final copy of the Resolutions, including all

Ms. Tanya N. Reigel
August 6, 2015
Page 2

exhibits, on the day of sale (August 10, 2015) prior to the meeting for the Common Council to review and approve. We will also provide hard copies of the complete finalized Resolutions at the time we send the closing documents.

Following the adoption of the Resolutions, we request that you return two executed copies of the Resolutions, as well as two executed copies of the Certificate and Excerpts, to us for our review. All of these originally signed documents will be included in the closing transcripts. A copy of the Resolutions should be incorporated into the minutes of the August 10, 2015 meeting.

We are also attaching a **Municipal Information Questionnaire** and **Private Activity and Other Tax Matters Questionnaires**. Please review, correct, if necessary, complete and return these questionnaires to us as soon as possible. They contain information which will help us draft the closing documents which will be required in connection with this financing.

If you have any questions regarding the attached documents or any other matter, please do not hesitate to call me at 414-277-5790 at any time.

Very truly yours,

QUARLES & BRADY LLP



Bridgette J. Keating

BJK:TAB:meg
Enclosures
#690679.00037

cc: Mr. Mike Darrow (w/enc. via email)
Ms. Beverly L. Langenback (w/enc. via email)
Mr. Sean Lentz (w/enc. via email)
Mr. Brian Reilly (w/enc. via email)
Mr. Patrick Malloy (w/enc. via email)
Ms. Jen Chapman (w/enc. via email)
Ms. Beth Mueller (w/enc. via email)

RESOLUTION NO. 081502

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
\$3,530,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015A

WHEREAS, the Common Council of the City of New Richmond, St. Croix County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of paying the cost of refinancing certain outstanding obligations of the City, specifically, the 2016-2025 maturities of the General Obligation Corporate Purpose Bonds, Series 2006A, dated May 9, 2006 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding");

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

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

WHEREAS, the City has directed Ehlers & Associates, Inc. ("Ehlers") to take the steps necessary to sell general obligation refunding bonds (the "Bonds");

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on August 10, 2015;

WHEREAS, the City Clerk (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on August 10, 2015;

WHEREAS, the City has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation"); and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the City. Ehlers has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

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

Section 1A. Ratification of the Notice of Sale and Offering Materials. The Common Council of the City hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Notice of Sale and any other offering materials prepared and circulated by Ehlers are hereby ratified and approved in all respects. All actions taken by officers of the City and Ehlers in connection with the preparation and distribution of the Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Authorization of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed, pursuant to Section 67.04, Wisconsin Statutes, through the issuance of the Bonds, the sum of THREE MILLION FIVE HUNDRED THIRTY THOUSAND DOLLARS (\$3,530,000).

Section 1C. Award of the Bonds. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal, plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal is hereby accepted. The Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be retained by the City Treasurer until the closing of the bond issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds shall bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds, Series 2015A"; shall be issued in the aggregate principal amount of \$3,530,000; shall be dated August 26, 2015; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on October 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2016. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on October 1, 2023 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on October 1, 2022 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. [If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Bonds in such manner as the City shall direct.]

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

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2015 through 2024 for the payments due in the years 2016 through 2025 in the amounts set forth on the Schedule.

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

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

Section 6. Segregated Debt Service Fund Account.

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

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$3,530,000 General Obligation Refunding Bonds, Series 2015A, dated August 26, 2015" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

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

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and by the Refunded Obligations and the ownership, management and use of the projects will not cause the Bonds or the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain

the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

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

Section 10. Designation as Qualified Tax-Exempt Obligations. The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 12. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Bond Trust Services Corporation, Roseville, Minnesota, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the City and

the Fiscal Agent shall be substantially in the form attached hereto as Exhibit F and incorporated herein by this reference.

Section 13. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

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

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

Section 14. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 16. Payment of Issuance Expenses. The City authorizes the Purchaser to forward the amount of the proceeds of the Bonds allocable to the payment of issuance expenses to KleinBank, Chaska, Minnesota at Closing for further distribution as directed by Ehlers.

Section 17. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda to be distributed to the Purchaser.

Section 18. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

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

Section 19. Redemption of the Refunded Obligations. The Refunded Obligations are hereby called for prior payment and redemption on October 1, 2015 at a price of par plus accrued interest to the date of redemption.

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

Section 20. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 21. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 22. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded August 10, 2015.

Frederick Horne
Mayor

ATTEST:

Tanya N. Reigel
City Clerk

(SEAL)

DRAFT

RESOLUTION NO. 081503

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
\$1,800,000 ELECTRIC UTILITY REVENUE REFUNDING BONDS, SERIES 2015B
OF THE CITY OF NEW RICHMOND, ST. CROIX COUNTY, WISCONSIN,
AND PROVIDING FOR THE PAYMENT OF THE BONDS AND
OTHER DETAILS WITH RESPECT TO THE BONDS

WHEREAS, the City of New Richmond, St. Croix County, Wisconsin (the "City") owns and operates its Electric Utility (the "System") which is operated for a public purpose as a public utility; and

WHEREAS, under the provisions of Section 66.0621, Wisconsin Statutes, any municipality in the State of Wisconsin may, by action of its governing body, provide funds for extending, adding to and improving a public utility or refunding obligations issued to finance such extensions, additions and improvements from the proceeds of bonds, which bonds are payable only from the income and revenues derived from any source by such utility and are secured by a pledge of the revenues of the utility; and

WHEREAS, pursuant to a resolution adopted on April 18, 2006 (the "2006 Resolution"), the City has heretofore issued its Electric Utility Revenue Bonds, Series 2006B, dated May 9, 2006 (the "Refunded Obligations"), which bonds are payable from the income and revenues of the System; and

WHEREAS, the City has determined that it is necessary and desirable to refund the Refunded Obligations for the purpose of achieving debt service cost savings; and

WHEREAS, it is necessary, desirable and in the best interests of the City to authorize and sell electric utility revenue bonds (the "Bonds") for such purpose payable solely from the revenues to be derived from the operation of the System, which bonds are to be authorized and issued pursuant to the provisions of Section 66.0621, Wisconsin Statutes; and

WHEREAS, other than the Refunded Obligations, the City has no bonds or obligations outstanding which are payable from the income and revenues of the System; and

WHEREAS, the City has directed Ehlers & Associates, Inc. ("Ehlers") to take the steps necessary to sell the Bonds; and

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on August 10, 2015; and

WHEREAS, the City Clerk (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on August 10, 2015; and

WHEREAS, the City has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation"); and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the City. Ehlers has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

NOW, THEREFORE, the Common Council of the City of New Richmond, St. Croix County, Wisconsin, do resolve that:

Section 1A. Ratification of the Notice of Sale and Offering Materials. The Common Council of the City hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Notice of Sale and any other offering materials prepared and circulated by Ehlers are hereby ratified and approved in all respects. All actions taken by officers of the City and Ehlers in connection with the preparation and distribution of the Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Authorization of Bonds. For the purpose of paying the cost of refunding the Refunded Obligations, the City shall borrow on the credit of the income and revenue of the System the sum of \$1,800,000. Negotiable, fully-registered bonds of the City, in the denomination of \$5,000, or any whole multiple thereof, shall be issued in evidence thereof. The Bonds shall be designated "Electric Utility Revenue Refunding Bonds, Series 2015B", shall be numbered from R-1 upward and shall be dated August 26, 2015. The Bonds shall bear interest at the rates per annum set forth in the Proposal and shall mature on October 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference.

Interest on the Bonds shall be payable on April 1 and October 1 of each year, commencing April 1, 2016. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

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

The Bonds maturing on October 1, 2024 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on October 1, 2023 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. [If the Proposal specifies that any of the Bonds are subject to mandatory

redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Bonds in such manner as the City shall direct.]

