

Village of Fox Crossing Board of Trustees Regular Meeting
Monday, June 11, 2018 – 6:00 p.m.
Municipal Complex - Arden Tews Assembly Room
2000 Municipal Drive, Neenah WI 54956
Agenda

1. **Call to Order, Pledge of Allegiance and Roll Call**
2. **Awards/Presentations**
 - a) Recognition of Fire Chief Keith Kiesow on his Retirement from the Village of Fox Crossing – Village President Dale Youngquist
 - b) Fox Cities Sports Facility Presentation – Fox Cities Convention & Visitors Bureau Executive Director Pam Seidl
3. **Public Hearings**
4. **Minutes to Approve/ Minutes and Correspondence to Receive**
 - Minutes to Approve**
 - a) Special Village Board Meeting – May 21, 2018
 - b) Regular Village Board Meeting – May 21, 2018
 - Minutes and Correspondence to Receive**
 - c) Neenah-Menasha Sewerage Commission Meetings – March 27, 2018, April 24, 2018 and May 1, 2018
 - d) Fox West Regional Sewerage Commission Meeting – May 2, 2018
5. **Public Comments Addressed to the Village Board.** Individuals properly signed in may speak directly to the Village Board on non-repetitive village matters whether on, or not on the agenda. However, no announcements of candidacy for any elected position will be permitted. Commenters must wait to be called, must speak from the podium, directing their comments to the board. Comments must be orderly. A maximum of 2-minutes per person is allowed and you must return to the audience when signaled to do so. Public comment is not permitted outside of this public comment period. Note: The board's ability to act on or respond to public comments is limited by Chapter 19, WI Stats. To address the Village Board, complete the Public Participation signup sheet.
6. **Discussion Items**
7. **Unfinished Business**
8. **New Business- Resolutions/Ordinances/Policies**
 - a) 180611-1 Resolution Authorizing the Issuance and Sale of \$2,010,000 Waterworks System and Sewerage System Revenue Bonds of the Village of Fox Crossing, Winnebago County, Wisconsin, and Providing for the Payment of the Bonds and Other Details with Respect to the Bonds
 - b) 180611-2 Resolution Authorizing the Issuance and Sale of \$5,140,000 General Obligation Promissory Notes
 - c) 180611-3 Change Order #1 & Final – Oneida Street Water Main Directional Bore
 - d) 180611-4 Award Bid – Sanitary Sewer Main Upgrade on Midway Road/WIS 441 Interchange Ramp Project
 - e) 180611-5 Memorandum of Agreement for Stormwater Detention Pond Construction and Maintenance between the Village of Fox Crossing, City of Menasha, Winnebago County, and the Wisconsin Department of Transportation, for DOT Pond #2
 - f) 180611-6 Memorandum of Agreement for Stormwater Detention Pond Construction and Maintenance between the Village of Fox Crossing and the Wisconsin Department of Transportation, for DOT Pond #1
 - g) 180611-7 Memorandum of Agreement for Stormwater Detention Pond Construction and Maintenance between the Village of Fox Crossing and the Wisconsin Department of Transportation, for DOT Pond #6
 - h) 180611-8 Accept the Electronic Compliance Maintenance Annual Report (eCMAR)
 - i) 180611-9 Approve Fire Chief Work Agreement Letter for Brian Harbison
 - j) 180611-10 Annual Alcohol Beverage License Renewal Applications for the Term July 1, 2018 – June 30, 2019
 - k) 180611-11 Annual Beer Garden License Renewal Applications for the Term July 1, 2018 – June 30, 2019
 - l) 180611-12 Annual Mechanical Amusement License Renewal Applications for the Term July 1, 2018 – June 30, 2019
 - m) 180611-13 Operator License Applicants for the Two-Year Term 2016 – 2018
 - n) 180611-14 Operator License Applicants for the Two-Year Term 2018 – 2020
 - o) 180611-15 Approve Transient Merchant Permit for Southwestern Advantage, Tessa LaPlante
 - p) 180611-16 Expenditures

A quorum of Police & Fire, Planning, and Park Commissions may be present, although official action by those bodies will not be taken; the only business to be conducted is for Village Board action.

Those individuals requiring the assistance of a sign language interpreter to participate in this meeting may call 720.7101 a minimum of five business days prior to the meeting.

- q) 180611-1:ORD Amend Village of Fox Crossing Municipal Code Chapter 19 Municipal Judge and Court *First Reading, Second Reading and Adoption*
- r) 180611-17 Resolution Authorizing the Execution and Delivery of Documents Relating to the Fox Cities Sports Facility Project

9. Reports

- a) Village Manager Jeffrey Sturgell – Selection of New Village of Fox Crossing Fire Chief Brian Harbison
- b) Police Chief Tim G. Seaver – Summer Safety Night at the Municipal Complex Grounds on June 21, 2018 from 4:30 p.m. to 7:00 p.m.

10. Closed Session

Motion for the Village of Fox Crossing Board of Trustees to convene into Closed Session, pursuant to WI Statute 19.85(1)(e), specifically to deliberate negotiation terms for the potential purchase of property located on East Shady Lane in the Village of Fox Crossing. Additionally, pursuant to WI Statutes 19.85(1)(c), 19.85(1)(f), and 19.85(1)(g), the Board will convene into Closed Session specifically to confer with legal counsel regarding an internal personnel complaint.

Pursuant to 19.85(2) of the Wisconsin Statutes, the Village Board will reconvene into open session.

11. Adjourn

A quorum of Police & Fire, Planning, and Park Commissions may be present, although official action by those bodies will not be taken; the only business to be conducted is for Village Board action.

Those individuals requiring the assistance of a sign language interpreter to participate in this meeting may call 720.7101 a minimum of five business days prior to the meeting.

RES #180611-1

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$2,010,000
WATERWORKS SYSTEM AND SEWERAGE SYSTEM REVENUE BONDS OF THE
VILLAGE OF FOX CROSSING, WINNEBAGO COUNTY, WISCONSIN, AND
PROVIDING FOR THE PAYMENT OF THE BONDS AND OTHER DETAILS WITH
RESPECT TO THE BONDS**

WHEREAS, the Village of Fox Crossing, Winnebago County, Wisconsin (the "Village") now owns and operates its Waterworks System and its Sewerage System, public utilities (the Waterworks System and the Sewerage System and all properties of every nature in connection with such Systems now or hereafter owned by the Village, including all improvements and extensions thereto, all real and personal property of every nature comprising part of and used or useful in connection therewith, and all appurtenances, contracts, leases, franchises and other intangibles, but excluding the treatment facilities operated by Grand Chute Menasha West Sewerage Commission are hereinafter referred to collectively as the "System"); and

WHEREAS, prior to the incorporation of the Village in 2016, the System was owned and operated by the Town of Menasha (the "Town") but now is a public utility of the Village; and

WHEREAS, pursuant to a resolution adopted on June 11, 2012 (the "2012 Resolution"), the Town issued its Waterworks System and Sewerage System Revenue Refunding Bonds, dated July 2, 2012 (the "2012 Bonds"), which bonds are payable from the income and revenues of the System; and

WHEREAS, pursuant to a resolution adopted on January 13, 2014 (the "2014 Resolution"), the Town issued its Waterworks System and Sewerage System Revenue Refunding Bonds, dated February 3, 2014 (the "2014 Bonds"), which bonds are payable from the income and revenues of the System and are on a parity with the 2012 Bonds; and

WHEREAS, pursuant to a resolution adopted on January 12, 2015 (the "2015A Resolution"), the Town issued its Waterworks System and Sewerage System Revenue Refunding Bonds, dated February 9, 2015 (the "2015A Bonds"), which bonds are payable from the income and revenues of the System and are on a parity with the 2012 Bonds and the 2014 Bonds; and

WHEREAS, pursuant to a resolution adopted on October 26, 2015 (the "2015B Resolution"), the Town issued its Waterworks System and Sewerage System Revenue Bonds, Series 2015B, dated November 16, 2015 (the "2015B Bonds"), which bonds are payable from the income and revenues of the System and are on a parity with the 2012 Bonds, the 2014 Bonds and the 2015A Bonds; and

WHEREAS, the 2012 Bonds, the 2014 Bonds, the 2015A Bonds and the 2015B Bonds are now obligations of the Village, payable from the income and revenue of the System; and

WHEREAS, pursuant to a resolution adopted on March 13, 2017 (the "2017 Resolution"), the Village issued its Waterworks System and Sewerage System Revenue Bonds, dated April 3, 2017 (the "2017 Bonds"), which bonds are payable from the income and revenues of the System and are on a parity with the 2012 Bonds, the 2014 Bonds, the 2015A Bonds and the 2015B Bonds; and

WHEREAS, the Village has determined that certain additions, improvements and extensions to the System (the "Project") are necessary to adequately supply the needs of the Village and the residents thereof; and

WHEREAS, under the provisions of Chapter 66, Wis. Stats., any municipality in the State of Wisconsin may, by action of its governing body, provide funds for extending, adding to and improving a public utility, which bonds are to be payable only from the income and revenues derived from the operation of such utility and are to be secured by a pledge of the revenues of the utility; and

WHEREAS, it is necessary, desirable and in the best interests of the Village to authorize and sell revenue bonds for the purpose described above, which bonds shall be payable solely from the revenues to be derived from the operation of the System and are to be authorized and issued pursuant to the provisions of Section 66.0621, Wisconsin Statutes on a parity with the Outstanding Prior Issues (defined below); and

WHEREAS, the 2012 Resolution, the 2014 Resolution, the 2015A Resolution, the 2015B Resolution and the 2017 Resolution permit the issuance of bonds payable from revenues of the System on a parity with the outstanding 2012 Bonds, 2014 Bonds, 2015A Bonds, 2015B Bonds and 2017 Bonds (collectively, the "Outstanding Prior Issues") upon certain conditions, and those conditions have been met.

