

City of Abbotsford

PO Box 589, 203 N. First Street, Abbotsford, WI 54405

City Hall (715) 223-3444

Fax (715) 223-8891

AGENDA FOR THE SPECIAL COUNCIL MEETING TO BE HELD SEPTEMBER 24, 2018 AT 5:30 AM

IN THE CITY HALL OF THE ABBOTSFORD CITY HALL
203 NORTH FIRST STREET, ABBOTSFORD WI

All items listed will be brought before the Abbotsford City Council for discussion and possible approval.

1. Call the special meeting to order
 - a. Roll call
 - b. Pledge of Allegiance
2. Comments by the Mayor
3. Comments by the Public
4. Minutes from the Council held September 10 & 16, 2018
5. Discuss/approve RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$2,340,000 TAX INCREMENT REVENUE BONDS (TID NO. 6), SERIES 2018A
6. Discuss/approve Rescinding Charter Ordinance No. 1-2018 Abolishing the City Clerk-Treasurer Position and Creating a Consolidated City Administrator-Clerk-Treasurer Position.
7. Discuss/approve Ordinance No. 2018-1 Creating Administrator Position.
8. Consideration of motion to adjourn into closed session per State Statute 19.85 (1) (c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility for the purpose of performance evaluation of Water/Wastewater Manager. And pursuant to State Statute 19.85 (1) (e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session for the purpose of discussing offer to purchase contingencies for land for future industrial park. And pursuant to Section 19.85(1)(c) and (e), Wis. Stats., for the purpose of considering employment status of a public employee over which the Common Council exercises jurisdiction and conducting public business which for competitive reasons requires a closed session, including review of candidates for City Administrator-Clerk-Treasurer Position.
 - a. Convene to open session
 - b. Discuss/approve items, if any, from closed session
9. Adjourn

Minutes from the September 10, 2018 Abbotsford Regular City Council Meeting held in the Abbotsford City Hall Council Chambers.

Mayor called the meeting to order at 5:00 p.m.

Roll call: Mayor Voss, Anders, Horacek, Clement, Faber, Weideman, Kramer and Huther. Huther arrived at 5:30 pm. Executed absent Totzke.

Others present: Interim Administrator Gau, PW Dir. Stuttgen, Water-Sewer Manager Medenwaldt and Deputy Clerk-Treasurer Luedtke

Pledge of Allegiance-Held

Comments by the Public: Duane Broeske was upset that Colby-Abbotsford Police office was speeding and the Police Chief unfit manger.

Interim Administrator Report: Gau gave a history of past few years on auditors recommendation on how the City has been depleting there undesignated funds (Reserves) where expenditures have exceed the revenues. He noted it not a critical point yet, but for 2018 expenditures will exceed the revenues. In 2019 budget process the City will have to balance the budget looking at debt payments, major projects use of undesignated funds and the tax levy.

Gau also emphasize that several accounting practices have not been done and over the years the auditor had pointed them in the management letter to the Council. Gau also commented the Council is moving in the right direction by bring in a professional administrator to manage the day to day operations.

Minutes: Motion by *Anders/ Kramer* to approve the minutes of August 29, 2018. *Motion carried unanimously.*

Committee Reports

Central Fire/EMS:

John Austin Fire Captain there will be a mock exercise of a chemical leak on October 27th from 8:00 am to 12:00 noon. John also request that this event be placed on the City's Website.

Central Fire/EMS August 23, 2018 Minutes: Motion by *Clement/Faber* to accept the minutes. *Motion carried unanimously.*

Discuss/approve Central Fire/EMS 2019 Budget: After a discussion, Motion by *Anders/Kramer* to reject Central Fire/EMS proposed 2019 budget. *Motion carried 6-0.*

Library:

Library Minutes August 8, 2018: Motion by *Kramer /Huther* to accept the minutes. *Motion carried unanimously.*

Police Committee:

Police Minute August 13, 2018: Motion by *Weideman /Kramer* to accept the minutes. *Motion carried 5-2*

Discuss/approve Police Commission bills of \$20,969.40: Motion by *Weideman /Kramer* to approve the bills for the amount of \$20,969.40. *Motion carried unanimously.*

Wellness Training Program: Police Chief explain the program to the Council. Chief received several questions from the Council.

Close Session:

Motion by *Clement/Kramer* to adjourn into closed session per State Statute 19.85 (1) (c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility for the purpose of Police Commission hiring SRO. Roll Call: Kramer yes, Horacek yes, Faber yes, Anders yes, Clement yes, Weideman yes & Huther yes.

Open Session

Convene to open session. Motion by *Clement/Kramer* to go into open session. *Motion carried unanimously.*

Discuss/approve items, if any, from closed session: Motion by *Clement/Faber* to approve the Police Committee to proceed with hiring School Resource Office. *Motion carried unanimously.* Council Member Weideman left at 6:58 pm.

Public Works:

Discuss/approve Cedar/2nd Project Change Oder #1. Change of Completion Dates and \$2,520 additional cost for 6 large pine trees to be cut down and stumps ground in alley. Motion by *Kramer/ Horacek* to approve Project Change Order #1. *Motion carried unanimously.*

Discuss/approve Pay Application #1 for Haas Construction Cedar/2nd Project in the amount of \$296,530.44. Motion by *Clement/Anders* to approve Pay Application #1 for Haas Construction Cedar/2nd Project. *Motion carried unanimously.*

Discuss/approve Brush pick-up practice. Council member Horacek stated he believe the Public Works Crew should be picking up brush outside of normal brush pickup schedule for large wind, rain or severe weather storms. Council member were debating if there should be a motions to set up additional brush pick-up. Water-Sewer Manager Medenwaldt suggested that DPW Stuttgart should make that call on this matter. Interim Gau felt this was a staff call on the storm issues related to brush pickup. The Council left the matter to DPW Stuttgart discretion

License and Building:

Discuss/approve Operators’ License New, Renewal & Provisional

OP-2018-57	WEATHERFORD	DYLAN	PIZZA HUT	9/8/2018	6/30/2018		ORIGINAL
OP-2018-58	MACIAS RIGUEROA	ANGELA	KWIK TRIP, INC	8/21/2018	6/30/2019		RENEWAL
OP-2018-59	JOHNSON	KELLY	SHOPKO HOMETOWN	8/22/2018	6/30/2019		ORIGINAL
OP-2018-60	BRAUNE	ABAGAIL	MEGA! BP TRAVEL STOP	8/28/2018	6/30/2019		ORIGINAL
OP-2018-61	ZIMMERMAN	DIANE	KWIK TRIP, INC	8/29/2018	6/30/2019		RENEWAL
OP-2018-62	MALDONADO	SANDRA	LA BOTANA, THE SNACK BAR LLC	9/10/2018	6/30/2019		ORIGINAL

Motion by *Kramer/ Horacek* to approve Operators’ License New, Renewal stated above. *Motion carried unanimously.*

Discuss/approve Section 14-1-70(q) (5) Property Lines at Street Intersections-“remove rounded” change to “square’ or remove section. Motion by *Horacek/Huther* to approve ordinance change by removing the section and have Attorney draft the new ordinance. *Motion carried unanimously.*

Discuss/approve Section 14-1-70(t) (1) Street Cross Sections-Urban Street Minor Street change to “60 feet” from “66 feet”. *Clement/Kramer* to approve ordinance change and have Attorney draft the new ordinance. *Motion carried unanimously*

Finance & Personnel:

Existing Chain of Commend was reviewed and there was no objection by the Council.

