

City of Amery
COMMON COUNCIL MEETING AGENDA *AMENDED

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the Common Council of the City of Amery will be held on:
Wednesday – March 1st, 2023 at 104 Maple St. W, Amery, WI at 5:00 PM.



Call to Order

Pledge of Allegiance

Roll Call

Consent Agenda Items: Minutes – City Council (February 1st, 2023), Committee of the Whole (February 15th, 2023), and Recycling Committee (February 8th, 2023).

Items under the consent agenda may be acted upon by one motion. If in the judgment of any Council Member, a consent agenda item needs discussion, the item can be removed and discussed.

Order of Items	Agenda Item
1	Public Comment
2	Resolution 02-2023 – STARS Application Resolution of Support
3	Resolution 03-2023 – Resolution Authorizing the Issuance and Sale of \$5,000,000 Sewerage System Revenue Bond Anticipation Notes
4	Approval of Liquor License for IYS Ventures dba I-Mart Stores
5	Adjournment.

*Although the public may speak on any item that is not included on this agenda as a "Public Hearing or Forum". In accordance with open meeting laws, the Council may not respond or discuss the issue brought forward at this time. In accordance with open meeting laws the Council must notice an item on the agenda to allow discussion on that matter. Your comments will be considered and may be placed on a future agenda for further discussion. Any person wishing to submit a public comment digitally may email them to Cityhall@amerywi.gov until noon of the day of the meeting. Although your comments will be presented to the Council they may or may not be read aloud or discussed during the meeting. The Public Comment Portion will be limited to 10 minutes total for *speakers present at the meeting*.

Respectfully Submitted;

Ben Jansen
 Clerk/Treasurer

**Posted: Monday – February 27th, 2023 on the City Website (www.amerywi.gov); and at Amery City Hall, Amery Public Library, and the Amery Police Department.

The City of Amery does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or provision of services, programs or activities.

NOTE: Upon reasonable notice, the City of Amery will accommodate the needs of disabled individuals through aids or services. For additional information or to request this service, contact the Clerk-Treasurer's office at (715) 268-3411 by Noon the previous day so that arrangements can be made.

AMERY CITY COUNCIL PROCEEDINGS
February 1st, 2023

The Amery City Council met on February 1st, 2023 at the Amery City Center. Mayor, Chad Leonard called the meeting to order at 5:00 p.m.

Roll Call: City Clerk-Treasurer, Ben Jansen conducted Roll Call.

Present: Mayor, Chad Leonard; and Alderpersons; Sharon Marks; Rick Van Blaricom; Mykaela Thompson; Mike Manor, and Eric Elkin.

Staff Present: City Administrator, Patty Bjorklund; City Clerk-Treasurer, Ben Jansen; Deputy Clerk., Taylor Larson; Police Chief, Steve Hainzl; Lieutenant, Jason Hickok; Officer, Lucas McAlpine; and Director of Public Works, Jeff Mahoney.

Others present: Members of the Public.

Consent Agenda Items:

Minutes – City Council (December 7th, 2022); Special Council (December 13th, 2022 and January 18th, 2023), Committee of the Whole (January 18th, 2023), Recycling Committee (December 14th, 2022 and January 11th, 2023).

Motion by Alderperson, Elkin; seconded by Alderperson, Thompson; to approve the minutes as written.

Ayes – 5

Nays – 0

Motion Carried.

New Business

1. **Public Comment** – No Public Comment was heard at this time.
2. **Swearing in of Law Enforcement Officers** – Clerk-Treasurer Jansen swore in Chief Steve Hainzl and then Chief Hainzl swore in Officer Lucas McAlpine.
3. **Ordinance 01-2023: Short Term Rental Units** – This ordinance was discussed at the Committee of the Whole meeting. Essentially what it does is change the verbiage of the previous ordinance from Bed and Breakfast Establishments to Short Term Rental Units to better cover places like AirBnBs.

Motion by Alderperson, Manor; seconded by Alderperson, Marks; to approve Ordinance 01-2023 as written.

Ayes – 5

Nays – 0

Motion Carried.

4. **Snow Removal Policy** – This policy was also discussed at Committee of the Whole. It is basically a revision of the current policies that attempts to clean up some language and better inform residents of their responsibilities.