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

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

Section 1C. Security for the Bonds. The Bonds, together with interest thereon, shall not constitute an indebtedness of the City nor a charge against its general credit or taxing power. The Bonds, together with interest thereon, shall be payable only out of the Special Redemption Fund provided for in Section 4 herein, and shall be a valid claim of the registered owner or owners thereof only against the Special Redemption Fund and the Revenues of the System pledged to such fund. Sufficient Revenues are hereby pledged to said Special Redemption Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on the Bonds as the same becomes due.

Section 2. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

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

"Annual Debt Service Requirement" means the total amount of principal and interest due in any Fiscal Year on the Bonds and Parity Bonds.

"Bond Year" means the one-year period ending on a principal payment date or mandatory redemption date for the Bonds.

"Bulk Power Supply Engineer" means a nationally recognized engineer, or firm of engineers selected by the City and which has skill and expertise in the field of bulk power supply planning.

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

"Credit Obligation" means any obligation of the City under a contract, lease, installment sales agreement or other instrument, including but not limited to any contract entered into with a municipal electric company pursuant to Section 66.0825(8), Wisconsin Statutes, to make payments for property, services or commodities for the benefit or use of the System whether or not the same are made available, furnished or received, or any other obligation of the City, under

which the City lends credit to or guarantees debts, claims or other obligations of any other person or entity for the purpose of obtaining property, services or commodities for the System or for the purpose of financing the initial costs of any project of any other person or entity from which property, services or commodities are intended to be obtained for the benefit or use of the System but only to the extent such obligation requires payment directly or indirectly from a designated fund or account provided for under this Resolution.

"DTC" means The Depository Trust Company, New York, New York, or any successor securities depository for the City with respect to the Bonds.

"Fiscal Year" means the fiscal year adopted by the City for the System, which is currently the calendar year.

"Net Revenues" means the Revenues minus all Operation and Maintenance Expenses of the System.

"Operation and Maintenance Expenses" means the reasonable and necessary costs of operating, maintaining, administering and repairing the System, including salaries, wages, costs of materials and supplies, insurance and audits, but excluding depreciation, debt service, tax equivalents and capital expenditures. Without intent to limit the foregoing, Operation and Maintenance Expenses shall also include, all costs of purchasing, producing and delivering electric power and energy and specifically fuel costs, costs of transmission service, reserve service, interchange service, and all other costs of purchased power, including obligations under the Power Supply Contract between the City and WPPI, and all payments required by Credit Obligations.

"Parity Bonds" means additional bonds or obligations issued on a parity as to pledge and lien with the Bonds in accordance with the provisions of Section 7 of this Resolution.

"Power Supply Contract" means the Long Term Power Supply Contract for Participating Members between the City and WPPI entered into under Section 66.0825(8), Wisconsin Statutes.

"Reserve Requirement" means an amount, determined as of the date of issuance of the Bonds, equal to the least of (a) 10% of the stated principal amount of the Bonds (to the extent permitted pursuant to Section 148(d)(1) of the Code and Regulations); (b) the maximum annual debt service on the Bonds; and (c) 125% of average annual debt service on the Bonds. If Parity Bonds which are to be secured by the Reserve Account are issued, the Reserve Requirement shall mean an amount, determined as of the date of issuance of the Parity Bonds, equal to the least of (a) the amount required to be on deposit in the Reserve Account prior to the issuance of such Parity Bonds, plus the amount permitted to be deposited therein from proceeds of the Parity Bonds pursuant to Section 148(d)(1) of the Code and Regulations; (b) the maximum annual debt service on outstanding obligations secured by the Reserve Account and the Parity Bonds to be issued; and (c) 125% of average annual debt service on the outstanding obligations secured by the Reserve Account and the Parity Bonds to be issued.

"Regulations" means the Regulations of the Commissioner of Internal Revenue under the Code.

"Revenues" means all income and revenue derived from operation of the System, including the revenues received from the City for services rendered to it and all moneys received from any other source, including income derived from investments.

"System" means the entire Electric Utility of the City including all property of every nature now or hereafter owned by the City for the generation, transmission, metering and distribution of electric power and energy, including all improvements and extensions thereto made by the City while any of the Bonds and Parity Bonds remain outstanding, including all real and personal property of every nature comprising part of or used or useful in connection with such Electric Utility and including all appurtenances, contracts, leases, franchises and other intangibles.

"WPPI" means WPPI Energy, a municipal electric company organized under Section 66.0825, Wis. Stats.

Section 4. Income and Revenue Funds. When the Bonds shall have been delivered in whole or in part, the Revenues shall be set aside into the following separate and special funds, which were created and established by a Resolution adopted on June 28, 1993 (the "1993 Resolution") and are hereby further continued and shall be used and applied as described below:

- First, Revenues in amounts sufficient to provide for the reasonable and proper operation and maintenance of the System through the payment of Operation and Maintenance Expenses shall be set aside into the Operation and Maintenance Fund (the "Operation and Maintenance Fund").

- Second, Revenues in amounts sufficient to pay the principal of and interest on the Bonds and Parity Bonds and to meet the Reserve Requirement shall be set aside into the Electric Utility Revenue Bond and Interest Special Redemption Fund (the "Special Redemption Fund"), to be applied to the payment of the principal of and interest on the Bonds and Parity Bonds and to meet the Reserve Requirement. The monies standing in the Special Redemption Fund are irrevocably pledged to the payment of principal of and interest on the Bonds and Parity Bonds.

- Third, Revenues in amounts sufficient to provide a proper and adequate depreciation account for the System shall be set aside into the Depreciation Fund (the "Depreciation Fund").

The Operation and Maintenance Fund and Depreciation Fund shall be deposited as received in public depositories to be selected by the Common Council in the manner required by Chapter 34, Wisconsin Statutes and may be invested in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes.

Money in the Operation and Maintenance Fund shall be used to pay Operation and Maintenance Expenses as the same come due; money not immediately required for Operation and Maintenance Expenses shall be used to accumulate a reserve in the Operation and Maintenance Fund equal to estimated Operation and Maintenance Expenses for one month. Any money then available and remaining in the Operation and Maintenance Fund may be transferred to the Surplus Fund, which fund is hereby continued.

Revenues shall be deposited in the Depreciation Fund each month until such amount as the Common Council may from time to time determine to constitute an adequate and reasonable depreciation account for the System (the "Depreciation Requirement") is accumulated therein. Money in the Depreciation Fund shall be available and shall be used, whenever necessary, to restore any deficiency in the Special Redemption Fund and for the maintenance of the Reserve Account therein. When the Special Redemption Fund is sufficient for its purpose, funds in the Depreciation Fund may be expended for repairs, replacements, new construction, extensions or additions to the System. Any money on deposit in the Depreciation Fund in excess of the Depreciation Requirement which is not required during the current Fiscal Year for the purposes of the Depreciation Fund, may be transferred to the Surplus Fund.

It is the express intent and determination of the Common Council that the amount of Revenues to be set aside and paid into the Special Redemption Fund (including the Reserve Account) shall in any event be sufficient to pay principal of and interest on the Bonds and Parity Bonds and to meet the Reserve Requirement, and the City Treasurer shall each Fiscal Year deposit at least sufficient Revenues in the Special Redemption Fund to pay promptly all principal and interest falling due on the Bonds and Parity Bonds and to meet the Reserve Requirement.

The Revenues so set aside for payment of the principal of and interest on the Bonds and Parity Bonds shall be set apart and shall be paid into the Special Redemption Fund not later than the 10th day of each month. The amount deposited each month shall be not less than one-sixth of the interest next coming due, plus one-twelfth of the principal next maturing.

The minimum amounts to be so deposited for debt service on the Bonds are set forth on the Schedule.

