

COLBY COMMON COUNCIL
Thursday, June 27, 2024
5:30 P.M.

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES OF THE JUNE 4th MEETING
4. APPROVAL OF FINANCIAL STATEMENT AND BILLS
 - A. PAY REQUEST #1 – HAAS & SONS, VENZKE DR & E FRONTAGE RD
5. PUBLIC COMMENT (THREE MINUTE LIMIT PER INDIVIDUAL)
6. COMMITTEE REPORTS
 - A. C-A POLICE COMMISSION 6/10
TODD SCHMIDT
 1. CREATION OF DETECTIVE POSITION
 2. APPOINTMENT OF OFFICER CHRISTIAN LEMAY AS DETECTIVE
 - B. CENTRAL FIRE & EMS DISTRICT MEETING 6/20
NANCY O'BRIEN
 - C. JOINT REVIEW BOARD 6/11
CONNIE GURTNER
7. OTHER REPORTS
 - A. MAYOR
 1. CLARK COUNTY ECONOMIC DEVELOPMENT CORP
 2. MCDEVCO
 - B. CLERK
 - C. DIRECTOR OF PUBLIC WORKS
 1. BUILDING PERMIT
 2. MONTHLY WATER AND SEWER REPORTS
 - D. ENGINEER
8. MATTERS FOR CONSIDERATION
 - A. OPERATOR'S LICENSES
 - B. PICNIC LICNESE – ABBOTSFORD BOOSTER CLUB CHEESE DAYS BALL TOURNAMENT
 - C. RESOLUTION 5-2024 - RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$651,160 WATER SYSTEM REVENUE BONDS, SERIES 2024, AND PROVIDING FOR OTHER DETAILS AND COVENANTS WITH RESPECT THERETO
 - D. RESOLUTION 6-2024 TO BORROW \$680,000 FOR CONTSRUCITON OF VENZKE DR & E FRONTAGE RD
 - E. COMMITTEE MEETINGS FOR JULY
9. ADJOURN

The regular meeting of the Colby Common Council was called to order at 6:30 P.M. by Mayor James Schmidt. On roll call: O'Brien, T Schmidt, Baumgartner, Hesgard, Hederer and Lindeman. Also present were Mayor James Schmidt, Clerk Connie Gurtner, DPW Higley, Police Chief Alex Bowman and citizens at large.

Agenda was posted by the clerk. The agenda was amended to move items C.1 & 2 on the agenda to immediately follow the action on minutes and financial statement/bills.

Minutes of the May 7th meeting were pre-read and reviewed. Motion was made by Schmidt, seconded by Hederer to approve the minutes as presented. Motion carried with a voice vote.

Financial Statement and Bills were discussed. Motion was made by Hederer, seconded by O'Brien to approve the financial statement and bills. The amounts approved are as follows: General Fund \$77,932.41; Water Department \$31,421.77; Sewer Department \$28,202.59; TIF Fund \$14,354.00; Net payroll \$24,479.41. Motion carried with a voice vote.

Ordinance 2024-3 Creating a Joint Municipal Court with the City of Abbotsford: Clerk Gurtner reviewed the process and the effects of changing from the county circuit court to the municipal court system in the City of Abbotsford. The City of Abbotsford would collect the money for the citations and give the City of Colby the forfeiture amount plus the \$23 in court costs (\$33 court costs minus \$10 for collection). The committee voted to recommend Ordinance 2024-3 to the city council for approval. Motion was made by T Schmidt, seconded by O'Brien to approve Ordinance 2024-3 Creating a Joint Municipal Court with the City of Abbotsford as presented. Motion carried with a voice vote.

Agreement to Operate a Joint Municipal Court of the Cities of Abbotsford and Colby: This agreement would be between the City of Colby and City of Abbotsford defining the terms related to the City of Abbotsford collecting the citations and the payment for the Municipal Judge and Clerk of Court for additional time/wages. The increase in wages for the Municipal Judge is \$980.00 and for the Clerk of Courts \$2,040.00. This would be paid by the City of Colby from the court fees retained from the citation of \$23. The committee voted to recommend to the council the Agreement to Operate a Joint Municipal Court of the Cities of Abbotsford and Colby. Motion was made by T Schmidt, seconded by O'Brien to approve the Agreement to Operate a Joint Municipal Court of the Cities of Abbotsford and Colby as presented. Motion carried with a voice vote.

Public Comment: Louis and Joan Young attended the meeting to voice concerns regarding lighting at the Colby Colonial Center. They feel that the they

are using the wrong lights for the need and the current lights shine into their home.

Colby/Abbotsford Police Commission met on May 13th.

Comments from the Public: There were no comments from the public. President Schmidt welcomed back all the familiar faces to serve on the CAPC for another year. Officer English introduced the new K-9 Hemi and reviewed the training process that has been completed. Hemi is a 1-year old Dutch Shepherd from Holland. He is ready to go detecting numerous categories of drugs. RUSH training will be conducted with all CAPD officers on K-9 protocol.

Minutes and Expenditures were approved.

Election of Officers:

President – Todd Schmidt

Vice President – Dan Hederer

Recording Secretary – Todd Schmidt

Create Detective Position: Discussion was held on creating a detective position. Chief Bowman explained it would not add an additional officer, but would take one existing patrol position and designate it as a detective position. He said there would be no additional expense incurred to the CAPD. He said all the CAPD officers were in favor of the move. He said the work schedule could be easily adjusted to accommodate the change. Two officers would continue to be scheduled on Friday and Saturday nights. He said as the CAPD continues to protect a diverse and unique community and a detective position dedicated to investigations is needed. He noted there was an investigator position created in the past, and when the officer left the department, the position was never filled. Bowman said there was funding in the current budget for training costs. He said he would offer the opportunity to all current CAPD officers to apply for the detective position. President Schmidt asked if an addendum would be needed to the current Police Union Contract to address the detective position. Chief Bowman said he would check with the union about that issue. He said he would like to implement the detective position in July.

Joint Municipal Court Update: Chief Bowman said attorney Bill Gamoke has drafted an ordinance creating an Abbotsford/Colby Joint Municipal Court. Judge Judy Kalepp would serve the remainder of her 4-year term. Information is being gathered from other counties and the Village of Rothschild, which has seven different municipalities included in its Joint Municipal Court. Mayor Weix said the Abbotsford City Council has already approved the creation of a Joint Municipal Court, with a review after one year to see how it is working. Chief Bowman said a letter needs to be sent to the District Court for its approval following approval by the Abbotsford and Colby city councils. Chief Bowman plans to attend the June 4

Colby City Council meeting to address any questions about the Joint Municipal Court.