Motion by Alderperson, Marks; seconded by Alderperson, Elkin; to approve the policy as written.

Ayes – 5

Nays – 0

Motion Carried.

- 5. Single Stream Recycling Can Pilot Program** – Alderperson, Manor stated that this item is actually on hold due to the prohibitive cost of the receptacles.
- 6. Ambulance Service Garage Ownership** – Currently the City owns the land that the ambulance garage is on; however, it is not supposed to as there was a prior agreement to transfer the land over to the Ambulance Service. Alderperson, Van Blaricom stated that he would like to see the City retain a right of first refusal so that should the ambulance service sell or transfer ownership the City would retain the right to buy the land back.

Motion by Alderperson, Van Blaricom; seconded by Alderperson, Thompson; to sell the land to the ambulance service while retaining the right of first refusal.

Ayes – 5

Nays – 0

Motion Carried.

Motion by Alderperson, Elkin; seconded by Alderperson, Manor; to adjourn at 5:16 P.M.

Ayes – 5

Nays – 0

Motion Carried.

Respectfully submitted,

Ben Jansen, MPA
City Clerk-Treasurer
February 3rd, 2023

**CITY OF AMERY
COMMITTEE OF THE WHOLE PROCEEDINGS
February 15th, 2023**

The Committee of the Whole of the City of Amery met on Wednesday – February 15th, 2023 at City Hall. Council President, Sarah Flanum called the meeting to order at 5:00 P.M.

Present: Mayor, Chad Leonard; Council President, Sarah Flanum; and Alderpersons, Sharon Marks, Rick Van Blaricom; Mykaela Thompson; Mike Manor and Eric Elkin.

Absent: None.

Staff Present: City Administrator, Patty Bjorklund; Clerk-Treasurer, Ben Jansen; Deputy Clerk-Treasurer, Taylor Larson; Police Chief, Steve Hainzl; Fire Chief, Chuck Frohn; Library Director, Heather Wiarda and Public Works Director, Jeff Mahoney.

Others Present: Members of the Public.

Department Head Reports – Reports were heard from City Administrator, Bjorklund; Clerk-Treasurer, Jansen; Police Chief, Hainzl; Fire Chief, Frohn; Library Director, Wiarda; Public Works Director, Mahoney and Deputy Clerk-Treasurer, Larson.

Discussion was had on moving up an agenda item, specifically public comment to take place before closed session.

Motion by Van Blaricom; seconded by Leonard; to swap items 5&6 on the agenda.

Ayes – 6

Nays – 0

Motion Carried.

Resolution 02-2023 – STARS Application Resolution of Support – This resolution pertains to the STARS application that the City is submitting to attempt to build the sidewalk mentioned in the Safe Routes to School Program. Specifically it would allow the West Central Wisconsin Regional Planning Commission to submit on the City's behalf.

Motion by Leonard; seconded by Manor; to recommend passage of Resolution 02-2023 to the full Council.

Ayes – 6

Nays – 0

Motion Carried.

City Insurance RFP – Administrator, Bjorklund and Clerk-Treasurer, Jansen have put together this RFP to seek proposals for Liability Insurance. With the new City Center the City's insurance costs have gone up and City staff thought that it would be a good idea to see if there were better rates available. This RFP would not go to full Council as it would be due on March 15th.

Motion by Manor; seconded by Elkin; to approve the RFP as written.

Ayes – 6

Nays – 0

Motion Carried.

Safe Routes to School Discussion – Aside from the Grant Application the City is also working with the School District on this plan. The City will be requesting that the School District pays for half the cost share for the project.

Public Comment/Community Updates – City Hall will be closed on February 20th for President's Day.

Motion by Manor; seconded by Thompson to go into Closed Session at 5:34 P.M. under Wis. Stat. §19.85(1)(c) – City Administrator, Police Chief, and Mayor. Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

Roll Call Vote

Ayes – Marks, Van Blaricom, Thompson, Flanum; Leonard; Manor; Elkin.

Nays – None

Motion Carried.

Motion by Van Blaricom; seconded by Thompson; to reconvene into Open Session at 5:43 P.M.