Discuss/approve July bills in the amount of \$110,118.81. Motion by *Anders/Faber* to

Approve the July bills in the amount of \$110,118.81. *Motion carried unanimously.*

Discuss/approve August bills. The bill run was reviewed by the Council in the amount of \$ 91,185.10.

Motion by *Kramer/ Horacek* to approve the bill run in the amount of \$91,185.10. *Motion carried unanimously.*

Discuss/approve Cities Checking and Saving Accounts Interest Rate Increases at Abby Bank. Motion by *Faber/Huther* to approve Interim Clerk-Treasurer to contact Abby Bank to chance to a higher interest rate using the Public Funds Savings. *Motion carried unanimously.*

Discuss/approve Collection Agency request \$20.00 which represents UW Extension for past Deputy Clerk/Treasure for non-payment of a workshop that the person signed up 2015. Motion by *Anders/ Horacek* to approve \$20.00 payment to UW Extension for non-payment of a workshop that the person signed up 2015.

Discuss/approve Ground Lease US Cellular Project-122 Sycamore Street Center Field. Interim Clerk-Treasurer reported that the lease negotiation have moved from \$500.00/ mo. to \$600.00/mo. and the site will be able to accommodate a total of 4 uses on the Cellular One mono pole. This will allow the City to have a total of \$12,000/mo. rent, if 3 more carries would like to lease from Cellular one. After discussion Motion by *Faber/Anders* to move forward with Cellular one with the above terms. *Motion carried unanimously.*

Discuss/approve Sending out "Request for Proposal" of a forensic audit of Abbotsford's Financial Accounting for the years 2016 and 2017, and all payroll records of Jennifer Lopez for 2008 to 2018. Additionally all payroll, WRS contributions in 2008 and 2009 for all city hall employees, especially Miriam Carino's records. Council member Anders explained why he would like the City to look into sending out request for proposal on the above matter. After discussion, Motion by *Kramer/Faber* to approve staff to proceed to sending out request for proposal for a forensic audit. *Motion carried unanimously.*

Close Session:

Motion by *Clement/Kramer* to adjourn into closed session per State Stature 19.85 (1) (c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility for the purpose of performance evaluation of Water/Wastewater Manager. The performance evaluation was not competed between Interim Administrator and Water/Wastewater Manger at this time had was posted.

Adjourn

Motion to adjourn at 7:49 p.m. by *Anders / Clement.* *Motion carried unanimously.*

Minutes prepared by Interim Administrator Gau.

Minutes from the City of Abbotsford Special Council meeting held Sunday September 16, 2018 12:00 Noon in the Abbotsford City Council Chambers.

The meeting was called to order at 12:00 Noon

Roll Call: Anders, Horacek, Kramer, Clemet, Huther and Mayor Voss. Excused Faber and Weideman.

Also present: Interim Administrator Gau, Deputy Clerk/Treasurer Luedtke, Public Works Manger Craig Stuttgen, Water/Sewer Manager Todd Medenwaldt Adm. Asst. Erin Clausnitzer, Library Dir. Jenny Jochimsen, Police Chief Janson Bauer, and Vern Leffel. Citizen members Marsha Hochhalter, Sue Sossaman, Sean Wagner, Jack LaSee, Jim Melvin, County Bd. Sup. Kevin Flink, Kris O'leary, Jenny Jakel Cheryl Baker and Dave Ruden.

Closed session

Consideration of motion to adjourn into closed session pursuant to Section 19.85(1)(c) and (e), Wis. Stats., for the purpose of considering employment status of a public employee over which the Common Council exercises jurisdiction and conducting public business which for competitive reasons requires a closed session, including interview of candidates for City Administrator-Clerk-Treasure Position.

Motion *Huther / Horacek* to go into close session including all the staff and citizen members stated above who are conducting interviews. Roll Call Anders yes, Horacek yes, Kramer yes. Clemet yes, Huther yes. *Motion carried unanimously.*

Motion *Huther / Horacek* to convene into open session. *Motion carried unanimously.*

Adjourn: Motion *Huther / Horacek* to adjourn at 15:15 pm . *Motion carried unanimously.*

Minutes prepared by Interim Administrator Gau

RESOLUTION NO. 2018-6

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$2,340,000
TAX INCREMENT REVENUE BONDS (TID NO. 6), SERIES 2018A

WHEREAS, the City of Abbotsford, Clark and Marathon Counties, Wisconsin (the "City") has determined that it is necessary and desirable to raise funds for the public purpose of paying project costs in the project plan for the City's Tax Incremental District No. 6 ("TID No. 6") including financing the acquisition of property and street, sewer system and water system improvement projects (collectively, the "Project");

WHEREAS, the community development and redevelopment projects in TID No. 6 constitute a revenue-producing enterprise of the City which is operated for a public purpose and constitutes a "public utility" within the meaning of Section 66.0621, Wis. Stats.;

WHEREAS it is desirable to borrow the funds needed to finance the Project through the issuance of revenue bonds pursuant to Section 66.0621, Wis. Stats., which bonds are to be payable only from tax increment revenues generated from the property within TID No. 6 and appropriated by the Common Council of the City to pay the bond;

WHEREAS, the City has directed Ehlers & Associates, Inc. ("Ehlers") to take the steps necessary to sell its Tax Increment Revenue Bonds (TID No. 6), Series 2018A (the "Bonds") to pay the cost of the Project;

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Term Sheet (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 sale on September 24, 2018;

WHEREAS, the City Clerk (in consultation with Ehlers) caused the Term Sheet to be distributed to potential bidders offering the Bonds for sale on September 24, 2018; and

WHEREAS, it has been determined that the proposal attached hereto as Exhibit B and incorporated herein by this reference (the "Proposal") submitted by [] (the "Purchaser") fully complies with the bid requirements set forth in the Term Sheet and is deemed to be the most advantageous to the City. Ehlers has recommended that the City accept the Proposal.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Abbotsford, Clark and Marathon Counties, Wisconsin, as follows:

Section 1A. Authorization and Sale of the Bonds. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 66.0621, Wisconsin Statutes, the principal sum of TWO MILLION THREE HUNDRED FORTY THOUSAND DOLLARS (\$2,340,000) from the Purchaser in accordance with the terms and conditions of the Proposal.