NOW, THEREFORE, the Village Board of the Village of Fox Crossing, Winnebago County, Wisconsin, do resolve that:

Section 1A. Authorization of Bonds. For the purpose of paying the cost of the Project, the Village shall borrow on the credit of the income and revenue of the System the sum of \$2,010,000. Negotiable, fully-registered bonds of the Village (the "Bonds"), in the denomination of \$5,000, or any whole multiple thereof, shall be issued in evidence thereof. The Bonds shall be designated "Waterworks System and Sewerage System Revenue Bonds", shall be numbered from R-1 upward and shall be dated July 12, 2018. The Bonds shall bear interest at the rates per annum set forth in the Bond Purchase Agreement attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal") and shall mature on May 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference.

Interest on the Bonds shall be payable on May 1 and November 1 of each year, commencing November 1, 2018. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

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

The Bonds maturing on May 1, 2025 and thereafter shall be subject to redemption prior to maturity, at the option of the Village, on May 1, 2024 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the Village and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of

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

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

The Bonds, together with interest thereon, shall be payable only out of the Special Redemption Fund hereinafter provided, and shall be a valid claim of the owner thereof only against the Special Redemption Fund and the revenues pledged to such Fund, and sufficient revenues are pledged to the Special Redemption Fund, and shall be used for no other purpose than to pay the principal of and interest on the Outstanding Prior Issues, the Bonds and Parity Bonds as the same fall due.

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

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

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

"Annual Debt Service Requirement" means the total amount of principal and interest due on the Outstanding Prior Issues, the Bonds and Parity Bonds in any Bond Year.

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

"Clean Water Fund Bonds" means the Sewerage System Revenue Bonds, Series 2004 and the Sewerage System Revenue Bonds, Series 2009, which were issued by the Town, and any additional bonds which are payable from revenues of the treatment facility operated by the Grand Chute Menasha West Sewerage Commission.

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

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

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

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

"Operation and Maintenance Expenses" means the reasonable and necessary costs of operating, maintaining, administering and repairing the System, including salaries, wages, costs of materials and supplies, insurance and audits, and specifically including payments made by the Village to the Grand Chute Menasha West Sewerage Commission representing debt service payments on the Clean Water Fund Bonds, but excluding depreciation, tax equivalents and debt service (other than debt service on the Clean Water Fund Bonds).

"Parity Bonds" means additional bonds issued on a parity as to pledge and lien with the Bonds in accordance with the provisions of Section 9 of this Resolution.

"Reserve Requirement" means an amount equal to the least of (i) the amount currently on deposit in the Reserve Account plus an amount equal to 10% of the proceeds of the Bonds, (ii) maximum annual debt service on the Outstanding Prior Issues and the Bonds in any Bond Year, or (iii) 125% of the average annual debt service on the Outstanding Prior Issues and the Bonds. If Parity Bonds which are to be secured by the Reserve Account are issued, "Reserve Requirement" shall mean the amount on deposit in the Reserve Account prior to the issuance of such Parity Bonds, plus the amount permitted to be deposited therein from the proceeds of the Parity Bonds pursuant to Section 148(d)(1) the Code, but shall not exceed the maximum amount of principal and interest due on the Outstanding Prior Issues, Bonds and Parity Bonds in any Bond Year.

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

Section 4. Income and Revenue Funds. When the Bonds shall have been delivered in whole or in part, the Revenues shall be set aside into the Waterworks System Revenue Fund and Sewerage System Revenue Fund, respectively, and shall be transferred into the following separate and special funds, which funds were created and established by a resolution adopted April 10, 2000 (the "2000 Resolution") and are hereby continued and shall be used and applied as described below:

- Revenues of the Waterworks System in amounts sufficient to provide for the reasonable and proper operation and maintenance of the Waterworks System through the payment of Operation and Maintenance Expenses shall be set aside into the "Waterworks System Operation and Maintenance Fund."
- Revenues of the Sewerage System in amounts sufficient to provide for the reasonable and proper operation and maintenance of the Sewerage System through the payment of Operation and Maintenance Expenses shall be set aside into the "Sewerage System Operation and Maintenance Fund."
- Revenues of the Waterworks System and Sewerage System in amounts sufficient to pay the principal of and interest on the Outstanding Prior Issues, the Bonds and Parity Bonds and to meet

debt service reserve requirements shall be set aside into the "Waterworks System and Sewerage System Revenue Bond and Interest Special Redemption Fund" (the "Special Redemption Fund") to be applied to the payment of the principal and interest on the Outstanding Prior Issues, the Bonds and Parity Bonds. The monies standing in the Special Redemption Fund are irrevocably pledged to the payment of principal of and interest on the Outstanding Prior Issues, the Bonds and Parity Bonds.

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

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

The Waterworks System Operation and Maintenance Fund and the Sewerage System Operation and Maintenance Fund (the "Operation and Maintenance Funds") and the Waterworks System Depreciation Fund and the Sewerage System Depreciation Fund (the "Depreciation Funds") shall be deposited as received in public depositories to be selected by the Village Board in the manner required by Chapter 34 of the Wisconsin Statutes and may be invested in legal investments subject to the provisions of Section 66.0603(1m), Wis. Stats.

Money in the Operation and Maintenance Funds shall be used to pay Operation and Maintenance Expenses as the same come due; money not immediately required for Operation and Maintenance Expenses shall be used first to remedy any deficiency in the Special Redemption Fund and next to accumulate a reserve in the Operation and Maintenance Funds equal to estimated Operation and Maintenance Expenses for one month. Any money then available and remaining in the respective Operation and Maintenance Funds may be transferred to the Waterworks System Surplus Fund or the Sewerage System Surplus Fund, which funds are hereby continued.

Revenues of the Waterworks System shall be deposited into the Waterworks System Depreciation Fund each month until such amount as may from time to time be established by the Village Board (the "Waterworks System Depreciation Fund Requirement") is accumulated therein. Revenues of the Sewerage System shall be deposited into the Sewerage System Depreciation Fund each month until such amount as may from time to time be established by the Village Board (the "Sewerage System Depreciation Fund Requirement") is accumulated therein. Money in the Depreciation Funds shall be available and shall be used, whenever necessary, to restore any deficiency in the Special Redemption Fund and for the maintenance of the Reserve Account therein. When the Special Redemption Fund is sufficient for its purposes, money in the Depreciation Funds may be expended for repairs, replacements, new construction, extensions or additions to the System. Any money on deposit in the Waterworks System Depreciation Fund in excess of the Waterworks System Depreciation Fund Requirement or in the Sewerage System Depreciation Fund in excess of the Sewerage System Depreciation Fund Requirement and not required during the current Fiscal Year for the purposes of the Depreciation Funds, may be transferred to the respective Surplus Fund.

It is the express intent and determination of the Village Board that the amount of Revenues to be set aside and paid into the Special Redemption Fund (including the Reserve Account) shall in

any event be sufficient to pay principal of and interest on the Outstanding Prior Issues, the Bonds and Parity Bonds and to meet reserve requirements, and the Village Treasurer shall from year to year deposit at least sufficient Revenues in the Special Redemption Fund to pay promptly all principal and interest falling due on the Outstanding Prior Issues, the Bonds and Parity Bonds and to meet reserve requirements.

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

The minimum amounts to be so deposited for debt service on the Bonds, in addition to all amounts to be deposited to pay debt service on the Outstanding Prior Issues, are set forth on the Schedule.

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

The Reserve Account established by Section 4 of the 2000 Resolution shall be continued to additionally secure the payment of principal of and interest on the Outstanding Prior Issues and the Bonds. The Village covenants and agrees that upon issuance of the Bonds, an amount equal to the Reserve Requirement shall be on deposit in the Reserve Account and shall be maintained therein. The Village covenants and agrees that if at any time the Reserve Account is drawn upon and the amount in the Reserve Account shall be less than the Reserve Requirement, there will be paid an amount equal to one-twelfth of the Reserve Requirement monthly into the Reserve Account from those funds in the Special Redemption Fund, the Operation and Maintenance Funds, the Depreciation Funds and the Surplus Fund which are in excess of the minimum amounts required by the preceding paragraphs to be paid therein until the Reserve Requirement will again have accumulated in the Reserve Account. No such payments need be made into the Reserve Account at such times as the monies in the Reserve Account are equal to the highest Annual Debt Service Requirement on the Outstanding Prior Issues, Bonds and Parity Bonds. If for any reason there shall be insufficient funds on hand in the Special Redemption Fund to meet principal or interest becoming due on the Outstanding Prior Issues, the Bonds or the Parity Bonds, then all sums then held in the Reserve Account shall be used to pay the portion of interest or principal on such Outstanding Prior Issues, Bonds or Parity Bonds becoming due as to which there would otherwise be default, and thereupon the payments required by this paragraph shall again be made into the Reserve Account until an amount equal to the Reserve Requirement is on deposit in the Reserve Account.

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

Money in the Surplus Funds shall first be used when necessary to meet requirements of the respective Operation and Maintenance Funds including the one month reserve, the Special

Redemption Fund including the Reserve Account, and the respective Depreciation Funds. Any money then remaining in the Surplus Funds at the end of any Fiscal Year may be used only as permitted and in the order specified in Section 66.0811(2), Wis. Stats. Money thereafter remaining in the Surplus Funds may be transferred to any of the funds or accounts created by this section.

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

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

It will faithfully and punctually perform all duties with reference to the System required by the Constitution and Statutes of the State of Wisconsin, including the making and collecting of reasonable and sufficient rates lawfully established for services rendered by the System, and will segregate the Revenues of the System and apply them to the respective funds and accounts described hereinabove;

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

It will cause the improvements to the System financed by the Bonds to be made as expeditiously as reasonably possible;

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 its Revenues or could impair the security of the Bonds;

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

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

Section 7. Books and Accounts; Inspection. The Village will keep proper books and accounts relative to the System separate from all other records of the Village and will cause such books and accounts to be audited annually by a recognized independent firm of certified public accountants including a balance sheet and a profit and loss statement of the System as certified by such accountants. Each such audit, in addition to whatever matters may be thought proper by the accountants to be included therein shall include the following: (1) a statement in detail of the income and expenditures of the System for the Fiscal Year; (2) a balance sheet as of the end of such Fiscal Year; (3) the accountants' comment regarding the manner in which the Village has carried out the requirements of this Resolution and the accountants' recommendations for any changes or improvements in the operation of the System; (4) the number of connections to the System at the end of the Fiscal Year, for each user classification (i.e., residential, commercial, public and industrial); (5) a list of the insurance policies in force at the end of the Fiscal Year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer, and the expiration date of the policy; and (6) the volume of water used in computing the sewer charge. Separate books and accounts may be maintained for the Waterworks System and the Sewerage System.