Chief's Report: Chief Bowman introduced the new PACKTRACK K-9 activity tracking program. The K-9 was deployed nine times in April, resulting in one arrest. He said the new K-9 kennel was being completed and is looking great. The roof still needs to be installed. The concrete for the project was donated by County Concrete. Chief Bowman outlined the execution of a recent search warrant that resulted in the collection of drug information and the apprehension of several suspects. The investigation included the utilization of the federal database to trace photos. Evidence led to a child pornography case. He said suspects were charged with eight felonies. Chief Bowman said the CAPD has a good reputation and a good working relationship with Clark and Marathon counties. There were 908 total CAPD activities reported for the month of April. There have been 3,350 total CAPD activities reported for the first four months of 2024, compared to 2,225 activities for the first four months of 2023.

Central Fire & EMS District met on May 16th.

Nancy O'Brien reported on the meeting of Central Fire & EMS. The commission approved minutes and bills.

City Planning Committee met on May 21st and June 3rd.

May 21st —

Recap of Meeting 4 Items: Susan Badtke reviewed the goals for the meeting, reviewed the timeline for the next meetings and recapped information from the previous meeting.

Draft Preferred Future Land Use Map: Susan presented a map of the preferred future land use that we determined at our last meeting. This includes areas of land just outside of the city limits. The committee reviewed land use demand and projections.

Implementation Element: Susan reviewed the City Council and Plan Commission's responsibility in the implementation of the plan. Plan amendment and update processes were discussed.

Next Steps and Meeting Date: Susan will prepare the draft plan for a hearing in September. The committee will meet on Monday, September 16, 2024 at 6:00 PM.

June 3rd —

Review Commercial and Downtown Zoning District: The committee reviewed a list of properties in the downtown and Highway 13 areas to be considered CG-2 Zoning that would not allow residential use on the first floor of structures in this district. There were properties that the committee felt should be included that were not included in our previous list. Clerk Gurtner will work on getting a complete list of all the properties for the next meeting.

Lettering of Fire Hall to Central Fire & EMS: Lynn Mueller was in attendance asking if the city would give consideration to the letting of the fire hall building located in the city. The committee was questioning why the city should pay for the cost when Central Fire & EMS are renters of the building. If the department would pay, then all municipalities would pay a share of the cost.

Plans for Remaining 12.73 Acres on Community Drive: Clerk Gurtner asked the committee if they think that residential development would be preferred use of that property. The committee thought it seemed like a good use for the land.

Excel Energy Connector Line Along Community Drive: Excel Energy is requesting permission to put power lines on the East side of Community Drive. The committee didn't think that overhead lines would look good down that street and would prefer to see underground lines rather than overhead. The committee voted to recommend to the council not to allow the overhead power lines on Community Drive. Motion was made by O'Brien, seconded by Lindeman to not allow the overhead power lines on Community Drive. Motion carried with a voice vote.

Mayor Schmidt: Mayor Schmidt appointed Julie Decker and Linda Filtzkowski to serve three year terms on the Colby Library Board. Motion was made by Hederer, seconded by Hesgard to approve the appointments. Motion carried with a voice vote.

Mayor Schmidt reported on his meeting of the United Communities of Clark County. He also reported on the Cemetery Board meeting.

Clerk Gurtner: Clerk Gurtner asked if we could close the office on Friday, July 5th. Motion was made by Schmidt, seconded by O'Brien to allow for the closing of the office on Friday, July 5, 2024. Motion carried with a voice vote.

DPW Higley: The following building permits were issued: Don Lilly, 107 S 6th Street, sidewalk, concrete patio; ND Real Estate Holdings, 500 Industrial Dr, 2,880 sq ft office building; Sharon Colby, 103 S 6th St, deck repairs, front doors, garage doors; Brian Haines, 111 S 3rd St, roof replacement; Colby Fire Association, 506 N 2nd St, Midget City Fire Dept sign; Grady Stoll, 305 E Adams St, fence; Isaac Raatz, 515 N 3rd St, roof on garage, interior remodeling.

DPW Higley reported on the precipitation and flows for May 2024 at the STP. He also reported on the pumpage of water for May 2024. He reported that the city crew did go to Unity to help with storm clean up.

Operator's Licenses: Motion was made by Hederer, seconded by Hesgard to approve the operator's license list dated June 4, 2024. Motion carried with a voice vote.

Name	Address	Location
Rafael Alvarez	112 N 1st St, Abbotsford, WI	El Derbi
Diana Sosa	318 N 5th St, Abbotsford, WI	El Derbi
Brandi Ashbeck	101274 Huckleberry Rd, Colby, WI	Hunter's Choice
Leighton Drolshagen	502 W Spence St, Colby, WI	Hunter's Choice
Renee Cardarelle	100575 Holton Rd, Abbotsford, WI	Hunter's Choice
Sierra Apfelbeck	103 S 6th St, Colby, WI	Hunter's Choice
Erin Hennes	501 E Terrace St, Colby, WI	Hunter's Choice
Jami Vittallo	607 E 2nd St, Owen, WI	Mega Coop
Donna Woellner	536 N Paul Ave, Owen, WI	Mega Coop
Rabecka Saal	201 River Road, Marathon, WI	Mega Coop
Bonnie Brodhagen	204 N 2nd Ave, Abbotsford, WI	Mega Coop
Tremaine Jones	310 E Pine St, Abbotsford, WI	Mega Coop
Ashley Puphal	W5568 Willow Rd, Withee, WI	Mega Coop
Amy Kingsley	401 S Main St, Colby, WI	Mega Coop
Sarah Cliver	W936 Starks Rd, Unity, WI	Provision
Skyler Pribbernow	411 N Main St, Colby WI	Provision
Carmen Heart	104034 Cty Rd P, Unity, WI	Provision
Zachary Brockhaus	401 S Division St, Colby, WI	Provision
Max Martyn	404 E Wausau St, Apt B, Colby	Provision
Trisha Vanderhoof	206 N 2nd St, Colby, WI	Provision
Sandra Seiler	824 Community Dr, Colby, WI	VFW
Tom Firnstahl	704 E Monroe St, Colby, WI	VFW
Nicole Bernt	109189 Wuertzburg Rd, Abbotsford	VFW
Julie Oestreich-Neubauer	605 N 2nd St, #13, Abbotsford, WI	VFW
Kent Schilling	300 W Pine St, Abbotsford, WI	VFW
Ashley Leader	406 W North St, Colby, WI	VFW
Connie Gurtner	100693 Elderberry Rd, Colby, WI	
Kimberly Hanson	215 S 2nd St, Colby, WI	
David Strathmann	300 Lieders St, Colby, WI	

Liquor Licenses: Motion was made by Hederer, seconded by Lindeman to approve the liquor license list as presented. Motion carried with a voice vote.