Roll Call Vote

Ayes – Marks, Van Blaricom, Thompson, Flanum; Leonard; Manor; Elkin.

Nays – None

Motion Carried.

Motion by Van Blaricom; seconded by Elkin; to adjourn at 5:44 P.M.

Ayes – 6

Nays – 0

Motion Carried

Respectfully Submitted,

Ben Jansen
City Clerk-Treasurer
February 24th, 2023

RECYCLING COMMITTEE PROCEEDINGS

February 8th, 2023

The Amery Recycling Committee met on February 8th, 2023, at the Amery City Center. The meeting was called to order at 4:30pm

Roll Call: City Deputy Clerk-Treasurer, Taylor Larson conducted Roll Call.

Present: Mike Manor; Sharon Paulson, Gloria Lansin, and Eric Elkin

Absent: None

Others Present: Deputy Clerk-Treasurer, Taylor Larson

New Business

- 1. Recycling Education Discussion:** There was much discussion about different ways the recycling message could be conveyed to the community such as through clubs, churches, the paper, radio, and more. It was decided that what needs to be focused on first is what message is going to be conveyed. There was discussion about the 7 R's and what the different target audiences would be. There was discussion that perhaps a program could be started that businesses could participate in and hang signs in the windows to show participation. The committee will brainstorm ideas that could perhaps be the start of a position paper about recycling.
- 2. Single Stream Service Discussion:** It has come to light that single stream recycling is not feasible with Waterman's Sanitation at this time due to how bins would need to be purchased and what Waterman's would need to do to make the program cost effective. Individuals will need to keep using the blue bins behind the Fire Hall.

Motion by Elkin; seconded by Lansin; to adjourn at 5:53 pm.

Ayes – 4

Nays – 0

Motion carried.

Respectfully submitted,

Taylor Larson
Deputy Clerk-Treasurer
February 9, 2023

Resolution 02-2023

City of Amery

Resolution of Support:

Wisconsin Department of Transportation (WisDOT)

**2023-2026 Safe Transportation Alternatives for Rural Schools (STARS) Cycle Application
A Bipartisan Infrastructure Law (BIL) Supplemental Transportation Alternatives Program
(TAP) Initiative**

WHEREAS, the health, safety, and future of children are of top concern and a priority to the City;
and

WHEREAS, walking and biking can enhance the health and overall physical activity of children,
improve air quality and the environment, reduce traffic congestion, and speed in and around
school zones; and

WHEREAS, Safe Routes to School (SRTS) is a national and international movement to create safe,
convenient, and fun opportunities for children to walk and bike to school; and

WHEREAS, the City and the School District of Amery have an adopted Safe Routes to School plan;
and

WHEREAS, the City has and continues to construct pedestrian and bicycle infrastructure to make
it safe for all modes of transportation; and

WHEREAS, the City seeks to construct sidewalks along Hillcrest Drive from Otis Street to
Minneapolis Avenue, within the City to assist School District of Amery students and staff to be
able to walk and/or bike to all four schools; and

WHEREAS, in addition, this corridor is a designated safe route identified in the 2022 Safe Routes
to School Plan; and

WHEREAS, the City is an eligible project sponsor and may receive funding from the WisDOT for
STARS projects, the City supports a grant application to the WisDOT 2023-2026 STARS cycle to
fund the construction of sidewalks along designated SRTS corridors with 80 percent of the project
cost funded by the TAP grant and 20 percent required matching funds secured by the City and
School District.

NOW, THEREFORE, BE IT RESOLVED, if the City is awarded a grant specified above through the
WisDOT 2023-2026 STARS cycle, the City is authorized to and agrees to accept the award and
enter into all necessary agreements; and

BE IT FURTHER RESOLVED, the City agrees to comply with all applicable laws, requirements, and
regulations as outlined in the WisDOT 2023-2026 STARS application materials, the state-
municipal agreement between WisDOT and the City, and any other program and/or project
documentation.

Adopted this 1st day of March, 2023

Mayor Chad Leonard

Date

Attest: I hereby certify that the foregoing resolution was duly adopted by the Common Council at a legal meeting held on this 1st day of March, 2023.