The owners of any of the Bonds shall have at all reasonable times the right to inspect the System and the records, accounts and data of the Village relating thereto.

Section 8. Insurance. So long as any of the Bonds are outstanding the Village will carry for the benefit of the owners of the Bonds: (a) adequate fire, lightning, vandalism, riot, strike, explosion, civil commotion, malicious damage, tornado and windstorm insurances on all portions of the System which are subject to loss through such casualties; (b) adequate insurance against loss of use and occupancy resulting from such casualties; (c) adequate public liability insurance and (d) insurance of the kinds and in the amounts normally carried by private companies engaged in the operation of similar systems. All money received for loss of use and occupancy shall be considered Revenue of the System payable into the separate funds and accounts named in Section 4 of this Resolution. All money received for losses under any of such casualty policies, except those specified in (b) above, shall be used in repairing the damage or in replacing the property destroyed provided that if the Village Board shall find it is inadvisable to repair such damage or replace such property and that the operation of the System has not been impaired thereby, such money, including proceeds from insurance under (b) above, shall be deposited in

the Special Redemption Fund, but in that event such payments shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund.

Section 9. Additional Bonds. The Bonds are issued on a parity with the Outstanding Prior Issues. No bonds or obligations payable out of the Revenues of the System may be issued in such manner as to enjoy priority over the Bonds. Additional obligations may be issued if their lien and pledge is junior and subordinate to that of the Bonds. Additional obligations may be issued on a parity with the Bonds as to the pledge of Revenues of the System ("Parity Bonds") only if all of the following conditions are met:

- a. The Net Revenues of the System for the Fiscal Year immediately preceding the issuance of such additional bonds must have been equal to at least 1.25 times the highest annual principal and interest requirements on all bonds outstanding payable from Revenues of the System and on the Bonds then to be issued in any Fiscal Year. Should an increase in permanent rates and charges, including those made to the Village, be properly ordered and made effective during the Fiscal Year immediately prior to the issuance of such additional bonds or during that part of the Fiscal Year of issuance prior to such issuance, then Revenues for purposes of such computation shall include such additional Revenues as an independent certified public accountant, consulting professional engineer or the Wisconsin Public Service Commission may certify would have accrued during the prior Fiscal Year had the new rates been in effect during that entire immediately prior Fiscal Year.
- b. The payments required to be made into the funds enumerated in Section 4 of this Resolution (including the Reserve Account, but not the Surplus Fund) must have been made in full.
- c. The additional bonds must have principal maturing on May 1 of each year and interest falling due on May 1 and November 1 of each year.
- d. If the Parity Bonds are to be secured by the Reserve Account, the amount on deposit in the Reserve Account must be increased to an amount equal to the Reserve Requirement applicable upon the issuance of Parity Bonds as defined in Section 3 of this Resolution.
- e. The proceeds of the additional bonds must be used only for the purpose of providing additions, extensions or improvements to the System, or to refund obligations issued for such purpose.

Section 10. Sale of Bonds. The Village shall sell and deliver the Bonds to Robert W. Baird & Co. Incorporated (the "Purchaser") for the purchase price set forth in the Proposal. The Proposal is hereby approved, and the Village Manager and Village Clerk or other appropriate Village officials are hereby authorized and directed to execute the same. The officers of the Village are authorized and directed to do any and all acts necessary to conclude delivery of the Bonds to the Purchaser, upon receipt of the purchase price, as soon after adoption of this Resolution as is convenient.

Section 11. Application of Bond Proceeds. All accrued interest received from the sale of the Bonds shall be deposited into the Special Redemption Fund. Such amount (if any) as is

necessary to make the amount currently on deposit in the Reserve Account equal to the Reserve Requirement shall be deposited in the Reserve Account. 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 "Waterworks System and Sewerage System Improvement Fund." Said special fund shall be adequately secured and used solely for the purpose of meeting costs of extending, adding to and improving the System, as described in the preamble hereof. 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 12. Amendment to Resolution. After the issuance of any of the Bonds, no change or alteration of any kind in the provisions of this Resolution may be made until all of the Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except:

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

Section 13. Defeasance. When all Bonds have been discharged, all pledges, covenants and other rights granted to the owners thereof by this Resolution shall cease. The Village may discharge all Bonds due on any date by depositing into a special account on or before that date a sum sufficient to pay the same in full; or if any Bonds should not be paid when due, it may nevertheless be discharged by depositing into a special account a sum sufficient to pay it in full with interest accrued from the due date to the date of such deposit. The Village, at its option, may also discharge all Bonds called for redemption on any date when they are prepayable according to their terms, by depositing into a special account on or before that date a sum sufficient to pay them in full, with the required redemption premium, if any, provided that notice of redemption has been duly given as required by this Resolution. The Village, at its option, may also discharge all Bonds of said issue at any time by irrevocably depositing in escrow with a suitable bank or trust company a sum of cash and/or bonds or securities issued or guaranteed as to principal and interest of the U.S. Government, or of a commission, board or other instrumentality of the U.S. Government, maturing on the dates and bearing interest at the rates required to provide funds sufficient to pay when due the interest to accrue on each of said Bonds to its maturity or, at the Village's option, if said Bond is prepayable to any prior date upon which it may be called for redemption, and to pay and redeem the principal amount of each such Bond at maturity, or at the Village's option, if said Bond is prepayable, at its earliest redemption date, with the premium required for such redemption, if any, provided that notice of the redemption of all prepayable Bonds on such date has been duly given or provided for.

Section 14. Investments and Arbitrage. Monies accumulated in any of the funds and accounts referred to in Sections 4 and 11 hereof which are not immediately needed for the respective purposes thereof, may be invested in legal investments subject to the provisions of Sec. 66.0603(1m), Wis. Stats., until needed. All income derived from such investments shall be credited to the fund or account from which the investment was made; provided, however, that at any time that the Reserve Requirement is on deposit in the Reserve Account, any income derived from investment of the Reserve Account shall be deposited into the Special Redemption Fund and used to pay principal and interest on the Bonds. A separate banking account is not required for each of the funds and accounts established under this Resolution; however, the monies in each fund or account shall be accounted for separately by the Village and used only for the respective purposes thereof. The proceeds of the Bonds shall be used solely for the purposes for which they are issued but may be temporarily invested until needed in legal investments. No such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations of the Commissioner of Internal Revenue thereunder (the "Regulations").

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

Section 15. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Village 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 12, 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 Village, the governing body thereof, and any and all officers and agents thereof including, but without limitation, the right to require the Village, 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 16. 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 Village agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the Village and on file in the Village Clerk's office.

Section 17. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Village Clerk or Village Treasurer (the "Fiscal Agent").

[Section 18. Mandatory Redemption of the Term Bonds; Agent. The Village Board hereby authorizes the appropriate officers of the Village to enter into a mandatory redemption agreement with Associated Trust Company, National Association, Green Bay, Wisconsin to provide the notices required in connection with the mandatory redemption of the Term Bonds (as defined on Exhibit MRP) in a timely and appropriate manner.]

Section 19. Persons Treated as Owners; Transfer of Bonds. The Village shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

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

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

Section 20. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the Village at the close of business on the Record Date.

Section 21. Compliance with Federal Tax Laws. (a) The Village represents and covenants that the projects financed by the Bonds and the ownership, management and use of the projects will not cause the Bonds to be "private activity bonds" within the meaning of Section 141 of the Code. The Village 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 Village further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The Village Clerk or other officer of the Village charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the Village certifying that the Village can and covenanting that it will comply with the provisions of the Code and Regulations.

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

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

Section 23. Official Statement. The Village Board 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 Village 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 the closing of the Bonds, the appropriate Village official shall certify the Preliminary Official Statement or Final Official Statement. The Village Clerk shall cause copies of the Preliminary Official Statement or Final Official Statement to be distributed to the Purchaser.

Section 24. Undertaking to Provide Continuing Disclosure. The Village hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the Village to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

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

Section 25. Record Book. The Village 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 26. Bond Insurance. The officers of the Village are authorized to take all actions necessary to obtain municipal bond insurance with respect to the Bonds. The President and Village Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the President and Village Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 27. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the Village by the manual or facsimile signatures of the President and Village 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 Village 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 Village has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The Village hereby authorizes the officers and agents of the Village 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.

DRAFT

Section 28 Conflicting Ordinances or Resolutions. All prior ordinances, resolutions (other than the 2012 Resolution, the 2014 Resolution, the 2015A Resolution, the 2015B Resolution and the 2017 Resolution), 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. In case of any conflict between this Resolution, the 2012 Resolution, the 2014 Resolution, the 2015A Resolution, the 2015B Resolution or the 2017 Resolution, the 2012 Resolution, the 2014 Resolution, the 2015A Resolution, the 2015B Resolution or the 2017 Resolution shall control so long as any bonds of the Outstanding Prior Issue authorized by such resolution are outstanding.

Adopted, approved and recorded June 11, 2018.