The Special Redemption Fund shall be used for no purpose other than the payment of interest upon and principal of the Bonds and Parity Bonds promptly as the same become due and payable or to pay redemption premiums. All money in the Special Redemption Fund shall be deposited in a special account and invested in legal investments subject to Section 66.0603(1m), Wisconsin Statutes, and the monthly payments required to be made to the Special Redemption Fund shall be made directly to such account.

The Reserve Account established by the 1993 Resolution shall be continued to additionally secure the payment of principal of and interest on the Bonds. The City covenants and agrees that upon the issuance of the Bonds an amount sufficient to make the amount on deposit in the Reserve Account equal to the Reserve Requirement shall be deposited into the Reserve Account and shall be maintained therein.

The City covenants and agrees that at any time that the Reserve Account is drawn on and the amount in the Reserve Account shall be less than the Reserve Requirement, an amount equal to one-twelfth of the Reserve Requirement will be paid monthly into the Reserve Account from those funds in the Special Redemption Fund, the Operation and Maintenance Fund, the Depreciation Fund and the Surplus Fund which are in excess of the minimum amounts required by the preceding paragraphs to be paid therein until the Reserve Requirement will again have accumulated in the Reserve Account. No such payments need be made into the Reserve Account

at such times as the monies in the Reserve Account are equal to the highest remaining annual debt service requirement on the Bonds and Parity Bonds secured by the Reserve Account in any Bond Year. If at any time the amount on deposit in the Reserve Account exceeds the Reserve Requirement, the excess shall be transferred to the Special Redemption Fund and used to pay principal and interest on the Bonds. If for any reason there shall be insufficient funds on hand in the Special Redemption Fund to meet principal or interest becoming due on the Bonds or Parity Bonds secured by the Reserve Account, then all sums then held in the Reserve Account shall be used to pay the portion of interest or principal on such Bonds or Parity Bonds becoming due as to which there would otherwise be default, and thereupon the payments required by this paragraph shall again be made into the Reserve Account until an amount equal to the Reserve Requirement is on deposit in the Reserve Account.

Funds in the Special Redemption Fund in excess of the minimum amounts required to be paid therein plus reserve requirements may be transferred to the Surplus Fund.

Money in the Surplus Fund shall first be used when necessary to meet requirements of the Operation and Maintenance Fund including the one month reserve, the Special Redemption Fund including the Reserve Account, and the Depreciation Fund. Any money then remaining in the Surplus Fund at the end of any Fiscal Year may be used only as permitted and in the order specified in Section 66.0811(2), Wisconsin Statutes. Money thereafter remaining in the Surplus Fund may be transferred to any of the funds or accounts created by this section.

Section 5. Service to the City. The reasonable cost and value of any service rendered to the City by the System, including reasonable health protection charges, shall be charged against the City and shall be paid by it in monthly installments as the service accrues, out of the current revenues of the City collected or in the process of collection, exclusive of the Revenues, and out of the tax levy of the City made by it to raise money to meet its necessary current expenses. It is hereby found and determined that the reasonable cost and value of such service to the City in each year shall be in an amount which, together with Revenues of the System, will produce Net Revenues equivalent to not less than 1.25 times the Annual Debt Service Requirement. Such compensation for such service rendered to the City shall, in the manner provided hereinabove, be paid into the separate and special funds described in Section 4 of this Resolution. However, such payment is subject to (a) annual appropriations by the Common Council therefor, (b) approval of the Wisconsin Public Service Commission, or successors to its function, if necessary, and (c) applicable levy limits, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the City to make any such appropriation over and above the reasonable cost and value of services rendered to the City and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

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

(a) The City will faithfully and punctually perform all duties with reference to the System required by the Constitution and Statutes of the State of Wisconsin, including the making and collecting of reasonable and sufficient rates lawfully established for services rendered by the

System, and will collect and segregate the Revenues of the System and apply them to the respective funds and accounts described hereinabove;

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

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

(d) The City will maintain in reasonably good condition and operate the System, and will establish, charge and collect such lawfully established rates and charges for the service rendered by the System, so that in each Fiscal Year Net Revenues shall not be less than 125% of the Annual Debt Service Requirement, and so that the Revenues of the System herein agreed to be set aside to provide for the payment of the Bonds and Parity Bonds and the interest thereon as the same becomes due and payable, and to meet the Reserve Requirement, will be sufficient for those purposes;

(e) The City will prepare a budget not less than sixty days prior to the end of each Fiscal Year and, in the event such budget indicates that the Net Revenues for each Fiscal Year will not exceed the Annual Debt Service Requirement for each corresponding Fiscal Year by the proportion stated hereunder, will take any and all steps permitted by law to increase rates so that the aforementioned proportion of Net Revenues to the Annual Debt Service Requirement shall be accomplished as promptly as possible;

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

(g) So long as any of the Bonds are outstanding the City will carry for the benefit of the owners of the Bonds insurance of the kinds and in the amounts normally carried by private companies or other public bodies engaged in the operation of similar systems. All money received for loss of use and occupancy shall be considered Revenue of the System payable into the separate funds and accounts named in Section 4 of this Resolution. All money received for losses under any casualty policies shall be used in repairing the damage or in replacing the property destroyed provided that if the Common Council shall find it is inadvisable to repair such damage or replace such property and that the operation of the System has not been impaired thereby, such money shall be deposited in the Special Redemption Fund, but in that event such payments shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund.

Section 7. Additional Bonds. No bonds or obligations payable out of the Revenues of the System may be issued in such manner as to enjoy priority over the Bonds. Additional obligations may be issued if their lien and pledge is junior and subordinate to that of the Bonds. Additional obligations may be issued on a parity with the Bonds as to the pledge of Revenues of the System ("Parity Bonds") only if all of the following conditions are met:

(a)(i) The Net Revenues for the last completed Fiscal Year preceding the issuance of such additional obligations must have been at least equal to one and one-quarter (1.25) times the average combined annual interest and principal requirements on all Bonds and any Parity Bonds then outstanding payable from the revenues of the System (other than Bonds and any Parity Bonds being refunded), and the obligations so proposed to be issued, for any succeeding Fiscal Year in which there shall be a principal maturity on such outstanding bonds; provided, however, that if prior to the authorization of such additional obligations the City shall have 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 consulting engineer or independent certified public accountant 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 Revenues for the last completed Fiscal Year; or

(ii) An independent certified public accountant or consulting professional engineer provides a certificate setting forth for each of the three Fiscal Years commencing with the Fiscal Year following that in which the projects financed by such additional obligations are to be completed, the projected Net Revenues and the maximum annual interest and principal requirements on all bonds outstanding payable from the Gross Revenues of the System and on the obligations then to be issued (the "Maximum Annual Debt Service Requirement"); and demonstrating that for each such Fiscal Year the projected Net Revenues will be in an amount not less than 125% of such Maximum Annual Debt Service Requirement;

(b) The payments required to be made into the funds and accounts enumerated in Section 4 of this Resolution (including the Reserve Account, but not the Surplus Fund) must have been made in full.

(c) The Parity Bonds must have principal maturing on October 1 of each year in which principal falls due and interest falling due on April 1 and October 1 of each year.

(d) If the Parity Bonds are to be secured by the Reserve Account, the amount on deposit in the Reserve Account must be increased to an amount equal to the Reserve Requirement applicable upon the issuance of Parity Bonds as defined in Section 3 of this Resolution.

(e) The proceeds of the Parity Bonds must be used only for the purpose of providing additions, extensions or improvements to the System, or to refund obligations issued for such purpose.

Section 8. Sale of Bonds. The bid of the Purchaser for the purchase price set forth in the Proposal be and it hereby is accepted and the Mayor and City Clerk are authorized and directed to execute an acceptance of the offer of said successful bidder on behalf of the City. The good faith deposit of the Purchaser shall be retained by the City Treasurer until the closing of the bond issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The officers of the City are authorized and directed to do any and all acts necessary to conclude delivery of the Bonds to the Purchaser, upon receipt of the purchase price, as soon after adoption of this Resolution as is convenient.