Ben Jansen – City Clerk-Treasurer

Date

RESOLUTION NO. 03-2023

RESOLUTION AUTHORIZING THE ISSUANCE
AND SALE OF \$5,000,000 SEWERAGE SYSTEM
REVENUE BOND ANTICIPATION NOTES

WHEREAS, the City of Amery, Polk County, Wisconsin (the "Municipality" or "City") owns and operates a sewerage system (the "System") which is operated for a public purpose as a public utility by the City;

WHEREAS, under the provisions of Section 66.0621, Wisconsin Statutes (the "Act"), any municipality in the State of Wisconsin may, by action of its governing body, provide for purchasing, acquiring, constructing, extending, adding to, improving, controlling, conducting, operating or managing a public utility such as the System from the proceeds of bonds, which bonds are to be payable only from all monies received from any source by such utility (the "Revenues");

WHEREAS, to adequately meet the needs of the City and the residents thereof, certain improvements, additions and extensions to and acquisitions for the System including a new wastewater treatment plant are necessary (collectively, the "Project");

WHEREAS, for the purpose of permanently financing the Project, including paying interest and legal, financing and other professional fees, the City intends by subsequent resolution (the "Bond Resolution") of the governing body of the City (the "Common Council") to authorize the issuance and sale of sewerage system revenue bonds pursuant to the provisions of the Act (the "Bonds"), payable solely from the Revenues of the System deposited in the Debt Service Fund referred to herein;

WHEREAS, the Bonds have not yet been issued or sold;

WHEREAS, municipalities are authorized by the provisions of Section 66.0621(4)(L), Wisconsin Statutes, to issue revenue bond anticipation note-s in anticipation of receiving the proceeds from the issuance and sale of revenue bonds;

WHEREAS, contracts are to be let for the Project and the financial officer of the City has heretofore certified to the Common Council that proceeds of bond anticipation notes shall be required for the payment of said contracts, as well as other costs including paying interest and legal, financing and other professional fees;

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance and sale of Sewerage System Revenue Bond Anticipation Notes pursuant to Section 66.0621(4)(L), Wisconsin Statutes, (the "Notes") in anticipation of the issuance and sale of the Bonds, to pay the cost of the Project;

WHEREAS, pursuant to a resolution adopted on June 14, 2021 and ratified on June 18, 2021 (collectively, the "Prior Resolution"), the City has heretofore issued its Sewerage System

Revenue Bonds, Series 2021, dated June 23, 2021 (the "Prior Bonds"), which Prior Bonds are payable from the Revenues of the System;

WHEREAS, other than the Prior Bonds, no bonds or obligations payable from the Revenues of the System are now outstanding; and

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to sell the Notes to Robert W. Baird & Co. Incorporated (the "Purchaser"), pursuant to the terms and conditions of the note purchase agreement attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

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

Section 1A. Sewerage System Revenue Bonds. The City hereby declares its intention and covenants to issue the Bonds pursuant to the provisions of the Act in an amount sufficient to retire the Notes and pay the cost of interest and legal, financing and other professional fees in connection therewith. The Bonds will be authorized by the Bond Resolution.

Section 1B. Authorization and Sale of the Notes. In anticipation of the sale of the Bonds, for the purpose of paying the cost of the Project including paying interest and legal, financing and other professional fees in connection therewith, there shall be borrowed pursuant to Section 66.0621(4)(L), Wisconsin Statutes, the principal sum of FIVE MILLION DOLLARS (\$5,000,000) 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 Notes in the principal amount of FIVE MILLION DOLLARS (\$5,000,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Notes. The Notes shall be designated "Sewerage System Revenue Bond Anticipation Notes"; shall be dated March 22, 2023; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be initially numbered R-1; shall bear interest at the rate of ____% per annum; and shall mature on May 1, 2026. Interest is payable semi-annually on May 1 and November 1 of each year commencing on November 1, 2023 in the amounts set forth in 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.