Requested by: Jeffrey Sturgell, Village Manager

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

EXHIBIT A

Bond Purchase Proposal

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

(See Attached)

DRAFT

EXHIBIT B-1

Pricing Summary

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

(See Attached)

DRAFT

EXHIBIT B-2

Debt Service Schedule

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

(See Attached)

DRAFT

EXHIBIT MRP

Mandatory Redemption Provision

The Bonds due on May 1, _____ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from special redemption fund deposits which are required to be made in amounts sufficient to redeem on May 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on May 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on May 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on May 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on May 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

EXHIBIT C

(Form of Bond)

REGISTERED	UNITED STATES OF AMERICA	DOLLARS
	STATE OF WISCONSIN	
	WINNEBAGO COUNTY	
NO. R-____	VILLAGE OF FOX CROSSING	\$_____
	WATERWORKS SYSTEM AND SEWERAGE SYSTEM REVENUE BOND	

MATURITY DATE:	ORIGINAL DATE OF ISSUE:	INTEREST RATE:	CUSIP:
May 1, _____	July 12, 2018	_____%	_____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$ _____)

FOR VALUE RECEIVED, the Village of Fox Crossing, Winnebago County, Wisconsin (the "Village"), 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 fund 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 is payable semi-annually on May 1 and November 1 of each year commencing on November 1, 2018 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by the Village Clerk or Village Treasurer (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 Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

The Bonds maturing on May 1, 2025 and thereafter are subject to redemption prior to maturity, at the option of the Village, on May 1, 2024 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the Village and within each maturity, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

[The Bonds maturing in the years _____ are subject to mandatory redemption by lot as provided in the Resolution referenced below at the redemption price of par plus accrued interest to the date of redemption and without premium.]

In the event the Bonds are redeemed prior to maturity, as long as the Bonds 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 Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds 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 Bonds shall no longer be deemed to be outstanding.

This Bond is one of an issue aggregating \$2,010,000, issued for the purpose of paying the cost of additions, improvements and extensions to the Waterworks System and Sewerage System of the Village, pursuant to Article XI, Section 3, of the Wisconsin Constitution, Section 66.0621, Wisconsin Statutes, acts supplementary thereto and a Resolution adopted June 11, 2018, and entitled: "A Resolution Authorizing the Issuance and Sale of \$2,010,000 Waterworks System and Sewerage System Revenue Bonds of the Village of Fox Crossing, Winnebago County, Wisconsin, and Providing for the Payment of the Bonds and Other Details with Respect to the Bonds" (the "Resolution") and is payable only from the income and revenues derived from the operation of said Waterworks System and Sewerage System. Such revenues have been set aside and pledged as a special fund for that purpose and identified as "Special Redemption Fund", created by a resolution adopted by the Village on April 10, 2000 and continued by the Resolution. The Bonds are issued on a parity with the Village's Waterworks System and Sewerage System Revenue Refunding Bonds, dated July 2, 2012, Waterworks System and Sewerage System Revenue Refunding Bonds, dated February 3, 2014, Waterworks System and Sewerage System Revenue Refunding Bonds, dated February 9, 2015, Waterworks System and Sewerage System Revenue Bonds, Series 2015B, dated November 16, 2015 and Waterworks System and Sewerage System Revenue Bonds, dated April 3, 2017. This Bond does not constitute an indebtedness of the Village within the meaning of any constitutional or statutory debt limitation or provision.

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

This Bond is transferable only upon the books of the Village 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 Bonds, and the Village appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, upon surrender of this Bond 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 Bond 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 Village 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 Bonds (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 Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and Village may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

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

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

VILLAGE OF FOX CROSSING,
WINNEBAGO COUNTY, WISCONSIN

By: _____
Dale A. Youngquist
President

(SEAL)

By: _____
Karen J. Backman
Village Clerk

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 Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Bond 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 Bond in every particular, without alteration or enlargement or any change whatever.

(Authorized Officer)

RES #180611-2

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$5,140,000 GENERAL OBLIGATION PROMISSORY NOTES

WHEREAS, the Village Board hereby finds and determines that it is necessary, desirable and in the best interest of the Village of Fox Crossing, Winnebago County, Wisconsin (the "Village") to raise funds for public purposes, including paying the cost of street improvement projects, park projects, acquisition and installation of an emergency generator, land acquisition and demolition, projects in Tax Incremental Districts No. 2 and No. 3, stormwater projects, water projects and other capital projects (collectively, the "Project") and refunding obligations of the Village, including interest on them, specifically, a State Trust Fund Loan with a closing date of December 28, 2010 (the "Refunded Obligation") (hereinafter the refinancing of the Refunded Obligation shall be referred to as the "Refunding");

WHEREAS, the Village Board hereby finds and determines that the Project is within the Village's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

WHEREAS, the Village Board deems it to be necessary, desirable and in the best interest of the Village to refund the Refunded Obligation for the purpose of achieving debt service savings;

WHEREAS, the Village is authorized by the provisions of Section 67.12(12), Wisconsin Statutes, to borrow money and issue general obligation promissory notes for such public purposes and to refinance its outstanding obligations; and

WHEREAS, it is the finding of the Village Board that it is necessary, desirable and in the best interest of the Village to sell its general obligation promissory notes (the "Notes") to Robert W. Baird & Co. Incorporated (the "Purchaser"), pursuant to the terms and conditions of its note purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village that:

Section 1. Authorization and Sale of the Notes. For the purpose of paying the cost of the Project and the Refunding, there shall be borrowed pursuant to Section 67.12(12), Wisconsin Statutes, the principal sum of FIVE MILLION ONE HUNDRED FORTY THOUSAND DOLLARS (\$5,140,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the President and Village Clerk or other appropriate officers of the Village are authorized and directed to execute an acceptance of the Proposal on behalf of the Village. To evidence the obligation of the Village, the President and Village 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 Village, the Notes aggregating the principal amount of FIVE MILLION ONE HUNDRED FORTY THOUSAND DOLLARS (\$5,140,000) 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 "General Obligation Promissory Notes"; shall be issued in the aggregate principal amount of \$5,140,000; shall be dated July 12, 2018; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on

April 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2019. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Notes maturing on April 1, 2025 and thereafter are subject to redemption prior to maturity, at the option of the Village, on April 1, 2024 or on any date thereafter. Said Notes are redeemable as a whole or in part, and if in part, from maturities selected by the Village, and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

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

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 C and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the Village are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the Village a direct annual irrepealable tax in the years 2018 through 2027 for payments due in the years 2019 through 2028 in the amounts set forth on the Schedule.

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

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

Section 6. Segregated Debt Service Fund Account.

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

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Promissory Notes, dated July 12, 2018" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the Village at the time of delivery of and payment for the Notes; (ii) any premium not used for the Refunding which may be received by the Village above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

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

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

Section 7. Proceeds of the Notes; Segregated Borrowed Money Fund. The proceeds of the Notes (the "Note Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the Village and disbursed solely for the purpose or purposes for which borrowed or for the payment of the principal of and the interest on the Notes. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or

purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the Village, 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 9. Compliance with Federal Tax Laws. (a) The Village represents and covenants that the projects financed by the Notes and by the Refunded Obligation and the ownership, management and use of the projects will not cause the Notes or the Refunded Obligation to be "private activity bonds" within the meaning of Section 141 of the Code. The Village 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 Village 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 Village Clerk or other officer of the Village charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the Village certifying that the Village can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The Village 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 Village 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 10. 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 11. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the Village by the manual or facsimile signatures of the President and Village 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 Village 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 Village 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 Village hereby authorizes the officers and agents of the Village 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 12. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by the Village Clerk or the Village Treasurer (the "Fiscal Agent").

Section 13. Persons Treated as Owners; Transfer of Notes. The Village 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 President and Village 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 Village shall cooperate in any such transfer, and the President and Village Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

Section 14. Record Date. The 15th day of the 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 Village at the close of business on the Record Date.

Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the Village agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations, which the Village Clerk or other authorized representative of the Village is authorized and directed to execute and deliver to DTC on behalf of the Village to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the Village Clerk's office.

Section 16. Official Statement. The Village Board 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 Village 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 the Closing, the appropriate Village official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The Village Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 17. Undertaking to Provide Continuing Disclosure. The Village 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 Village 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 President and Village Clerk, or other officer of the Village 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 Village's Undertaking.

Section 18. Prepayment of the Refunded Obligation. The Refunded Obligation shall be prepaid on July 12, 2018. The Village hereby directs the Village Clerk to work with the Purchaser to cause timely notice of prepayment to be sent to the Board of Commissioners of Public Lands by registered or certified mail at least 30 days prior to the prepayment date of the Refunded Obligation.

The Village hereby directs the Village Clerk to take all actions necessary for the prepayment of the Refunded Obligation. Any and all actions heretofore taken by the officers and agents of the Village to effectuate such prepayment are hereby ratified and approved.

Section 19. Record Book. The Village 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 20. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Notes, the officers of the Village are authorized to take all actions necessary to obtain such municipal bond insurance. The President and Village Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the President and Village Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the 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 21. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Village Board or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded June 11, 2018.

Requested by: Jeffrey Sturgell, Village Manager

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

EXHIBIT A

Note Purchase Proposal

To be provided by the Purchaser and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B-1

Pricing Summary

To be provided by the Purchaser and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by the Purchaser and incorporated into the Resolution.

(See Attached)

DRAFT

[EXHIBIT MRP

Mandatory Redemption Provision

The Notes due on April 1, ____, ____ and ____ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on April 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on April 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on April 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on April 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on April 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)]

EXHIBIT C

(Form of Note)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
WINNEBAGO COUNTY
NO. R-___ VILLAGE OF FOX CROSSING \$_____
GENERAL OBLIGATION PROMISSORY NOTE

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
April 1, _____ July 12, 2018 _____% _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$_____)

FOR VALUE RECEIVED, the Village of Fox Crossing, Winnebago County, Wisconsin (the "Village"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), 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 April 1 and October 1 of each year commencing on April 1, 2019 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 date shall be paid by wire transfer to the Depository in whose name this Note is registered on the Bond Register maintained by the Village Clerk or Village Treasurer (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding each 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.

For the prompt payment of this Note together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the Village are hereby irrevocably pledged.

This Note is one of an issue of Notes aggregating the principal amount of \$5,140,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the Village pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, for public purposes including paying the cost of street improvement projects, park projects, acquisition and installation of an emergency generator, land acquisition and demolition, projects in Tax Incremental Districts No. 2 and No. 3, stormwater projects, water projects and

other capital projects and refunding obligations of the Village, including interest on them, as authorized by a resolution adopted on June 11, 2018. Said resolution is recorded in the official minutes of the Village Board for said date.

