

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL
ON WEDNESDAY, APRIL 3, 2019

The meeting was called to order by Mayor Neitzke at 7:00 p.m.

- | | | |
|---------------|-----------------------|---------|
| 1. ROLL CALL: | Aldersperson Lubotsky | Present |
| | Aldersperson Bailey | Present |
| | Aldersperson Akers | Present |
| | Aldersperson Saryan | Present |
| | Aldersperson Kastner | Present |

ALSO PRESENT:	Brian Sajdak	City Attorney
	Jeff Katz	Director of Neighborhood Services
	Jennifer Goergen	City Clerk

2. Opening Prayer – an opening prayer was given by Chaplain Leggett.

3. Pledge of Allegiance

4. It was moved by Aldersperson Kastner, seconded by Aldersperson Lubotsky, to approve the March 19, 2019 Common Council minutes. Motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #6.

5. Mayor’s Report

- a. Resolution awarding the sale of \$6,620,000 General Obligation Corporate Purpose Bonds, Series 2019A providing the form of the bonds; and levying a tax in connection therewith

Dawn Gunderson-Schiel of Ehlers said as a result of the bids received, they were able to lower the size of the bond issue to \$6,205,000 – rather than the \$6,620,000 originally posted on the agenda. They were able to reduce the principal by \$415,000. The total was \$219,874 less than their original planning estimates, due in part to interest rates that dropped.

It was moved by Aldersperson Kastner, seconded by Aldersperson Lubotsky, to award the sale of the bond for \$6,205,000 general obligation corporate purpose bonds, series 2019A, providing the form of the bonds, and levying a tax in connection therewith [by adopting Resolution 3686]:

RESOLUTION NO. 3686

**RESOLUTION AWARDING THE SALE OF \$6,205,000
GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2019A
PROVIDING THE FORM OF THE BONDS;
AND LEVYING A TAX IN CONNECTION THEREWITH**

WHEREAS, on February 20, 2019, the Common Council of the City of Greenfield, Milwaukee County, Wisconsin (the “City”) adopted: an Initial Resolution (“Initial Resolution No. 1”) authorizing the

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issuance of general obligation bonds in an amount not to exceed \$100,000 for the purpose of paying the costs of park improvements, capitalized interest and bond issuance costs, an Initial Resolution (“Initial Resolution No. 2”) authorizing the issuance of general obligation bonds in an amount not to exceed \$3,180,000 for the purpose of paying the costs of street and sidewalk improvements, capitalized interest and bond issuance costs (collectively, the “Projects”); and an Initial Resolution authorizing the issuance of general obligation bonds in an amount not to exceed \$3,340,000 for the purpose of paying the cost of refunding the callable portion of the City’s \$4,960,000 General Obligation Corporate Purpose Bonds dated March 8, 2011 (the “2011 Bonds”) and bond issuance costs (the “Refunding”);

WHEREAS, following the adoption of Initial Resolution No. 1 and Initial Resolution No. 2, pursuant to the provisions of Section 67.05 of the Wisconsin Statutes, a notice was published in the MKE-Southwest NOW on February 27, 2019 stating the purpose and maximum principal amount of said bond issue and describing the opportunity and procedure for submitting a petition requesting a referendum on said bond issue;

WHEREAS, the period set forth in Section 67.05(7)(b) of the Wisconsin Statutes has expired and no petition for referendum has been filed with respect to the issuance of the general obligation bonds authorized by said Initial Resolutions;

WHEREAS, the Common Council deems the Projects to be within its powers to undertake and therefore to be a public purpose as defined in Section 67.04(1)(b) of the Wisconsin Statutes;

WHEREAS, the Common Council hereby deems it to be necessary, desirable and in the best interest of the City to refund the 2011 Bonds for the purpose of interest cost savings;

WHEREAS, the City is authorized by the provisions of Chapter 67 of the Wisconsin Statutes to issue general obligation bonds to refinance its outstanding obligations;

WHEREAS, the Common Council hereby finds and determines that the general obligation bond issues heretofore authorized shall be combined, issued and sold as a single issue of general obligation corporate purpose bonds in the aggregate principal amount of \$6,205,000;

WHEREAS, the City’s financial advisor, Ehlers & Associates, Inc., Waukesha, Wisconsin has taken the necessary steps to sell the proposed bond issue;

WHEREAS, a notice of sale was published in the Bond Buyer on March 13, 2019 offering the aforesaid general obligation bonds for public sale on April 3, 2019;

WHEREAS, sealed bid proposals were received as summarized in Exhibit C attached hereto; and

WHEREAS, it has been determined that the bid proposal (the “Proposal”) submitted by BOK Financial Securities, Inc., Milwaukee, Wisconsin, fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the City. A copy of said bid is attached hereto as Exhibit A and incorporated herein by this reference.