Section 9. Credit Obligations.

(a) To the extent permitted by law, the City may undertake any Credit Obligation which directly or indirectly requires payments from the Operation and Maintenance Fund, but only if it shall first obtain an opinion of a Bulk Power Supply Engineer to the effect that: (i) the property, services or commodities to be furnished pursuant to such Credit Obligation may be used beneficially by the City to meet the power and energy requirements of the System; and (ii) the obtaining of such property, services or commodities is technically and economically justifiable in accordance with prudent municipal utility management practice.

(b) To the extent permitted by law, the City may undertake any Credit Obligation that directly or indirectly requires payments from the Surplus Fund, subject to any prior use of such monies for the benefit of the Bonds pursuant to Section 4 of this Resolution without meeting the requirements of subsection (a).

(c) The Bulk Power Supply Engineer may, in making all estimates required to be made or necessary to render any opinion required under this Section, rely upon estimates supplied by other engineers or information supplied by other persons, including an authorized representative of the City, who the Bulk Power Supply Engineer believes to be qualified and to have access to the necessary information to make such estimates and to provide such information.

Section 10. Application of Bond Proceeds. All accrued interest received from the sale of the Bonds shall be deposited into the Special Redemption Fund. An amount, if any, of proceeds of the Bonds sufficient to make the amount currently on deposit in the Reserve Account equal to the Reserve Requirement shall be deposited in the Reserve Account. An amount of proceeds of

the Bonds sufficient to provide for the payment of the Refunded Obligations shall be deposited in a special account designated the "Refunding Fund" for that purpose. The balance of the proceeds, less the expenses incurred in authorizing, issuing and delivering the Bonds, shall be transferred to the Special Redemption Fund for use in payment of principal of and interest on the Bonds.

Section 11. Amendment to Resolution. After the issuance of any of the Bonds, no change or alteration of any kind in the provisions of this Resolution may be made until all of the Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except:

a. The City may, from time to time, amend this Resolution without the consent of any of the owners of the Bonds, but only to cure any ambiguity, administrative conflict, formal defect, or omission or procedural inconsistency of this Resolution; and

b. This Resolution may be amended, in any respect, with the written consent of the owners of not less than two-thirds of the principal amount of the Bonds then outstanding, exclusive of Bonds held by the City; provided, however, that no amendment shall permit any change in the pledge of Revenues derived from the System, or in the maturity of any Bond issued hereunder, or a reduction in the rate of interest on any Bond, or in the amount of the principal obligation thereof, or in the amount of the redemption premium payable in the case of redemption thereof, or change the terms upon which the Bonds may be redeemed or make any other modification in the terms of the payment of such principal or interest without the written consent of the owner of each such Bond to which the change is applicable.

Section 12. Defeasance. When all Bonds have been discharged, all pledges, liens, covenants and other rights granted to the owners thereof by this Resolution shall cease. The City may discharge all Bonds due on any date by depositing into a special account on or before that date a sum sufficient to pay the same in full; or if any Bonds should not be paid when due, it may nevertheless be discharged by depositing into a special account a sum sufficient to pay it in full with interest accrued from the due date to the date of such deposit. The City, at its option, may also discharge all Bonds called for redemption on any date when they are prepayable according to their terms, by depositing into a special account on or before that date a sum sufficient to pay them in full, with the required redemption premium, if any, provided that notice of redemption has been duly given as required by this Resolution. The City, at its option, may also discharge all Bonds of said issue at any time by irrevocably depositing in escrow with a suitable bank or trust company a sum of cash and/or bonds or securities issued or guaranteed as to principal and interest of the U.S. Government, or of a commission, board or other instrumentality of the U.S. Government, maturing on the dates and bearing interest at the rates required to provide funds sufficient to pay when due the interest to accrue on each of said Bonds to its maturity or, at the City's option, if said Bond is prepayable to any prior date upon which it may be called for redemption, and to pay and redeem the principal amount of each such Bond at maturity, or at the City's option, if said Bond is prepayable, at its earliest redemption date, with the premium required for such redemption, if any, provided that notice of the redemption of all prepayable Bonds on such date has been duly given or provided for. Upon such payment or deposit, in the amount and manner provided by this Section, all liability of the City with respect to the Bonds

shall cease, terminate and be completely discharged, and the owners thereof shall be entitled only to payment out of the money so deposited.

Section 13. Investments and Arbitrage. Monies accumulated in any of the funds and accounts referred to in Sections 4 and 10 hereof which are not immediately needed for the respective purposes thereof, may be invested in legal investments subject to the provisions of Sec. 66.0603(1m), Wisconsin Statutes, until needed. All income derived from such investments shall be credited to the fund or account from which the investment was made; provided, however, that at any time that the Reserve Requirement is on deposit in the Reserve Account, any income derived from investment of the Reserve Account shall be deposited into the Special Redemption Fund and used to pay principal and interest on the Bonds. A separate banking account is not required for each of the funds and accounts established under this Resolution; however, the monies in each fund or account shall be accounted for separately by the City and used only for the respective purposes thereof. The proceeds of the Bonds shall be used solely for the purposes for which they are issued but may be temporarily invested until needed in legal investments. No such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations.

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

Section 14. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the City and the owner or owners of the Bonds, and after issuance of any of the Bonds no change or alteration of any kind in the provisions of this Resolution may be made, except as provided in Section 11, until all of the Bonds have been paid in full as to both principal and interest. The owner or owners of any of the Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce such owner's or owners' rights against the City, the governing body thereof, and any and all officers and agents thereof including, but without limitation, the right to require the City, its governing body and any other authorized body, to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution.

Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 16. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Bond Trust Services Corporation, Roseville, Minnesota, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the City and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit F and incorporated herein by this reference.



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TPC@PlanningCo.com

MEMORANDUM

TO: Beth Thompson

FROM: Daniel Licht, AICP

DATE: 6 August 2015

RE: New Richmond – Zoning Ordinance

TPC FILE: 164.01

BACKGROUND

The City of New Richmond adopted comprehensive updates to the Zoning Ordinance and Subdivision Ordinance effective 1 January 2015. City staff is initiating discussion of possible amendments to the Zoning Ordinance and Subdivision Ordinance identified in the course of on-going, day-to-day administration of the development regulations and review of development proposals.

A public hearing to consider these amendments has been held by the Plan Commission meeting on 30 June 2015. No comments were received from the public. The Plan Commission tabled action on the proposed amendments to allow City staff to provide additional information and clarify the provisions related to signs for public and quasi-public uses and residential parking. The Plan Commission again considered the proposed amendments at their meeting on 6 August 2015.

Exhibits:

A. Draft amendment

ANALYSIS

Temporary Cul-De-Sacs. The Subdivision Ordinance does not include a provision requiring construction of a temporary cul-de-sac at dead end streets where the street will be extended in the future as part of adjacent development. The turnaround at the end of the street is needed for emergency vehicles and street maintenance purposes.

The proposed amendment will require construction of a paved cul-de-sac within a temporary roadway easement for any dead end street serving more than two dwelling units or extending more than 200 feet beyond the nearest intersection. The proposed language also requires the developer to provide a cash escrow that will be used in the future for removal of the cul-de-sac and restoration of the yard when the street is extended.

Conditional Use Stipulations. City staff identified that the Zoning Ordinance previously permitted the Plan Commission to stipulate “conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use . . .”. However, the updated Zoning Ordinance does not include this language and in fact, does not make any reference the City’s authority to impose conditions and restrictions on conditional use permits. The draft amendment language would add a provision authorizing the Plan Commission to impose conditions upon conditional uses in Section 121-32.B.3 of the Zoning Ordinance.