Name: ProVision Partners
 Agent: Deborah Schoelzel
 Address: 702 S Division Street
 Type of License: Class A Combination
 Date Filed: May 3, 2024

Name: Cenergy LLC
Agent: Brian Effinger
Address: 1210 N Division Street
Type of License: Class A Combination
Date Filed: April 30, 2024

Name: Robbie Smazal
Trade Name: Smazal's Hunter's Choice
Address: 109 S 1st Street
Type of License: Class B Combination
Date Filed: May 10, 2024

Name: Huber-Schmitt-Bruesewitz-Decker VFW Post 2227 Inc
Agent: Kent Schilling
Address: 104 S Division Street
Type of License: Class B Combination
Date Filed: May 15, 2024

Name: Timothy Shannon
Trade Name: Tim's Northside Bar & Grill
Address: 102 E Adams Street
Type of License: Class B Combination
Date Filed: April 25, 2024

Name: El Derbi LLC
Agent: Rafael Alvarez Zarza
Address: 121 S 1st Street
Type of License: Class B Combination
Date Filed: May 14, 2024

Picnic Licenses – CUDA: Motion was made by Hederer, seconded by Hesgard to approve the picnic licenses for CUDA on June 21st and 22nd for a baseball tournament. Motion carried with a voice vote.

CSM for Mark Calmes to Create Lot 1 in the Town of Colby/N 7th Street:
Motion was made by Schmidt, seconded by Baumgartner to approve the CSM Creating Lot 1 in the Town of Colby just off of North 7th Street as presented. Motion carried with a voice vote.

CSM Creating Lot 1 from Vacated Streets and Replat of Rahm Estates:
Motion was made by Hederer, seconded by Hesgard to approve CSM creating Lot 1 from vacated streets and replat of Rahm Estates. Motion carried with a voice vote.

Committee meetings for June: Colby-Abbotsford Police Commission will meet on June 10, 2024 at 6:30 P.M. at the Police Department. Central Fire & EMS

District will meet on June 20, 2024 at 7:00 P.M. at Station 2. The Joint Review Board will hold the annual meeting on June 11, 2024 at 3:00 P.M. Special Council Meeting will be held on June 27, 2024 at 5:30 PM and it will be decided if we will make that the July Council meeting also. Public Works Committee will tentatively be scheduled for July 9, 2024 at 6:00 PM.

Adjourn: Motion was made by Hederer, seconded by Lindeman to adjourn at 7:46 PM. Motion carried with a voice vote.

Approved _____
James W Schmidt, Mayor

Attest _____
Connie Gurtner, Clerk



To: City Council, Connie Gurtner, City Clerk
From: Dan Knoeck, MSA Project Manager
Subject: Connector Street and Frontage Road Project – Items for Approval
Date: June 24, 2024

The following item is recommended for approval at your June 27, 2024 meeting. Supporting documentation is attached.

1. Pay Request No. 1 for Haas Sons, Inc. – the first pay request covers work completed through June 21. The work includes tree removal, pond excavation, storm sewer, and roadway grading and base. As of this pay request, approximately 12% of the work is complete. The total amount due for this payment is \$61,810.05, which is recommended for approval.

Haas Sons, Inc. - Pay App No. 1
PROJECT: City of Colby 2024 Connector Street and Frontage Road Construction
MSA Project No.00579059
for Work Completed Through the Dates of June 1, 2024 thru June 21, 2024

1.	Original Contract price		\$545,998.30
2.	Net change orders approved to date (None)		\$0.00
3.	Revised Contract amount (line 1 + line 2)		\$545,998.30
4.	Total value of Work completed to date		\$68,221.10
5.	Percent project complete (line 4 / line 3 x 100)	12 %	
6.	Materials in storage not installed		\$0.00
7.	Subtotal (line 4 - line 6)		\$68,221.10
8.	Less Construction Crew Days	2.5 \$1,200.00	\$3,000.00
9.	Subtotal (line 7 -line 8)		\$65,221.10
10.	Less Retainage	5 %	\$3,411.06
11.	Subtotal (line 9 - line 10)		\$61,810.05
12.	Less previous applications for payment (line 11 from previous application)		\$0.00
13.	Amount due this application (line 11 - line 12)		\$61,810.05

CHANGE ORDERS

PREVIOUS PAYMENTS:

CONTRACTOR'S Certification:

The undersigned Contractor certifies that: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

By: Brandon Haas Dated 6/21/2024
Contractor

Payment of the AMOUNT DUE THIS APPLICATION is recommended.

MSA Professional Services
Engineer
By: Daniel M. Knoke Dated 6/24/2024

APPROVED BY:
By: _____ Dated _____
City of Colby
Owner

Progress Estimate

For contract:MSA# 00579056 Culby Connector Street and Frontage Road
Application Period: 6/01/2024 - 6/21/2024