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

Section 1. Authorization and Award of the Bonds. For the purpose of paying the costs of the Projects and the Refunding there shall be borrowed pursuant to Section 67.04 of the Wisconsin Statutes,

the principal sum of SIX MILLION TWO HUNDRED FIVE THOUSAND DOLLARS (\$6,205,000). The bid proposal of BOK Financial Securities, Inc., Milwaukee, Wisconsin (the "Purchaser") is hereby accepted, said proposal offering to purchase the \$6,205,000 City of Greenfield General Obligation Corporate Purpose Bonds, Series 2019A (the "Bonds") for the sum of SIX MILLION FIVE HUNDRED SIXTY EIGHT THOUSAND EIGHT HUNDRED SEVENTY-ONE DOLLARS AND FIFTY-ONE CENTS (\$6,568,871.51), plus accrued interest to the date of delivery, resulting in a net interest cost of NINE HUNDRED SEVENTY SIX THOUSAND ONE HUNDRED NINETY-EIGHT DOLLARS AND SEVEN CENTS (\$976,198.07) and a true interest rate of 2.3649%.

Section 2. Designation of Purchaser as Agent. The City hereby designates the Purchaser as its agent for purposes of distributing the Final Official Statement relating to the Bonds to any participating underwriter in compliance with Rule 15c2-12 of the Securities and Exchange Commission.

Section 3. Terms of the Bonds. The Bonds shall be designated "General Obligation Corporate Purpose Bonds, Series 2019A"; shall be dated April 24, 2019; shall be in the denomination of \$5,000 or any integral multiple thereof; shall bear interest at the rates per annum and mature on the dates and in the years and principal amounts as set forth in the Pricing Summary attached hereto as Exhibit D and incorporated herein by this reference. Interest is payable semi-annually on March 1 and September 1 of each year commencing on September 1, 2019. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit E and incorporated herein by this reference (the "Schedule").

Section 4. Redemption Provisions. At the option of the City, the Bonds maturing on March 1, 2028 and thereafter shall be subject to redemption prior to maturity on March 1, 2027 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, from maturities selected by the City and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 5. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit B and incorporated herein by this reference.

Section 6. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged and a direct annual irrepealable tax shall be levied in the years 2019 through 2033 for payments due in 2020 through 2034 in the amounts set forth on the Schedule.

The aforesaid direct annual irrepealable tax hereby levied shall be collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City levied in said years are collected. So long as any part of the principal of or interest on the Bonds remains unpaid, the tax herein above levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created herein.

Proceeds of the Bonds in the amount of \$75,194.58 shall be irrevocably deposited in the Debt Service Fund Account for the Bonds created below and shall be used solely to pay the interest on the Bonds coming due on September 1, 2019.

Section 7. Debt Service Fund Account. There is hereby established in the City treasury a fund account separate and distinct from every other City fund or account designated “Debt Service Fund Account for \$6,205,000 City of Greenfield General Obligation Corporate Purpose Bonds, Series 2019A, dated April 24, 2019.” There shall be deposited in said fund account any premium plus accrued interest paid on the Bonds at the time of delivery to the Purchaser, all money raised by taxation pursuant to Section 6 hereof and all other sums as may be necessary to pay interest on the Bonds when the same shall become due and to retire the Bonds at their respective maturity dates. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished.

Section 8. Borrowed Money Fund. The proceeds of the Bonds (the “Bond Proceeds”) (other than any premium and accrued interest paid at the time of delivery which must be paid into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and disbursed solely for the purposes for which borrowed or for the payment of the principal of and interest on the Bonds.

Section 9. Arbitrage Covenant. The City shall not take any action with respect to the Bond Proceeds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of the delivery of and payment for the Bonds (the “Closing”), would cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”) and any income tax regulations promulgated thereunder (the “Regulations”).

The Bond Proceeds may be temporarily invested in legal investments until needed, provided however, that the City hereby covenants and agrees that so long as the Bonds remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Bonds, whether such moneys were derived from the Bond Proceeds or from any other source, will not be used or invested in a manner which would cause the Bonds to be “arbitrage bonds” within the meaning of the Code or Regulations.

The City Clerk, or other officer of the City charged with responsibility for issuing the Bonds, shall provide an appropriate certificate of the City, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the City regarding the amount and use of the Bond Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 10. Additional Tax Covenants; Exemption from Rebate; Qualified Tax Exempt Obligation Status. The City hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Bonds) to assure that the Bonds are obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes, throughout their term. 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 as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the City to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Bonds will continue to be obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes.