The Proposal is hereby accepted and 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. To evidence the obligation of the City, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, the Bonds in the aggregate principal amount of TWO MILLION THREE HUNDRED FORTY THOUSAND DOLLARS (\$2,340,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 1B. Ratification of the Term Sheet. 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 Term Sheet 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 Term Sheet and any other offering materials are hereby ratified and approved in all respects.

Section 2. Terms of the Bonds. The Bonds shall be issued in the aggregate principal amount of \$2,340,000; shall be dated their date of issuance; shall be in the denomination of \$100,000 or more; shall be numbered R-1 and upward; and shall bear interest at the rate of [_____] % per annum and shall be payable in installments of principal due on October 1 of each year, in the years and principal amounts as set forth on the schedule attached hereto as Exhibit C and incorporated herein by this reference (the "Schedule"). 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.

Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on October 1, 2019 and continuing through and including October 1, 2028 (each, a "Bond Payment Date"). The schedule of principal and interest payments due on the Bonds on each Bond Payment Date is set forth on the Schedule. The City's obligation to pay all or any portion of the Bond shall terminate with the final payment made on October 1, 2028.

The Bonds are subject to prepayment prior to maturity, at the option of the City, in whole or from time to time in part on any date at the principal amount thereof, plus accrued interest to the date of prepayment. The amount and the installments of the Bonds to be prepaid shall be selected by the City.

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.

Section 3. Form of Bonds. The Bonds shall be in substantially the form set forth on Exhibit D hereto.

Section 4. 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 are a limited obligation of the City and shall be payable only out of the Special Redemption Fund as hereinafter provided, and shall be a valid claim of the owner thereof only against the Special Redemption Fund and from the revenues pledged to such fund.

The Bonds shall be payable solely from (a) Available Tax Increment which has been received and retained by the City in accordance with the provisions of Section 66.1105 of the Wisconsin Statutes and appropriated by the Common Council to the payment of the Bonds and (b) any other funds of the City appropriated by the Common Council for payment of the Bonds as provided in Section 5 below (hereinafter referred to collectively as "Revenues").

"Available Tax Increment" means an amount equal to the annual gross tax increment revenue actually received and retained by the City which is generated by the increment value of the property in TID No. 6.

If TID No. 6 is terminated before the Bonds are paid in full as a result of the repeal or amendment of Section 66.1105, Wisconsin Statutes, or for any other reason beyond the control of the City, and the Bonds remain outstanding and unpaid, then the remaining outstanding Bonds shall be deemed paid in full, it being understood that upon such termination of TID No. 6, the obligation of the City to make any further payments on the Bonds shall also terminate. The City shall have no obligation to pay any amount of the Bonds which remains unpaid upon termination of TID No. 6 and the owner or owners of the Bonds shall have no right to receive payment of such amounts.

Section 5. Statement of Intent to Appropriate. As stated above, the application of the Available Tax Increment to payment of the Bonds is subject to future annual appropriation by the Common Council. However, the City fully expects and anticipates that to the extent the Available Tax Increment is generated and received by the City, it will appropriate such Available Tax Increment to the payment of the principal of and interest on the Bonds.

The Common Council acknowledges that the Available Tax Increment to be derived from TID No. 6 may not be sufficient to pay all debt service on the Bonds as it becomes due and the City makes no representation or covenant, express or implied, that Available Tax Increment will be generated or that it will be sufficient to pay, in whole or in part, the Bonds. The City hereby declares that it fully expects and anticipates that, if such a shortfall occurs, it will appropriate funds from other available revenues of the City sufficient to fund any such shortfall, provided however, that such payment shall be subject to annual appropriation by the Common Council.

Section 6A. Special Redemption Fund. For the purpose of the application and proper allocation of the Revenues, and to secure the payment of the principal and interest on the Bonds, the Special Redemption Fund is hereby created and shall be used solely for the purpose of paying principal and interest on the Bonds.

The Special Redemption Fund shall be used for no purpose other than the payment of interest upon and principal of the 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 payments described below to be made to the Special Redemption Fund shall be made directly to such account.

Section 6B. Application of Revenues to Payment of the Bonds. On or before each Bond Payment Date, the City shall deposit the Revenues which have been appropriated by the

Common Council for the payment of the principal of and interest on the Bonds in the Special Redemption Fund.

If on any Bond Payment Date there shall be insufficient Revenues to pay the principal of and interest due on the Bonds, the amount due but not paid shall accumulate, with interest at the rate payable on the Bonds, and be payable on the next Bond Payment Date until the final Bond Payment Date.

If after making the payment due on the final Bond Payment Date, there remain amounts outstanding and unpaid on the Bonds, then the remaining balance of principal of and interest on the Bonds shall be deemed paid in full, it being understood that upon making the payment due on the final Bond Payment Date, the obligation of the City to make any further payments on the Bonds shall terminate. The City shall have no obligation to pay any amount of principal or interest on the Bonds which remains unpaid after the final Bond Payment Date and the owner of the Bonds shall have no right to receive payment of such amounts.

Section 7. City Covenants. It is covenanted and agreed by the City with the owner or owners of the Bonds, and each of them, that:

(a) If the City's proposed annual budget does not in any year provide for the appropriation of Available Tax Increment in an amount sufficient to make the principal and interest payments coming due on the Bonds in that year, the City will notify the owner or owners of the Bonds of that fact within 10 days of the Common Council vote on the budget;

(b) The City will take no action, other than action required under Wisconsin Statutes, to dissolve TID No. 6 prior to the payment in full of the Bonds;

(c) Subject to future annual appropriation of Available Tax Increment by the Common Council to the payment of the Bonds, in each year that a payment on the Bonds (and any Parity Bonds) is due, the City covenants that if the Common Council does not appropriate funds in an amount sufficient to pay such payment in full, the City will not apply Available Tax Increment to any purpose other than for payment of the Bonds until the earlier of (1) October 1 of that year or (2) the date the City deposits funds into the Special Redemption Fund in an amount sufficient to pay the payment coming due that same year on the Bonds and any Parity Bonds (as defined below); and

(d) The City will not issue bonds or obligations payable from Available Tax Increment in such manner as to enjoy priority over the Bonds. Additional obligations may be issued if their lien and pledge of Available Tax Increment is junior and subordinate to that of the Bonds. The City may issue additional obligations on a parity with the Bonds as to the pledge of Available Tax Increment ("Parity Bonds") only if both of the following conditions are met:

(i) the Available Tax Increment for the fiscal year immediately preceding the issuance of such Parity Bonds must have been equal to at least 1.10 times the average combined principal and interest requirements on all Bonds and Parity Bonds outstanding payable from Available Tax Increment (other than Bonds and Parity Bonds being refunded) and on the Parity Bonds then to be issued, and (ii) the Parity Bonds must have

installments of principal payable on October 1 of each year and interest payable on April 1 and October 1 of each year in which a payment is due.