The Notes maturing on April 1, 2025 and thereafter are subject to redemption prior to maturity, at the option of the Village, on April 1, 2024 or on any date thereafter. Said Notes are redeemable as a whole or in part, and if in part, from maturities selected by the Village, and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

[The Notes maturing in the years _____ are subject to mandatory redemption by lot as provided in the resolution authorizing the issuance and sale of the Notes, at the redemption price of par plus accrued interest to the date of redemption and without premium.]

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 of a maturity are to be called for redemption, the Notes of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Notes called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described 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; that the aggregate indebtedness of the Village, including this Note and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Note, together with the interest thereon, when and as payable.

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

This Note is transferable only upon the books of the Village 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 Village 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 Village 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 Village 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 or any integral multiple thereof.

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 Village of Fox Crossing, Winnebago 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 President and Village Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

VILLAGE OF FOX CROSSING
WINNEBAGO COUNTY, WISCONSIN

By: _____
Dale A. Youngquist
President

(SEAL)

By: _____
Karen J. Backman
Village Clerk

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)

RES #180611-3

CHANGE ORDER #1 & FINAL – ONEIDA STREET WATER MAIN DIRECTIONAL BORE

WHEREAS, on March 26, 2018, DeGroot Construction, Inc., was awarded the Oneida Street Water Main Directional Bore project, for the amount of \$145,849.13; and

WHEREAS, Change Order #1 consists of an increase of approximately \$6,225 for the addition of 200 feet of eight (8) inch water main, a decrease of approximately \$8,000 for boring 80 feet of water main as opposed to excavating the water main, and a decrease in other final quantity adjustments, resulting in an overall net decrease of \$1,953.00 to the contract; and

WHEREAS, Change Order #1 decreases the final contract price from \$145,849.13 to \$143,896.13; and

WHEREAS, it is the recommendation of Utility Superintendent David Tracey and Engineer Brad Werner to approve Change Order #1 to DeGroot Construction, Inc., for a new contract total of \$143,896.13.

NOW, THEREFORE, BE IT RESOLVED by the Village of Fox Crossing Board of Trustees to approve Change Order #1 & Final for the Oneida Street Water Main Directional Bore project, as attached, for an overall decrease in the amount of \$1,953.00 to **DeGroot Construction, Inc., 4201 Champion Road, Green Bay, Wisconsin**, for a new contract total of **\$143,896.13**.

Adopted this 11th day of June, 2018

Requested by: David Tracey, Utility Superintendent

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180611-4

AWARD BID – SANITARY SEWER MAIN UPGRADE ON MIDWAY ROAD/WIS 441 INTERCHANGE RAMP PROJECT

WHEREAS, bids for the Sanitary Sewer Main Upgrade on Midway Road/WIS 441 Interchange Ramp project were properly advertised in the *Post-Crescent*, and due in the Utility Office by 10:00 a.m. on May 23, 2018, at which time they were publicly opened and read; and

WHEREAS, the following four (4) bids were received:

<u>Contractor</u>	<u>Base Bid</u>	<u>Alternate A</u>	<u>Alternate B</u>
Woleske Construction Co. Inc., Beaver Dam	\$194,298	\$ 5,000	\$ 5,000
Globe Contractors, Inc., Pewaukee	\$200,632	\$10,000	\$10,000
Advance Construction, Green Bay	\$359,290	\$75,000	\$45,000
PTS Contractors, Green Bay	\$629,300	\$50,000	\$40,000

WHEREAS, it is the recommendation of Brad Werner, Utility Engineer, and David Tracey, Utility Superintendent, to award the bid to the lowest, most responsible bidder: Woleske Construction Co. Inc., for the Base Bid of \$194,298, Alternate Bid A for \$5,000, and Alternate B for \$5,000, resulting in a total bid amount of \$204,298.

NOW, THEREFORE, BE IT RESOLVED by the Village of Fox Crossing Board of Trustees that the bid for the Sanitary Sewer Main Upgrade on Midway Road/WIS 441 Interchange Ramp project be awarded to **Woleske Construction Co. Inc., 223 Woodline Drive, Unit 5, Beaver Dam, Wisconsin, for the Base Bid of \$194,298, Alternate Bid A for \$5,000, and Alternate B for \$5,000, resulting in a total bid amount of \$204,298.**

BE IT FURTHER RESOLVED, the Village President and Village Clerk are authorized to execute the Notice of Award.

Adopted this 11th day of June, 2018

Requested by: David Tracey, Utility Superintendent

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180611-5

MEMORANDUM OF AGREEMENT FOR STORMWATER DETENTION POND CONSTRUCTION AND MAINTENANCE BETWEEN THE VILLAGE OF FOX CROSSING, CITY OF MENASHA, WINNEBAGO COUNTY, AND WISCONSIN DEPARTMENT OF TRANSPORTATION, FOR DOT POND #2

WHEREAS, pursuant to Wisconsin Administrative Code NR 216 of the Wisconsin Department of Natural Resources, the Village of Fox Crossing maintains a municipal separate storm sewer system (MS-4) permit to reduce urban non-point source pollution; and

WHEREAS, over the last several years, the Village has constructed a series of stormwater detention ponds to conform to the mandates of the MS-4 permit; and

WHEREAS, the Wisconsin Department of Transportation (DOT) is presently conducting the US 10/WIS 441 Tri-County Expansion project and must construct stormwater facilities in order to meet their particulate reduction requirements for the project; and

WHEREAS, the Village of Fox Crossing, City of Menasha, and Winnebago County have negotiated an agreement with the DOT in which the DOT agrees to construct and maintain a stormwater detention pond entirely at the DOT's cost, and then the Village, City, and County agree to share in the future dredging costs of the pond; and

WHEREAS, the DOT would realize savings in the future dredging costs of the pond; and

WHEREAS, the Village, City, and County would realize savings in not having to construct the pond and conduct continual maintenance on the pond to meet MS-4 stormwater particulate permit requirements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Fox Crossing hereby approves the Memorandum of Agreement for Stormwater Detention Pond Construction and Maintenance between the Village of Fox Crossing, City of Menasha, Winnebago County, and the Wisconsin Department of Transportation, for DOT Pond #2, as attached.

Adopted this 11th day of June, 2018

Requested by: Jeffrey Sturgell, Village Manager

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180611-6

**MEMORANDUM OF AGREEMENT FOR STORMWATER DETENTION POND
CONSTRUCTION AND MAINTENANCE BETWEEN THE VILLAGE OF FOX
CROSSING AND WISCONSIN DEPARTMENT OF TRANSPORTATION, FOR DOT
POND #1**

WHEREAS, pursuant to Wisconsin Administrative Code NR 216 of the Wisconsin Department of Natural Resources, the Village of Fox Crossing maintains a municipal separate storm sewer system (MS-4) permit to reduce urban non-point source pollution; and

WHEREAS, over the last several years, the Village has constructed a series of stormwater detention ponds to conform to the mandates of the MS-4 permit; and

WHEREAS, the Wisconsin Department of Transportation (DOT) is presently conducting the US 10/WIS 441 Tri-County Expansion project and must construct stormwater facilities in order to meet their particulate reduction requirements for the project; and

WHEREAS, the Village of Fox Crossing has negotiated an agreement with the DOT in which the DOT agrees to construct and maintain a stormwater detention pond entirely at the DOT's cost, and then the Village agrees to share in the future dredging costs of the pond; and

WHEREAS, the DOT would realize savings in the future dredging costs of the pond; and

WHEREAS, the Village would realize savings in not having to construct the pond and conduct continual maintenance on the pond to meet MS-4 stormwater particulate permit requirements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Fox Crossing hereby approves the Memorandum of Agreement for Stormwater Detention Pond Construction and Maintenance between the Village of Fox Crossing and the Wisconsin Department of Transportation, for DOT Pond #1, as attached.

Adopted this 11th day of June, 2018

Requested by: Jeffrey Sturgell, Village Manager

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180611-7

**MEMORANDUM OF AGREEMENT FOR STORMWATER DETENTION POND
CONSTRUCTION AND MAINTENANCE BETWEEN THE VILLAGE OF FOX
CROSSING AND WISCONSIN DEPARTMENT OF TRANSPORTATION, FOR DOT
POND #6**

WHEREAS, pursuant to Wisconsin Administrative Code NR 216 of the Wisconsin Department of Natural Resources, the Village of Fox Crossing maintains a municipal separate storm sewer system (MS-4) permit to reduce urban non-point source pollution; and

WHEREAS, over the last several years, the Village has constructed a series of stormwater detention ponds to conform to the mandates of the MS-4 permit; and

WHEREAS, the Wisconsin Department of Transportation (DOT) is presently conducting the US 10/WIS 441 Tri-County Expansion project and must construct stormwater facilities in order to meet their particulate reduction requirements for the project; and

WHEREAS, the Village of Fox Crossing has negotiated an agreement with the DOT in which the DOT agrees to construct and maintain a stormwater detention pond entirely at the DOT's cost, and then the Village agrees to share in the future dredging costs of the pond; and

WHEREAS, the DOT would realize savings in the future dredging costs of the pond; and

WHEREAS, the Village would realize savings in not having to construct the pond and conduct continual maintenance on the pond to meet MS-4 stormwater particulate permit requirements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Fox Crossing hereby approves the Memorandum of Agreement for Stormwater Detention Pond Construction and Maintenance between the Village of Fox Crossing and the Wisconsin Department of Transportation, for DOT Pond #6, as attached.

Adopted this 11th day of June, 2018

Requested by: Jeffrey Sturgell, Village Manager

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180611-8

**ACCEPT THE ELECTRONIC COMPLIANCE MAINTENANCE ANNUAL REPORT
(eCMAR)**

WHEREAS, the Department of Natural Resources (DNR) mandates annual electronic reporting of (CMAR) Compliance Maintenance Reports; and

WHEREAS, the Village Board has reviewed the 2018 eCMAR report.

NOW, THEREFORE, BE IT RESOLVED by the Village of Fox Crossing Board of Trustees that the eCMAR report be accepted as written.