Section 3. Redemption Provisions. The Notes shall be subject to redemption prior to maturity, at the option of the City, on November 1, 2024 or any date thereafter. The Notes shall be redeemable as a whole or in part, and if in part, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

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

Section 5. Security. The Notes shall in no event be a general obligation of the City nor a charge against its general credit or taxing power. Pursuant to Section 66.0621(4)(L)1., Wisconsin Statutes, the Revenues of the System are hereby pledged to the payment of the principal of and interest on the Notes, subject to the application of the Revenues in accordance with the terms of this Resolution. No lien is created upon the System or any other property of the City as a result of the issuance of the Notes. The Notes shall be payable only from (a) any proceeds of the Notes set aside for payment of interest on the Notes as it becomes due; (b) proceeds to be derived from the issuance and sale of the Bonds, which proceeds are hereby declared to constitute a special trust fund, hereby created and established, to be held by the City Clerk and expended solely for the payment of the principal of and interest on the Notes; and (c) a pledge of the Revenues which have been deposited into the Debt Service Fund continued below on a basis junior and subordinate to the pledge granted to the owners of the Prior Bonds and any additional bonds issued on a parity with the Prior Bonds ("Parity Bonds").

As authorized and permitted by Section 66.0621(4)(L)6., Wisconsin Statutes, in the event such monies are not sufficient to pay the principal of and interest on the Notes when due, if necessary, the City will pay such deficiency out of its annual general tax levy or other available funds of the City; provided, however, that any such payment shall be subject to annual budgetary appropriations therefor and any applicable levy limits; and provided further, that neither this Resolution nor any such payment shall be construed as constituting an obligation of the City to make any such appropriation or any further payments.

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 first, the Prior Bonds and any Parity Bonds, and, second, the Notes, certain funds of the System established by the Prior Resolution shall be continued and used solely for the purposes set forth in the Prior Resolution. The City shall apply the Revenues to the respective funds and accounts as described in the Prior Resolution. Such funds include the Revenue Fund, the Operation and Maintenance Fund, the Debt Service Fund and the Surplus Fund and Revenues of the System shall be deposited into the Debt Service Fund for payment of principal and interest on the Notes (exclusive of such amounts expected to be paid with proceeds of the Bonds) as if bonds had been issued rather than the Notes, provided, however, that such payments shall be junior and subordinate to the Prior Bonds and any Parity Bonds.

Section 7. Service to the City. The reasonable cost and value of services rendered to the City by the System by furnishing sewerage services for public purposes shall be charged against the City and shall be paid in monthly installments as the service accrues, out of the current revenues of the City collected or in the process of collection, exclusive of the Revenues derived from the System; that is to say, out of the tax levy of the City made by it to raise money to meet its necessary current expenses. It is hereby found and determined that the reasonable cost and values of such service to the City in each year shall be in an amount which, together with the Revenues of the System, will produce Net Revenues (as defined in the Prior Resolution) in such amounts sufficient to pay debt service on the Prior Bonds, any Parity Bonds and the Notes (excluding principal of the Notes expected to be paid with proceeds of the Bonds). However, such payment out of the tax levy shall be subject to (a) yearly appropriations therefor, and (b) applicable levy limitations, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the City to make any such appropriation over and

above the reasonable cost and value of the services rendered to the City and its inhabitants or to make any subsequent payment over and above such reasonable cost and value. Such compensation for such service rendered to the City shall, in the manner hereinabove provided, be paid into the funds created in the Prior Resolution and referred to in Section 6.

Section 8. Covenants of the City. The City hereby covenants with the owners of the Notes that:

- (a) It shall issue and sell the Bonds as soon as practicable in an amount sufficient to retire the Notes;
- (b) It shall segregate the proceeds derived from the sale of the Bonds into a special trust fund herein created and established and shall permit such special trust fund to be used for no purpose other than the payment of the principal of and interest on the Notes until paid. After the payment of principal of and interest on the Notes in full, said special trust fund may be used for such other purposes as the Common Council may direct in accordance with law;
- (c) It shall faithfully and punctually perform all duties with reference to the System required by the Constitution and Statutes of the State of Wisconsin, including lawfully establishing reasonable and sufficient rates for services rendered by the System and collecting, depositing, applying and segregating the Revenues of the System to the respective funds and accounts described in the Prior Resolution;
- (d) It shall cause the Project to be completed as expeditiously as reasonably possible;
- (e) It will not sell, lease, or in any manner dispose of the System, including any part thereof or any additions or extensions that may be made part thereof, except that the City shall have the right to sell, lease or otherwise dispose of any property of the System found by the Common Council to be neither necessary nor useful in the operation of the System, provided the proceeds received from such sale, lease or disposal shall be paid into the Debt Service Fund or applied to the acquisition or construction of capital facilities for use in the normal operation of the System, and such payment shall not reduce the amounts otherwise required to be paid into the Debt Service Fund;
- (f) It will pay or cause to be paid all lawful taxes, assessments, governmental charges, and claims for labor, materials or supplies which if unpaid could become a lien upon the System or the Revenues or could impair the security of the Notes or the Bonds;
- (g) It will maintain the System in reasonably good condition, will operate the System, and will establish, charge and collect such lawfully established rates and charges for the service rendered by the System, so that the amount of the Revenues of the System herein agreed to be set aside to provide for payment of the Prior Bonds, the Bonds, any Parity Bonds and the Notes (exclusive of principal of the Notes to be paid from proceeds of the Bonds) and the interest thereon as the same becomes due and payable will be sufficient for that purpose. It will make all good faith efforts so that the Net Revenues (as defined in the Prior Resolution) from the System for each year any Prior Bonds, Bonds, Parity Bonds or the Notes are outstanding will be equal to the amount required by the Prior Resolution for payment of principal (exclusive of principal of

the Notes to be paid from proceeds of the Bonds) and interest on such Prior Bonds, Bonds, any Parity Bonds or the Notes for each corresponding year; and

(h) The Notes are issued for the purposes for which the City is authorized to issue revenue bonds and for which the Bonds shall be issued.

Section 9. Application of Proceeds. All accrued interest received from the sale of the Notes shall be deposited in the Debt Service Fund. The balance of the proceeds, less the expenses incurred is authorizing, issuing and delivering the Notes, shall be deposited in a special fund designated as "Sewerage System Improvement Fund". Said special fund shall be adequately secured and used solely for the purpose of paying the cost of the Project and the cost of interest and legal, financing and other professional fees. Any balance remaining in said fund after paying said costs shall be transferred to the Debt Service Fund for use in payment of principal of and interest on the Notes.

Section 10. No Arbitrage. All investments made pursuant to this Resolution shall be permitted investments for municipalities under the provisions of the Wisconsin Statutes, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") or the Regulations and an officer of the City, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 11. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Notes and the ownership, management and use of the projects will not cause the Notes 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 Notes 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 Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes 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 Notes 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 Notes provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Notes and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 12. Designation as Qualified Tax-Exempt Obligations. The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 13. Parity Bonds. Bonds payable out of the Revenues of the System on a parity with the Prior Bonds ("Parity Bonds") may be issued in such manner as to enjoy priority over the Notes; provided such Parity Bonds meet the conditions established in the Prior Resolution.

Section 14. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes 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 Notes 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 Notes, 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 Notes is hereby ratified and approved in all respects.

Section 15. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The City hereby authorizes the Mayor and City Clerk or other appropriate officers of the City to enter a Fiscal Agency Agreement between the City and the Fiscal Agent. Such contract may provide, among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Notes.

Section 16. Persons Treated as Owners; Transfer of Notes. The City shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note 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 Note or Notes 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 Note surrendered for transfer.

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

Section 17. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the City at the close of business on the Record Date.

Section 18. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations, which the City Clerk or other authorized representative of the City is authorized and directed to execute and deliver to DTC on behalf of the City to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the City Clerk's office.

Section 19. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Official Statement to be distributed to the Purchaser.

Section 20. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

To the extent required under the Rule, the Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure

Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 21. 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 Notes in the Record Book.

Section 22. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Notes, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of proceeds of the Notes, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 23. Conflicting Resolutions, Severability; Effective Date. All prior resolutions (other than the Prior Resolution), rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In case of any conflict between this Resolution and the Prior Resolution, the Prior Resolution shall control as long as any of the Prior Bonds are outstanding. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded March 1, 2023.