Section 8. Application of Bond Proceeds. All accrued interest received from the sale of the Bonds shall be deposited into the Special Redemption Fund. The balance of the proceeds, less the expenses incurred in authorizing, issuing and delivering the Bonds, shall be deposited in a special fund designated as "TID No. 6 Improvement Fund." Said special fund shall be adequately secured and used solely for the purpose of paying the costs of the Project. The balance remaining in said Improvement Fund after paying said costs shall be transferred to the Special Redemption Fund for use in payment of principal of and interest on the Bonds.

Section 9. Amendment to Resolution. After the issuance of the Bonds, no change or alteration of any kind in the provisions of this Resolution may be made until the Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except:

(1) 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

(2) 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 Available Tax Increment, 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 Bond 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 10. 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 9, 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 11. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bond shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent").

Section 12. 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 Bonds 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 Bonds 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 Bonds 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 Bonds 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 13. Record Date. The fifteenth day of each calendar month next preceding each Bond Payment Date shall be the record date for the Bond (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bond as they appear on the registration book of the City at the close of business on the Record Date.

Section 14. 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 15. 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 Bond to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 16. Compliance with Federal Tax Laws. (a) The City represents and covenants that the Projects and their ownership, management and use will not cause the Bonds 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 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 Bond 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 Wisconsin and to the extent that there is a reasonable period of time in which to comply.

The foregoing covenants shall remain in full force and effect, notwithstanding the defeasance of the Bonds, until the date on which all of the Bonds have been paid in full.

Section 17. Qualified Tax-Exempt Obligations. The Bonds are hereby designated as "qualified tax-exempt obligations" pursuant to 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 18. 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 19. 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, 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 Bond, 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 20. Severability of Invalid Provisions. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining sections, paragraphs and provisions of this Resolution.

Section 21. Conflicting Ordinances or Resolutions. All prior ordinances, resolutions, rules, 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.

Adopted, approved and recorded September 24, 2018.

Lori J. Voss
Mayor

ATTEST:

Duane Gau
Interim City Clerk-Treasurer

DRAFT

EXHIBIT A
TERM SHEET
(SEE ATTACHED)

DRAFT

EXHIBIT B
WINNING BID
(SEE ATTACHED)

DRAFT

EXHIBIT C
DEBT SERVICE SCHEDULE
(SEE ATTACHED)

DRAFT

EXHIBIT D

(Form of Bond)

UNITED STATES OF AMERICA
STATE OF WISCONSIN
CLARK AND MARATHON COUNTIES
CITY OF ABBOTSFORD
TAX INCREMENT REVENUE BOND (TID NO. 6), SERIES 2018A

<u>Number</u>	<u>Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>Amount</u>
R-1	[_____]%	October 1, 2028	[_____] , 2018	\$2,340,000

FOR VALUE RECEIVED, the City of Abbotsford, Clark and Marathon Counties, Wisconsin (the "City"), promises to pay to [_____] or registered assigns, but only in the manner, at the times, from the source of revenue and to the extent hereinafter provided, the principal amount and interest hereon at the rate of interest per annum identified above in installments as described below.

This Bond is issued pursuant to Article XI, Section 3 of the Wisconsin Constitution and Section 66.0621, Wisconsin Statutes and acts supplementary thereto, and is payable only from the Revenues herein described, which Revenues have been set aside as a special fund for that purpose and identified as the "Special Redemption Fund." This Bond is issued pursuant to a resolution adopted on September 24, 2018 by the Common Council of the City (the "Resolution") for the purpose of paying project costs in the project plan for the City's Tax Incremental District No. 6 ("TID No. 6") including financing the acquisition of property and street, sewer system and water system improvement projects (the "Project").

The principal of and interest on this Bond shall be payable solely from Available Tax Increments (as defined below) received by the City which are appropriated by the Common Council to the payment of this Bond or other funds appropriated by the Common Council to payment of this Bond (the "Revenues"). Reference is hereby made to a Resolution for a more complete statement of the Revenues from which and conditions under which this Bond is payable, and the general covenants and provisions pursuant to which this Bond has been issued.

"Available Tax Increment" means an amount equal to the annual gross tax increment revenue actually received and retained by the City which is generated by the increment value of the property in TID No. 6.

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 and be payable semi-annually on April 1 and October 1 of each year commencing on October 1, 2019 and continuing through and including October 1, 2028 (each, a "Bond Payment Date"). The amount of principal and interest payments due on the Bond on each Bond Payment Date is set forth on the schedule attached hereto (the "Schedule"). The City's obligation to pay all or any portion of the Bond shall terminate with the final payment made on October 1, 2028.

If on any Bond Payment Date there shall be insufficient Revenues to pay the principal of and interest due on this Bond, the amount due but not paid shall accumulate, with interest at the rate payable on the Bond, and be payable on the next Bond Payment Date until the final Bond Payment Date.

If after making the payment due on the final Bond Payment Date, there remain amounts outstanding and unpaid on the Bond, then the remaining balance of principal of and interest on the Bond shall be deemed paid in full, it being understood that upon making the payment due on the final Bond Payment Date, the obligation of the City to make any further payments on the Bond shall terminate. The City shall have no obligation to pay any amount of principal or interest on this Bond which remains unpaid after the final Bond Payment Date and the owner or owners of this Bond shall have no right to receive payment of such amounts.

If for any reason (other than voluntary dissolution of the Common Council) the TID No. 6 terminates before the Bonds are paid in full, and there remain amounts outstanding and unpaid on the Bond, then the remaining balance of principal of and interest on the Bond shall be deemed paid in full, it being understood that upon such termination of TID No. 6, the obligation of the City to make any further payments on the Bond shall also terminate. The City shall have no obligation to pay any amount of principal or interest on the Bond which remains unpaid upon termination of TID No. 6 and the owner or owners of the Bond shall have no right to receive payment of such amounts.

THE CITY MAKES NO REPRESENTATION OR COVENANT, EXPRESS OR IMPLIED, THAT THE AVAILABLE TAX INCREMENT OR REVENUES WILL BE SUFFICIENT TO PAY, IN WHOLE OR IN PART, THE AMOUNTS WHICH ARE OR MAY BECOME DUE AND PAYABLE HEREUNDER.

THE CITY'S PAYMENT OBLIGATIONS HEREUNDER ARE SUBJECT TO FUTURE ANNUAL APPROPRIATION BY THE COMMON COUNCIL OF THE AVAILABLE TAX INCREMENT OR OTHER AMOUNTS TO MAKE PAYMENTS DUE ON THIS BOND.

THIS BOND IS A SPECIAL, LIMITED REVENUE OBLIGATION AND NOT A GENERAL OBLIGATION OF THE CITY, AND IS PAYABLE BY THE CITY ONLY FROM THE SOURCES, TO THE EXTENT, AND SUBJECT TO THE QUALIFICATIONS STATED OR REFERENCED HEREIN. THIS BOND IS NOT A

GENERAL OBLIGATION OF THE CITY, AND NEITHER THE FULL FAITH AND CREDIT NOR THE TAXING POWERS OF THE CITY ARE PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF OR INTEREST ON THIS BOND.