Variance Notice. City staff identified that Table 1 incorrectly states that a Class 2 public hearing notice (requiring two publications) is required for variance applications, when State Statute only requires a Class 1 notice (requiring one publication) . The proposed amendment corrects Table 1 to state that a Class 1 notice is required for variance applications.

Conditional Uses. The provisions of Sections 121-36.E.1 (General District Standards – Conditional Forms and Functions) and 121-45.F and G (Solar Gardens) incorrectly state that a conditional use permit is approved by the Common Council, when conditional use permit applications require only Plan Commission approval. The draft amendment revises the language to substitute Plan Commission in place of the references to Common Council in these Sections.

Institutional Signs. The City has received a request from St. Mary’s School to install a second freestanding sign upon their property related to the school. The Zoning Ordinance currently only allows one freestanding sign per property. To address this issue, City staff has drafted sign regulations specific to public and quasi-public institutional uses allowing a freestanding sign upon the property for each principal use and wall signs for each principal use and each building entrance. The area and height of the allowed signs would be regulated based on the allowances of the zoning district in which the use is located. The draft amendment also includes language allowing electronic changeable copy signs as a conditional use with standards controlling the operation of the signs such that they are not a distraction to drivers and a nuisance to adjacent property owners

- The rate of change of the display to prevent flashing messages
- Brightness of the display.
- Allowed hours of operation limited to 6:00 a.m. to 9:00 p.m.

Temporary Accessory Buildings. The Building Code provides that temporary, portable accessory structures without a foundation less than 150 square feet in area do not require a building permit. The draft amendment revises Section 121-30 of the Zoning Ordinance to include this exemption.

Restaurant Uses. Table 3 of the Zoning Ordinance identifies allowed uses in the various zoning districts. A restaurant was not identified as a specific use in Table 3 but has unique characteristics and can be more intensive than other commercial retail, service or office uses. As such, the draft amendment proposes to add “restaurants with liquor and accessory outdoor seating” as a permitted use in the Z3, Z4 and Z6 Zoning Districts. New restaurant uses would be subject to site plan review and approval by the Plan Commission. Additional performance standards are included in the draft amendment in Section 121-56 of the Zoning Ordinance to allow accessory outdoor seating areas for restaurants (other than a beer garden) subject to review and approval of the Zoning Administrator.

Z3 District Lot Coverage. City staff identified another issue during the discussions regarding a new retail store within the Richmond Crossings development. The Z3 District limits lot coverage, defined as both building and parking areas, to 30% of the lot area. The 30% lot coverage requirement is too restrictive for commercial development allowed in the Z3 District; up to 70% is more common for commercial development based on a site being 1/3 building, 1/3 parking and 1/3 greenspace. City staff recommends amending Table 6.a to add a 70% lot coverage limit for multiple family and commercial uses in the Z3 District and maintain the 30% limit for residential uses.

Loading and Trash Areas. Section 121-48.C of the Zoning Ordinance requires that loading areas and trash collection areas be screened from view of adjacent properties and public rights-of-way by using a combination of plantings and earth berms in all zoning districts. Use of landscaping for screening is not practical in the Z6, Central Business District where the building envelopes for each lot are maximized based on the desired character of the area. The draft amendment would include an exception for screening in the Z6 District to be accomplished by means of a fence or other structural enclosure to meet the intent of the Zoning Ordinance and buffer adjacent properties.

Off-Street Parking. Section 121-52.A.3 of the Zoning Ordinance includes a standard requiring that not more than 50 percent of the parking for commercial uses be located between the building and public street to enhance the character and aesthetics of the streetscape. For corner lots, this requirement severely constrains the available area within a lot for the location of required parking stalls. City staff proposes to provide clarification that the location requirements apply only to the yard between the building and public right-of-way for the principal frontage of the lot, allowing additional flexibility in site design.

Section 121-52.A.5 of the Zoning Ordinance also establishes dimensional and design requirements for off-street parking areas. City staff has been questioned if the requirements of this section apply to all parking areas or just the number of parking stalls required by the Zoning Ordinance. The intent of the provision is to require all

parking areas comply with the dimension and design standards established by the Zoning Ordinance to ensure site functionality and prevent congestion impacting public streets. To this end, the draft amendment would remove the word “require” and add the word “all” to this clause for clarification purposes.

The prior Zoning Ordinance included provisions limiting parking for residential uses in terms of location upon an allowed driveway and also types of vehicles to be parked. City staff has included language in the draft amendment to reinstate these provisions as part of the current Zoning Ordinance. Most important of these provisions is limiting the size of vehicles to not more than a Class 4 gross vehicle weight rating of Class 4 (14,001lbs) capacity and requiring all vehicles parked to be licensed and in operable condition. These regulations are intended to protect the condition of City streets, maintain land use compatibility, and prevent nuisance conditions from occurring. The draft Zoning Ordinance amendment also includes a definition of driveway and a reference to the dimension and design requirements already included with in the Zoning Ordinance.

Swimming Pools. Section 121-56.E.3.a of the Zoning Ordinance regulates the location of above ground and in-ground swimming pools. All swimming pools must be located in side or rear yards and must comply with the setback requirements applicable to accessory buildings. In certain zoning districts, this would allow a swimming pool to be located five feet from the property line. Because of the intensity of the use, City staff is recommending the language included in the draft amendment to require that the side yard setback for all swimming pools be double that required for accessory buildings within the applicable zoning district.

RECOMMENDATION

The Design Review Committee reviewed the proposed Zoning Ordinance amendments at their meeting on 25 June 2015. City staff recommends approval of amendments to the Zoning Ordinance and Subdivision Ordinance as presented. The Plan Commission at their meeting on 6 August 2015 voted 6-0 to recommend the City Council approve the proposed ordinance amendments.

POSSIBLE ACTIONS

- A. Motion to recommend **adoption** of an Ordinance amending the Zoning Ordinance and Subdivision Ordinance as presented recommended by the Plan Commission and City staff.
- B. Motion to **table** for further discussion or additional information.
- c. Mike Darrow, City Administrator
Tanya Reigel, City Clerk

Sarah Skinner, Building Inspector
Jeremiah Wendt, Public Works Director
Nick Vivian, City Attorney

ORDINANCE #___

THE COMMON COUNCIL OF THE CITY OF NEW RICHMOND DOES ORDAIN AS FOLLOWS:

Section 1. Section 117-28.H of the Subdivision Ordinance (General Street Design Standards) is hereby amended to include the following provisions:

4. Temporary Cul-De-Sacs. In those instances where a street is terminated pending future extension in conjunction with adjacent development and there is more than 200 feet or 2 dwelling units accessed between the dead end and the nearest intersection, a temporary cul-de-sac paved with bituminous asphalt shall be provided at the closed end in conformance with cul-de-sac requirements.
 - a. The temporary cul-de-sac must be placed inside a temporary roadway easement if it is located outside public right-of-way.
 - b. The developer shall submit a cash escrow in an amount as determined by the Public Works Director for removal of the temporary cul-de-sac and restoration of curb, street surface, boulevard and/or yard sod and asphalt driveways within the temporary roadway easement.

Section 2. Section 121-15 of the Zoning Ordinance (Definitions) is hereby amended to include the following provision:

Driveway. A private roadway giving access from a public street to parking areas within an abutting parcel, or upon such area accessing a house where vehicles may be parked.

Section 3. Section 121-32.B.3 of the Zoning Ordinance (Conditional Use Permits) is hereby amended to include the following provisions with subsequent subsections renumbered accordingly:

- h. The Plan Commission may impose conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as they deem necessary to carry out the intent and purpose of this Ordinance, with said conditions being entered in and made part of the permanent written record of the Plan Commission meeting.

Section 4. Table 1 of the Zoning Ordinance is hereby amended to change the cell for Notice Classification column and Board of Appeals Final Action / Variance Application row from Class 2 to Class 1.