Adopted this 11th day of June, 2018

Requested by: David Tracey, Utility Superintendent

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180611-9

APPROVE FIRE CHIEF WORK AGREEMENT LETTER FOR BRIAN HARBISON

WHEREAS, Fire Chief Keith Kiesow has retired after 38 years of serving on the Town of Menasha and Village of Fox Crossing Fire Departments; and

WHEREAS, Brian Harbison has been selected by the Village of Fox Crossing Police and Fire Commission to serve as the new Fire Chief; and

WHEREAS, the benefit package negotiated between Village Manager Jeffrey Sturgell and Mr. Harbison slightly deviates from the benefit package offered by the Personnel Manual; and

WHEREAS, Village Manager Sturgell has offered additional vacation days in the first and third years of employment than is offered by the Personnel Manual; and

WHEREAS, Village Manager Sturgell recommends the Village Board approve the work agreement letter for Brian Harbison, as attached.

NOW, THEREFORE, BE IT RESOLVED by the Village of Fox Crossing Board of Trustees that the work agreement letter for Brian Harbison is approved, as attached.

Adopted this 11th day of June, 2018

Requested by: Jeffrey Sturgell, Village Manager

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180611-10

**ANNUAL ALCOHOL BEVERAGE LICENSE APPLICATIONS FOR THE TERM
JULY 1, 2018 - JUNE 30, 2019**

WHEREAS, the following alcohol beverage license applicants have made proper application with the Village Clerk's Office for the licensing term beginning July 1, 2018 through June 30, 2019, and the proper fees have been paid and receipted; and

WHEREAS, the Police Department has performed background checks on all applicants and have no reason to withhold any license; and

WHEREAS, inspections have been completed by the Fire Department, Building Department, and Winnebago County Health Department, and all properties are compliant; and

WHEREAS, the Finance Department reported that outstanding invoices, taxes, and claims have been satisfied; and

WHEREAS, the Village Clerk submits the following license renewal applications for approval:

Class "A" Fermented Malt

Quinto Sol 2, LLC d/b/a Quinto Sol 2 (Supermarket), 135 W. Calumet Street; Hector Mosqueda, Agent

"Class A" Liquor & Class "A" Fermented Malt

A.V. Food Mart, Inc. d/b/a A.V. Food Mart, 975 Racine Road; Parmjit Singh, Agent

Banee Corporation d/b/a BB Convenience Center, 2675 American Drive; Parmmeet Arora, Agent

GCS Operations, LLC d/b/a Menasha Shell, 1370 Jacobsen Road; Daniel J. Pamperin, Agent

JOT Gill, LLC d/b/a Marathon Convenience Store, 2005 S. Oneida Street; Kamaljit Gill, Agent

Kwik Trip, Inc. d/b/a Kwik Trip #883, 1400 West American Drive; Stacey Hagen, Agent

Menasha Gas, Inc. d/b/a Menasha Gas, 901 Appleton Road; Satnam Gill, Agent

Niemuth's Southside Market, LLC d/b/a Niemuth's Southside Market, 2121 S. Oneida Street; Richard R. Niemuth, Agent

"Class B" Liquor & Class "B" Fermented Malt

Brose Enterprises, Inc. d/b/a Sabre Lanes, 1330 Midway Road; Sherry Christie, Agent

Bubba's Pub, 500 Ninth Street; Robert R. Smith, Owner

Dick's Wheel Inn, Inc. d/b/a Dick's Wheel Inn, 1105 Appleton Road; Richard J. Pataska, Agent

George's Steak House, Inc. d/b/a George's Steak House, 2208 S. Memorial Drive; Edith M. Quimby, Agent

Michiels Menasha Inn, Inc. d/b/a Michiels Bar & Grill, 1100 Appleton Road; Jennifer Michiels, Agent

Sanjim, Inc. d/b/a Saint James Cocktail Lounge, 1525 West American Drive; Michelle Kersten, Agent

Ulrich-Gosz PTC, Inc. d/b/a Prime Time Club, 1150 Valley Road; Randy Ulrich, Agent

Reserve "Class B" Liquor & Class "B" Fermented Malt

Cinderella 21, LLC d/b/a Rella, 1151 Valley Road; Kimberly Halbach, Agent

Just One More Again, LLC d/b/a Just One More Again, 726 Valley Road; Katherine Stieg, Agent

TLR Vang d/b/a Passion Restaurant and Bar, 236 W. Calumet Street, Suite 2 & 3; Thongchan Vang, Agent

Tomson's of Appleton, Inc. d/b/a Holidays Pub & Grill, 1395 West American Drive, Suite B; Jeff Kennedy, Agent

NOW, THEREFORE, BE IT RESOLVED by the Village of Fox Crossing Board of Trustees the licenses are hereby granted to the above applicants for the licensing period of July 1, 2018 through June 30, 2019.

Adopted this 11th day of June, 2018

Requested by: Karen Backman, Village Clerk

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180611-11

**ANNUAL BEER GARDEN LICENSE RENEWAL APPLICATIONS FOR THE TERM
JULY 1, 2018 – JUNE 30, 2019**

WHEREAS, the annual Beer Garden License applicants listed below have made proper application with the Village Clerk's Office, and the proper fees have been paid and received; and

WHEREAS, an approved site plan is on file in the Community Development Department; and

WHEREAS, satisfactory inspections have been reported by the Police and Fire Departments, and a report from the Finance Department indicates real estate, personal property taxes, and all other outstanding claims have been paid; and

WHEREAS, the Village Clerk submits the following licenses for Village Board approval:

Beer Garden Licenses

Bubba's Pub, 500 Ninth Street

Dick's Wheel Inn, 1105 Appleton Road

Holidays Pub & Grill, 1395 West American Drive, Suite B

Michiels Bar & Grill, 1100 Appleton Road

Prime Time Club, 1150 Valley Road

Rella, 1151 Valley Road

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees, the Beer Garden Licenses are hereby granted to the above applicants for the licensing period of July 1, 2018 through June 30, 2019.

Adopted this 11th day of June, 2018

Requested by: Karen Backman, Village Clerk

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180611-12

**ANNUAL MECHANICAL AMUSEMENT LICENSE RENEWAL APPLICATIONS FOR
THE TERM JULY 1, 2018 – JUNE 30, 2019**

WHEREAS, the annual Mechanical Amusement License applicants listed below have made proper application with the Village Clerk's office and the proper fees have been paid and receipted; and

WHEREAS, satisfactory inspections were conducted by the Village Code Compliance Officer and no reason was found to withhold the issuance of any license; and

WHEREAS, the Village Clerk submits the following for Village Board approval:

Mechanical and Other Amusements

BB Convenience Center, 2675 American Drive
Bubba's Pub, 500 Ninth Street
Burial Chamber Haunted Complex, 500 N. Lake Street
Dick's Wheel Inn, 1105 Appleton Road
Holidays Pub & Grill, 1395 West American Drive, Suite B
Just One More Again, 726 Valley Road
Marathon Convenience Store, 2005 S. Oneida Street
Menasha Gas, 901 Appleton Road
Menasha Shell, 1370 Jacobsen Road
Michiels Bar & Grill, 1100 Appleton Road
Passion Restaurant and Bar, 236 W. Calumet Street, Suite 2-3
Prime Time Club, 1150 Valley Road
Quinto Sol 2 (Supermarket), 135 W. Calumet Street
Rella, 1151 Valley Road
Sabre Lanes Bowling Facility, 1330 Midway Road
Tom's Drive In, 1395 West American Drive, Suite A
U.R. Washinstuff, 1575 Appleton Road

NOW, THEREFORE, BE IT RESOLVED, the Village Board of Trustees hereby grants annual Mechanical Amusement Licenses to the above applicants for the licensing period of July 1, 2018 through June 30, 2019.

Adopted this 11th day of June, 2018

Requested by: Karen Backman, Village Clerk

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180611-13

OPERATOR LICENSE APPLICANTS FOR THE TWO-YEAR TERM 2016-2018

WHEREAS, the operator license applicants for the current term, listed below, have made proper application with the Police Department; and

WHEREAS, all applicants either currently hold a valid two-year server license elsewhere, or have successfully completed the mandatory alcohol awareness training program, or have scheduled the course; and

WHEREAS, background checks have been conducted by the Police Department; and

WHEREAS, the Police Chief submits the applicant(s) as follows:

Stella D. Noonan	Approve
Patricia A. Burroughs	Approve
Tracy C. Borzick	Approve
Richard B. Daniels	Approve

NOW, THEREFORE, BE IT RESOLVED, that the Village of Fox Crossing Board of Trustees recommends the above applicants be approved, pending payment, successful background checks, and completion of a state-approved alcohol awareness training program, for the licensing period ending **June 30, 2018**.

Adopted this 11th day of June, 2018

Requested by: Tim G. Seaver, Chief of Police

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180611-14

OPERATOR LICENSE APPLICANTS FOR THE TWO-YEAR TERM 2018 - 2020

WHEREAS, the operator license applicants for the upcoming two-year term, listed below, have made proper application with the Police Department; and

WHEREAS, all applicants either currently hold a valid two-year server license elsewhere, or have successfully completed the mandatory alcohol awareness training program, or have scheduled the course; and

WHEREAS, background checks have been conducted by the Police Department; and

WHEREAS, the Police Chief submits the applicants as follows:

Charles M. Quimby	Approve
Lisa K. Gauger	Approve
Sheryl A. Triolo	Approve
Charline N. Schroeder	Approve
Erin M. Proctor	Deny
Carol E. Klassen	Approve
Shirley M. Saringer	Approve
Catherine A. Gue	Approve
David L. Dahl	Approve
Brett M. Linskens	Approve
Andrew J. Kolb	Approve
Sukhpal Gill	Approve
Kathy A. Hottenstine	Approve
Wendy M. Meyer	Approve
Dylan J. Gillespie	Approve
Laurene M. Bugenhagen	Approve
Melissa M. Schlaver	Approve
Tracy A. Fuss	Approve
Vicky J. Esler	Approve
Andrew W. Peterson	Approve
Trent J. Wohlrabe	Approve
James A. Peck	Approve
Kimberley R. Peterson	Approve
Barbara J. Stieg	Approve
Amanda R. Torres	Approve
Bradley C. Quimby	Approve
Katherine A. Stieg	Approve
Thomas A. Spaay	Approve
Jonathon M. Bunnell	Approve
Jennifer L. Tesch	Approve
Parmjit Singh	Approve
William E. Rank	Approve
Virender Singh	Approve
Stephanie L. Birling	Approve
Kayla Dionysus Bunts	Approve