The Bond is subject to prepayment prior to maturity, at the option of the City, in whole or from time to time in part on any date at the principal amount thereof, plus accrued interest to the date of prepayment. The amount and the installments of the Bond to be prepaid shall be selected by the City.

Notice of prepayment of the Bond for redemption shall be given by the sending of a notice thereof by registered or certified mail, facsimile transmission, electronic transmission or overnight express delivery at least five (5) days prior to the date fixed for redemption to the registered owner of each Bond to be redeemed at the address shown on the registration books.

Both the principal of and interest on this Bond are payable in lawful money of the United States by the City Clerk or City Treasurer.

Payment of each installment of principal and interest hereon (except the last) shall be made to the registered owner hereof who shall appear on the registration books of the City maintained by the City Clerk or City Treasurer at the close of business on the 15th day of the calendar month next preceding the annual interest payment date (the "Record Date") and shall be paid by check or draft of the City mailed to such registered owner at his address as it appears on such registration books or at such other address as may be furnished in writing by such registered owner to the City Clerk or City Treasurer. The final installment of principal and interest on this Bond shall be payable only upon presentation and surrender hereof at the office of the City Clerk or City Treasurer.

This Bond has been designated by the City as a "qualified tax-exempt obligation" for purposes of Section 265 of the Internal Revenue Code of 1986, as amended.

The Bond is issued in registered form in the denomination of \$100,000 or more. This Bond may be exchanged at the office of the City Clerk or City Treasurer for a like aggregate principal amount of Bonds or Bonds of the same maturity in other authorized denominations.

This Bond is transferable by a written assignment duly executed by the registered owner hereof or by such owner's duly authorized legal representative. Upon such transfer a new registered Bond, in authorized denomination or denominations and in the same aggregate principal amount, shall be issued to the transferee in exchange hereof.

The City may deem and treat the registered owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof, premium, if any, hereon and interest due hereon and for all other purposes, and the City shall not be affected by notice to the contrary.

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.

IN WITNESS WHEREOF, the City of Abbotsford, Clark and Marathon Counties, Wisconsin, has caused this Bond to be signed by 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 ABBOTSFORD,
CLARK AND MARATHON COUNTIES,
WISCONSIN

(SEAL)

By _____
Duane Gau
Interim City Clerk

By _____
Lori J. Voss
Mayor

DRAFT

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 to 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:

ORDINANCE NO. 1-2018

**A CHARTER ORDINANCE ABOLISHING THE
CITY CLERK-TREASURER POSITION
AND CREATING A CONSOLIDATED CITY
ADMINISTRATOR-CLERK-TREASURER POSITION**

The Common Council of the City of Abbotsford, Clark and Marathon Counties, Wisconsin, do ordain as follows:

SECTION I. REPEAL OF PROVISIONS; ADOPTION OF PROVISIONS.

Section 2-3-3 of the City of Abbotsford Code of Ordinances is repealed and replaced with a new Section 2-3-3 which is adopted as follows:

Sec. 2-3-3 City Administrator-Clerk-Treasurer.

- (a) **Position Creation and Purpose.**
- (1) **Consolidated Position Established.** In order that the various officers, officials and employees and departments executing policy and administering the affairs of the City of Abbotsford may operate as efficiently as possible under a system of an elected part-time Mayor and Common Council, and to better ensure professional management of municipal responsibilities and services, the office of City Administrator-Clerk-Treasurer is created.
 - (2) **Position References.** Any references in this Code of Ordinances and other City documents to the position of "City Clerk-Treasurer" or "City Administrator" shall be construed to mean the City Administrator-Clerk-Treasurer position.
- (b) **Statutory Requirements for Consolidated Offices.** Pursuant to Sections 62.09(9) and (11) and 66.0101, Wis. Stats., the City of Abbotsford elects by charter ordinance not to be governed by those portions of Chapter 62, Wis. Stats., which relate to the separate offices, selection and tenure of the offices of City Clerk and City Treasurer and which are in conflict with this Section. The offices of City Clerk and City Treasurer are hereby consolidated and the duties of both statutory offices shall be performed by the person appointed as City Administrator-Clerk-Treasurer.
- (c) **Appointment; Term.** The City Administrator shall be appointed by the Mayor, subject to majority confirmation vote of the members elect of the Common Council. The City Administrator shall hold office for an indefinite term or as prescribed by employment contract, whichever is more restrictive,

subject to removal with the majority vote of the members elect of the Common Council as provided in Sec. 17.13, Wis. Stats., and City personnel policies.

- (d) **Responsibilities.** The responsibilities of the City Administrator shall be, but not limited to, the following:
- (1) **Chief Administrative Official.** The City Administrator shall:
- a. Serve as the chief administrative official of the City of Abbotsford, responsible to and under the general direction of the Mayor and Common Council.
 - b. Be responsible for implementing policies set forth by the Mayor and Common Council.
 - c. Be responsible for City compliance with federal and state laws and City ordinances and adopted policies.
 - d. Attend all Common Council meetings and other meetings as directed by the Mayor or Common Council.
 - e. Assist City officials with compliance with the Wisconsin Open Meetings Law and Wisconsin Open Records Law.
 - f. Assist the Mayor and Common Council in establishing procedures regarding evaluations of City programs and services, including conducting planning sessions with the Common Council and other City bodies.
 - g. Provide recommendations to the Mayor and Common Council regarding City programs and services, and any organizational modifications deemed necessary.
 - h. Confer with the Mayor, Common Council, department supervisors, and other City governmental bodies about projects, services, and possible issues.
- (2) **Supervision of Municipal Operations.** The City Administrator shall:
- a. Be responsible for the proper supervision and administration of all aspects of day-to-day operations, functions and programs of the City.
 - b. Have supervisory and administrative authority and responsibility for all City departments, department heads and employees, except where such authority is vested by the Wisconsin Statutes in certain boards and commissions.
 - c. Provide management and program leadership for City departments and operations.
- (3) **Personnel Management.** The City Administrator shall direct the effective and efficient performance of all City employees, including the following duties:
- a. Assist the Mayor and Common Council in filling employee vacancies, negotiating employee contracts, and making revisions to the City Personnel Manual.
 - b. Conduct annual performance evaluations of department heads and ensure the same evaluations are performed by department heads of employees under their supervision. The City Administrator may make recommendations to the Mayor and Common Council

regarding the performance and continued employment status of employees.

- c. Serve as the City Personnel Officer, with responsibilities for the development, implementation, interpretation and enforcement of the City Personnel Manual, associated policies and employment contracts. This includes recommending revisions to City personnel policies and implementing disciplinary actions when warranted. The City Administrator shall recommend compensation for employees not covered by collective bargaining agreements and direct and oversee the process where personnel issues and/or grievances and citizen complaints regarding City personnel are resolved.
- d. Maintain personnel files.
- e. Make interim personnel appointments when necessary.
- f. Implement an internal system by which employees are accountable to the City Administrator regarding their responsibilities and performance of duties.
- g. Participate in the employee grievance process as defined in the City Personnel Manual and various contracts.