Section 5. Section 121-36.E.1 of the Zoning Ordinance (General District Standards – Conditional Forms and Functions) is hereby amended to read as follows:

1. The forms and functions identified in Table 3 as conditional (C) are allowed by conditional use permit in the City of New Richmond. New development or redevelopment will require submittal of a conditional use permit application as outlined in Section 121-32 showing that the development standards and conditional use permit standards identified in this ordinance have been met. These items will be reviewed by the DRC, and approved by the Plan Commission and Common Council.

Section 6. Section 121-44 of the Zoning Ordinance (Sign Regulations – Special Signs) is hereby amended to include the following provisions:

7. Government buildings and structures, public, quasi-public or private recreation buildings, public parks and recreation areas, public and private educational institutions limited to accredited elementary, middle or senior high schools, and religious institutions shall be allowed the following signs:
 - a. Sign Plan. A comprehensive sign plan shall be submitted that includes all of the following information:
 - (1) A site plan to scale showing the location of lot lines, buildings, structures, parking areas, existing and proposed signs, and any other physical features of the area included within the proposed comprehensive sign plan.
 - (2) Scale elevations of buildings showing the location of existing or proposed wall, canopy, or marquee signs.
 - (3) To scale plans for all existing and proposed signs of any type included within the comprehensive sign plan indicating area, dimensions, height, materials, colors, and any means of illumination.
 - b. Freestanding Sign:

- (1) One sign is allowed per lot, except that 1 additional sign shall be allowed when there is more than one principal use located on a lot.
- (2) The area of the sign may not exceed that allowed in zoning district in which the use is located.
- (3) The maximum height of the sign structure shall not exceed that allowed in zoning district in which the use is located.
- (4) The sign shall be setback a minimum of 10 feet from any property line or public right-of-way and shall not encroach into any drainage and utility easement.

c. Wall Signs:

- (1) One wall sign not exceeding that allowed in zoning district in which the use is located shall be allowed on each facade facing a public street.
- (2) The area of a wall sign may not exceed that allowed in zoning district in which the use is located.
- (3) An additional wall sign(s) not to exceed 32 square feet shall be allowed for each building entrance.

d. Changeable Copy Signs. Signs allowed by this section may include changeable copy, including electronic changeable copy as a conditional use, subject to the following performance standards:

- (1) The electronic graphic display sign shall not change display more often than once every 3 minutes.
- (2) The graphic display sign shall not include scrolling, flashing, animation, or other effects that create a traffic hazard.
- (3) The electronic graphic display that is displayed must be static and the transition from one static display to another must be instantaneous without any special effects.
- (4) The electronic graphic display must be complete in themselves, without continuation in content to the next image or message.

- (5) The color of electronic graphic display shall be limited only to copy upon a black background.
- (6) The brightness of the electronic graphic display shall not exceed 7,000 NITS after sunrise and before sunset or 500 NITS after sunset and before sunrise each day; The changeable copy sign shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this condition.
- (7) The allowed hours during which an electronic graphic display may operate shall be limited to 6:00 a.m. to 9:00 p.m.
- (8) The electronic graphic display must be designed and equipped to freeze the device in one position if a malfunction occurs. The display must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the City that it is not complying with the stipulations of this Ordinance.
- (9) The electronic graphic display sign shall be removed upon a change in zoning or use of the property that renders the sign non-conforming.

Section 7. Section 121-30.A of the Zoning Ordinance (Permitted Uses; Building Permits) is hereby amended to read as follows:

A. Purpose

No vacant land shall be occupied or used, and no building shall be hereafter erected, structurally altered, relocated used or occupied until a building permit has been issued certifying that any such building, use or occupancy complies with the provisions of this Ordinance. Such permit shall be obtained before any change is made in the type of use or before any legal nonconforming use is resumed, after 12 months of inactivity, changed, extended or granted conditional use status. Temporary portable accessory structures without a permanent foundation and with a gross area of less than 150 feet shall be exempt from obtaining a building permit but shall comply with the other applicable provisions of this Ordinance.

Section 8. Table 3.e of the Zoning Ordinance (Commercial/Retail/Service) is hereby amended to add "Restaurants, including liquor and accessory outdoor seating" as an allowed use within the Z3, Z4 and Z6 Districts as a permitted use (A).

Section 9. Table 6.a.2 of the Zoning Ordinance (Z3 District – Lot Occupation) is hereby amended to read as follows:

a.2 Maximum Lot Coverage: ~~30% max~~

<u>Single Family and Twin Home Uses:</u>	<u>30%</u>
<u>All other uses:</u>	<u>70%</u>

Section 10. Section 121-46.F of the Zoning Ordinance (Solar Energy Systems) is hereby amended to read as follows:

F. Conditional Use Permit

1. Determination. The ~~Common Council~~ Plan Commission shall grant a conditional use permit if it finds the following conditions are met:
 - a. The granting of a permit will not unreasonably interfere with the orderly land use and development plans of the City;
 - b. No person has demonstrated that she or he has present plans to build a structure that would create an impermissible interference by showing that she or he has applied for a building permit prior to receipt of a notice under subsection E-2 of this section, has obtained professional plans or designs for such a structure, or by submitting any other credible evidence that she or he has made substantial progress toward planning or constructing a structure that would create an impermissible interference; and
 - c. The benefits to the applicant and the public will exceed any burdens.
 - d. No person has demonstrated that the granting of a permit would cause an undue hardship in using his or her property in a manner consistent with existing zoning regulations and neighboring property uses.
 - e. The ~~solar~~ solar energy system will be sited and designed to ensure that glint and glare do not have significant impacts on roadway users, nearby residences commercial areas, or other highly sensitive viewing locations.

2. The ~~Common Council~~Plan Commission may grant a permit subject to any condition or exemption it deems necessary to minimize the possibility that the future development of nearby property will create an impermissible interference or to minimize any other burden on any person affected by granting the permit. Such conditions or exemptions may include but are not limited to restrictions on the location of the collector and requirements for the compensation of persons affected by the granting of the permit.

Section 11. Section 121-46.G of the Zoning Ordinance (Solar Energy Systems) is hereby amended to read as follows:

G. Record of Permit. If the ~~Common Council~~Plan Commission grants a permit:

1. The ~~Common Council~~Plan Commission shall specify the property restricted by the permit and shall prepare notice of the granting of the permit. The notice shall include the legal description pursuant to Section 706.05(2)(c), Wisconsin Statutes, for the property upon which the solar collector is or will be located and for any property restricted by the permit, and shall indicate that the property may not be developed and vegetation may not be planted on the property so as to create an impermissible interference with the solar collector which is the subject of the permit unless the permit affecting the property is terminated or unless a waiver agreement affecting the property is recorded under subsection I of this section.
2. The applicant shall record with the Register of Deeds of the County the notice for each property specified under subsection E-2 of this section and for the property upon which the solar collector is or will be located. The Zoning Administrator shall note the location of any solar collector which is the subject of a permit on a map showing the location of all solar collectors for which permits have been granted under subsection E of this section and shall identify on the map all properties which are subject to restrictions resulting from the granting of a permit.

Section 12. Section 121-48.C of the Zoning Ordinance (Loading and trash/refuse collection areas) is hereby amended to read as follows:

C. Loading and trash/refuse collection areas:

Loading areas and trash/refuse collection areas shall be screened from view from the front of the lot, public rights-of-way and adjacent properties; and located on the lot according to District standards. The screening shall be accomplished with an enclosed structure constructed of materials consistent with that of the principal building, as well as evergreen landscaping, earth berms, or a combination of these items as described in Table 15 for uses developed or redeveloped after January 1, 2015, except within the Z6 District where only a fence or other enclosed structure is to be required.

Section 13. Section 121-52.A.3.a of the Zoning Ordinance (Parking and Loading) is hereby amended to read as follows:

- a. Not more than 50% of the parking shall be located between the principal building and the ~~street~~ principal frontage.
 - (i) See "Landscape and screening of off-street parking and loading facilities" for conditions for locating a greater percentage of parking between th principal building and the street.