Contractor's Application

Application Number: 1
Application Date: 6/21/2024

A													
Item	Bid Item No.	Description	Bid Quantity	Unit or Measure	Unit Price	Bid Value	C	D	E	F	G	H	I
							From Previous Application	Work Completed this Period	Value this Application	Materials Presently Stored (not in C or E)	Total Completed and Stored to Date (\$ C + E + F)	% (G / H)	Balance to Finish (H - G)
General Items													
1	1	Mobilization, Bonds and Insurance	1	LS	\$8,200.00	\$ 8,200.00		\$ 0.25	\$ 2,050.00	\$ -	\$ 2,050.00	0.25	\$ 6,150.00
2	1	Traffic Control	1	LS	\$11,000.00	\$ 11,000.00		\$ 0.10	\$ 1,100.00	\$ -	\$ 1,100.00	0.10	\$ 9,900.00
3	1	Barrier Control	1	LS	\$1,350.00	\$ 1,350.00		\$ 0.10	\$ 135.00	\$ -	\$ 135.00	0.10	\$ 1,215.00
4	1	Cleaning and Grubbing	1	LS	\$4,960.00	\$ 4,960.00		\$ 1.00	\$ 4,960.00	\$ -	\$ 4,960.00	1.00	\$ -
5	40	Construction Crew Days (Engineer's Estimate is 40 Days) (Unit Price Equals Days to Complete the Work)	40	Dollars	\$1,200.00	\$ 48,000.00		\$ 2.50	\$ 3,000.00	\$ -	\$ 3,000.00	0.06	\$ 45,000.00
6	1	Site Maintenance and Restoration	1	LS	\$24,884.00	\$ 24,884.00		\$ 0.10	\$ 2,488.40	\$ -	\$ 2,488.40	0.10	\$ 22,395.60
7	1	Concrete Quality Control	1	LS	\$1,905.00	\$ 1,905.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,905.00
Storm Sewer													
8	1	Remove Existing Storm Sewer Inlet	1	EA	\$850.00	\$ 850.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 850.00
9	80	Remove Existing 12-inch RCP Storm Sewer Pipe	80	LF	\$20.00	\$ 1,600.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,600.00
10	1	Adjust Existing Storm Sewer Manhole	1	EA	\$800.00	\$ 800.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 800.00
11	1	Connect to Existing Storm Sewer	1	EA	\$850.00	\$ 850.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 850.00
12	230	6-inch Dual Wall Underdrain (Basins)	230	LF	\$20.00	\$ 4,600.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,600.00
13	40	12-inch HDPE Storm Sewer	40	LF	\$60.00	\$ 2,400.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,400.00
14	180	12-inch Perforated HDPE Storm Sewer	180	LF	\$76.50	\$ 13,770.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 13,770.00
15	135	15-inch RCP Storm Sewer	135	LF	\$82.00	\$ 11,070.00		\$ 49.50	\$ 4,059.00	\$ -	\$ 4,059.00	0.37	\$ 7,011.00
16	2	15-inch RCP Apron Endwall w/Joint Ties	2	EA	\$2,310.00	\$ 4,620.00		\$ 1.00	\$ 2,310.00	\$ -	\$ 2,310.00	0.50	\$ 2,310.00
17	4	Storm Inlet 2x3, Complete	4	EA	\$2,950.00	\$ 11,800.00		\$ 2.00	\$ 5,900.00	\$ -	\$ 5,900.00	0.50	\$ 5,900.00
18	2	Pond Outfall Structure, 2x3, Complete	2	EA	\$5,200.00	\$ 10,400.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,400.00
19	1,820	6-inch Underdrain	1,820	LF	\$10.50	\$ 19,110.00		\$ 420.00	\$ 4,410.00	\$ -	\$ 4,410.00	0.23	\$ 14,700.00
20	1	12-inch x 6-inch HDPE Tee	1	EA	\$1,050.00	\$ 1,050.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,050.00
21	1	North Stormwater Bio-Retention Basin	1	EA	\$56,246.00	\$ 56,246.00		\$ 0.25	\$ 14,061.50	\$ -	\$ 14,061.50	0.25	\$ 42,184.50
22	1	South Stormwater Bio-Retention Basin	1	LS	\$10,474.00	\$ 10,474.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,474.00
Sanitary Street Construction													
23	510	Remove Existing Concrete Curb & Gutter	510	LF	\$5.00	\$ 2,550.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,550.00
24	200	Remove and Restore Existing Median	200	SY	\$75.08	\$ 15,016.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,016.00
25	1	Remove and Salvage Existing Street Light Pole	1	EA	\$845.00	\$ 845.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 845.00
26	1	Remove Existing Street Light Wire	1	LS	\$1,040.00	\$ 1,040.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,040.00
27	1	Remove Existing Concrete Base	1	EA	\$420.00	\$ 420.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 420.00
28	2	Remove Existing Pole Box and Reconnect Conduit	2	EA	\$467.00	\$ 934.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 934.00
29	2	Prepare and Transport Owner Supplied Pole and Base	2	EA	\$875.00	\$ 1,750.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,750.00
30	350	Concrete Base Type 5	350	LS	\$1,406.00	\$ 4,921.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,921.00
31	350	2-inch Rigid Conduit, Nonmetallic Schedule 40	350	LF	\$10.50	\$ 3,675.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,675.00
32	40	2-inch Rigid Conduit, Nonmetallic Schedule 80 - Bored	40	LF	\$110.00	\$ 4,400.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,400.00
33	3	Pull Boxes Steel 24 x 42-inch	3	EA	\$1,451.00	\$ 4,353.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,353.00
34	2	Install Street Light Pole, Mast Arm, and Fixture	2	EA	\$1,302.00	\$ 2,604.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,604.00
35	4,800	Electrical Wire Lighting 4 AWG	4,800	LF	\$3.10	\$ 14,880.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14,880.00
36	800	Electrical Wire Lighting 6 AWG	800	LF	\$3.10	\$ 2,480.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,480.00
37	550	Electrical Wire Lighting 12 AWG	550	LF	\$3.10	\$ 1,705.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,705.00
38	200	6-inch Asphalt Pavement Patch - Median	200	SY	\$66.40	\$ 13,280.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 13,280.00
39	1	Excavation Common	1	LS	\$39,472.00	\$ 39,472.00		\$ 0.25	\$ 9,868.00	\$ -	\$ 9,868.00	0.25	\$ 29,604.00
40	50	Excavation Below Subgrade (undistributed)	50	CY	\$45.00	\$ 2,250.00		\$ 5.00	\$ 225.00	\$ -	\$ 225.00	0.10	\$ 2,025.00
41	50	Rock Excavation (undistributed)	50	CY	\$50.00	\$ 2,500.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,500.00
42	4,350	Select Crushed Material (12-inch Depth)	4,350	SY	\$8.08	\$ 35,148.00		\$ 1,130.00	\$ 9,130.40	\$ -	\$ 9,130.40	0.26	\$ 26,017.60
43	1	1 1/4 Inch Dense Graded Base (6-inch Owner Supplied	1	SY	\$1.66	\$ 7,221.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,221.00
44	3,330	1 1/4 Inch Dense Graded Base (2-inch Contractor Supplied	3,330	SY	\$1.51	\$ 5,028.30		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,028.30
45	3,330	4-inch Asphalt Pavement	3,330	SY	\$25.45	\$ 84,748.50		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 84,748.50
46	4,950	Geotextile Fabric SAS	4,950	SY	\$2.00	\$ 9,900.00		\$ 1,324.00	\$ 2,648.00	\$ -	\$ 2,648.00	0.27	\$ 7,252.00
47	1,980	30-inch Type D Curb and Gutter	1,980	LF	\$14.25	\$ 28,215.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 28,215.00
48	42	4-inch Concrete Sidewalk with 6-inch Base	42	SF	\$7.35	\$ 3,087.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,087.00
49	42	Detachable Warning Field - Yellow	42	SF	\$35.00	\$ 1,470.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,470.00
50	10	Riprap w/Type R Fabric	10	CY	\$120.00	\$ 1,200.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,200.00
51	510	6-inch Pavement Marking, Lane Line- Yellow, Epoxy	510	LF	\$7.50	\$ 3,825.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,825.00
52	140	6-inch Pavement Marking, Edge Line- Yellow (dashed 12.5:37.5), Epoxy	140	LF	\$7.50	\$ 1,050.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,050.00
53	1	Pavement Marking, Arrow, Type 2- White, Epoxy	1	EA	\$325.00	\$ 325.00		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 325.00
Totals							\$0.00		\$68,321.10	\$ -	\$68,321.10	\$ -	\$ 477,777.20

BLD/CN: Vols. C-620 (2007 Edition)
Prepared by the Engineer's Joint Contract Documents Committee and endorsed by the Associated General Contractors of America and the Construction Specifications Institute.

Colby/Abbotsford Police Commission Meeting

June 10, 2024

6:30 P.M.

The Colby/Abbotsford Police Commission (CAPC) meeting was called to order by President Todd Schmidt at 6:30 p.m. at the Colby/Abbotsford Police Department (CAPD). Members present were: Todd Schmidt, Randy Hesgard, Roger Weideman, Dan Hederer, and Kevin Flink. Also present were Abbotsford Mayor Jim Weix, Colby Mayor Jim Schmidt, Police Chief Alex Bowman, and Neil Hogden of the Tribune-Phonograph.