(4) *Implementation of Council Directives; Legislative Management.*

The City Administrator shall:

- a. Effectuate all actions and directives approved by the Common Council which require administrative implementation through the active direction and coordination of the various City departments.
- b. Seek compliance with federal and state laws and administrative rules and City ordinances and resolutions impacting City government and its administration.
- c. Establish and implement administrative procedures to increase the effectiveness and efficiency of City government which are fully consistent with approved directives and policies established by the Common Council.
- d. Disseminate information concerning proposed and current federal, state and county legislation and administrative rules affecting the City and submit appropriate reports and recommendations thereon to the Common Council.
- e. Provide recommendations to the Mayor and Common Council regarding modifications to the City of Abbotsford Code of Ordinances.
- f. Assist legal, engineering and planning professionals in maintaining the Code of Ordinances, City Personnel Manual, and various municipal policies and procedures.
- g. Represent the City in matters involving legislative and intergovernmental affairs as required.

(5) *Establishment of City Goals and Objectives; Communications.* The City Administrator shall:

- a. Submit, as deemed necessary, recommendations or suggestions for improving the health, safety or welfare of the citizens of the City,

institute and direct a system whereby City departments, as well as persons having business with the Mayor and/or Common Council or any City department, may properly and efficiently conduct such business.

- b. Establish and maintain procedures to facilitate communication between citizens and City government to ensure that complaints, grievances, recommendations, and other matters receive prompt attention and that all such matters are expeditiously resolved.
- c. Maintain effective communications with the public through press releases and providing an effective City government website.

(6) **General Budget and Fiscal Management Responsibilities.** In assisting the Mayor and Common Council, the City Administrator shall:

- a. Prepare and manage the annual City general fund, operating and capital budgets.
- b. Administer special financial programs including debt management, investment of surplus funds, property tax stabilization, and grants management.
- c. Assure that the City's financial operations are subject to adequate internal controls.
- d. Coordinate the activities associated with the City's financial audits.
- e. Maintain the City's payroll system:
 - 1. Calculate compensation from time cards, run sheets, records, etc.
 - 2. Allocate compensation to appropriate accounts (i.e. parks, utilities, snow removal, law enforcement, weed and grass cutting, etc.).
 - 3. Prepare and issue pay checks.
 - 4. Maintain Wisconsin Retirement System records and federal and state payroll reporting.
 - 5. Prepare payroll allocation reports for worker's compensation, retirement, and other benefits.
- f. Assist the Mayor and Common Council in the establishment of financial performance goals and the development of City financial and budgeting policies and procedures.
- g. Recommend financial benchmarks for debt management, property taxation rates, and user rates and fees.
- h. Review and recommend appropriate user fees and license fees for City utilities, recreation user fees, special use fees, and City-issued licenses.
- i. Maintain all contracts to which the City is a party to, including such representative contracts as:
 - 1. Emergency medical and fire services with surrounding local governments.
 - 2. Any other contracts.

- J. Administer billings and collections for City utilities, special assessments, etc.
 - k. Prepare specifications for and manage insurance coverage and bonds.
 - 1. Maintain fixed asset records of the City of Abbotsford, including, but not limited to:
 - 1. Major City equipment (cost, service life, depreciation, insurance value).
 - 2. Infrastructure (streets, storm sewers, curb and gutter).
 - 3. Water utility assets (meters, mains, service wells, pumps, etc.).
 - 4. Sewer utility assets (mains, laterals, treatment plant, etc.).
 - 5. Emergency services (vehicles, support equipment, etc.).
- (7) **Property Tax Management.** The City Administrator shall:
- a. Serve on the Board of Review and keep the minutes of such body.
 - b. Work with the City Assessor on property assessment valuations.
 - c. Compute the property tax levy for preparation of tax statements, mail tax statements, and collect payments.
 - d. Compute the City's property tax settlements with other taxing entities such as the counties, school district, technical college system, etc.
- (8) **Capital Projects Management.** The City Administrator shall:
- a. Assist the Mayor and Common Council in the establishment and updating of current and long-range objectives, plans and policies.
 - b. Identify financial resources and options for community growth.
 - c. Manage implementation of the Five-Year Capital Improvement Program and other plans authorized in annual budgets.
- (9) **Economic Development.** The City Administrator shall:
- a. Assist the Mayor and Common Council in implementing economic development strategies and plans.
 - b. Recommend potential development incentives and opportunities to the Mayor and Common Council.
 - c. Evaluate and make recommendations regarding new residential and commercial development proposals.
 - d. Prepare special development plans and contracts as directed by the Mayor and Common Council, including for Tax Incremental Financing (TIF) district projects, Business Improvement District (BID) plans, and developer agreements.
 - e. Seek alternative funding sources and grants for City projects and programs.
 - f. Promote the economic well-being and growth of the City through public and private sector cooperation, and coordinate economic development efforts of the City.
- (10) **Purchasing.** The City Administrator shall:

- a. Direct and oversee the City's purchasing policy as approved by the Common Council; obtain bids and quotations; identify possible suppliers and service providers.
 - b. Supervise the purchase of all materials, supplies, and equipment for which funds are provided in the budget; let contracts necessary for the purchase, operation and maintenance of City services and purchased goods authorized by the adopted budget for amounts up to and including Five Thousand Dollars (\$5,000.00); receive bids or proposals for purchases or contracts in excess of Five Thousand Dollars (\$5,000.00) for presentation to the Common Council for approval unless the taking of bids is waived by the Council.
 - c. Inform the Mayor or Common Council concerning any proposed change in service rendered City residents or City-located business which shall appreciably affect either the extent, quality, or cost of such service and purchases.
- (11) **Zoning and Land Use Planning.** The City Administrator shall:
- a. Coordinate the administration of City zoning, land division, extraterritorial zoning, property maintenance, floodplain, shore land-wetland, storm water management, and building code ordinances, and recommend amendments to the same as necessary.
 - b. Implement and revise, as necessary, the City of Abbotsford Comprehensive Plan.
- (12) **Constituent and Community Relations.** The City Administrator shall:
- a. Establish procedures and programs to facilitate communication between City government and the public.
 - b. Investigate and/or respond promptly to citizen inquiries, complaints, grievances and recommendations.
 - c. Establish procedures for monitoring and assessing public satisfaction with City services and programs, which may include the use of surveys and informational meetings.
 - d. Provide informational presentations to community organizations as requested and when directed by the Mayor and Common Council.
 - e. Participate in membership and community organizations as requested by the Mayor and Common Council.
 - f. Establish positive relationships with state, county and agency officials and with area governmental units and organizations
- (e) **Audits.** Annual audits shall be made of the records of the Administrator with the audit to be made by a certified public accountant.
- (f) **Duties as Clerk.** In his/her statutory capacity as City Clerk pursuant to Sec. 62.09(9), Wis. Stats., the City Administrator shall be responsible for performing those duties required by the Wisconsin Statutes for city clerks, including, but not limited to, the following duties:
- (1) Perform all election duties as required by Wisconsin Statute and keep and maintain all election records, voter registrations, and all property used in conjunction with holding of elections.
 - (2) Prepare ballots for elections and publish required election notices.
 - (3) Train election poll workers.