Section 14. Section 121-52.A.5 of the Zoning Ordinance (Parking and Loading) is hereby amended to read as follows:

5. Dimensional and Design Requirements. Unless specified in this Ordinance, stall, aisle and driveway design for ~~required~~ all off-street parking shall comply with the following standards:
 - a. Access and location. Parking areas shall have access to a public alley or street. Driveways shall be located to minimize interference with traffic movement.
 - b. Turnaround. All parking areas except those serving one-family and two-family dwellings on local streets shall be designed so that cars do not have to back into the public street.
 - c. Surfacing. All driveways and areas intended to be utilized for parking spaces shall be constructed of bituminous asphalt, concrete or pavers. Such surfacing shall be approved by the Director of Public Works and maintained in good repair.
 - d. Walkways. Required parking areas for 5 or more vehicles shall have walkways separated from the parking area and surfaced with

bituminous asphalt, pavers or concrete to provide access from parking areas to the entrances of buildings.

- e. Drainage. All parking or paved areas shall be adequately served by storm sewer or other approved stormwater facilities.—~~Such facilities shall be~~ as approved by the Director of Public Works.
- f. Curbs. A 6-inch high, poured-in-place concrete curb shall be provided around the periphery of all parking lots and internal access roads, except where there Director of Public Works determines that a curb would impede the drainage plan.

Section 15. Section 121-52.A. of the Zoning Ordinance (Parking and Loading) is hereby amended to include the following provisions:

7. Restrictions for residential uses

a. Unless the district regulations provide otherwise, off-street vehicle parking is permitted in the following yards:

(1) A rear yard.

(2) A side yard not adjoining a street.

(3) A front yard, but only on a driveway not exceeding 24 feet in width and not nearer than five feet to a front or side property line.

b. Vehicle limitations.

1. For residential uses, accessory off-street parking facilities shall be solely for the parking of passenger automobiles not exceeding a gross vehicle weight rating of Class 4 (14,001lbs).

2. All vehicles shall be parked on a driveway compliant with the dimension and design requirements of Section 121-52.A.5 of this Ordinance or within a garage.

3. All vehicles parked on a residential lot shall be in condition for safe and legal operation upon public streets.

4. All vehicles parked on a residential lot shall display current license plates.

Section 16. Section 121-56.E.3.a of the Zoning Ordinance (Accessory Structures – Swimming Pools) is hereby amended to read as follows:

- a. Swimming pools shall be erected or constructed on a lot occupied by a principal building on rear or side yards within the allowable lot occupation for accessory buildings, except that the side yard setback shall be double the minimum required within the applicable zoning district.

Section 17. Section 121-56 of the Zoning Ordinance (Accessory Structures) is hereby amended to include the following provisions:

F. Outdoor Seating Areas

1. Process:

- a. Outdoor seating areas accessory to a restaurant use defined as a beer garden by this Ordinance shall require a conditional use permit subject to Section 121-50.C and the provisions of this subsection.
- b. Outdoor seating areas accessory to a restaurant use (other than a beer garden) shall be an allowed use within the Z3, Z4 and Z6 Districts subject to approval of the Zoning Administrator in accordance with Section 121-30.

2. Functional requirements

- a. The outdoor seating area shall be limited to the area directly adjacent to the property owned and/or operated by the primary restaurant and shall not be located upon public right-of-way.
- b. The outdoor seating area shall be segregated from through vehicle drive lanes by a raised 6 inch concrete curb and from pedestrian circulation by means of temporary fencing, bollards, ropes, plantings, etc.
- c. Minimum clear passage zone for pedestrians at the perimeter of the outdoor seating area shall be at least 3 feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, etc.

- d. Overstory canopy of trees or umbrellas extending into the pedestrian clear passage zone or drive aisles shall have a minimum clearance of 7 feet above grade.
- e. Furniture shall not be stored, stacked and/or covered in the outdoor seating area and shall be movable to allow for seasonal changes.
- f. No electronically amplified outdoor music, intercom, audio speakers, or other such noise generating devices shall be allowed in the outdoor seating area.

3. Aesthetic requirements

- a. Furniture shall be washable, constructed of metal, plastic or other weather resistant materials and maintained in a safe and sanitary condition.
- b. Annual/perennial flowers shall be used to enhance streetscape aesthetics and plant material shall be in containers to allow for movement.
- c. The structure separating the outdoor seating area from vehicle driveways and pedestrian sidewalk shall be decorative wood, metal or vinyl fencing not less than 4 feet in height and shall be compatible with the architecture of the principal building.
- d. One covered trash receptacle matching appearance of other furniture shall be provided for every eight tables.

This ordinance shall take effect immediately upon its passage and publication as provided by law.

Passed and approved:
Published and effective:

CITY OF NEW RICHMOND

By: _____
Fred Horne, Mayor

ATTEST: _____
Tanya Reigel, City Clerk



156 East First Street
New Richmond, WI 54017
Ph 715-246-4268 Fax 715-246-7129
www.newrichmondwi.gov

TO: Mayor and City Council

FROM: Noah Wiedenfeld, Management Analyst

DATE: August 6, 2015

RE: Downtown Parking Signage

Background

City staff and a subcommittee of the Economic Development Commission have been working together to improve the City's downtown parking signage. Locations, costs, and examples will be presented at the Council meeting. The concept has been presented to and approved by the Public Works Committee, the Economic Development Commission and the Finance Committee.

Recommendation

The Finance Committee recommends approval of the new parking signs.



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www.newrichmondwi.gov

TO: Mayor and City Council

FROM: Bev Langenback, City Treasurer / Mike Darrow, City Administrator

DATE: August 6, 2015

RE: Capital Improvements-Sources and Uses of Funds

Background

The Finance Committee received an update of costs and the next steps to secure funding for the various 2015 street design/construction projects, design costs of 2016 street projects, Civic Center boiler project and reimbursement to Utility for fire truck advance. The project costs can be paid for out of current cash on hand but should be replenished before year end by applying for a State Trust Fund loan so our fund balance is not affected. Estimated amount of State Trust Fund loan is \$604,374. By borrowing these funds after 9/1/15, there would be no payment due in 2016. However, this loan would be paid off with proceeds from the 2016 Bonds projected to take place in the spring.

The attached spreadsheet provides greater details of project cost estimates and sources and uses of funds.

Recommendation

The Finance Committee and Staff recommend applying for a state trust fund loan in the amount of \$604,374 after September 1st to cover the costs of the above projects.

Construction Year	Project	Phase	Sources of Funds										Total		
			Stanton	Richmond	Lakeside	NRU Water	NRU WW	Impact Fees	SWU	TIF	Sidewalk Assessment	2015 STF Loan		2016 Bond	
2015	175th	Design		\$6,150								\$6,150			\$12,300
		Construction Eng		\$4,600								\$4,600			\$9,200
	115th	Construction		\$49,250								\$49,250			\$98,500
		Design					\$3,460	\$1,903	\$9,169			\$2,768			\$17,300
		Construction Eng			\$1,880	\$4,982	\$1,034	\$4,982				\$1,504			\$9,400
		Construction			\$59,000	\$32,450	\$156,350					\$47,200			\$295,000
High/Pierson	Design			\$6,050							\$6,050			\$12,100	
	Construction Eng			\$4,400							\$4,400			\$8,800	
	Construction			\$49,550	\$10,900						\$49,550			\$110,000	
Subtotal	Construction		\$105,567	\$60,000	\$60,000	\$10,900	\$64,340	\$35,387	\$170,501	\$0	\$186,553	\$0	\$0	\$693,248	
	Design			\$746	\$954	\$4,476	\$4,849	\$6,201	\$166,220	\$80,000	\$27,229			\$37,300	
2016	Paperjack	Construction Eng		\$5,724										\$34,821	
		Construction		\$25,880	\$155,280	\$8,840	\$5,440	\$4,420	\$15,300					\$1,294,000	
	N Starr Hughes	Design			\$8,840									\$34,000	
		Construction Eng			\$7,852	\$4,832	\$3,926	\$85,600	\$22,000					\$13,590	
	River Fairfield Summit	Construction			\$171,600	\$105,600	\$6,749	\$8,337	\$14,689					\$275,000	
		Design			\$9,925	\$8,687	\$10,731	\$335,160	\$27,650					\$39,700	
		Construction Eng			\$12,775	\$399,000	\$271,320	\$21,770	\$51,350					\$1,596,000	
	North Shore	Design												\$79,000	
		Construction Eng												\$40,430	
	Subtotal	Construction		\$0	\$637,572	\$568,108	\$0	\$1,242,664	\$190,000	\$108,568	\$2,800,288	\$0	\$0	\$0	\$5,547,200
Design				\$648,472	\$632,448	\$55,387	\$1,413,165	\$190,000	\$604,374	\$0	\$0	\$0	\$0	\$2,800,288	