Chad Leonard
Mayor

Attest:

Benjamin Jansen
City Clerk

(SEAL)

EXHIBIT A

Proposal

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

EXHIBIT B

Pricing Summary

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

EXHIBIT C

Debt Service Schedule

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

EXHIBIT D

(Form of Note)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
POLK COUNTY
NO. R-1 CITY OF AMERY \$5,000,000
SEWERAGE SYSTEM REVENUE BOND ANTICIPATION NOTE

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
May 1, 2026 March 22, 2023 _____% _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: FIVE MILLION DOLLARS (\$5,000,000)

FOR VALUE RECEIVED, the City of Amery, Polk County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), solely from the sources hereinafter specified on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on May 1 and November 1 of each year commencing on November 1, 2023 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Note are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment day shall be paid by wire transfer to the Depository in whose name this Note is registered on the Bond Register maintained by Associated Trust Company, National Association, Green Bay, Wisconsin (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Note is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

This Note is issued by the City pursuant to the provisions of Section 66.0621(4)(L), Wisconsin Statutes, for the public purpose of paying the cost of financing improvements, additions and extensions to and acquisitions for the City's Sewerage System including a new wastewater treatment plant (the "Project"), all as authorized by a resolution of the Common Council duly adopted by said governing body at a meeting held on March 1, 2023 (the "Resolution"). The Resolution is recorded in the official minutes of the Common Council for said date.

In the Resolution, the Common Council declared its intention and covenanted to issue Sewerage System Revenue Bonds (the "Bonds") for the purpose of retiring the Note. The Notes are issued to anticipate the sale of the Bonds.

The Notes are payable only from:

- 1) any proceeds of the Notes set aside for payment of interest on the Notes as they become due;
- 2) the proceeds to be derived from the issuance and sale of the Bonds, which proceeds have been declared by the City to constitute a special trust fund to be expended solely for the payment of the principal of and interest on the Notes; and
- 3) a pledge of the income and revenues of the City's Sewerage System (the "System") which are deposited in the Debt Service Fund (as defined in the Resolution), provided, however, that the pledge of revenues of the System is on a basis junior and subordinate to the pledge granted to the owners of the Sewerage System Revenue Bonds, Series 2021, dated June 23, 2021 (the "Prior Bonds" and any bonds issued on a parity with the Prior Bonds).

THE NOTES DO NOT CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY LIMITATION OR PROVISION. NO LIEN IS CREATED UPON THE SYSTEM OR ANY OTHER PROPERTY OF THE CITY AS A RESULT OF THE ISSUANCE OF THE NOTES.

The Notes are subject to redemption prior to maturity, at the option of the City, on November 1, 2024 or any date thereafter. Said Notes are redeemable as a whole or in part, and if in part, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

In the event the Notes are redeemed prior to maturity, as long as the Notes are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Notes are to be called for redemption, the Notes to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation and date of the Notes called for redemption, CUSIP numbers, and the date of redemption. Any notice mailed as provided herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Notes shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Notes shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Note have been done, have existed and have been performed in due form and time. The City has covenanted to issue and sell the Bonds, the sale of which this Note anticipates, as soon as practicable and to set aside the proceeds of the Bonds into a special trust fund for the payment of the principal of and interest on this Note.

This Note is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Notes, and the City appoints another depository, upon surrender of the Note to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Note in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Notes (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Notes, or (iii) with respect to any particular Note, after such Note has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Notes are issuable solely as negotiable, fully-registered Notes without coupons in the denomination of \$5,000 and integral multiples thereof.

This Note shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Fiscal Agent.

This Note has been designated by the Common Council as a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the City of Amery, Polk County, Wisconsin, by its governing body, has caused this Note to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Mayor and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF AMERY,
POLK COUNTY, WISCONSIN

By: _____
Chad Leonard
Mayor

(SEAL)

By: _____
Benjamin Jansen
City Clerk

Date of Authentication: _____, _____

CERTIFICATE OF AUTHENTICATION

This Note is one of the Notes of the issue authorized by the within-mentioned Resolution of the City of Amery, Wisconsin.

ASSOCIATED TRUST COMPANY,
NATIONAL ASSOCIATION,
GREEN BAY, WISCONSIN

By _____
Authorized Signatory

ASSIGNMENT

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

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Note and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Note in every particular, without alteration or enlargement or any change whatever.

(Authorized Officer)