- (4) Supervise elections and tabulation of votes cast, and report and certify election results as required by law.
 - (5) Assist candidates in completing necessary nomination papers.
 - (6) Prepare meeting agendas in cooperation with the Mayor and provide proper notices for the Common Council and other City governmental bodies as required by the Wisconsin Statutes and local ordinances.
 - (7) Publish/post all legal notices as required by law.
 - (8) Serve as legal custodian of all City records in compliance with the Wisconsin Open Records Law except where other custodians are designated; file and preserve all City minutes, contracts, bonds, oaths of office, vouchers, financial records, and other City records and documents not required to be filed elsewhere.
 - (9) Issue City licenses required by ordinance or statute except as otherwise provided.
 - (10) Attend meetings, take minutes and maintain files for the Common Council, and such other official boards, committees and commissions as may be directed.
 - (11) Prepare and distribute reports for the Common Council and for federal and state agencies.
 - (12) Audit and obtain approval on claims charged against the City.
 - (13) Assist the City Assessor in maintaining property assessment records.
 - (14) Administer oaths.
 - (15) File required financial and other reports with federal, state and county agencies.
 - (16) File insurance claims on behalf of the City.
- (g) **Duties as Treasurer.** In his/her capacity as City Treasurer as prescribed in Sec. 62.09(11), Wis. Stats., the City Administrator shall be responsible for performing those duties required by the Wisconsin Statutes for city treasurers, including, but not limited to, the following duties:
- (1) Prepare the tax roll and tax notices required by the State of Wisconsin.
 - (2) Prepare financial statements and fiscal reports.
 - (3) Maintain fiscal records for the City.
 - (4) Make reports to the State on assessments.
 - (5) Prepare and send invoices for services provided by municipal utilities and departments.
 - (6) Perform record keeping, billing, collections, banking, investments, accounting and financial reporting of all City operations, including utilities.
 - (7) Collect all taxes for the City and other taxing bodies;
 - (8) Invest available and/or surplus funds pursuant to the Wisconsin Statutes, City Code of Ordinances and any Council-approved investment policy.
 - (9) Prepare a monthly financial report. Maintain payroll records and prepare payroll checks from approved employee time sheets.
 - (10) Prepare check vouchers for payment of approved claims for signature.

- (h) **Duties Prescribed by Law.** The City Administrator shall perform such other duties as are prescribed by the Wisconsin Statutes and City Code of Ordinances, and as directed by the Mayor or Common Council. The City Administrator shall be responsible for all the official acts of assistants.
- (i) **Bond.** The City Administrator shall execute to the City a surety company fidelity bond in an amount determined by the Common Council.

State Law Reference: Secs. 62.09 and 66.0101, Wis. Stats.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.


SECTION III. CONFLICTING PROVISIONS REPEALED.


All Ordinances in conflict with any provision of this Ordinance are hereby repealed.

SECTION IV. CHARTER ORDINANCE EFFECTIVE DATE.

This Charter Ordinance, pursuant to Sec. 66.0101, Wis. Stats., shall take effect sixty (60) days after passage and publication as provided by law. A certified copy of this Charter Ordinance shall be submitted by City and filed with the Wisconsin Secretary of State.

ADOPTED this 29 day of August, 2018.
CITY OF ABBOTSFORD, WISCONSIN



 Mayor


 Clerk-Treasurer (Interim)

INTRODUCED: Council member Anders
 ADOPTED: October 29, 2018
 PUBLISHED: _____

State of Wisconsin:
 Counties of Clark & Marathon:

I hereby certify that the foregoing Charter Ordinance is a true, correct, and complete copy of a Charter Ordinance duly and regularly enacted by the City of Abbotsford Common Council on the 29 day of October, 2018 and that said Charter Ordinance has not been repealed or amended and is in full force and effect sixty (60) days following passage and publication.

Dated this 29 day of _____, 2018

 City Clerk-Treasurer (Interim)

ORDINANCE NO. 2018-1

**AN ORDINANCE
CREATING THE POSITION OF CITY ADMINISTRATOR**

The Common Council of the City of Abbotsford, Clark and Marathon Counties, Wisconsin, do ordain as follows:

That Sections 2-3-18 – City Administrator of the Code of Ordinances is hereby created to read as follows:

1. CITY ADMINISTRATOR

(a) Appointment; term of office and removal.

(1) *Office of the city administrator.* In order to provide the city with a more efficient, effective and responsible government operation under a system of a part-time mayor and part-time common council (hereinafter referred to as “council”) at a time when city government is becoming increasingly complex, there is hereby created the office of city administrator for the city (hereinafter referred to as “administrator”).

(2) *Appointment, term of office and removal.*

(a) The administrator shall be appointed with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the council. For the purpose of selecting the administrator, the mayor and the members of the council each shall cast one vote.

(b) The administrator shall hold office for an indefinite term subject to removal at any time by a two-thirds vote of the council. This section, however, shall not preclude the council from establishing other employment terms and conditions not inconsistent with the provisions of the Code of the city.

(b) Functions and duties of the administrator.

The administrator, subject to the limitations defined in resolutions and ordinances of the city and state statutes, shall be the chief administrative officer of the city, responsible only to the mayor and the council for the proper administration of the business affairs of the city, in

accordance with the statutes of the state, the ordinances of the city and the resolutions and directives of the council, with power and duties as follows:

(1) *General duties:*

- a. Carry out directives of the mayor and council which require administrative implementation, reporting promptly to the mayor and council any difficulties encountered;
- b. Be responsible for the administration of all day-to-day operations of the city government including the monitoring of all city ordinances, resolutions, council meeting minutes and state statutes;
- c. Prepare a plan of administration, including an organization chart, which defines authority and responsibility for all nonstatutory positions of the city; and submit it to the council for adoption as the official organization and administrative procedure plan for the city.
- d. Establish when necessary administrative procedures to increase the effectiveness and efficiency of city government according to current practices in local government, not inconsistent with paragraph c. above or directives of the mayor and council;
- e. Serve as ex-officio nonvoting member of all boards, commissions and committees of the city, except as specified by the council or state statutes;
- f. Keep informed concerning current federal, state, and county legislation and administrative rules affecting the city and submit appropriate reports and recommendations thereon to the council;
- g. Keep informed concerning the availability of federal, state and county funds for local programs and through grant writing or coordination of, assist department heads and the council in obtaining these funds under the direction of the mayor and the council;
- h. Represent the city in matters involving legislative and intergovernmental affairs as authorized and directed as to that representation by the mayor and council;
- i. Act as public information officer for the city with the responsibility of assuring that the news media are kept informed about the operations of the

city and that all open meeting and public records rules and regulations are followed;

- j. Establish and maintain procedures to facilitate communications between citizens and city government to assure that complaints, recommendations and other matters receive prompt attention by the responsible official, and to assure that all such matters are expeditiously resolved;
- k. Promote the economic well-being and growth of the city through public and private sector cooperation;
- l. Carry out all duties and requirements of the zoning administrator.