Comments from the Public: Mike Kreciak, Sr. presented information about property maintenance on the lot line between his home and a neighbor on 6th Street in Colby. He asked for help restoring the lot line. His neighbors placed a wooden structure with nails in it along the lot line. Kreciak, Sr. presented a diagram of the area and video on a thumb drive, which was turned over to the CAPD. Chief Bowman said he watched body cam footage of the meeting with Kreciak, Sr. and a CAPD officer. Chief Bowman said in this situation the neighbors could do what they wish to on their property. He said if City of Colby officials had a problem with the long grass, they would come and mow it and charge the neighbors \$150.00. Chief Bowman suggested to Kreciak, Sr. that he should come and talk to him about any future problems.

Minutes from the May 13, 2024 Meeting: Motion was made by Hederer, seconded by Hesgard to approve the minutes from the May 13, 2024 meeting as presented. Motion carried with a voice vote.

Expenditures: Motion was made by Weideman, seconded by Hederer to approve May expenditures as presented in the amount of \$22,758.57. Motion carried with a voice vote.

Create Detective Position: Discussion was held on creating a detective position. Chief Bowman explained it would not add an additional officer, but would take one existing patrol position and designate it as a detective position. He said there would be no additional expense incurred to the CAPD. He said all the CAPD officers were in favor of the move. He said the work schedule could be easily adjusted to accommodate the change. Two officers would continue to be scheduled on Friday and Saturday nights. He said as the CAPD continues to protect a diverse and unique community, a detective position dedicated to investigations is needed. He noted there was an investigator position created in the past, and when the officer left the department, the position was never filled. Chief Bowman said there was funding in the current budget for training costs. Chief Bowman checked with the Police Union, and said there was no methodology for promoting a patrol officer into a detective position. He said the detective would also concentrate on drug investigations. Chief Bowman appointed Officer Christian Lemay as detective. He said he would like to implement the detective position in July. President Schmidt said the action should be ratified by both city councils. Motion was made by Hesgard, seconded by Weideman to recommend to the Abbotsford and Colby city councils the creation of a detective position and

affirming the appointment of Officer Christian Lemay as detective. Motion carried with a voice vote.

Joint Municipal Court Update: Chief Bowman noted that both city councils had approved the agreement to operate a Joint Municipal Court, and that the City of Colby had approved the ordinance to participate in the Joint Municipal Court. He said a letter must be sent to the District Court along with the agreement and ordinance requesting final approval of the Joint Municipal Court. He said he would work with Attorney Bill Gamoke to get this done as soon as possible. Chief Bowman said he was unsure of the time frame required for approval by the District Court.

Chief's Report: K-9 Hemi was deployed nine times in May, resulting in five arrests. Chief Bowman said the K-9 is mainly used during traffic stops. The K-9 recently assisted with a building search. Chief Bowman said the K-9 and K-9 Officer Eric English were doing a really good job, and that he couldn't ask for a better K-9 handler. He said Officer Fuentes has helped a lot with Spanish translation. He said the SRO Officers were assisting with summer duties, including the Abby Fest, Cheese Days, traffic control for parades, etc. There were 1,080 total CAPD activities reported for the month of May. There have been 4,430 total CAPD activities reported for the first five months of 2024, compared to 3,087 activities for the first five months of 2023. Chief Bowman said the numbers show that all the officers have been working very hard.

Meeting Date for July 2024: The next CAPC meeting will be held at 6:30 p.m. on Monday, July 8, 2024, at the Colby-Abbotsford Police Department.

Meeting Adjournment: Motion was made by Hederer, seconded by Flink to adjourn the meeting at 6:55 pm. Motion carried with a voice vote.

POLICE CHECKING NOW

ALL Checks

Posted From: 5/14/2024 From Account:
Thru: 6/10/2024 Thru Account:

Check Nbr	Check Date	Payee	Amount
14256	5/22/2024	BOLSTER HARDWARE, LLC CABLELITE,GATE HOOK,PADLOCK,SPRING SNAP	141.54
14257	5/22/2024	DESIGNER ADVERTISING CLOTHING	74.00
14258	5/22/2024	CORE TECHNOLOGY CORPORATION CORE TECHNOLOGY MAINTENANCE	5,945.75
14259	5/22/2024	BBD SPORTS SHOP AMMO	632.78
14260	5/22/2024	COMPLETE OFFICE OF WISCONSIN USB DRIVE	28.98
14261	5/22/2024	EO JOHNSON COMPANY TOTAL CARE GMA	330.00
14262	5/22/2024	SECURITY HEALTH PLAN JUNE 2024	8,878.42
14263	6/04/2024	DELTA DENTAL OF WISCONSIN JUNE 2024	643.37
14264	6/04/2024	WE ENERGIES HEAT	57.47
14265	6/04/2024	FIRE & SAFETY EQUIPMENT IV, INC ANNUAL EXTINGUISHER SERVICE	252.19
14266	6/04/2024	CELL COM PHONE	249.95
14267	6/04/2024	XCEL ENERGY ELECTRIC	466.31
14268	6/04/2024	GLOBE LIFE MAY 2024	999.66
14269	6/10/2024	COLBY ABBOTSFORD PROFESSIONAL POLICE JUNE 2024 UNION DUES	311.50
14270	6/10/2024	CITY OF ABBOTSFORD WATER	69.04
14271	6/10/2024	URBINA, ALEJANDRO TRANSLATOR SERVICES	105.00
14272	6/10/2024	MENDEZ, JOHN TRANSLATOR SERVICES	45.00
14273	6/10/2024	MEDFORD VETERINARY CLINIC K9 SHOTS	113.00
14274	6/10/2024	NOEMI FUENTES-RAMIREZ REIMBURSEMENT	121.51

POLICE CHECKING NOW

ALL Checks

Posted From: 5/14/2024 From Account:
Thru: 6/10/2024 Thru Account:

Check Nbr	Check Date	Payee	Amount
14275	6/10/2024	BBD SPORTS SHOP K9 DOG FOOD	49.99
14276	6/10/2024	BOLSTER HARDWARE, LLC MISCELLANEOUS SUPPLIES	26.97
14277	6/10/2024	COMPLETE OFFICE OF WISCONSIN OFFICE SUPPLIES	167.96
14278	6/10/2024	DESIGNER ADVERTISING SHIRT PATCHES	60.00
14279	6/10/2024	NICOLET NATIONAL BANK CREDIT CARD STATEMENT	2,988.18
Grand Total			22,758.57

CENTRAL FIRE & EMS CHECKING

ALL Checks

Posted From: 5/17/2024 From Account:
Thru: 6/20/2024 Thru Account:

Check Nbr	Check Date	Payee	Amount
8582	5/17/2024	KWIK TRIP FUEL	2,436.09
8583	5/31/2024	XCEL ENERGY ELECTRIC	433.27
8584	6/05/2024	WE ENERGIES HEAT	191.12
8585	6/06/2024	XCEL ENERGY ELECTRIC	360.91
8586	6/06/2024	COLBY WATER DEPARTMENT WATER	181.80
8587	6/06/2024	CITY OF COLBY BOOK KEEPING SERVICES JUNE 2024	500.00
8588	6/06/2024	GREAT LAKES TESTING, INC LADDER TESTING	1,396.00
8589	6/06/2024	FIRE SAFETY USA BOOTS	354.95
8590	6/06/2024	MACQUEEN EMERGENCY SHIPPING FOR OLD GAS METER	12.34
8591	6/06/2024	AIRGAS USA LLC OXYGEN	161.20
8592	6/06/2024	ELAN FINANCIAL SERVICES CREDIT CARD STATEMENT	1,876.77
8593	6/12/2024	KWIK TRIP FUEL	2,315.90
8594	6/12/2024	BOLSTER HARDWARE, LLC CHAIN SAW REPAIR	36.99
8595	6/12/2024	ABBY COUNTY MARKET REFRESHER MIGHT MEAL	37.44
8596	6/12/2024	MEYER LUMBER SUPPLY, INC STATION 3 SUPPLIES	15.12
8597	6/12/2024	NORTH CENTRAL TECHNICAL COLLEGE REFRESHER COURSE	150.70
8598	6/12/2024	AIRGAS USA LLC OXYGEN	488.11
8599	6/12/2024	CITY OF ABBOTSFORD WATER	140.28
8600	6/12/2024	XCEL ENERGY ELECTRIC	242.85

CENTRAL FIRE & EMS CHECKING

ALL Checks

Posted From: 5/17/2024 From Account:
Thru: 6/20/2024 Thru Account:

Check Nbr	Check Date	Payee	Amount
8601	6/12/2024	RED POWER DIESEL REPAIR ENGINE 31	8,476.37
8602	6/18/2024	CHARTER COMMUNICATIONS PHONE & INTERNET	586.94
8603	6/18/2024	WITMER PUBLIC SAFETY GROUP THERMAL CAMERA	714.65
8604	6/18/2024	MARSHFIELD CLINIC HEALTH SYSTEM INC MED SUPPLIES	467.86
8605	6/18/2024	FIRE SAFETY USA TURNOUT GEAR	12,086.00
8606	6/18/2024	JEFFERSON FIRE & SAFETY SAW REPAIR & CHAIN	373.17
8607	6/18/2024	RIVER COUNTRY CO-OP FUEL	97.26
Grand Total			34,134.09

RESOLUTION NO. 5-2024

RESOLUTION AUTHORIZING THE ISSUANCE AND
SALE OF UP TO \$651,160 WATER SYSTEM REVENUE BONDS, SERIES 2024,
AND PROVIDING FOR OTHER DETAILS AND
COVENANTS WITH RESPECT THERETO

WHEREAS, the City of Colby, Clark and Marathon Counties, Wisconsin (the "Municipality") owns and operates a water system (the "System") which is operated for a public purpose as a public utility by the Municipality; and

WHEREAS, pursuant to Resolution No. 9-2011 adopted by the Governing Body on December 6, 2011 (the "2011 Resolution"), the Municipality has heretofore issued its Water System Revenue Bonds, Series 2011, dated December 14, 2011 (the "2011 Bonds"), which are payable from the income and revenues of the System; and

WHEREAS, pursuant to Resolution No. 8-2015 adopted by the Governing Body on June 2, 2015 (the "2015 Resolution"), the Municipality has heretofore issued its Water System Revenue Bonds, Series 2015, dated June 10, 2015 (the "2015 Bonds"), which are payable from the income and revenues of the System; and

WHEREAS, pursuant to Resolution No. 2-2019 adopted by the Governing Body on May 7, 2019 (the "2019 Resolution"), the Municipality has heretofore issued its Water System Revenue Bonds, Series 2019, dated May 22, 2019 (the "2019 Bonds"), which are payable from the income and revenues of the System; and

WHEREAS, the 2011 Bonds, the 2015 Bonds and the 2019 Bonds shall collectively be referred to as the "Prior Bonds"; and

WHEREAS, the 2011 Resolution, the 2015 Resolution and the 2019 Resolution shall collectively be referred to as the "Prior Resolutions"; and

WHEREAS, certain improvements to the System are necessary to meet the needs of the Municipality and the residents thereof, consisting of the construction of a project (the "Project") assigned Safe Drinking Water Loan Program Project No. 4786-13 by the Department of Natural Resources, and as described in the Department of Natural Resources approval letter for the plans and specifications of the Project, or portions thereof, issued under Section 281.41, Wisconsin Statutes, assigned No. W-2023-0241 and dated March 22, 2023 by the DNR; and

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

WHEREAS, the Municipality deems it to be necessary, desirable and in its best interest to authorize and sell water system revenue bonds of the Municipality payable solely from the

revenues of the System, pursuant to the provisions of Section 66.0621, Wisconsin Statutes, to pay the cost of the Project; and

WHEREAS, the Prior Resolutions permit the issuance of additional bonds on a parity with the Prior Bonds upon certain conditions, and those conditions have been met; and

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

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

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

- (a) "Act" means Section 66.0621, Wisconsin Statutes;
- (b) "Bond Registrar" means the Municipal Treasurer which shall act as Paying Agent for the Bonds;
- (c) "Bonds" means the \$651,160 Water System Revenue Bonds, Series 2024, of the Municipality dated their date of issuance, authorized to be issued by this Resolution;
- (d) "Bond Year" means the twelve-month period ending on each May 1;
- (e) "Current Expenses" means the reasonable and necessary costs of operating, maintaining, administering and repairing the System, including salaries, wages, costs of materials and supplies, insurance and audits, but shall exclude depreciation, debt service, tax equivalents and capital expenditures;
- (f) "Debt Service Fund" means the Water System Mortgage Revenue Bond and Interest Special Redemption Fund of the Municipality, which shall be the "special redemption fund" as such term is defined in the Act;
- (g) "Financial Assistance Agreement" means the Financial Assistance Agreement by and between the State of Wisconsin by the Department of Natural Resources and the Department of Administration and the Municipality pursuant to which the Bonds are to be issued and sold to the State, substantially in the form attached hereto and incorporated herein by this reference;
- (h) "Fiscal Year" means the twelve-month period ending on each December 31;
- (i) "Governing Body" means the Common Council, or such other body as may hereafter be the chief legislative body of the Municipality;
- (j) "Gross Earnings" means the gross earnings of the System, including earnings of the System derived from water charges imposed by the Municipality, all payments to the Municipality under any service agreements between the Municipality and any contract users of the System, and any other monies received from any source including all rentals and fees, any tax incremental district revenues or other revenues of the Municipality pursuant to Section 9

appropriated by the Governing Body to the System, and any special assessments levied and collected in connection with the Project;