Brenda R. Pyle	Approve
Nancy A. Ohst	Approve
Sherry L. Christie	Approve
Corey J. Bringman	Approve
Stella D. Noonan	Approve
Michelle M. Perket	Approve
Tiffani N. Daul	Approve
Katiemay C. Falk	Approve
Carrie A. Szprejda	Approve
Linda M. Wiegand	Approve
Rajwant Singh Mann	Approve
Hannah L. Rougeux	Approve
Sharon D. Billman	Approve
Stephanie L. Randerson	Approve
Melissa S. Frazier	Approve
Brian J. Burr	Approve
Sheila M. Frank	Approve
Roger D. Haskell	Approve
Cory J. Ulrich	Approve
Sonya M. Braun	Approve
Alayna H. Hoefs	Approve
Jeffrey V. Will	Approve
Tammy Sampson	Approve

NOW, THEREFORE, BE IT RESOLVED, that the Village of Fox Crossing Board of Trustees recommends the above applicants be approved, with one denial, pending payment, successful background checks, and completion of a state-approved alcohol awareness training program, for the licensing period beginning **July 1, 2018 - June 30, 2020.**

Adopted this 11th day of June, 2018

Requested by: Tim G. Seaver, Police Chief

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180611-15

**APPROVE TRANSIENT MERCHANT PERMIT FOR SOUTHWESTERN
ADVANTAGE – TESSA LAPLANTE**

WHEREAS, applicant Tessa Laplante, representing Southwestern Advantage Sales, has made proper application with the Village Clerk's office for a Transient Merchant Permit to conduct educational product sales, and the proper fees have been paid and receipted; and

WHEREAS, Section 9.025 of the Village's municipal code requires the following: payment of \$150.00 fee per seller, a \$2000.00 surety bond or equivalent insurance, a copy of the seller's permit on file, a background check performed by the Police Department, and limits the duration of the permit to 60 days; and

WHEREAS, the applicant has conducted business and holds permits for several surrounding communities outside of the Village of Fox Crossing, and therefore, the Village Clerk recommends issuance of the Transient Merchant Permit for Tessa Laplante.

NOW, THEREFORE, BE IT RESOLVED by the Village of Fox Crossing Board of Trustees that the Transient Merchant Permit be issued for Tessa Laplante beginning **June 12, 2018 through August 10, 2018.**

Approved this 11th day of June, 2018

Requested by: Karen Backman, Village Clerk
Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180611-16

EXPENDITURES

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling: \$ 997,983.01

WHEREAS, the disbursements are categorized below & the detail is attached:

Pending:		
General Fund 2018	\$	195,308.17
Special Revenue Fund 2018	\$	259.90
Debt Fund 2018	\$	-
Capital Projects Fund 2018	\$	61,285.45
Water Fund 2018	\$	197,214.47
Sewer Fund 2018	\$	63,489.61
Stormwater Fund 2018	\$	41,372.91
Trust & Agency Fund 2018	\$	2,241.10
Park Commission Processed Payments	\$	4,246.91
Special Processed Payments	\$	432,564.49
Total:	\$	<u>997,983.01</u>

NOW, THEREFORE BE IT RESOLVED, the Village of Fox Crossing Board of Trustees hereby authorizes the above expenditures to be paid by the Finance Department with the exception of none.

Adopted this 11th day of June, 2018

Requested by: Myra R. Piergrossi, Finance Director
Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

AMEND VILLAGE OF FOX CROSSING MUNICIPAL CODE CHAPTER 19 MUNICIPAL JUDGE AND COURT

The Village Board of the Village of Fox Crossing do ordain as follows:

Part I. Chapter 19 is hereby amended to read as follows:

**CHAPTER 19
MUNICIPAL JUDGE AND COURT**
[Amended 04/11/2016]

19.01 MUNICIPAL JUDGE

- (1) **Office Created.** Pursuant to section 755.01, WI Stats., there is created the Office of Municipal Judge for ~~the Town of Menasha and~~ the Village of Fox Crossing.
- (2) **Election; Term.** The Municipal Judge shall be elected at large at the spring election for a term of four (4) years or until a successor is elected and qualifies, commencing on May 1st next succeeding his/her election. ~~Midterm vacancies in the office of Municipal Judge shall be filled by special election to be held not less than 55, nor more than 70 days, after the order of the Town Board therefore.~~
A permanent vacancy in the office of Municipal Judge may be filled in accordance with Wisconsin Statute sec. 8.50 as hereafter amended.
- (3) **Salary.** The Municipal Judge shall receive a salary ~~which shall be determined by Town electors at the Annual Town Meeting, from time to time, which shall be in lieu of fees and costs fixed by the governing body.~~ No salary shall be paid to a Judge for any time during his term for which he has not executed and filed his official bond and oath as required by paragraph (4) of this section. The salary may be increased by the governing body before the start of the 2nd or a subsequent year of service of the term of the Judge, but shall not be ~~increased~~ decreased during ~~the~~ a term. ~~The salary of a municipal judge who is designated or appointed under ss. 8.50 (4) (fm) or ss. 800.06 shall be determined by contract between the municipality and the judge. The judge may not serve until the contract is entered into. The salary may be paid annually or in equal installments as determined by the Village Board.~~
- (4) **Bond; Oath.** The Municipal Judge shall execute and file with the Clerk of the Courts for Winnebago County the oath prescribed by Section 757.02, WI Stats., and a bond in the penal sum set forth in the Appendix B Fee Schedule, reference this code section. *[Amended 11/28/05]*

The Municipal Judge shall not be qualified to act until a certified copy of the bond is filed with the ~~Town~~ Village Clerk and a certified copy of the oath is filed with the office of the State Administrator of Courts as required by Section 755.03, WI Stats.

- (5) **Jurisdiction.** The Municipal Judge shall have jurisdiction as provided by law and Section 755.045, WI Stats., and exclusive jurisdiction of violations of ~~Town~~ Village ordinances, resolutions and by-laws.

19.02 MUNICIPAL COURT

- (1) **Court Established.** A ~~joint~~ Municipal Court for ~~the Town of Menasha and~~ the Village of Fox Crossing is established pursuant to Section 755.01 and Chapter 755, WI Stats.
 - (a) Said Municipal Court shall be designated the “Municipal Court for the Village of Fox Crossing ~~and the Town of Menasha~~”.

- (b) Said Municipal Court shall be a co-equal branch of the municipal government, subject to the superintending authority of the Supreme Court, through the Chief Judge of the Judicial Administrative District.
- (2) **Hours.** The Municipal Court for the Village of Fox Crossing ~~and the Town of Menasha~~ shall be open as determined by order of the Municipal Judge, **and approved by the Village Board.**
- (3) **Location.** The Municipal Judge shall keep his office and hold court in the ~~Town~~ **Village Hall. Office space for the Municipal Judge shall be assigned by the Village Manager.**
- (4) **Procedure.** The procedure in Municipal Court for the ~~Town and~~ Village shall be as provided by this chapter and state law including, without limitation because of enumeration, Chapters 300, 755, and Chapters 23.66 to 23.99, 288.14, 288.15, 288.18 and 345.20 to 345.53, WI Stats.
- (5) **Collection and Return of Forfeitures.** The Municipal Judge shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding before him and shall pay over such monies to the ~~Town~~ **Village** Treasurer within seven (7) days of collection. At such time the Municipal Judge shall also report to the ~~Town~~ **Village** Treasurer the title, nature of offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.
- (6) **Contempt of Court.** The Municipal Judge after affording an opportunity to the person accused to be heard in defense, may punish for contempt of Municipal Court persons guilty of either of the following acts and no other:
- (a) Disorderly, contemptuous and insolent behavior toward the Judge while engaged in any judicial proceeding or other conduct which tends to interrupt the proceeding or to impair the respect due the Judge's authority.
- (b) Resistance of or disobedience to any lawful order or process made or issued by the Judge.

The Municipal Judge may upon finding any person guilty of contempt, order such persons to forfeit not more than an amount set forth in Appendix C Fines and Penalties, reference this code section, plus penalty assessment under Section 165.87, WI Stats. Upon nonpayment of the forfeiture and penalty the person found guilty of contempt may be sentenced to the County Jail not to exceed seven (7) days. *[Amended 11/28/05]*

- (7) ~~The Town of Menasha Utility District~~ **Fox Crossing Utilities** has and does create ordinances punishable by forfeitures, penalty assessments, fees and taxable costs in actions or proceeding before the Municipal Court. When any proceeding is brought before the Municipal Court, the Municipal Judge shall collect the forfeiture, penalty assessment, fee, and/or taxable costs in and action or proceeding under the ~~Utility District~~ **Fox Crossing Utilities'** ordinances, and shall pay over such monies to the ~~Town~~ **Village** Treasurer within seven (7) days of collection.

The ~~Town~~ **Village** Treasurer shall retain taxable costs and fees associated with the enforcement of the said forfeiture or penalty assessment and shall thereafter pay over any monies for the forfeiture or penalty assessments to the Treasurer of the Utility District within seven (7) days of the date of receipt.