With respect to that portion of the Bonds allocable to the Projects, the City anticipates that it will qualify for the "small issuer" exception from rebate in accordance with Section 148(f)(4)(D) of the Code. The City covenants that it is a governmental unit with general taxing powers; that the Bonds are not "private activity bonds" as defined in Section 141 of the Code; that ninety five percent (95%) or more of the net proceeds of the Bonds allocable to the Projects are to be used for local governmental activities of the City; and that the aggregate face amount of all tax exempt obligations (other than "private activity bonds" and that portion of the Bonds allocable to the Refunding) issued by the City, including all subordinate entities of the City, during calendar year 2019 will not exceed \$5,000,000. If for any reason the City did not qualify for the small issuer exemption or any other exemption from the rebate requirements of the Code, the City covenants that it would take all necessary steps to comply with such requirements.

The City anticipates that the portion of the Bonds allocable to the Refunding will qualify for the six month expenditure exemption from the rebate requirements of the Code. If for any reason the City did not qualify for the six month exemption or any other exemption from the rebate requirements of the Code, the City covenants that it would take all necessary steps to comply with such requirements.

The City hereby designates the Bonds to be "qualified tax-exempt obligations" pursuant to the provisions of Section 265(b)(3) of the Code and in support of such designation, the City Clerk or other officer of the City charged with the responsibility for issuing the Bonds, shall provide an appropriate certificate of the City as of the date of delivery and payment for the Bonds.

Section 11. Persons Treated as Owners; Transfer of Bonds. The City Clerk shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the City Clerk, 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 City Clerk shall 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 City Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The City Clerk shall cancel any Bond surrendered for transfer.

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

The 15th day of each calendar month next preceding each interest payment date shall be the record date for the Bonds. Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City maintained by the City Clerk at the close of business on the corresponding record date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only-System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City has heretofore agreed to the applicable provisions set forth in the DTC Blanket

Issuer Letter of Representation and the Clerk has executed such Letter of Representation and delivered it to the DTC on behalf of the City.

Section 13. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as “final” as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the “Rule”). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The appropriate City official shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 14. Execution of the Bonds. The Bonds shall be issued in typewritten form, one Bond for each maturity, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk (except that one of the foregoing signatures shall be manual), sealed with its official or corporate seal, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the delivery of the Bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute and deliver all documents as may be necessary and convenient to effectuate the Closing.

Section 15. Payment of the Bonds. The principal of and interest on the Bonds shall be paid by the Treasurer or his or her agent in lawful money of the United States.

Section 16. Redemption of the 2011 Bonds. The City hereby calls the callable portion of the 2011 Bonds for redemption on May 8, 2019 or such other date as determined by the Finance Director in consultation with the City’s financial advisor. The City hereby directs the City Clerk to cause a notice of redemption for the refunded portion of the 2011 Bonds to be given in the form and as provided in Exhibit F attached hereto.

Section 17. Continuing Disclosure. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of its Continuing Disclosure Certificate which the City will execute and deliver on the Closing Date. Any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section.

Section 18. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the City or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted this 3rd day of April, 2019.

APPROVED:

Michael J. Neitzke
Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen
Jennifer Goergen, City Clerk

(SEAL)

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke returned to Agenda Item #7.*

6. Aldermanic Reports – None.

At this time, Mayor Neitzke proceeded to Agenda Item #7.

*Aldersperson Lubotsky said the Greenfield High School Hawk's Drama will present 6 shows of Beauty and the Beast from April 5 – April 13.

At this time, Mayor Neitzke proceeded to Agenda Item #5a.

7. Announcements – Mayor Neitzke said Breakfast with the Easter Bunny is April 13 from 9 a.m. – 10:30 a.m. at the Greenfield Community Center; contact the Parks and Recreation Dept. at 329-5370 for tickets. The Easter Egg Scramble will be April 13 from 11 a.m. to noon at Konkel Park. The 29th Annual Arbor Day celebration is May 4, 2019 at 10 a.m. at the Greenfield Middle School; contact the Dept. of Public Works or the Parks & Recreation Dept. or Joan Stevens at 545-3381 for more information. The Greenfield Little League opening day is May 4. The Greenfield Clean Up Green Up Day is May 18; pre-registration is required with the Parks & Recreation Dept. online or by calling 329-5373.

*At this time Mayor Neitzke returned to Agenda Item #6.**

*Aldersperson Saryan said there would be a beer tasting event May 4, 2019 from 7 p.m. to 10 p.m. at the Root River Center for the Greenfield High School Band Boosters; tickets are \$30 in advance or \$35 at the door. Contact the band boosters on Facebook or through their website.