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

(l) "Municipality" means the City of Colby, Clark and Marathon Counties, Wisconsin;

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

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

(o) "Prior Bonds" means the 2011 Bonds, the 2015 Bonds and the 2019 Bonds, collectively;

(p) "Prior Resolutions" means the 2011 Resolution, the 2015 Resolution and the 2019 Resolution, collectively;

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

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

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

(t) "2011 Bonds" means the Municipality's Water System Revenue Bonds, Series 2011, dated December 14, 2011;

(u) "2011 Resolution" means Resolution No. 9-2011 adopted by the Governing Body on December 6, 2011 authorizing the issuance of the 2011 Bonds;

(v) "2015 Bonds" means the Municipality's Water System Revenue Bonds, Series 2015, dated June 10, 2015;

(w) "2015 Resolution" means Resolution No. 8-2015 adopted by the Governing Body on June 2, 2015 authorizing the issuance of the 2015 Bonds;

(x) "2019 Bonds" means the Municipality's Water System Revenue Bonds, Series 2019, dated May 22, 2019; and

(y) "2019 Resolution" means Resolution No. 2-2019 adopted by the Governing Body on May 7, 2019 authorizing the issuance of the 2019 Bonds.

Section 2. Authorization of the Bonds and the Financial Assistance Agreement. For the purpose of paying the cost of the Project (including legal, fiscal, engineering and other expenses, there shall be borrowed on the credit of the income and revenue of the System up to the sum of \$651,160; and fully registered revenue bonds of the Municipality are authorized to be issued in evidence thereof and sold to the State of Wisconsin Safe Drinking Water Loan Program in accordance with the terms and conditions of the Financial Assistance Agreement, which is incorporated herein by this reference and the Mayor and City Clerk of the Municipality are hereby authorized, by and on behalf of the Municipality, to execute the Financial Assistance Agreement.

Section 3. Terms of the Bonds. The Bonds shall be designated "Water System Revenue Bonds, Series 2024" (the "Bonds"); shall be dated their date of issuance; shall be numbered one and upward; shall bear interest at the rate of 1.287% per annum; shall be issued in denominations of \$0.01 or any integral multiple thereof; and shall mature on the dates and in the amounts as set forth in Exhibit B of the Financial Assistance Agreement and in the Bond form attached hereto as Exhibit A as it is from time to time adjusted by the State of Wisconsin based upon the actual draws made by the Municipality. Interest on the Bonds shall be payable commencing on November 1, 2024 and semiannually thereafter on May 1 and November 1 of each year. The Bonds shall not be subject to redemption prior to maturity except as provided in the Financial Assistance Agreement.

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

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

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

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

Both the principal of and interest on the Bonds shall be payable in lawful money of the United States of America by the Bond Registrar. Payment of principal of the final maturity on the Bond will be payable upon presentation and surrender of the Bond to the Bond Registrar. Payment of principal on the Bond and each installment of interest shall be made to the registered owner of each Bond who shall appear on the registration books of the Municipality,

maintained by the Bond Registrar, on the Record Date and shall be paid by electronic transfer or by check or draft of the Municipality (as directed by the registered owner) and if by check or draft, mailed to such registered owner at his or its address as it appears on such registration books or at such other address may be furnished in writing by such registered owner to the Bond Registrar.

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

Section 6. Funds and Accounts. In accordance with the Act, for the purpose of the application and proper allocation of the revenues of the System, and to secure the payment of the principal of and interest on the Prior Bonds, the Bonds and Parity Bonds, certain funds of the System which were created and established by a resolution adopted on September 16, 2003 are hereby continued and amended and shall be used solely for the following respective purposes:

- (a) Water System Operation and Maintenance Fund (the "Operation and Maintenance Fund"), which shall be used for the payment of Current Expenses.
- (b) Water System Mortgage Revenue Bond and Interest Special Redemption Fund (the "Debt Service Fund"), which shall be used for the payment of the principal of, premium, if any, and interest on the Prior Bonds, the Bonds and Parity Bonds as the same becomes due, and which may contain a Reserve Account established to secure a future issue of Parity Bonds.
- (c) Water System Depreciation Fund (the "Depreciation Fund"), which shall be used to provide a proper and adequate depreciation account for the System.

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

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

amounts required by a future resolution to be deposited in the Reserve Account for Parity Bonds secured thereby; and

- (c) to the Depreciation Fund, an amount determined by the Governing Body to be sufficient to provide a proper and adequate depreciation account for the System.

Money in excess of the above requirements may, at the end of any Fiscal Year, be transferred to any of the funds herein established or may be used, at the option of the Municipality, to redeem the Prior Bonds or Bonds subject to call prior to maturity or to purchase the Prior Bonds or Bonds on the open market or for any other lawful purpose.

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

It is the express intent and determination of the Governing Body that the amounts deposited in the Debt Service Fund shall be sufficient in any event to pay the interest on the Prior Bonds, the Bonds and any Parity Bonds as the same accrues and the principal thereof as the same matures and the Municipality shall from year to year, and out of the income and revenue received from the operation of the System, deposit at least sufficient funds in the Debt Service Fund to pay promptly all principal and interest falling due on the Prior Bonds and Bonds, and any amounts required to fund the Reserve Account.

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

Section 9. Service to the Municipality. The reasonable cost and value of services rendered to the Municipality by the System by furnishing water services for public purposes shall be charged against the Municipality and shall be paid in monthly installments as the service accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the System; that is to say, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. The reasonable

cost and value of such service to the Municipality in each year shall be equal to an amount which, together with other revenues of the System, will produce in each Fiscal Year Net Revenues equivalent to not less than the annual principal and interest requirements on the Prior Bonds, the Bonds, any Parity Bonds and any other obligations payable from the revenues of the System then outstanding, times the greater of (i) 110% or (ii) the highest debt service coverage ratio required with respect to any obligations payable from revenues of the System then outstanding. However, such payment out of the tax levy shall be subject to (a) approval of the Public Service Commission, or successors to its function, if applicable, (b) yearly appropriations therefor, and (c) applicable levy limitations, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of the services rendered to the Municipality and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

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

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

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

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

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

consulting professional engineer or the Wisconsin Public Service Commission may calculate would have accrued during the prior Fiscal Year had the new rates been in effect during that entire immediately prior Fiscal Year.

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

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

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

Section 12. Sale of Bonds. The sale of the Bonds to the State of Wisconsin Safe Drinking Water Loan Program for the purchase price of up to \$651,160 and at par, is ratified and confirmed; and the officers of the Municipality are authorized and directed to do any and all acts, including executing the Financial Assistance Agreement and the Bonds as hereinabove provided, necessary to conclude delivery of the Bonds to said purchaser, as soon after adoption of this Resolution as is convenient. The purchase price for the Bonds shall be paid upon requisition therefor as provided in the Financial Assistance Agreement, and the officers of the Municipality are authorized to prepare and submit to the State requisitions and disbursement requests in anticipation of the execution of the Financial Assistance Agreement and the issuance of the Bonds.