19.03 STIPULATIONS AND DEPOSITS IN MUNICIPAL COURT

- ~~(+) Deposit Schedule to be Established.~~ The Municipal Judge shall establish and submit to the Town Board and Village of Fox Crossing for approval in accordance with Section 300.00(3), WI Stats., a

~~schedule of deposit for violations of Town ordinances, resolutions and bylaws except traffic regulations which are governed by Section 345.27, WI Stats., and boating violations governed by Section 23.67, WI Stats. When approved by the Board, such deposit schedule shall be posted in the office of the Municipal Court Clerk and the Town Police Department.~~

- (1) **Stipulation and Deposit in Lieu of Court Appearance.** Persons cited for violations of ~~Town~~ **Village** ordinances, resolutions or by-laws for which a deposit has been established under this subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Chapters 300.03, 300.04, and 300.09, WI Stats.
- (2) **Traffic and Boating Deposits.** The deposit schedule established by the Wisconsin Board of County Judges and the procedures set forth in Chapter 23 and 345, WI Stats., shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with Section 345.27 and boating regulations enacted in accordance with Section 30.77, WI Stats.
- (3) **When Not Permitted.** Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt under subsection (6).
- (4) For a juvenile adjudged to have violated an ordinance, the Court is authorized to impose any of the dispositions listed 938.343 and 938.344, WI Stats., in accordance with the provisions of those statutes. *[Adopted 1/27/97]*
- (5) For a juvenile adjudged to have violated an ordinance who violated a condition of a dispositional order of the court under 938.343 or 938.344, WI Stats., the Municipal Court is authorized to impose any of the sanctions listed in 938.355(6)(d), WI Stats., in accordance with the provision of those statutes. *[Adopted 1/27/97]*
- (6) This section is enacted under authority of 938.17(2)(m), WI Stats. *[Adopted 1/27/97]*

Part II. All ordinances or parts of ordinances contradicting the provisions of this ordinance are hereby repealed.

Part III. This ordinance shall take effect and be in full force from and after its passage and publication or posting.

Date Introduced: **June 11, 2018**

Date Adopted: _____

Requested by: Jeffrey Sturgell, Village Manager

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180611-17

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATING TO THE FOX CITIES SPORTS FACILITY PROJECT

WHEREAS, the Village of Fox Crossing, Wisconsin (the “**Municipality**”) adopted an amended and restated room tax ordinance (the “**Room Tax Ordinance**”), that levied a 10% room tax (the “**Room Tax**”), which includes a 3% room tax allocated toward the support of amateur sports facilities within the Fox Cities Tourism Zone (established under the Commission and Zone Agreement described below) (the “**Fox Cities Tourism Zone**”) and/or other facilities which are reasonably likely to generate paid overnight stays at more than one hotel, motel, or other lodging establishment within the Fox Cities Tourism Zone (the “**Tourism Facilities Room Tax**”) and, among other things, set forth the priority of application of payments of the Room Tax; and

WHEREAS, the Municipality, certain other municipalities in the Fox Cities Tourism Zone (together with the Municipality, the “**Municipalities**”), and the Fox Cities Room Tax Commission (the “**Commission**”) have entered into an Amended and Restated Room Tax Commission and Tourism Zone Agreement, dated as of November 24, 2015 (as amended by a First Amendment to Amended and Restated Room Tax Commission and Tourism Zone Agreement, dated as of May 1, 2018, the “**Commission and Zone Agreement**”), to confirm the establishment of the Fox Cities Tourism Zone, to confirm the establishment of the Commission and its powers, duties, and membership, to appoint the Fox Cities Convention & Visitors Bureau (the “**CVB**”) as a tourism entity to provide for the administration of the Tourism Facilities Room Tax; and

WHEREAS, the Municipalities, the Commission, and Associated Trust Company, National Association, in its capacity as fiscal agent (the “**Fiscal Agent**”), are parties to a Fox Cities Room Tax Fiscal Agency Agreement, dated as of May 1, 2018 (the “**Fiscal Agency Agreement**”), pursuant to which the Municipalities have directed the hotelkeepers, motel operators, and other persons or entities furnishing accommodations that are available to the public and obligated to pay the Room Tax (the “**Operators**”) within their respective jurisdictions to forward all Room Taxes to the Fiscal Agent to be allocated by the Fiscal Agent to the respective purposes therefor under the Room Tax Ordinance, including the allocation of the Tourism Facilities Room Tax; and

WHEREAS, the Town of Grand Chute, Wisconsin has donated land on which the Fox Cities sports facility, an indoor venue for ice and hardcourt sporting events (the “**Sports Facility**”), will be constructed and which Sports Facility is expected to be financed by bonds (the “**Bonds**”) to be issued by the Community Development Authority of the Town of Grand Chute, Wisconsin (the “**Authority**”); and

WHEREAS, the Sports Facility constitutes an amateur sports facility located within the Fox Cities Tourism Zone reasonably likely to generate paid overnight stays at more than one hotel, motel, or other lodging establishment within the Fox Cities Tourism Zone; and

WHEREAS, the Municipality desires to enter into a Cooperation Agreement for the Fox Cities Sports Facility (the “**Cooperation Agreement**”), with the other Municipalities, the Authority, Commission, and the Fox Cities Convention & Visitors Bureau, Inc. pursuant to which all the parties thereto will agree to take all necessary action to provide that the Sports Facility will be constructed for the promotion and development of tourism activities within the Fox Cities

Tourism Zone and that all the Tourism Facilities Room Tax is pledged to pay debt service on the Bonds that will finance the construction and equipping of the Sports Facility and related payments or deposits such as costs of issuance, a debt service reserve fund, a stabilization fund, and a capitalized interest fund; and

WHEREAS, to provide for the pledge of the Tourism Facilities Room Tax for the payment of the Bonds, the Municipality desires to enter into a Pledge and Security Agreement with the other Municipalities, the Commission, and a trustee (the “**Pledge and Security Agreement**”); and

WHEREAS, pursuant to the Pledge and Security Agreement, all the Tourism Facilities Room Tax will be required to be paid to the trustee for the Bonds; and

WHEREAS, it is necessary and desirable to enter into the Cooperation Agreement and the Pledge and Security Agreement in furtherance of the promotion and development of tourism activities within the Fox Cities Tourism Zone; and

WHEREAS, there have been presented to the Municipality substantially final drafts of a Cooperation Agreement and a Pledge and Security Agreement (collectively, the “**Sports Facility Documents**”);

NOW, THEREFORE, BE IT RESOLVED by the Village Board (the “**Governing Body**”) of the Municipality as follows:

Section 1. Sports Facility as Tourism Development.

It is hereby found and determined that the construction and development of the Sports Facility is crucial to the achievement of a sound and coordinated development of the Fox Cities Tourism Zone and for the promotion and development of tourism activities within the Fox Cities Tourism Zone.

Section 2. Approval of Sports Facility Documents.

The terms and provisions of the Cooperation Agreement and the Pledge and Security Agreement are hereby approved. The Village President and Clerk are hereby authorized for and in the name of the Municipality to execute and deliver the Sports Facility Documents in substantially the forms thereof presented herewith, with such insertions therein or corrections or changes thereto as shall be approved by such officers consistent with this resolution, their execution thereof to constitute conclusive evidence of their approval of any such insertions, corrections, or changes.

Section 3. General Authorizations.

The officers of the Municipality are hereby each authorized to execute, publish, file, and record such other documents, instruments, notices, and records and to take such other actions, including entering into additional agreements and amending existing agreements, as shall be necessary or desirable to accomplish the purposes of this resolution and to comply with the obligations of the Municipality under the Commission and Zone Agreement and the Sports Facility Documents, as each may be amended and restated, and to facilitate the issuance of the Bonds. In addition, the representatives of the Municipality that serve as commissioners on the

Commission are hereby authorized and directed to take any necessary action on behalf of the Municipality with respect to actions taken by the Commission relating to the Bonds and the Tourism Facilities Room Tax allocated to the payment, either directly or indirectly, of debt service on the Bonds.

Section 4. Effective Date.

This resolution shall be effective immediately upon its passage. To the extent that any prior resolutions of the Governing Body are inconsistent with the provisions hereof, this resolution shall control, and such prior resolutions shall be deemed amended to such extent as may be necessary to bring them in conformity with this resolution.

Adopted this 11th day of June, 2018

Requested by: Jeffrey Sturgell, Village Manager

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

CERTIFICATIONS BY CLERK

I, Karen J. Backman, hereby certify that I am the duly qualified and acting Clerk of the Village of Fox Crossing, Wisconsin (the “**Municipality**”), and as such I have in my possession, or have access to, the complete corporate records of said Municipality and of its Village Board (the “**Governing Body**”) and that attached hereto is a true, correct, and complete copy of the resolution (the “**Resolution**”) entitled:

Resolution Authorizing the Execution and Delivery of Documents relating to the Fox Cities Sports Facility Project

I do hereby further certify as follows:

1. **Meeting Date.** On June _____, 2018, a meeting of the Governing Body was held commencing at _____ p.m.

2. **Posting.** On June _____, 2018 (and not less than 24 hours prior to the meeting), I posted or caused to be posted at the Municipality’s offices in Fox Crossing, Wisconsin a notice setting forth the date, time, location, and subject matter (including specific reference to the Resolution) of said meeting.

3. **Notification of Media.** On June _____, 2018 (and not less than 24 hours prior to the meeting), I communicated or caused to be communicated, the date, time, location, and subject matter (including specific reference to the Resolution) of said meeting to those news media who have filed a written request for such notice and to the official newspaper of the Municipality.

4. **Open Meeting Law Compliance.** Said meeting was a regular meeting of the Governing Body that was held in open session in compliance with Subchapter V of Chapter 19 of the Wisconsin Statutes and any other applicable local rules and state statutes.

5. **Members Present.** Said meeting was duly called to order by the Village President (the “**Presiding Officer**”), who chaired the meeting. Upon roll call, I noted and recorded that there were _____ members of the Governing Body present at the meeting, such number being a quorum of the Governing Body.

6. **Consideration of and Roll Call Vote on Resolution.** Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was the Resolution. A proper quorum of the Governing Body was present for the consideration of the Resolution, and each member of the Governing Body had received a copy of the Resolution. All rules of the Governing Body that interfered with the consideration of the Resolution, if any, were suspended by a two-thirds vote of the Governing Body. The Resolution was then introduced, moved, and seconded, and after due consideration, upon roll call, _____ of the Governing Body members voted Aye, _____ voted Nay, and _____ Abstained.

7. **Adoption of Resolution.** The Resolution was supported by the affirmative vote of a majority of a quorum of the members of the Governing Body in attendance. The Presiding Officer then declared that the Resolution was adopted, and I recorded the Resolution.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the Municipality, if any, hereto on June _____, 2018.

Clerk

[SEAL]