Other Projects: Boiler Ladder Truck

Boiler Ladder Truck															
Total	\$105,567	\$60,000	\$60,000	\$648,472	\$632,448	\$55,387	\$1,413,165	\$190,000	\$604,374	\$0	\$0	\$0	\$0	\$2,800,288	\$5,240,448

Proposed Schedule

- Award Construction Contract for 2015 Projects: 8/24/15
- Approve S-E-H 2015 Construction Engineering Contract: 8/24/15
- Approve Resolution for STF Loan application: 9/14/15
- Approve Bidding 2016 Construction Projects: 2/8/16
- Approve Initial Resolution for Issuance of 2016 GO Bonds: 2/8/16
- Award Construction Contract for 2016 Projects: 3/14/16
- Approve S-E-H 2016 Construction Engineering Contract: 3/14/16
- Approve Resolution for Sale of 2016 GO Bonds: 4/11/16

Council Meeting

Plus \$400k on hand in SWU

Plus STF Loan Payoff: \$604,374

Plus SWU Borrowing: \$1,013,165

Plus Sidewalk Assessments (to be repaid over 5-10 years): \$190,000

Total Bond: \$4,607,827



156 East First Street
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www.newrichmondwi.gov

TO: Mayor and City Council

FROM: Mike Darrow, City Administrator and Utility Manager
Kari Kraft, Human Resources Manager/Executive Assistant

DATE: August 6, 2015

RE: Public Works Reorganization & Posting of Assistant PWD Position

Background

Staff is recommending the realignment of job duties within the Public Works Department to create a more efficient operational structure. This realignment would include the hiring of an Assistant Director of Public Works (ADPW), combining of the street and park departments, and a job title change for all street and park positions. If approved by the City Council, this change will assist us in meeting the following core values:

- **Providing Efficient Public Services** – By combining the current Streets and Parks departments, we have the opportunity to cross train staff – effectively decreasing the need for overtime during snow emergencies.
- The addition of an ADPW will allow the City to provide greater oversight of the community's recreational components, including Hatfield and Freedom Parks.
- **Providing Exceptional Customer Service** – The addition of an ADPW will ensure that providing a high level of customer service remains a priority. This person will not only oversee the day-to-day operations of the department ensuring a balanced and efficient distribution of workload, but will act as the single point of contact for any grounds or street infrastructure related questions and concerns. Additional efforts will be made to communicate with the public on an on-going basis regarding project status and upcoming community and public process events.
- **Cost Containment** – The aforementioned changes will have a zero \$ net impact on our budget, as the position is replacing a recently retired employee.

The Finance Committee recommended bringing these changes to the Council on August 3, 2015.

Recommendation

The Finance Committee recommends approval of the reorganization of the Public Works Department and posting of the Assistant Public Works Director Position.



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TO: Mayor and City Council

FROM: Jeremiah Wendt, Public Works Director

DATE: August 6, 2015

RE: Driveway Permit – North Knowles Avenue

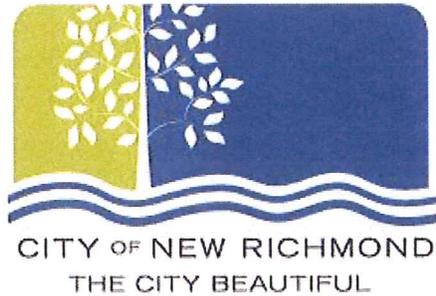
Background

Skoglund Properties, LLP has applied for the modification of an existing driveway on North Knowles Avenue. The location of the driveway is approximately 135 feet south of the existing southernmost driveway serving 575 North Knowles Avenue (Snap Fitness). The modified driveway would be intended to serve the remaining parcels between this location and the intersection with High Street. As such, two existing curb cuts could be eliminated and no additional driveways on this stretch of North Knowles would be required.

City Council approval is required for this driveway per City ordinance because the requested size exceeds 24 feet in width.

Recommendation

Staff is recommending the approval of this driveway permit, as 24 feet is not a sufficient width for a commercial driveway that will have traffic both entering and exiting.



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TO: Mayor and City Council

FROM: Jeremiah Wendt, Public Works Director

DATE: August 6, 2015

RE: Driveway Permit – High Street

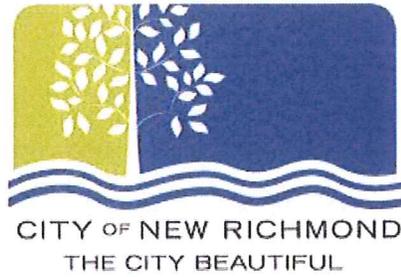
Background

Skoglund Properties, LLP has applied for the modification of an existing driveway on High Street. The location of the driveway is approximately 300 feet west of the intersection of High Street and North Knowles Avenue. The modified driveway would be intended to serve as the southern termination of the access driveway that runs behind the businesses on the west side of North Knowles Avenue between High Street and North 4th Street.

City Council approval is required for this driveway per City ordinance because the requested size exceeds 24 feet in width.

Recommendation

Staff is recommending the approval of this driveway permit, as 24 feet is not a sufficient width for a commercial driveway that will have traffic both entering and exiting.



MEMO

TO: Mayor and City Council

FROM: Jeremiah Wendt, Director of Public Works

DATE: August 7, 2015

RE: Traffic Control for Moving Wall Event

Staff and SEH have been investigating potential traffic impacts of the Moving Wall event, scheduled for September 10-14, 2015 at Freedom Park, on the intersection of STH 64 and Wall Street. We have developed a number of options for temporary traffic control at this intersection, and vetted them with City public safety officials and the Wisconsin Department of Transportation. We will provide the council with a recommended alternative, along with a cost estimate for the alternative, at the August 10, 2015 City Council meeting.

RESOLUTION #081504
RESOLUTION AUTHORIZING SALE OF REAL ESTATE

WHEREAS, the City of New Richmond is the owner of real estate described as:

Described as a portion of the total site consisting of 2.5 acres, depicted in Exhibit A

WHEREAS, the City has entered into an Offer to Purchase and Sale Agreement with Oppidan Holdings LLC Holdings, LLC , Whereby the City would sell this parcel to Oppidan Holdings, LLC; and

WHEREAS, all necessary contingencies have been met and the transaction is ready to be closed.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of New Richmond as follows:

1. That the City shall proceed with the sale of the real estate to Oppidan Holdings, LLC
2. That Mayor, Frederick Horne, and Tanya Reigel, City Clerk, are authorized to execute all documents necessary to complete the sale of the property.

Passed and approved this 10th day of August, 2015.

Frederick Horne, Mayor

ATTEST:

Tanya Reigel, City Clerk