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

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

the payment of such principal or interest without the written consent of the owner of each such Bond to which the change is applicable.

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

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

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

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

Section 17. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owner or owners of the Bonds, and after issuance of any of the Bonds no change or alteration of any kind in the provisions of this Resolution may be

made, except as provided in Section 14, until all of the Bonds have been paid in full as to both principal and interest. The owner or owners of any of the Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce such owner's or owners' rights against the Municipality, the Governing Body thereof, and any and all officers and agents thereof including, but without limitation, the right to require the Municipality, its Governing Body and any other authorized body, to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution.

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

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

Passed: June 27, 2024

Approved: June 27, 2024

James W. Schmidt
Mayor

Attest:

Connie L. Gurtner
City Clerk

EXHIBIT A

(Form of Municipal Obligation)

REGISTERED
NO. _____

UNITED STATES OF AMERICA
STATE OF WISCONSIN
CLARK AND MARATHON COUNTIES
CITY OF COLBY

REGISTERED
\$ _____

WATER SYSTEM REVENUE BOND, SERIES 2024

Final
Maturity Date

May 1, 2044

Date of
Original Issue

_____, 20__

REGISTERED OWNER: STATE OF WISCONSIN SAFE DRINKING WATER LOAN
PROGRAM

FOR VALUE RECEIVED the City of Colby, Clark and Marathon Counties, Wisconsin (the "Municipality") hereby acknowledges itself to owe and promises to pay to the registered owner shown above, or registered assigns, solely from the fund hereinafter specified, the principal sum of an amount not to exceed _____ DOLLARS (\$_____) (but only so much as shall have been drawn hereunder, as provided below) on May 1 of each year commencing May 1, 2025 until the final maturity date written above, together with interest thereon (but only on amounts as shall have been drawn hereunder, as provided below) from the dates the amounts are drawn hereunder or the most recent payment date to which interest has been paid, at the rate of 1.287% per annum, calculated on the basis of a 360-day year made up of twelve 30-day months, such interest being payable on the first days of May and November of each year, with the first interest being payable on November 1, 2024.

The principal amount evidenced by this Bond may be drawn upon by the Municipality in accordance with the Financial Assistance Agreement entered by and between the Municipality and the State of Wisconsin by the Department of Natural Resources and the Department of Administration including capitalized interest transferred (if any). The principal amounts so drawn shall be repaid in installments on May 1 of each year commencing on May 1, 2025 in an amount equal to an amount which when amortized over the remaining term of this Bond plus current payments of interest (but only on amounts drawn hereunder) at One and 287/1000ths percent (1.287%) per annum shall result in equal annual payments of the total of principal and the semiannual payments of interest. The State of Wisconsin Department of Administration shall record such draws and corresponding principal repayment schedule on a cumulative basis in the format shown on the attached Schedule A.

Both principal and interest hereon are hereby made payable to the registered owner in lawful money of the United States of America. On the final maturity date, principal of this Bond shall be payable only upon presentation and surrender of this Bond at the office of the Municipal Treasurer. Principal hereof and interest hereon shall be payable by electronic transfer or by check or draft dated on or before the applicable payment date (as directed by the registered owner) and if by check or draft, mailed from the office of the Municipal Treasurer to the person in whose name this Bond is registered at the close of business on the fifteenth day of the calendar month next preceding such interest payment date.

This Bond shall not be redeemable prior to its maturity, except with the consent of the registered owner.

This Bond is transferable only upon the books of the Municipality kept for that purpose at the office of the Municipal Treasurer, by the registered owner in person or its duly authorized attorney, upon surrender of this Bond, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Municipal Treasurer, duly executed by the registered owner or its duly authorized attorney. Thereupon a replacement Bond shall be issued to the transferee in exchange therefor. The Municipality may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or interest hereof and for all other purposes. This Bond is issuable solely as a negotiable, fully-registered bond, without coupons, and in denominations of \$0.01 or any integral multiple thereof.

This Bond is issued for the purpose of providing for the payment of the cost of constructing improvements to the Water System of the Municipality, pursuant to Article XI, Section 3, of the Wisconsin Constitution, Section 66.0621, Wisconsin Statutes, and a resolution adopted June 27, 2024, and entitled: "Resolution Authorizing the Issuance and Sale of Up to \$651,160 Water System Revenue Bonds, Series 2024, and Providing for Other Details and Covenants With Respect Thereto" and is payable only from the income and revenues of the Water System of the Municipality (the "Utility"). The Bonds are issued on a parity with the Municipality's Water System Revenue Bonds, Series 2011, dated December 14, 2011, Water System Revenue Bonds, Series 2015, dated June 10, 2015 and Water System Revenue Bonds, Series 2019, dated May 22, 2019, as to the pledge of income and revenues of the Utility. This Bond does not constitute an indebtedness of said Municipality within the meaning of any constitutional or statutory debt limitation or provision.

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

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

CITY OF COLBY,
WISCONSIN

(SEAL)

By: _____
James W. Schmidt
Mayor

By: _____
Connie L. Gurtner
City Clerk

COPY

(Form of Assignment)

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

(Please print or typewrite name and address, including zip code, of Assignee)

Please insert Social Security or other identifying number of Assignee

the within Bond and all rights thereunder, hereby irrevocably constituting and appointing

Attorney to transfer said Bond on the books kept for the registration thereof with full power of substitution in the premises.

Dated: _____

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

Signature(s) guaranteed by

SCHEDULE A

\$651,160

CITY OF COLBY, WISCONSIN
WATER SYSTEM REVENUE BONDS, SERIES 2024

<u>Amount of Disburse- ment</u>	<u>Date of Disbursement</u>	<u>Series of Bonds</u>	<u>Principal Repaid</u>	<u>Principal Balance</u>

SCHEDULE A (continued)

PRINCIPAL REPAYMENT SCHEDULE

<u>Date</u>	<u>Principal Amount</u>
May 1, 2025	\$28,755.27
May 1, 2026	29,125.35
May 1, 2027	29,500.19
May 1, 2028	29,879.86
May 1, 2029	30,264.41
May 1, 2030	30,653.92
May 1, 2031	31,048.43
May 1, 2032	31,448.03
May 1, 2033	31,852.76
May 1, 2034	32,262.71
May 1, 2035	32,677.93
May 1, 2036	33,098.49
May 1, 2037	33,524.47
May 1, 2038	33,955.93
May 1, 2039	34,392.94
May 1, 2040	34,835.58
May 1, 2041	35,283.91
May 1, 2042	35,738.02
May 1, 2043	36,197.97
May 1, 2044	36,663.83