8. Citizen Commentary – none

9. Appointments to various committees and commissions:

a. Mayor appointments, confirmed by Council:

(1) One member to the Zoning Board of Appeals for a term to expire 5/1/20 (formerly Donald

Kopp) – to be placed on the **NEXT AGENDA**.

- (2) One alternate member to the Board of Review for a term to expire 5/1/24 (newly created position) – to be placed on the **NEXT AGENDA**.

b. **Mayor appointments:**

- (1) One alternate member to the Zoning Board of Appeals for a term to expire 5/1/21 (formerly Denise Kunz) – to be placed on the **NEXT AGENDA**.

10. It was moved by Alderperson Bailey, seconded by Alderperson Akers, to appoint Michael Grota as the City Assessor. Motion carried unanimously.

11. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to approve issuance of an operator license to the following:

Hoff, Scott A. – W189 S6404 Preston Ln

Nava Jaimes, Esmeralda – 6312 W. Beloit Rd.

Motion carried unanimously.

12. It was moved by Alderperson Lubotsky, seconded by Alderperson Kastner, to approve a Temporary Class “B” Retailers License for the Harley Owners Group-Milwaukee Chapter to sell fermented malt beverages at Forever Wild Women’s Event to be held indoors on May 18, 2019 from 9 a.m. to 4 p.m. at 6221 W. Layton Ave.; *included Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12*. Motion carried unanimously.

13.-15. It was moved by Alderperson Saryan, seconded by Alderperson Kastner, to approve the following:

Approve disbursements in the amount of \$12,927,631.98.

Approve mileage reimbursements in the amount of \$346.33.

Approve investments and reinvestments.

Motion carried unanimously.

16. Department of Neighborhood Services

a. It was moved by Alderperson Kastner, seconded by Alderperson Akers, to award a contract to Breckenridge Landscape for \$89,508.20 for the City Hall Permeable Paver Project. On a roll call vote, motion carried unanimously.

b. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to sign an agreement with Milwaukee County for the Greenfield share of the cost to install street lights on S. 92nd St. and a traffic signal at S. 92nd St. and W. Cold Spring Rd. for \$218,074.79.

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Department of Neighborhood Services Director Jeff Katz said the city is funding street lights on S. 92nd Street from W. Forest Home Ave. to W. Cold Spring Rd., and the city and county are splitting the cost of the traffic signal at S. 92nd St. and W. Cold Spring Rd.

Aldersperson Bailey asked if residents supported the street lights; Mr. Katz said yes.

On a roll call vote, motion carried unanimously.

- c. It was moved by Aldersperson Kastner, seconded by Aldersperson Akers, to sign an agreement with Milwaukee County for the Greenfield share of the cost to operate and maintain a traffic signal at the intersection of S. 92nd St. and W. Cold Spring Rd. On a roll call vote, motion carried unanimously.
- d. It was moved by Aldersperson Akers, seconded by Aldersperson Saryan, to accept a grant from the Milwaukee Metropolitan Sewerage District for trees. Motion carried unanimously.

Mr. Katz said the \$98,797 grant is for purchasing and planting trees.

17. City Attorney's Report

- a. It was moved by Aldersperson Akers, seconded by Aldersperson Kastner, for the Common Council to go into closed session at 7:28 p.m. pursuant to Wisconsin Statutes, Section 19.85(1)(b), (c) & (f) for the following:
 - (1) Considering licensure, social or personal history, or medical information for purposes of issuing a 2018-2019 operator license to Michael E. Kellar
 - (2) Considering licensure, social or personal history, or medical information for purposes of issuing a 2018-2019 operator license to William A. Kreuser
 - (3) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

On a roll call vote, motion carried unanimously.

- b. It was moved by Aldersperson Kastner, seconded by Aldersperson Akers, to adjourn closed session at 8:09 p.m. and reconvene into open session. Motion carried unanimously.
- c. It was moved by Aldersperson Bailey, seconded by Aldersperson Kastner, to approve issuance of a 2018-2019 operator license to Michael E. Kellar. Motion carried unanimously.
- d. It was moved by Aldersperson Bailey, seconded by Aldersperson Lubotsky, to approve issuance of a 2018-2019 operator license to William A. Kreuser. Motion carried unanimously.
- e. It was moved by Aldersperson Kastner, seconded by Aldersperson Akers, to follow the Police & Fire Commission recommendation for a contingent employment offer to the new Police Chief candidate

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and to set salary consistent with the midpoint range of the 2019 Non-Represented Resolution. On a roll call vote, motion carried unanimously.

18. Items for future agenda - none

19. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to adjourn the meeting at 8:12 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Sheryl Hartman, Deputy Clerk
Distributed: April 8, 2019