(2) Responsibilities to the city council:

- a. Attend all meetings of the council, assisting the mayor and the council as required in the performance of their duties;
- b. In coordination with the mayor, the council, and the clerk, ensure that appropriate agendas are prepared to all meetings of the council, all council committees, and all other appropriate committees and commissions of the city, together with such supporting material as may be required; with nothing herein being construed as to give the administrator authority to limit or in any way prevent matters from being considered by the council, or any of its committees and commissions;
- c. Assist in the preparation of ordinances and resolutions as requested by the mayor or the council, or as needed;
- d. Keep the mayor and council regularly informed about activities of the administrator's office by oral or written report at regular and special meetings of the council;
- e. In the event that action normally requiring council approval is necessary at the time when the council cannot meet, the administrator shall receive directives from the mayor.

(3) *Personnel:*

- a. Be responsible for the administrative direction and coordination of all employees of the city according to the established organizational procedures of the city and the state statutes;
- b. Recommend to the council the appointment, promotion and when necessary for the good of the city, the suspension or termination of department heads, except those officials selected by boards and commissions defined in the state statutes;
- c. In consultation with the appropriate department head, be responsible for the appointment, promotion, and when necessary for the good of the city, the suspension or termination of employees below the department head level, except those employees in units governed by other personnel procedures defined in the state statutes;
- d. Serve as personnel officer for the city with responsibilities to see that complete and current personnel records, including specific job descriptions, for all city employees are kept; evaluate in conjunction with department heads the performance of all employees on a regular basis; recommend salary and wage scales for city employees not covered by collective bargaining agreements; develop and enforce high standards of performance by city employees; assure that city employees have proper working conditions; work closely with department heads to promptly resolve personnel problems or grievances;
- e. Assist in labor contract negotiations and collective bargaining issues;
- f. Work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training schools, etc., provided that funds have been budgeted for these activities.

(4) *Budgeting and purchasing;*

- a. Be responsible for the preparation of the annual city budget, in accordance with guidelines as may be provided by the city council and in coordination

with department heads, and pursuant to state statutes, for review and approval by the mayor and the council;

- b. Administer the budget as adopted by the council;
- c. Report regularly to the council on the current fiscal position of the city;
- d. Supervise the accounting system of the city and insure that the system employs methods in accordance with current professional accounting practices;
- e. Serve as the purchasing agent for the city, supervising all purchasing and contracting for supplies and services, subject to the purchasing procedures established by the council and any limitation contained in the state statutes.

(c) Cooperation.

All officials and employees of the city shall cooperate with and assist the administrator so that the city government shall function effectively and efficiently.

(d) Additional duties.

The administrator shall be responsible for the following additional duties;

- (1) Perform all election duties as required by statute and keep and maintain all election records and all property used in conjunction with holding of elections;
- (2) Publish all legal notices unless otherwise provided; file and preserve all contracts, bonds, oaths of office and other documents not required to be filed elsewhere;
- (3) Issue all licenses required by ordinance or statute, except as otherwise provided;
- (4) Prepare the tax roll and tax notices required by the state;
- (5) Attend meetings, take minutes and maintain files for the common council, and such other official boards and commissions as may be directed;
- (6) Maintain a file on all city records, ordinances, resolutions and vouchers;

- (7) Type and distribute reports for the council and for federal and state agencies;
- (8) Audit and obtain approval on claims charged against the city;
- (9) Prepare financial and bank statements;
- (10) Issue purchase orders;
- (11) Assist the city assessor in maintaining property assessment records;
- (12) Administer oaths and affirmations;
- (13) Maintain fiscal records for the city;
- (14) Issue licenses to various vendors in city;
- (15) Make reports to the state on assessments;
- (16) Prepare and send invoices for services provided by municipal utilities;
- (17) Perform record keeping, billing, collections, banking, investments, accounting and financial reporting of all city operations;
- (18) Develop and implement improved internal control and financial reporting procedures as necessary or as requested;
- (19) Collect all taxes for the city and other taxing bodies;
- (20) Invest idle funds for maximum interest earning;
- (21) Prepare the monthly treasurer's report;
- (22) Maintain payroll records and prepare payroll checks from approved employee time sheets;
- (23) Prepare check vouchers for payment of approved claims for signature; and

(24) Perform other duties as may be directed by the common council.

(e) Bond.

The city administrator shall execute to the city a surety company fidelity bond in the amount set by the council from time to time.

(f) Deputy.

The administrator may appoint a deputy, subject to confirmation by a majority of all the members of the common council. The deputy administrator shall act under the administrator's direction and, during the temporary absence or disability of the administrator or during a vacancy in such office, shall perform the duties of administrator. The acts of the deputy shall be covered by such official bond as the common council shall direct.

(Code 1986, § 2-3-3)

(g) Receiving money; receipt.

- (a) The administrator shall not receive any money into the treasury from any source except on account of taxes levied and collected during the fiscal year for which he may then be serving, without giving a receipt therefor in the manner specified by the common council.
- (b) Upon the payment of any money (except for taxes as provided in subsection (a) of this section), the administrator shall make out a receipt in duplicate for the money so received. The administrator shall charge the amount thereof to the treasury and credit the proper account. The payment of the money to any receiving agent of the city or to the city or to the administrator shall be safeguarded in such manner as the common council shall direct.

(h) Statement of real property status.

The administrator is authorized to prepare a statement of real property status form to be used to provide information often requested for transfers of real property such as the amount of outstanding special assessments; deferred assessments; changes in assessments; amount of taxes; outstanding water and sewer bills; current water and sewer bills; contemplated improvements;

floodplain status; violations of the building and health codes; and similar information. Any such information sought shall be provided to the person requesting it on such form. The administrator shall collect a fee set by the council from time to time for furnishing such information on such form.

2. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

3. CONFLICTING PROVISIONS REPEALED.

All Ordinances in conflict with any provision of this Ordinance are hereby repealed.

ADOPTED this ____ day of _____, 2018.

CITY OF ABBOTSFORD, WISCONSIN

Mayor

Clerk-Treasurer (Interim)

State of Wisconsin:
Counties of Clark & Marathon:

I hereby certify that the foregoing Ordinance is a true, correct, and complete copy of an Ordinance duly and regularly enacted by the City of Abbotsford Common Council on the ____ day of _____, 2018 and that said Ordinance has not been repealed or amended and is in full force and effect

Dated this ____ day of _____, 2018

City Clerk-Treasurer (Interim)